



# Insurance Coverage and Claims Institute

Presentations from distinguished lawyers and industry professionals discussing the latest developments in insurance coverage

Roundtable of claims personnel and in-house counsel sharing best practices in managing claims and counsel

Programs focused on responding to policyholder challenges to coverage positions and recovery from insurers in deep pocket litigation

Network with senior claims executives, in-house counsel, and coverage attorneys from across the country

April 5-7, 2017

Loews Chicago Hotel

Chicago, Illinois

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**D**RI's Insurance Coverage and Claims Institute brings together hundreds of claims professionals, coverage counsel, and defense counsel to share insights on the relevant issues confronting the insurance industry. On Wednesday, the program will feature an exclusive session for in-house counsel and claims professionals. Thursday's session will explore developments related to defense, indemnity, partial coverage scenarios, and managing claims and counsel. On Friday, we will present a dual track focusing on responding to differences of opinion among insurers and policyholders and litigation focused on insurance recovery. And, of course, multiple opportunities to network will be available daily. Please join us!



**Paul S. White**  
Program Chair



**Daniel I. Graham, Jr.**  
Program Vice Chair



**Matthew S. Foy**  
Committee Chair



**F. Lane Finch, Jr.**  
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**Gail Rodgers**  
Law Institute



**Lisa Fontana Brennan**  
Industry Program Vice Chair



See what  
others have to  
say about DRI  
seminars

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








## What You Will Learn

- Tools to manage and resolve claims and litigation effectively
- Developments arising from cyberliability and the effect on insurance coverage
- Effective means of responding when disputes arise between policyholders and insurers
- Identifying when an insurance recovery is the target of litigation




## Get Started

- 1 Review the brochure and identify sessions of interest to you
- 2 Share this brochure with colleagues
- 3 **Register online** or complete the **form in the back**
- 4 Download the DRI App   and make use of its features to get the most out of this program
- 5 Share on social media   

## Maximize Your DRI Seminar Experience

*No one gets you connected like DRI.*

- Use the DRI App to customize your schedule, view course materials, and communicate with fellow attendees and speakers.
- Access the **DRI Insurance Law Committee Community** to network with individual members. Share articles, post blogs, and connect with others on the latest trends in your area of practice.
- Discover the  **DRI Client Connection**—meet in-house and claims professional registrants and speakers.





## PROGRAM SCHEDULE

### WEDNESDAY, APRIL 5

- 1:00 p.m. **Registration for In-House and Claims Professionals Roundtable Discussion**
- 2:00 p.m. **Insurance Law Committee Networking at the Art Institute of Chicago**  
Please see page 3 for more details.


### ROUNDTABLE DISCUSSION

(In-House Counsel and Claims Professionals Only)

- 2:00 p.m. **Welcome and Introduction**  
**Paul S. White**, *Wilson Elser Moskowitz Edelman & Dicker LLP*, Los Angeles, CA  
**Daniel I. Graham, Jr.**, *Nicolaides Fink Thorpe Michaelides Sullivan LLP*, Chicago, IL  
 **Lisa Fontana Brennan**, *Markel*, Chicago, IL
- 2:10 p.m. **Managing the Tripartite Relationship**  
Our panelists will explore how claims professionals and in-house counsel can best face the unique challenges in navigating relationships with the insured, coverage counsel, defense counsel, or policyholder counsel, when strained by coverage disputes, excessive defense expenditures, absent indemnity dollars, or unreasonable or uncovered settlement opportunities.  
 **Dawn M. Gonzalez**, *CNA Coverage Litigation Group*, Chicago, IL  
 **Jessica A. Ommen**, *SECURA Insurance Companies*, Appleton, WI
- 3:30 p.m. **Professional Liability: Is There Exposure?**  
This presentation will attune attendees to professional liability exposure arising from the errors or omissions of the insurer, the insured, coverage counsel, and defense counsel (panel and independent) and address whether the specter of professional liability exposure should be a component of a claim's resolution or addressed independently.  
 **Douglas R. Richmond**, *Aon Risk Solutions*, Overland Park, KS
- 4:30 p.m. **Adjourn**
- 5:30 p.m. **Women's Networking Reception**  
SPONSORED BY **Lowe Stein Hoffman Allweiss & Hauver LLP**
- 6:00 p.m. **Registration**
- 6:00 p.m. **Networking Reception (open to all)**  
SPONSORED BY **Exponent**

