



Edward K. Lenci

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Edward K. Lenci is now in his fourth decade of practice with a track record of achieving successful outcomes for his clients in U.S.-based and international arbitrations, commercial disputes, reinsurance disputes, appeals, or when they find themselves the target of consumer class action lawsuits. He is the long-time chair of the Reinsurance Section of Hinshaw's global Insurance Services Practice Group.

Ed's arbitration, appellate, and class action defense practices came together when he and his team won a class action defense victory in the U.S. Supreme Court, in which the high court enforced the class action waiver in the arbitration clause of a student loan. Ed's other significant appellate achievements include obtaining the rare remedy of vacatur of an arbitral award and twice keeping his clients out of arbitration when litigation was the better alternative for them. He successfully challenged sovereign immunity in international arbitration, winning two groundbreaking legal victories—a federal Circuit Court of Appeals ruled that a reinsurer owned by a foreign government had waived its immunity, and the federal district court in Manhattan found that the New York Convention overruled a ban on pre-judgment attachments.

Ed has advised, spoken, and written against using "off the rack" arbitration clauses, and based on his extensive experience in arbitration, including as an arbitrator, Ed drafts arbitration clauses tailored to each client's unique needs, including arbitration clauses that incorporate sophisticated class action waivers. Ed was also the co-author of the ARIAS-U.S. International Arbitration Form for use in international reinsurance contracts.

Prior to joining Hinshaw, Ed's firm, Wilker & Lenci, LLP, was a highly-regarded New York City boutique firm focused on reinsurance disputes and international arbitrations. Before that, he was a partner in the New York office of a large international law firm. He began his legal career at Japan's "Big Four" Mori, Hamada & Matsumoto (then Hamada & Matsumoto), where he interned during the summer after his first year at Columbia University School of Law.

Ed is widely recognized as the leader of the U.S. legal profession's rapid response to the invasion of Ukraine from its very first day. During his term as chair of the International Section of the New York State Bar Association (NYSBA), Ed founded, and for six months led, the acclaimed NYSBA Ukraine Task Force, comprised of international members of the NYSBA, including the leaders of its chapters in Europe, and representatives of the Ukraine Bar Association (), the American Bar Association (ABA), the New

Practices

Commercial Litigation
Consumer and Class Action
Defense

Industries

Reinsurance
Hinshaw & RPC Alliance
Insurance & Reinsurance

Education

J.D., *honors awarded*,
Columbia University School of
Law, 1990

ICU, Tokyo, Japan, 1986

B.A., *summa cum laude*,
Fordham University, 1985

Admissions

District of Columbia

New Jersey

New York

U.S. Supreme Court

U.S. Court of Appeals for the
Second Circuit

U.S. District Court for the
Eastern, Northern, and
Southern Districts of New York



York City Bar, the D.C. Bar, the Ukrainian-American Bar Association, foreign bar associations, and human rights organizations in the U.S. and abroad. Ed considers the Ukraine Task Force the best thing he has done by far in his life. At the close of Ed's term as chair of NYSBA's International Section, the *New York Law Journal* ran a front-page article about the relationships he built with bar associations worldwide and his leadership of the response to the invasion of Ukraine. Ed is renowned internationally for advocating diversity, equity, and inclusion, particularly in arbitrator selection.

Professional Affiliations

- Arbitration Ireland
 - International Advisory Board
 - New York Branch, Founding Member
- ARIAS-U.S.
 - International Committee, Co-Chair
- Chartered Institute of Arbitrators (CIArb)
- FINRA, Certified Arbitrator
- *Law360 International Arbitration*
 - Editorial Advisory Board, 2017 – 2019
- New York State Bar Association
 - House of Delegates
 - Ukraine Task Force, Founding Co-Chair
 - International Section, Chair, 2021 – 2022
 - Insurance and Reinsurance Committee, Co-Chair, 2010 – 2017
- *Reinsurance & Arbitration* (Harris Martin)
 - Editorial Board, Charter Member

Honors & Awards

- **Professional**
 - New York State Bar Association International Section
 - Leadership Award for outstanding service as the Chair of the International Section, 2021 – 2022, especially as the founder of the acclaimed Ukraine Task Force
 - Ukrainian Bar Association
 - "Certificate of Appreciation with gratitude for vigorous support of the Ukrainian legal community and defense of the rule of law in Ukraine," June 2022
- **Academic**
 - Parker School of Foreign and Comparative Law at Columbia University School of Law
 - "Recognition of Achievement with Honors" in international and comparative law

