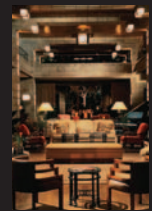
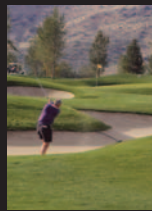


A M E R I C A N   B A R   A S S O C I A T I O N

TORT TRIAL & INSURANCE PRACTICE SECTION  
20<sup>TH</sup> ANNUAL INSURANCE COVERAGE  
LITIGATION COMMITTEE MIDYEAR PROGRAM

# THROUGH THE SANDS OF TIME-THE EVOLVING LANDSCAPE OF INSURANCE COVERAGE

CO-SPONSORED BY:  
TORT TRIAL & INSURANCE PRACTICE SECTION'S  
STAFF COUNSEL, SELF-INSURERS AND RISK MANAGERS, AND  
PROFESSIONALS' OFFICERS' AND DIRECTORS' LIABILITY COMMITTEES



**FEBRUARY 16-18, 2012**  
ARIZONA BILTMORE RESORT AND SPA  
PHOENIX, AZ

**FEATURING IN-HOUSE SPEAKERS FROM:**

Allstate Insurance Company  
American Family Insurance Group  
Aon Risk Solutions  
Beazley Group  
Beecher Carlson Insurance Agency  
Century Insurance/Meadowbrook  
Insurance Group  
Chubb & Son  
Deloitte Financial Advisory Services LLP

Farmers Insurance Exchange  
Florida Peninsula Insurance Company  
Guardian Pro, LLC  
Homesite Group Incorporated  
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State Farm Mutual Automobile Insurance  
Company  
Torus Insurance

UNITING  
PLAINTIFF, DEFENSE,  
INSURANCE, AND  
CORPORATE COUNSEL  
TO ADVANCE  
THE CIVIL  
JUSTICE SYSTEM



# WELCOME

We look forward to your attendance at the Tort Trial & Insurance Practice Section's Insurance Coverage Litigation Committee (ICLC) 20<sup>th</sup> Annual Midyear Meeting. This year we are joined by the TIPS Staff Counsel, Self-Insurers and Risk Managers and Professionals' Officers' and Directors' Liability Committees. We begin on Thursday afternoon with a Staff Counsel Committee presentation on how to write a coverage opinion under a typical auto policy, followed by the ICLC's preliminary interactive session the "Pitfalls of Prepping and Cross-Examining the Claims Adjuster in Coverage/Bad Faith Litigation." The Friday full-day and the Saturday morning sessions reflect a broad array of timely and cutting-edge insurance coverage issues; the "toolbox" sessions at lunch on Friday and breakfast on Saturday will discuss a variety of coverage topics in a more interactive setting. Even with the busy schedule, attendees will have time to renew old acquaintances and make new friends at our social events. Please bring your families, your golf clubs, your sneakers, and even your smart phones and laptops (if you need to)! Whether you are a returning ICLC member or just beginning your path with us, we hope to see you in February!

Ginny L. Peterson, Chair  
TIPS Insurance Coverage Litigation Committee

## A SPECIAL THANKS TO OUR SPONSORS FOR THEIR SUPPORT!

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& THORNTON  
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# GENERAL INFORMATION

REGISTRATION DEADLINE: JANUARY 26, 2012

HOTEL DEADLINE: JANUARY 26, 2012

## ADVANCE REGISTRATION

Visit the 20th Annual Insurance Coverage Litigation Committee Midyear Meeting entitled "Through the Sands of Time-The Evolving Landscape of Insurance Coverage" website to register at [www.americanbar.org/tips](http://www.americanbar.org/tips) or complete the registration form included in this brochure.

The registration fee includes admission to the program, course materials, continental breakfast, breaks, Friday lunch and Thursday reception. If you wish to have your name appear on the pre-registration list distributed at the program, ALL registration forms must be received no later than the registration deadline of January 26, 2012. Registration reservations will be confirmed in writing within 10 business days.

## ON-SITE REGISTRATION

On-site registrations will be accepted if space is available. Call Ninah F. Moore at 312/988-5498 or email [ninah.moore@americanbar.org](mailto:ninah.moore@americanbar.org), 72 hours prior to the program to confirm that space is available. On-site registrants must pay the program fee by credit card or check made payable to the American Bar Association. A \$25 fee will be charged to individuals registering on-site.

## CANCELLATION POLICY

No registration fee refunds will be granted for cancellations received after **January 26, 2012**. In order to receive a refund (less a \$100 administrative fee), the ABA must receive written cancellation by **January 26, 2012**. Registrants who are unable to attend may send a substitute or will receive course materials in lieu of a refund.

