



DRI delivers **resources** to build your practice

Insurance Coverage and Practice Symposium

- The newest issues and trends
- Additional insured endorsement coverage issues
- Practical tips for cases arising from decades-old abuse
- Strategies for managing complex coverage litigation
- How metrics are affecting the insurer-counsel relationship

NEW

**PROFESSIONAL
GROWTH WORKSHOP**

**Defining Your
Career: A Workshop
for Rising Leaders**

**LITIGATION SKILLS
WORKSHOP**

**The Art of the
30(b)(6) Deposition**

See page 2 for details



December 5-6, 2019

Sheraton New York Times Square Hotel

New York, NY

DRI's Insurance Coverage and Practice Symposium is the foremost educational event for insurance executives, claims professionals, and outside counsel who specialize in insurance coverage. This year's symposium will once again offer an unparalleled opportunity to engage with a distinguished faculty of insurance industry leaders, experts, and coverage lawyers on emerging issues, recent court rulings, national trends, and the future of insurance coverage law. In addition, the symposium will provide exceptional networking events, as well as an opportunity to experience the wonder of New York City during the holiday season!



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F. Lane Finch, Jr.
Committee Chair



Brenda K. Wallrichs
Program Co-Vice Chair



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PRESENTED BY **DRI's Insurance Law Committee**

THIS SEMINAR BROCHURE IS SPONSORED BY



Register online now at dri.org or complete the form in the back.

What You Will Learn



- Industry trends in the management of complex coverage litigation
- Avoiding bad faith in the situation of a nonparticipatory insured
- The effect of the ALI Restatement on Liability Insurance
- Allocation between covered and noncovered claims
- Sharing information ethically in the tripartite relationship
- Resolving issues arising in complex fire cases

DRI Members Get More

- Access to **LegalPoint**™ at **dri.org**: Committee newsletters, seminar course materials, and other publications.
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Use dri™ Dividends Points to **reduce your registration fee**:

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Visit **dri.org**, go to **My DRI** and click on **DRI Dividends** to see your balance.

Get engaged, get recognized, and get rewarded.

PROGRAM SCHEDULE

WEDNESDAY, DECEMBER 4

12:30 p.m. **Registration for Workshops****NEW PROFESSIONAL GROWTH WORKSHOP**

Wednesday, December 4

1:00 p.m.–4:30 p.m.

Defining Your Career: A Professional Growth Workshop for Rising LeadersPRESENTER | **Wendy Merrill**, *StrategyHorse Consulting Group*, Baltimore, MD

Confidence, branding, and value: building the foundation for sustainable growth. Those who aspire to partnership must balance a variety of skill sets in addition to doing good work for clients; they must become adept at delegation, management, business development, marketing, and executive skills as well. This workshop is designed to provide participants with proven strategies to develop the confidence and competency needed to steward their firms into the future.

Unlike traditional, more prescriptive programs, this workshop will be interactive and tailored to the specific challenges and needs of the attendees. Partici-

pants will engage in creative exercises and group dialogues as a means of encouraging each attorney to take more ownership in his or her own professional growth and the future success of his or her firm.

Participants will leave the session having learned how to:

- Develop executive presence and personal branding
- Position yourself as an invaluable trusted advisor
- Think strategically about growing your practice in an efficient and profitable manner

Act now to reserve a spot because space is limited. See registration form for pricing.

LITIGATION SKILLS WORKSHOP

Wednesday, December 4, 1:00 p.m.–5:00 p.m.

From Blank Canvas to Masterpiece: The Art of the 30(b)(6) Deposition

With plaintiffs' attorneys attempting to circumvent written discovery limitations through 30(b)(6) depositions, successful trial attorneys need to be attuned to analyzing and deconstructing the 30(b)(6) deposition notice properly and determining the appropriate corporate designee(s) at the outset. Defense counsel can stop plaintiffs' counsel in their tracks with thorough preparation of these witnesses and effective defense of these depositions. The DRI Litigation Skills Committee (formerly "Trial Tactics") is excited to present the Litigation Skills Workshop in conjunction with this seminar, providing attendees of this interactive

program with the tools necessary to push back on the deposition notice and ultimately prepare and defend the witness at deposition. One-on-one and small group exercises will ensure that you are prepared to mount an impactful defense.