Representative Matters

Commercial Litigations and Arbitrations, Class Action Defense, Appeals, and Reinsurance

While at Hinshaw, Ed has achieved the following notable defense victories in class action lawsuits:

- An order of the U.S. Supreme Court that vacated and remanded a decision of the U.S. Court of Appeals for the Second Circuit and instructed that the class action waiver in the student loan's arbitration provisions was enforceable.
- In a federal case involving the use of the words "Pure" and "100% Pure" on the labels of a food product, a decision granting summary judgment because there was no proof that the labels were misleading.



- A decision permitting a loan servicer, under the doctrine of estoppel, to invoke a class action waiver in a loan's arbitration provisions even though the servicer was not itself a party to the promissory note.
- Decisions transferring the venue of purported class actions.
- Decisions denying class certification and interlocutory appeal under Rule 23(f), Fed. R. Civ. Pr. Additionally, Ed's early interventions on behalf of several of the firm's clients have prevented the filing of class action lawsuits against them.

Ed is well-known for his appellate advocacy and victories include:

- *Affiliated Computer Services, Inc. v. Fensterstock*, 564 U.S. 1001 (U.S. 2011): Class action waiver in a student loan's arbitration provisions was enforceable, and this victory was a front-page story in *The New York Law Journal* on June 14, 2011.
- *Noble Prestige Ltd. v. Craig T. Galle, et al.*, No. 22-11520, 2023 U.S. App. LEXIS 27435 (11th Cir. Oct. 16, 2023): Dismissal of appeal from the denial of a motion to dismiss foreign arbitral award confirmation proceeding.
- *AiNET Corp. v. Xerox State & Local Sols., Inc.*, 739 Fed. App'x. 68, 2018 U.S. App. LEXIS 28611 (2d Cir. Oct. 18, 2018): Denied plaintiff's appeal of the district court's decision that the defendant properly terminated its co-location subcontract with plaintiff.
- *Breitman v. Xerox Educ. Servs.*, 2d Cir. Docket No. 15-185 (2d Cir. Mar. 24, 2015): Denied plaintiff's appeal under Rule 23(f), Fed. R. Civ. Pr., from the lower court's decision not to certify the purported class.
- *Mutual Marine Offices, Inc., et al. v. Banco de Seguros del Estado*, 344 F.3d 255 (2d Cir. 2003): Convinced the court that an insurer owned by Uruguay's government had waived sovereign immunity and this decision is regarded as a key authority in the area of sovereign immunity in arbitration.
- *Gerling Global Reinsurance Corporation – U.S. Branch v. ACE Property & Casualty Insurance Co.*, 42 Fed. Appx. 522, 2002 WL 1770725, 2002 U.S. App. Lexis 15571 (2d Cir. 2002): Demonstrated that a reinsurer was not required to arbitrate its rescission claim because the arbitration agreement did not encompass such a claim.
- *Intertec Contracting, A/S, et al. v. Turner Steiner East Asia Ltd., et al.*, 6 Fed. Appx. 61, 2001 WL 266997, 2001 U.S. App. Lexis 4156 (2d Cir. 2001): Showed that an arbitration clause in a construction contract requiring arbitration in Sri Lanka was not incorporated by reference into a subcontract.
- *Towd Point Mortgage Trust 2015-5 v. Poulin, et al.*, 2024 N.Y. App. Div. LEXIS 1236, 2024 NY Slip Op. 01221 (3rd Dept. 2024): Affirming summary judgment for the mortgagee and confirming its standing to sue.
- *Trepel v. Prof. G. Hodgins, The Arizona Board of Regents, et al.*, 121 N.Y.S.3d 605 (N.Y. App. 2020): Under the doctrine of sovereign immunity, an agency of the State of Arizona and its employee could not be sued in a New York State court.
- *Amerisure Mutual Insurance Company, et al. v. GLOBAL Reinsurance Corporation of America*, 927 N.E.2d 740 (Ill. App. 2010): Won vacatur of an arbitral award by proving that the arbitrators exceeded their authority and committed a "gross error of law" and this victory was the lead story in the *Chicago Daily Law Journal* on March 16, 2010.
- *Intertec Contracting, A/S, et al. v. Turner Steiner International S.A., et al.*, 774 N.Y.S.2d 14 (N.Y. App. 2004): Won reversal of the trial court's decision that had dismissed a transnational construction claim on the grounds of forum non conveniens and this victory was the "Decision of the Day" in *The New York Law Journal* on March 22, 2004.
- *Curiale v. AIG Multi-Line Syndicate, Inc., et al.*, 640 N.Y.S.2d 18 (N.Y. App. 1996): Convinced a New York state appellate court that a reinsurer was entitled to rescission.