*Click on any speaker name to view bio.*

### THURSDAY, APRIL 6

- Wireless Access**  
SPONSORED BY **ROUX Associates Inc.**
- 7:00 a.m. **Registration**
- 7:00 a.m. **Continental Breakfast**  
SPONSORED BY **von Briesen & Roper sc**
- 7:00 a.m. **First-Time Attendees Breakfast**  
**Matthew S. Foy**, *Gordon Rees Scully Mansukhani*, San Francisco, CA
- 8:00 a.m. **Welcome and Introduction**  
**Paul S. White**, *Wilson Elser Moskowitz Edelman & Dicker LLP*, Los Angeles, CA  
**Daniel I. Graham, Jr.**, *Nicolaides Fink Thorpe Michaelides Sullivan LLP*, Chicago, IL  
 **Lisa Fontana Brennan**, *Markel*, Chicago, IL
- 8:10 a.m. **Insurance 2017: Reflections on the Law and the Industry**  
This presentation will address the most significant insurance decisions of the last 12 months, as well as world events, and why these decisions and events matter to insurance professionals.  
**Michael M. Marick**, *Hinshaw & Culbertson LLP*, Chicago, IL
- 9:00 a.m. **Ethical Considerations Involving the Right and Duty to Investigate**  
Insurers often use the internet to find information critical to the coverage determination, but which can be harmful if investigators overstep boundaries or invade privacy. This presentation will address the ethics, rights, and duties related to insurer investigations, and address the use of social media, private, or proprietary electronic information.  
**W. Edward Carlton**, *Quilling Selander Lownds Winslett & Moser PC*, Dallas, TX
- 10:00 a.m. **Refreshment Break**
- 10:15 a.m. **Cyberliability: A Primer on Insurance Coverage Issues**  
Every day we see more evidence of data breaches, server hacking, theft of proprietary information, lost data, and infringement of intellectual property. These exposures are submitted to insurers under property, general liability, E&O, D&O, and other specialty lines insurance policies. This presentation will pro-

vide an overview on issue spotting, relevant insuring clauses, and possible policy exclusions under the most common insurance lines.

**Alexander E. Potente**, *Sedgwick LLP*, San Francisco, CA

11:10 a.m. **E&O Liability Claims Against Insurance Agents and Brokers**

Insurers are routinely pulled into disputes and litigation arising from agents and brokers who fail to procure requested or necessary coverage or who issue additional insured endorsements and certificates of insurance. This presentation will discuss the roles of insurance agents and brokers in the chain of procuring insurance, their liability for errors and omissions, and how such exposures can impact actions against the underlying and E&O insurers.

**Max J. Cohen**, *Lowe Stein Hoffman Allweiss & Hauver LLP*, New Orleans, LA

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

1:15 p.m. **The Duty to Defend: Trends and Diversions**

This panel will discuss the impact of duty to defend law on such issues as policyholder misrepresentations in applying for coverage, insurer reimbursement for uncovered defense expense, rules of reasonable expectations and *contra proferentem*, and when the duty to defend encompasses a duty to settle.

**Charles (Chuck) W. Browning**, *Plunkett Cooney PC*, Bloomfield Hills, MI

**Michelle Marie Meyers**, *Office of the City Attorney*, Oakland, CA

**Elaine M. Pohl**, *Plunkett Cooney PC*, Bloomfield Hills, MI

 Denotes **THE DRI CLIENT CONNECTION**: In-house and claims professional speakers

## Networking Event


**Wednesday, April 5**  
**Insurance Law Committee Networking at the Art Institute of Chicago**

2:00 p.m.