Space is limited and spots will go fast! See registration form for pricing.

Daniel J. (Dan) Arnett, *Arnett Law Group LLC*, Chicago, IL

Penelope M. (Penny) Deihl, *Clark Hill PLC*, Los Angeles, CA

Thomas P. (Tom) Murray, Jr., *Hanover Insurance*, Grand Rapids, MI

Click on any speaker name to view bio.

5:30 p.m. **Women’s Networking Reception**

SPONSORED BY **Carr Maloney PC**

6:00 p.m. **Registration**

6:00 p.m. **Networking Reception**

THURSDAY, DECEMBER 5

7:00 a.m. **Registration**

7:00 a.m. **Continental Breakfast**

SPONSORED BY **Jeff Kichaven Commercial
Mediation**

**Nicolaides Fink Thorpe
Michaelides Sullivan LLP**

7:00 a.m. **First-Time Attendees Breakfast**

F. Lane Finch, Jr., *Swift Currie McGhee &
Hiers LLP*, Birmingham, AL

8:00 a.m. **Welcome and Introductions**

Christopher T. (Chris) Sheehan, *Swanson Martin
& Bell LLP*, Chicago, IL

James W. Bryan, *Nexsen Pruet LLC*,
Greensboro, NC

8:10 a.m. **Industry and Trends: Is the
Crystal Ball Fuzzy or Bright?**

The insurance industry is constantly evolving and adapting to change. What are the most recent trends in the space, and in coverage in particular, and what is on the horizon? Our panel of industry leaders will discuss what is happening now and what is to come.

MODERATOR | **Matthew S. Foy**, *Gordon Rees
Scully Mansukhani LLP*, San Francisco, CA

➔ **Kenneth P. Carter, CPCU**, *Merchants
Insurance Group*, Buffalo, NY

➔ **Patrick K. Nails**, *Arch Insurance
Group Inc.*, Jersey City, NJ

9:05 a.m. **Additional Insured Endorsements
and Their Thorny Issues**

Rights and obligations of additional insureds can vex the best coverage lawyer. How do you sort out the priorities of coverages? Can one lawyer represent multiple AIs? How are policy exclusions applied? And how do courts interpret the term “caused by” in the endorsements and address the duty to defend?

Joanna M. Roberto, *Gerber Ciano Kelly
Brady LLP*, New York, NY

10:00 a.m. **Refreshment Break**

SPONSORED BY **Hurwitz & Fine PC
Sulloway & Hollis PLLC**

10:15 a.m. **The Dynamic of the Defunct
Insured and Bad Faith**

Bad-faith allegations are always a concern, but an extra layer of complication arises when it is asserted in a case where the insured is no longer in business, has been acquired, or simply fails or refuses to defend itself. Can bad faith be avoided in such a scenario?

William A. Bulfer, *Teague Campbell Dennis &
Gorham LLP*, Asheville, NC

Karen M. Dixon, *Skarzynski Marick & Black LLP*,
Chicago, IL

11:10 a.m. **Difficult Fire Cases That Keep You Up at Night**

Large fire claims present myriad issues, including whether the loss implicates a fraud or arson investigation, the effect of unprecedented rises in construction costs on ACV and RC values, and policy renewal considerations. Policyholder and insurer counsel will address these and other issues in complex fire cases.

James D. Hicks, *Foley & Mansfield PLLC*,
Seattle, WA

Jessica M. Phillips, *Swift Currie McGhee &
Hiers LLP*, Atlanta, GA

“This seminar is a great tool for attorneys and insurance adjusters to connect, network, and develop client relationships across the country. The content is always excellent.”

12:00 p.m. **Lunch** (*on your own*)

1:30 p.m. **Metrics and a Good Partnership:
An Essential Combination**

The bottom line challenges every claim department, and a solid partnership between counsel and carrier is needed more than ever. The strength of the relationship can turn upon counsel's performance under insurer measurements of metrics. What are metrics? How are carriers using them? What should counsel do?