Reinsurance Disputes

Ed is the Chair of the Reinsurance Section of the firm's global Insurance Services Practice Group. His experience in the area of reinsurance dispute resolution is extensive and highly regarded. He "scored a hat trick" by winning the rare remedy of rescission of a reinsurance contract on three separate occasions – once in a jury trial, once in an arbitration, and once from the bench – and has also successfully defended against claims of rescission. He has also collected many millions of dollars from reinsurers located in Latin America, Asia, and Europe.



In addition to several of the appellate victories listed above, Ed's representative reinsurance successes include:

- *Skandia America Reinsurance Corp. v. Caja Nacional de Ahorro y Seguro*, 1997 WL 278054 (S.D.N.Y. 1997): In a federal proceeding to confirm an arbitral award, persuaded the court that a reinsurer owned by the government of Argentina was not immune from posting pre-answer security because the New York Convention, which permits such security, trumped the U.S. Foreign Sovereign Immunities Act and this decision is regarded as a key authority in this area.
- *National Union Fire Insurance Company of Pittsburgh, Pa v. Clearwater Insurance Company*, 2007 WL 2106098, S.D. N.Y. July 21, 2007 (No. 04-CV-5032): Demonstrated to a federal court that the doctrine of "follow the fortunes" did not require the reinsurer to cover ECO.
- *Gerling Global Reinsurance Corporation – U.S. Branch v. ACE Property & Casualty Company*, (S.D.N.Y. 2003): Won the first jury verdict in the United States rescinding a reinsurance agreement.
- *Liquidation of The Home Insurance Company*: Demonstrated to a New Hampshire tribunal that The Home was not the reinsurer of the firm's client, a foreign insurer, thus paving the way for collection of payment in full from its true reinsurer.
- *GLOBAL Reinsurance Corporation – U.S. Branch v. Sompo Japan Insurance, Inc.*, 2005 U.S. Dist. LEXIS 37969 (S.D. N.Y. 2005): Showed an arbitration panel and then a federal district court, that a Japanese reinsurer must post a \$7.5 million LOC in favor of its cedent based solely on the latter's annual statement.

Intellectual Property and Restrictive Covenants

Ed has litigated a variety of disputes involving intellectual property rights and restrictive covenants. His successes in this area include:

- *Oona Tropeano Expressions, Inc. v. Studio Chevalier, Ltd., et al.*, 04 CV 8887 (S.D.N.Y. 2007): Dismissal of a copyright infringement claim that a U.S. designer brought against a Canadian custom printing company. Followed up this victory and recouped most of the attorneys' fees client expended.
- *Ernest Rossi, et al. v. Irvington Publishers*, 04 CV 7191 (S.D.N.Y.): Represented Dr. Ernest Rossi, the collaborator of the late Dr. Milton H. Erickson, a pioneer in the field of medical hypnotherapy. As a result, Dr. Erickson's classic works are once again available to the field.
- *The Health Consultants Group v. Dailey*, 2004 U.S. Dist. Lexis 23718 (S.D.N.Y. 2004): Tried a case in federal court resulting in the issuance of an injunction against a former employee of a Connecticut-based health insurance broker, enforcing the terms of a restrictive covenant. Skillful cross-examination of the former employee resulted in the trial judge's observations that the testimony was "contradictory," "evasive," and "confused, tortured and generally less than credible."

Ed's other noteworthy cases include:

- Successfully pursued multimillion-dollar claims under CERCLA and an indemnity agreement on behalf of a Chilean conglomerate and its U.S. subsidiary after five industrial sites they acquired from a Fortune 100 company in the 1990s became the subject of environmental actions and investigations by federal and state authorities.
- In the bankruptcy case of Pali Capital, a once prominent investment bank, secured an order that stayed the New York adversary proceeding in favor of arbitration in Los Angeles.