For those arriving early and not attending the roundtable for insurance industry professionals, please join members of the Insurance Law Committee as we visit one of the great art museums of the world, featuring impressionist masterpieces from several artists. Please contact *Wen-Shin Cheng* at [wcheng@nicolaidesllp.com](mailto:wcheng@nicolaidesllp.com) to RSVP your attendance for this event.

2:10 p.m. **Who Knew? The Effect of Exclusions for Known Loss, Prior Knowledge, and Prior Notice**

Liability policies of all types often contain exclusions designed to preclude coverage for potential liabilities known to the insured when applying for coverage. This presentation will address how courts are construing such provisions and whether such exclusions apply to innocent insureds.

 **Ernesto A. Castillo**, *The Hartford Financial Services Group Inc.*, Hartford, CT

3:05 p.m. **Refreshment Break**  
SPONSORED BY **Hurwitz & Fine PC**

3:25 p.m. **The Specialty Lines Overlap**

In some instances a lawsuit may trigger both CGL occurrence-based policies and claims-made policies. This presentation will evaluate priority of coverage, insuring clauses, requirements for occurrence and claims-made coverage, the segregation of claims and indemnity coverage, the effect on the duty to settle, and the reconciliation of other insurance clauses.

 **Ji Sun (Katie) Pak**, *Travelers*, Hartford, CT

**Paul S. White**, *Wilson Elser Moskowitz Edelman & Dicker LLP*, Los Angeles, CA

4:10 p.m. **Insuring Doomsday: Insurance Implications Arising from Catastrophic Events**

Zika, Ebola, and bird flu viruses have left millions wondering if the apocalypse is approaching. These recent events have caused insurers to assess if they are prepared for such an event. This presentation will address the coverage implications related to such events and steps insurers are taking to either cover or preclude such contingencies.

**Michelle R. Bernard**, *Gordon Rees Scully Mansukhani LLP*, San Diego, CA

5:05 p.m. **Insurance Law Committee Meeting (open to all)**

6:00 p.m. **Networking Reception (open to all)**

7:00 p.m. **Dine-Arounds**

## FRIDAY, APRIL 7

### Wireless Access

SPONSORED BY **ROUX Associates Inc.**

7:30 a.m. **Registration**

7:30 a.m. **Continental Breakfast**



TRACKS Friday, 8:30 a.m.–12:30 p.m. (choose one)