 **Lowell D. Aptman**, *AmTrust Financial Services*, New York, NY

John C. Trimble, *Lewis Wagner LLP*, Indianapolis, IN

2:10 p.m. **Problems with Newly Extended Statutes
of Limitation and Sexual Abuse Claims**

Claims arising from sexual abuse perpetrated decades ago are now being asserted with increasing frequency. Time-bar limitations that would otherwise apply have been disposed of by legislatures and courts. How are insurers resolving problems of missing policies, gaps in coverage, lost or forgotten evidence, and more?

Bryana L. Blessinger, *Markowitz Herbold PC*, Portland, OR

Catalina J. Sugayan, *Clyde & Co US LLP*, Chicago, IL

3:00 p.m. **Refreshment Break**

SPONSORED BY **McAngus Goudelock & Courie LLC
Nexsen Pruet LLC**

3:15 p.m. **The Coverage Side of Claims-Made
Professional Liability Policies**

Claims-made professional liability policies raise numerous potential coverage pitfalls for the unwary. You will learn about the most vexatious provisions of claims-made coverage, including what is a "claim," claim and circumstance reporting requirements, prior knowledge and related acts provisions, retroactive dates, extended reporting periods, and the car-

rier's communication obligations regarding these issues.

Mark E. Cohen, *McDonough Cohen & Masalek LLP*, Boston, MA

 **Melisa G. Thompson**, *Markel Corporation*, Chicago, IL

4:05 p.m. **The First 18 Months of the ALI's
Restatement: How's It Going?**

The Restatement of the Law of Liability Insurance was adopted last year and litigants are now using it for their arguments. It's not academic anymore. There are many landmines, and courts are citing it. What's working and what is not. Our panel will report from the front lines.

MODERATOR | **Laura A. Foggan**, *Crowell & Moring LLP*, Washington, DC

 **Sherry L. Anderson, CPCU, RPLU**, *Sentry Insurance Company*, Stevens Point, WI

 **Joanne M. Locke**, *Liberty Mutual Insurance Company*, Boston, MA

Kim V. Marrkand, *Mintz Levin Cohn Ferris Glovsky and Popeo PC*, Boston, MA

5:00 p.m. **Insurance Law Committee Meeting**
(*open to all*)

6:00 p.m. **Networking Reception**

SPONSORED BY **Traub Lieberman Straus & Shrewsbury LLP**

7:30 p.m. **Dine-Arounds** | Join colleagues and friends at selected restaurants for dinner (*on your own*). Sign-up details sent in advance of the seminar.

FRIDAY, DECEMBER 6

7:00 a.m. **Registration**

7:00 a.m. **Continental Breakfast**


SPONSORED BY **Burr & Forman LLP
Crowell & Moring LLP**

“It was well-balanced between substantive sessions as well as opportunities to meet and network.”