Presentations

- Panelist, "International Arbitration and Litigation: Cutting-Edge Issues in Insurance Arbitration, OFAC and FCPA Compliance, and Cross-Border Litigation," Daini Tokyo Bar and the New York State Bar Association International Section, Tokyo, Japan, March 7, 2024
- Organizer, "ESG, DEI, Marriage Equality, and Human Rights in Japan," Japan Chapter of the New York State Bar Association International Section, Webinar, January 24, 2024



- Panelist, "Strategy Session: Things Lawyers and Others Can Do to Get Involved and Make a Difference in Addressing Nuclear Weapons Risks," Nuclear Weapons and International Law: The Renewed Imperative in Light of the Russian Invasion of Ukraine, New York State Bar Association International Section, Virtual Event, November 8, 2023
- Opening Remarks as founder and former co-chair of the acclaimed Ukraine Task Force, "Nuclear Weapons and International Law: The Renewed Imperative in Light of the Russian Invasion of Ukraine," New York State Bar Association International Section, Virtual Event, November 8, 2023
- Panelist, "Latest Cross-Border Legal Strategies in the U.S.," Osaka Bar Association and New York State Bar Association International Section, Osaka, Japan, February 14, 2023
- Panelist, "[Contracts in the Time of Cholera](#)," Consortium Legal and Delos Dispute Resolution, November 22, 2022
- Moderator, "[Where to Go? After The War: The Legal Battles](#)," Kyiv Arbitration Days Conference, Ukrainian Bar Association, Virtual Event, November 10, 2022
- Moderator, "Comparative Perspectives On International Arbitration In Ireland And New York," Law Society of Ireland, the Irish-American Bar Association, and the New York State Bar Association International Section, Virtual Event, July 19, 2022
- Signatory and Remarks (*delivered in Italian*), "Memoranda of Understanding," Rome Bar Association and New York State Bar Association, May 14, 2022
- Co-Moderator, "Current and Future Issues and Challenges in Arbitration and Mediation in Europe and the Americas: A Discussion with Representatives of Leading International Arbitral Institutions – A View from the Inside," New York State Bar Association's International Section Spring Meeting, Madrid, Spain, April 29, 2022
- Signatory, "Memorandum of Understanding," Barcelona Bar Association, Madrid, Spain, April 27, 2022
- Signatory, "Memorandum of Understanding," Madrid Bar Association, Madrid, Spain, April 27, 2022
- Signatory, "Memoranda of Understanding," Buenos Aires Bar Association, New York, New York, April 20, 2022
- Signatory and Remarks, "Memoranda of Understanding," International Association of Young Lawyers, New York, New York, March 31, 2022
- Organizer and Opening Remarks, "Debunking Diversity Myths In International Arbitration: Why More Needs To Be Done," New York State Bar Association International Section, March 16, 2022
- Organizer, "Global Women Trail-Blazers in Law," New York State Bar Association International Section, March 8, 2022
- Lecturer, "[Diversity, Equity, and Inclusion in the Practice of Law and Dispute Resolution](#)," ICU Rotary International Peace Center (Tokyo), Virtual Event, January 20, 2022
- Signatory and Remarks, "[Memorandum of Understanding](#)," Ukrainian Bar Association and the New York State Bar Association, December 16, 2021
- Panelist, "[Arbitration of Insurance Disputes](#)," Australia Chapter of the New York State Bar Association International Section, [Virtual Event](#), November 23, 2021 (New York) and November 24, 2021 (Australia)
- Moderator, "Diversity and Inclusion in International Arbitration," Dublin International Arbitration Day, Dublin, Ireland, November 19, 2021
- Opening Remarks, "The Yazidi Genocide: Aftermath For The Yazidi Women," Syracuse University School of Law and the New York State Bar Association International Section, Virtual Event, November 15, 2021
- Opening Remarks, "Human Trafficking In Asia: Modern-Day Forms Of Slavery," Coalition Against Trafficking in Women – Asia Pacific (CATW-AP), International Centre for Missing and Exploited Children (ICMEC), and the New York State Bar Association International Section, Virtual Event, October 16, 2021
- Signatory, "[Memorandum of Understanding](#)," Georgia Bar Association and the New York State Bar Association, September 16, 2021
- Organizer and Opening Remarks, "Love and Let Love: Breaking Down the Barriers to LGBTQ Equality," NYSBA's International Section, Virtual Event, June 24, 2021 (New York City), June 25, 2021 (Tokyo)
- Signatory, "[Memorandum of Understanding](#)," Philippine Bar Association and the New York State Bar Association, June 17, 2021
- Signatory and Remarks (*delivered in Japanese*), "[Memorandum of Friendship](#)," Osaka Bar Association and the New York State Bar Association, June 4, 2021