	■ DIFFERENCES OF OPINION: POLICYHOLDER CHALLENGES TO INSURER COVERAGE POSITIONS	■ DEEP POCKET LITIGATION THAT TARGETS THE INSURER OR ITS TREASURY
8:30 a.m.	<b>Exception Letters and Insured Pushback</b> This presentation will address insurers' rights and obligations when policyholders or their counsel challenge the facts, law, or conclusions the insurer sets forth in either denying coverage or reserving its rights.  <b>Lisa Fontana Brennan</b> , <i>Markel</i> , Chicago, IL <b>Frances M. O'Meara</b> , <i>Thompson Coe Cousins &amp; Irons LLP</i> , Los Angeles, CA	<b>Class Action Conundrum</b> Class actions often present bet-the-company litigation for the insured and huge potential exposure for the insurer. This presentation will explore the challenges insurers confront in investigating, responding to, defending, and settling class actions. <b>Annette C. Clark</b> , <i>Duckor Spradling Metzger &amp; Wynne</i> , San Diego, CA
9:15 a.m.	<b>Supplementing the Reservation of Rights Letter</b> Our speaker will discuss when a reservation of rights letter should be supplemented to address new facts, previously unaddressed policy language, independent counsel issues, waiver and estoppel, policyholder misrepresentations, insurer mistakes, and the initiation of a possible declaratory relief action.  <b>Christopher P. Featherstun</b> , <i>Hiscox USA</i> , Atlanta, GA	<b>Defending Unfair Business Practices Actions</b> This presentation will address whether insurers have an obligation to defend or indemnify policyholders against claims by the government or private citizens against businesses that engage in improper business practices. <b>Peter J. Marcus</b> , <i>Berkes Crane Robinson &amp; Seal LLP</i> , Los Angeles, CA
10:00 a.m.	<b>Declaratory Judgment Actions</b> What factors should be considered in evaluating whether to seek declaratory relief from the courts? This presentation will identify the strategic considerations and possible consequences insurers should be mindful of. <b>Christopher W. Martin</b> , <i>Martin Disiere Jefferson &amp; Wisdom</i> , Houston, TX	<b>Defending Unfair Business Practices Actions</b> This presentation will address discovery against insurers alleging a pattern and practice of wrongful conduct in responding to claims and defenses available to insurers confronting claims that their own business practices run afoul of these unfair business practice statutes. <b>Robert L. Sallander, Jr.</b> , <i>Greenan Pepper Sallander &amp; Lally LLP</i> , San Ramon, CA
10:45 a.m.	<b>Refreshment Break</b>	
11:00 a.m.	<b>Competing Interests</b> Explore approaches an insurer can take to balance the interests between policyholders and other parties, particularly where it is asked to defend or settle uncovered claims, or is being set-up for bad faith. <b>John D. Cole</b> , <i>Wiley Rein LLP</i> , Washington, DC  <b>William (Bill) T. Graden</b> , <i>State Farm Insurance</i> , Bloomington, IL	<b>SIR, Excess, Umbrella, and Reinsurance Policies</b> Limits and excess limits claims often implicate policies that sit above an insured retention or a primary layer of coverage. This presentation will address the role of such lines of coverage, the duties owed by insured and insurer(s), and more.  <b>Andrew D. Deutsch</b> , <i>OneBeacon Insurance Group</i> , Plymouth, MN
11:45 a.m.	<b>Responding to Allegations of Bad Faith</b> Learn how insurers and their counsel can respond to allegations of unreasonableness and bad faith, when insurers should engage their own counsel, the most common affirmative defenses, and how insurers can best manage their files to correspond with such defenses. <b>Matthew M. Haar</b> , <i>Saul Ewing LLP</i> , Harrisburg, PA  <b>Hillary C. Jarvis</b> , <i>Markel</i> , Glen Allen, VA	<b>Preemptive Strikes: Interpleader and Intervention</b> Learn when intervention and interpleader can assist the insurer's resolution of the underlying case, where factual determinations are required to determine coverage or demands contain conditions outside the insurer's knowledge or control. <b>Wen-Shin Cheng</b> , <i>Nicolaides Fink Thorpe Michaelides Sullivan LLP</i> , Chicago, IL <b>Cody S. Moon</b> , <i>Nicolaides Fink Thorpe Michaelides Sullivan LLP</i> , Chicago, IL
12:30 p.m.	<b>Adjourn</b>	

## 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 and subsidiaries. In order to qualify for free registration, the individual must also be a DRI member and a member of DRI's Corporate Counsel Committee. Offer excludes the DRI Annual Meeting.

### Claims Executives

Any member of DRI employed as a claims professional by a corporation or insurance company, who spends a substantial portion of his or her professional time hiring or supervising outside counsel in the representation of business, insurance companies or their insureds, associations or governmental entities in civil litigation, will be entitled to free attendance at any DRI program. **Limited to one seminar per calendar year.** Offer excludes DRI Annual Meeting.

### CLE/Claims Adjusters Accreditation

This seminar has been approved for MCLE credit by the State Bar of California for up to **13** 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.** Credit availability and requirements vary from state to state; please check the DRI website at [dri.org](http://dri.org) for the latest information for your state.