- 8:00 a.m. **Announcements**
Brenda K. Wallrichs, *Lederer Weston Craig PLC*, Cedar Rapids, IA
- 8:05 a.m. **The Addicted Lawyer**
 The rate of alcoholism and addiction is significantly higher for attorneys than for others. This panel will discuss why this disturbing trend exists for attorneys and will present opportunities to identify and help clients, colleagues, and peers.
Thomas P. Scrivo, *O’Toole Scrivo LLC*, Cedar Grove, NJ
 **Jonathan P. Zayle**, *Athens Programs Services Inc.*, Parsippany, NJ
- 9:00 a.m. **Informal Break**
- 9:10 a.m. **Managing the Complex Coverage Litigation: Not an Easy Task**
 Complex coverage litigation invariably involves numerous parties, an assortment of policies, primary and excess insurers, many coverage disputes, and really high dollars. This session will address the challenges that this type of litigation presents and will explore best practices for effectively managing and efficiently resolving these cases.
 **Daniel L. Mayer**, *AmeriTrust Group*, Westerville, OH
Rosa M. Tumialan, *Dykema Gossett PLLC*, Chicago, IL
- 10:00 a.m. **Refreshment Break**
- 10:15 a.m. **Ethical Issues with Sharing Information**
 Defense counsel needs to share with the insured and insurer information learned during litigation. But the tripartite relationship, the concern of benefitting one at the expense of the other, and ethical considerations can ham-
- per the free flow of communication. How should lawyers navigate these minefields under the ethics rules?
Aaron D. French, *Sandberg Phoenix & von Gontard PC*, Saint Louis, MO
Cory J. Person, *Hill Ward Henderson*, Tampa, FL
- 11:15 a.m. **Multiple Claimants, Multiple Insureds, Low Limits: A Recipe for Bad-Faith Allegations?**
 Multiple claimants, multiple insureds, and insufficient limits can bestir the perfect bad-faith storm. When such cases arise (and they do often), what actions can the insurer and its counsel take to avoid accusations of violating the duty of good faith and fair dealing?
Robert S. (Bob) Marshall, *Nicolaides Fink Thorpe Michaelides Sullivan LLP*, Chicago, IL
 **Lynn Menschenfreund**, *Hallmark Financial Services Inc.*, Jersey City, NJ
- 12:05 p.m. **“One for You, Two for Me”: Allocation of Liability Coverage Between Covered and Noncovered Claims**
 Cases in which covered and noncovered claims are presented involve significant allocation issues. What are the insurer’s defense obligations? What are its indemnification obligations? When is recoupment available? How can the insurer parse a judgment or settlement where no clear breakdown between covered and non-covered claims was made?
Scott M. Seaman, *Hinshaw & Culbertson LLP*, Chicago, IL
- 12:55 p.m. **Brokers/Agents: Caught in the Middle**
 Increasingly, the broker finds itself between multiple insurers, the policyholder, and others.
 Denotes the **DRI CLIENT CONNECTION**: In-house and claims professional speakers

“I attend every year because of the quality of the seminar, speakers and participants.”

But often the broker is uniquely positioned to help resolve coverage disputes. Getting beyond the often mischaracterized label of “broker v. agent” is becoming even more complex in the technology age of online applications and instantaneous binding authority. How do these concerns affect coverage obligations?

 **Julian D. Ehrlich**, *Aon*, New York, NY

Debra T. Varner, *Varner & Van Volkenburg PLLC*, Clarksburg, WV

1:40 p.m. **Adjourn**

DRI Financial Aid Policy

Individuals who demonstrate need may receive limited financial aid to attend DRI CLE programs under the following terms and conditions:

Applicants must be licensed to practice law in the United States, Canada or other foreign jurisdiction. Proof of admission to the bar, including applicant’s bar or Supreme Court number, must accompany the request.

Applicants must show proof of identity and citizenship. Applicants must execute and deliver the approved DRI application for financial aid to the DRI Education Department, 55 W. Monroe, Suite 2000, Chicago, IL 60603 at least sixty (60) days in advance of the first day of the seminar.

“I enjoyed the wide range of topics covered at the seminar. I felt it was a good mix that enabled me to review information I have a background in and learn new content on areas that are unfamiliar.”



Diversity and Inclusion in DRI: A Statement of Principle

DRI is the largest international membership organization of attorneys defending the interests of business and individuals in civil litigation.

Diversity is a core value at DRI. Indeed, diversity, which includes sexual orientation, is fundamental to the success of the organization, and we seek out and embrace the innumerable benefits and contributions that the perspectives, backgrounds, cultures, and life experiences a diverse membership provides.

Inclusiveness is the chief means to increase the diversity of DRI’s membership and leadership positions. DRI’s members and potential leaders are often also members and leaders of other defense organizations. Accordingly, DRI encourages all national, state, and local defense organizations to promote diversity and inclusion in their membership and leadership.