- "International Arbitrations: Updates From Europe, Bermuda, The Cayman Islands, and the U.S.," ARIAS-U.S. 2021 Spring Conference, Virtual Event, May 6, 2021
- "Judicially-Aided Discovery and Provisional Relief In International Arbitration: UK & US," New York State Bar Association International Section, Virtual Event, April 16, 2021
- Moderator, "Ireland for Law: Ireland and International Arbitration," *Ireland for Law* series presented by the New York State Bar Association's International Section, Virtual Event, March 11, 2021
- "Arbitrations Against States and State-Owned Entities," ILI – African Centre for Excellence and the New York State Bar Association's International Section, Virtual Event, December 7, 2020
- Opening and Closing Remarks, "Ireland for Law: Corporate Restructuring, Intellectual Property and Data Privacy, and Derivatives," Ireland for Law and the New York State Bar Association's International Section, November 19, 2020
- Opening Remarks, "Nuclear Weapons and International Law," New York State Bar Association's International Section, Virtual November 12, 2020
- Panelist, "Careers Landscape After 2020," CIArb Virtual Congress Conference 2020, Virtual Event, November 11, 2020
- Conference Organizer and Co-Chair, "A World of Many Voices, United in Our Diversity," New York State Bar Association's International Section 2019 Global Conference, Tokyo, Japan, November 2019
- Panelist representing Arbitration Ireland, "The A-Team: We Love It When Your Arbitration Comes Together," New York State Bar Association's International Section 2019 Global Conference, Tokyo, Japan, November 2019
- "A Funny Thing Happened on the Way to the Arbitral Forum: The Latest on the Use of Class Action Waivers in Arbitration Clauses in the US," Dublin International Arbitration Day, Dublin, Ireland, November 2017
- "The Latest on Class Action/Arbitration Waivers and Class Arbitration in the US," New York State Bar Association's International Section meeting, Antigua, Guatemala, September 2017
- "Dispute Resolution Involving U.S./Latin America Reinsurance Relationships," ARIAS-U.S. Spring Conference, Naples, Florida, May 2017
- Co-Chair, New York State Bar Association International Section European meeting, Dublin, Ireland, April 2017

Publications

- "Insurers and Reinsurers, Here and Abroad, Should Pay Attention," *ARIAS-U.S. Quarterly*, Fourth Quarter 2023 Edition
- "Reverse-Preemption of NY Convention By the McCarran-Ferguson Act," *New York Law Journal*, September 11, 2023
- "A Bronx Tale: A New York State Trial Judge Calls Out New York State's Long-Standing Heightened Standard of Proving the Making of an Agreement to Arbitrate Edit," *JD Supra*, January 11, 2023
- "Q&A: We'll Discuss Truly Cutting-Edge Issues, Including The Ramifications of The Sanctions Imposed on Russia," *Leaders League*, April 18, 2022
- "Q&A about the Ukraine Task Force: The Biggest Challenge is The Sheer Size of Our Task," *Leaders League*, March 21, 2022
- Co-Author and Signatory, "Joint Response to the Statement about Ukraine Issued by the Association of Lawyers of Russia on February 28, 2022," Ukraine Bar Association and New York State Bar Association International Section, March 21, 2022
- "Forging Global Relationships and Forging Ahead on Crucial Issues," *New York Law Journal*, January 14, 2022
- "The Continued Rise Of The New York Convention And The Fall Of The 'Bellefonte Cap,'" *Arbitrate.com*, September 8, 2021; originally published by *Hinshaw's Insights for Insurers*, August 20, 2021
- "Invoking a Policy's Arbitral Provisions When a Third Party Sues the Insurer," *ARIAS U.S. Quarterly*, September 2021
- "Diversity and MOU's: International Section Chair Shares His Global Vision," *State Bar News*, Summer 2021, Vol. 63, No. 2, p. 14, 16
- "Marking Asian/Pacific American Heritage Month, May 2021, with Recollections and Reflections on My Year in Japan," *Alumni Stories #20 - Japan ICU Foundation*, June 11, 2021