A limited number of discounted hotel rooms have been made available at the **Loews Chicago Hotel, 455 North Park Drive, Chicago, IL 60611** ([click here](#) to view hotel photos).

Take advantage of the group rate of **\$259 Single/Double** in one of two ways:

- 1) Reserve online: [Click here](#) or visit [dri.org](http://dri.org) and go to the **DRI Insurance Coverage and Claims Institute** page and click on the "Book hotel" button.
- 2) Or **contact the hotel directly at 312.840.6600** and mention the **DRI Insurance Coverage and Claims Institute**

The hotel block is limited and rooms and rates are available on a first-come, first-served basis. You must make reservations by **March 7, 2017**, to be eligible for the group rate. Requests for reservations made after **March 7** are subject to room and rate availability.

### Registration Policy

**Save \$100 when you register by March 7, 2017.** (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 **March 14, 2017** (*please allow 10 days for processing*). Registrations received after **March 14, 2017**, will be processed on-site.

### Refund Policy

The registration fee is fully refundable for cancellations received on or before **March 14, 2017**. Cancellations received after **March 14** and on or before **March 21, 2017**, will receive a refund, less a \$100 processing fee. Cancellations made after **March 21** 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](mailto: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 on the registration form. The registration fee for additional registrants from the same firm or company is **\$775**, regardless of membership status if received on or before **March 7, 2017**. After **March 7, 2017**, 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 Claims Institute** 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.

- 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

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➤ **Andrew D. Deutsch**, OneBeacon Insurance Group, Plymouth, MN

➤ **Christopher P. Featherstun**, Hiscox USA, Atlanta, GA

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

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

➤ **Dawn M. Gonzalez**, CNA Coverage Litigation Group, Chicago, IL

➤ **William (Bill) T. Graden**, State Farm Insurance, Bloomington, IL

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**Alexander E. Potente**, Sedgwick LLP, San Francisco, CA

➤ **Douglas R. Richmond**, Aon Risk Solutions, Overland Park, KS

**Gail Rodgers**, DLA Piper LLP (US), New York, NY

**Robert L. Sallander, Jr.**, Greenan Pepper Sallander & Lally LLP, San Ramon, CA

**Paul S. White**, Wilson Elser Moskowitz Edelman & Dicker LLP, Los Angeles, CA

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February 1-3

### **Women in the Law**

*Omni Scottsdale Resort  
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March 15-17

### **Trial Tactics**

*The Venetian Palazzo Resort,  
Las Vegas, NV*

March 23-24

### **Toxic Torts and Environmental Law**

*Sheraton New Orleans,  
New Orleans, LA*

April 26-28

### **Life, Health, Disability and ERISA**

*Swissôtel Chicago, Chicago, IL*

May 17-19

### **Employment and Labor Law**

*Hilton Nashville Downtown,  
Nashville, TN*

May 31-June 2

### **Insurance Bad Faith and Extra-Contractual Liability**

*Hyatt Regency Boston, Boston, MA*

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### **Newsletter *Covered Events* (12 times a year)**

Visit the **Insurance Law Committee page** on **dri.org** for information about the  
committee and related resources.

### **Insurance Law** focus in *For The Defense*

**May/December 2017** (*upcoming*)

**May/October 2016**

**May 2015**

### **Defense Library Series**

***Unfair Claims Practices Compendium*** (*coming in 2017*)

***The Uninsured and Underinsured Motorist Coverage Compendium***

***Duty to Defend Compendium***

***Insurance Bad Faith: A Compendium of State Law***



DRI's Insurance Law Committee is proud to support the Chicago community while we gather here. The committee plans to raise funds for **The Boys & Girls Clubs of Chicago**, which has been a safe-haven for youth in the Chicago community for over 110 years, empowering them to shape their futures, and enabling young people to achieve academic and personal success in a stable, safe, and stimulating environment during the vulnerable after-school hours.

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## 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.

Committed to Diversity