Harassment and Discrimination

DRI is committed to the policy of equal opportunity regardless of race, color, religion, sex, sexual orientation, gender, national origin and disability in all of its programs and activities, as well as maintaining an environment in our programs and activities which is free from all forms of harassment or discrimination of any kind. Pursuant to this policy, if any person who attends our programs or activities experiences unlawful discrimination or harassment, this should be reported to the Executive Director so that appropriate action may be taken.

GENERAL INFORMATION

In-House Counsel

In-house counsel are eligible for free registration to DRI seminars. In-house counsel are defined as licensed attorneys who are employed exclusively by a corporation or other private sector organization for the purpose of providing legal representation and counsel only to that corporation, its affiliates, or its subsidiaries. To qualify for free registration, in-house counsel must be a DRI member and a member of the DRI Corporate Counsel Committee *or* be sponsored by a DRI member who is both registered and has paid for the seminar.

Nonmember in-house counsel may utilize this offer only once. This offer excludes the DRI Annual Meeting and the DRI Business Management Principles for Lawyers Seminar.

Claims Executives

Claims professionals are eligible for free registration to DRI seminars. Claims professionals are defined as any individuals employed by a corporation or insurance company, who spend a substantial portion of their professional time hiring or supervising outside counsel in the representation of businesses, insurance companies or their insureds, associations, or governmental entities in civil litigation. To qualify for free registration, the claims professional must be a DRI member under a corporate membership *or* be sponsored by a DRI member who is both registered and has paid for the seminar. **Nonmember claims professionals may utilize this offer once per calendar year. This offer excludes the DRI Annual Meeting.**

CLE/Claims Adjusters Accreditation

This seminar has been approved for MCLE credit by the State Bar of California for up to **16** hours, including **1** hour of ethics credit. Accreditation has been requested from every state with mandatory continuing legal education (CLE) requirements. Certificates of attendance will be provided to each attendee. Attendees are responsible for obtaining CLE credits from their respective states. **Application has been made for continuing education for claims adjusters. Texas CE credits pending approval and are not being offered at this time.** Credit availability and requirements vary from state to state; please **check the DRI website at dri.org** for the latest information for your state.

Registration Policy

Save \$100 when you register by November 4, 2019. (See the registration form for pricing.) The registration fee includes course materials, continental breakfasts, refreshment breaks, networking receptions, and access to the DRI App. If you wish to have your name appear on the registration list distributed at the conference and receive the course materials in advance, DRI must receive your registration by **November**

11, 2019 (please allow 10 days for processing). Registrations received after **November 11, 2019**, will be processed on-site.

Refund Policy

The registration fee is fully refundable for cancellations received on or before **November 11, 2019**. Cancellations received after **November 11** and on or before **November 18, 2019**, will receive a refund, less a \$100 processing fee. Cancellations made after **November 18** will not receive a refund, but a \$100 certificate good for any DRI seminar within the next 12 months will be issued. All cancellations and requests for refunds must be made in writing. Fax (312.795.0747) or email (seminars@dri.org) to DRI's Accounting Department. Processing of refunds will occur within four weeks after the date of the seminar. All refunds will be processed in the same method that the payment was received. Substitutions may be made at any time without charge and must be submitted in writing.

Discounts

Group Discount The first and second registrations from the same firm or company are subject to the fees outlined previously. The registration fee for additional registrants from the same firm or company is **\$775**, regardless of membership status if received on or before **November 4, 2019**. After **November 4**, the group rate is **\$875**. All registrations must be received at the same time to receive the discount.

Travel Discounts DRI offers discounted meeting fares on various major air carriers for **DRI Insurance Coverage and Practice Symposium** attendees. To receive these discounts, please contact Direct Travel, DRI's official travel provider, at 800.840.0908. As always, to obtain the lowest available fares, early booking is recommended.

Financial Aid Policy

See page 6.

- The taping or recording of DRI seminars is prohibited without the written permission of DRI.
- Speakers and times may be subject to last-minute changes.
- A small portion of your room rate offsets the costs of the seminar.
- DRI policy provides there will be no group functions sponsored by others in connection with its seminars.

Hotel Accommodations

A limited number of discounted hotel rooms have been made available at **Sheraton New York Times Square Hotel, 811 7th Avenue, New York, NY 10019** ([click here](#) to view hotel photos).