- "Introduction, The Rule of Law in Japan: Hon. Hamada Kunio's Keynote Address," New York State Bar Association's Global E-Newsletter, April 23, 2020
- Co-Author, "Reinsurers Must Prepare for Coronavirus-Related Claims," *Law360*, April 9, 2020
- "A Briefing Note on the New International Arbitration Form," *ARIAS U.S. Quarterly*, September 2019

Media Mentions

- "Hong Kong Funder's Fight With Conservator Resumes in Florida," *Global Arbitration Review*, November 2, 2023
- "Hong Kong Lender Looks to Restart Suit Over \$8M Awards," *Law360*, October 27, 2023
- "Hong Kong Award Fight Belongs In Fla., 11th Circ. Hears," *Law360*, November 4, 2022
- "NYSBA's Ukraine Task Force Leads to a New National One," *New York State Bar Association Journal*, September/October 2022
- "Sue Bee Honey Customer Voluntarily Drops Suit Over 'Pure' Label," *Bloomberg Law*, September 16, 2022
- "Spurred by Pandemic and Ukraine War, NYSBA Forms Ties With 10 Overseas Bar Groups in 13 Months," *New York Law Journal*, May 11, 2022
- "Hong Kong Lender Must Get \$6M Arb. Award, Court Told," *Law360*, May 10, 2022
- "Fla. Atty. Client Can't Escape Suit Over \$6M Arbitration Award," *Law360*, April 1, 2022
- "Ukrainian Lawyers Help Refugees Flee War, or Take Up Arms Against Russia," *New York Law Journal*, March 23, 2022
- "Attys Filling Need For Legal Assistance To Ukrainian Refugees," *Law360 Pulse*, March 16, 2022
- "NYSBA Signs Agreements With Osaka, Milan and Philippine Bar Associations," *State Bar News*, Summer 2021, Vol. 63, No. 2, p. 13
- "Ireland as a Legal Base Post-Brexit," *The Irish Echo*, November 18, 2020
- "Ireland seeks to woo US businesses as EU legal base post-Brexit," *Global Legal Post*, November 17, 2020
- "PCA Makes Dublin A New Hub For Int'l Arbitration," *Law360*, March 8, 2019
- "Trump's Pick Now Able to 'Tame the CFPB' While Judge Mulls Richard Cordray's Parting Shot," *Forbes*, November 29, 2017
- "Lawyers Side with Trump in Battle over CFPB Leadership," *HousingWire*, November 17, 2017
- "Winners and Losers of CFPB's Leadership Showdown," *American Banker*, November 17, 2017
- "The Pros and Cons of 'Alternative' Arbitration Locales," *Law360*, September 14, 2017
- "Brexit to present Irish legal system with opportunities," April 21, 2017

Personal

Ed lives in Greenwich, Connecticut, with his wife, award-winning artist Monica Lenci. He has been a leader in community affairs for two decades.

Ed had the honor of dining with the Benchers, including the Chief Justice of Ireland, at the Honorable Society of King's Inns in Dublin in November 2017.

Ed was a member of a group of attorneys who visited Havana, Cuba, in early December 2014, as part of a program sponsored by the New York State Bar Association. Two weeks later, the U.S. and Cuban governments announced the normalization of relations after over five decades in what became known in Cuba as *el Deshielo Cubano* (the Cuban thaw). While in Havana, the group met with a number of Cuban lawyers, and Ed was proud to sponsor one of them for admission to the New York State bar sometime later. Ed and Monica also visited *Caritas Cubana*, part of Caritas Internationalis, a network of Catholic relief, development, and social service organizations worldwide.



Community/Civic Activities

- Greenwich Hills Association Conservancy Trust and Greenwich Hills Association, Greenwich, CT
- The Mimes and Mummers (theater) at Fordham University, Alumnus and [Benefactor](#)