Take advantage of the group rate of **\$409 Single/Double** in one of two ways:

- 1) Reserve online: [Click here](#) or visit dri.org and go to the **DRI Insurance Coverage and Practice Symposium page** and click on the "Book hotel" button.
- 2) Or **contact the hotel directly at 212.581.1000** and mention the **DRI Insurance Coverage and Practice Symposium**.

The hotel block is limited and rooms and rates are available on a first-come, first-served basis. You must make reservations by **November 4, 2019**, to be eligible for the group rate. Requests for reservations made after **November 4** are subject to room and rate availability.

FACULTY *Click on any name to view bio.*

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Aaron D. French, Sandberg Phoenix & von Gontard PC, Saint Louis, MO

➤ **JoAnne B. Gilliam**, American Modern Insurance Group, Cincinnati, OH

James D. Hicks, Foley & Mansfield PLLP, Seattle, WA

➤ **Joanne M. Locke**, Liberty Mutual Insurance Company, Boston, MA

Kim V. Marrkand, Mintz Levin Cohn Ferris Glovsky and Popeo PC, Boston, MA

Robert S. (Bob) Marshall, Nicolaides Fink Thorpe Michaelides Sullivan LLP, Chicago, IL

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➤ **Daniel L. Mayer**, AmeriTrust Group, Westerville, OH

➤ **Lynn Menschenfreund**, Hallmark Financial Services Inc., Jersey City, NJ

➤ **Patrick K. Nails**, Arch Insurance Group Inc., Jersey City, NJ

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➤ **Jonathan P. Zayle**, Athens Programs Services Inc., Parsippany, NJ

View faculty bios on the Insurance Coverage and Practice Symposium webpage: *click on "View speakers" button.*

Insurance Law Committee Resources and Opportunities

The **Insurance Law Committee** (ILC) is the resource for professionals whose careers are devoted to or influenced by insurance. The ILC's Online Community is the place where our members can access all things insurance coverage and claims 24/7/365, and provides members with the opportunity on a daily basis to post articles, share expert witness information, blog, and ask and answer insurance-related questions. Through its educational offerings, publications, and unique networking opportunities, the ILC is an indispensable resource for the insurance industry and outside counsel alike. Learn more about the committee and its leadership: <https://dri.org/committees/leadership/0130>

- Access the **DRI Insurance Law Committee Community** at <http://community.dri.org/home>. Share articles, post blogs, and connect with others on the latest trends in your area of practice.
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Nursing Home/ALF Litigation

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September 19–20, 2019

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Washington, DC*

October 16–19, 2019

Annual Meeting

New Orleans Marriott, New Orleans, LA

November 14–15, 2019

Defense Lawyers Asbestos Symposium

Westin Boston Waterfront, Boston, MA

November 14–15, 2019

Asbestos Medicine

Westin Boston Waterfront, Boston, MA

December 5–6, 2019

Professional Liability

*Sheraton New York Times
Square Hotel, New York, NY*

January 22–24, 2020

Women in the Law

*The Scottsdale at McCormick Ranch,
Scottsdale, AZ*

January 30–31, 2020

Civil Rights and Governmental Tort Liability

Manchester Grand Hyatt, San Diego, CA

February 5–7, 2020

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Insurance Coverage and Practice Symposium

December 5-6, 2019

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Are you a first-time attendee at this DRI seminar? Yes No

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are in your firm? _____ area of practice? _____

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Registration fee includes seminar attendance, networking receptions, course materials, and access to the DRI App. DRI will email a link to download the course materials to all registrants two weeks in advance of the seminar. Only members of DRI will have access to the PowerPoint presentations after the seminar.

	On or before Nov. 4, 2019	After Nov. 4, 2019
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*As defined on page 7

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See page 12 for more information

Litigation Skills Workshop

- Workshop Discounted Fee** \$300
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Professional Growth Workshop

- Workshop Discounted Fee** \$300
- Workshop ONLY \$475

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