## HOTEL INFORMATION

For Reservations call 800/950-0086 OR 602/955-6600

A limited number of rooms have been blocked for program registrants of the TIPS 20<sup>th</sup> Annual Insurance Coverage Litigation Committee Meeting at the Arizona Biltmore Resort & Spa, 2400 East Missouri Avenue, Phoenix, AZ 85016 for a hotel room rate of \$234.00 single/double plus 13.27% tax. For reservations, please call the hotel directly at 800/950-0086 OR 602/955-6600. The room block will be held until exhausted or until **Thursday, January 26, 2012 at 5:00 p.m. (CST)**. After the meeting specified hotel deadline, reservations will be confirmed based on availability. Please refer to the ABA TIPS 2012 Annual Insurance Coverage Litigation Committee Meeting when calling the hotel to make reservations. Hotel check-in is 4:00 p.m. and checkout is 12:00 p.m. All reservations must be guaranteed by credit card or deposit check for one night's room and tax. Individuals with guaranteed reservations must cancel their reservations 48 hours prior to the scheduled day of arrival to avoid a one-night cancellation charge.

## AIRLINE INFORMATION

Discounted fares are available from ABA Orbitz For Business including ABA negotiated discounts on American and United Airlines. To book online, go to [www.abanet.org/travel](http://www.abanet.org/travel) > click under the Orbitz For Business logo at the top of the page > click on the appropriate link in the Self Paid Travel box. For assistance with online or offline reservations, call toll free 877/222-4185.

Discounts can also be obtained directly from the carrier.

Following are the ABA discount codes for American and United Airlines under which your reservations need to be purchased in order to receive either the ABA percentage discount or zone fare.

## FOR 2011

AMERICAN AIRLINES (800/433-1790) Code #A191155

UNITED AIRLINES (800/521-4041) Code #5781G

## CLE INFORMATION

ABA programs ordinarily receive CLE credit in AK, AL, AR, AZ, CA, CO, DE, FL, GA, GU, HI, IA, ID, IL, IN, KS, KY, LA, ME, MN, MS, MO, MT, NH, NM, NV, NY, NC, ND, OH, OK, OR, PA, RI, SC, TN, TX, UT, VT, VA, VI, WA, WI, WV, and WY. These states sometimes do not approve a program for credit before the program occurs. This course is expected to qualify for 12.75 CLE credit hours (including 1.0 ethics hours) in 60-minute-hour states, and 15.3 credit hours (including 1.2 ethics hours) in 50-minute-hour states. This transitional program is approved for both newly admitted and experienced attorneys in NY. For more information about CLE accreditation in your state, visit [www.americanbar.org/tips](http://www.americanbar.org/tips) or contact Ninah Moore at 312/988-5498 two weeks prior to the conference for confirmation of the number of CLE credit hours requested by the ABA or credits approved by any particular state.

## MEMBERSHIP INFORMATION

For more information about membership in the ABA or the Tort Trial & Insurance Practice Section (TIPS), please visit us online at [http://www.americanbar.org/groups/tort\\_trial\\_insurance\\_practice/membership.html](http://www.americanbar.org/groups/tort_trial_insurance_practice/membership.html) or call 800/285-2221. Membership in TIPS includes three industry-leading periodicals, discounts of up to 20% on many TIPS CLE programs, and other career and practice-enhancing benefits. Join TIPS today!

## PERSONS WITH DISABILITIES

Services for persons with disabilities are available. If special arrangements are required for an individual to attend this program, please notify the ABA promptly at 312/988-5498. Reasonable advance notice is requested.

## GET CONNECTED WITH TIPS!

Information on this and other TIPS CLE programs is available online at [www.abanet.org/tips](http://www.abanet.org/tips). Visit us and get connected!

## SCHOLARSHIPS AVAILABLE!

ATTENTION TIPS MEMBERS: Scholarships are available for all Section activities, courtesy of the TIPS Scholarship Fund. The Fund, established with the International Risk Management Institute ("IRMI") and supported by subscriptions to the IRMI CGL reporter, is intended to increase membership involvement in TIPS' activities among minorities, solo and small firm practitioners, government attorneys, women, and young lawyers by providing financial support to those who would otherwise be unable to participate. To request an application or receive additional information, visit [www.abanet.org/tips/scholarship.html](http://www.abanet.org/tips/scholarship.html) or contact Linda Wiley at 312/988-5673.

# PROGRAM AGENDA

## DAY ONE, THURSDAY, FEBRUARY 16, 2012

12:00 p.m.-5:00 p.m. **REGISTRATION**

12:45 p.m.-1:00 p.m. **WELCOME AND OPENING REMARKS**

**Ginny L. Peterson**  
**TIPS Insurance Coverage Litigation Committee Chair**  
*Kightlinger & Gray, LLP*  
Indianapolis, IN

1:00 p.m.-3:00 p.m. **INTRODUCTORY SESSION**—Co-Sponsored by TIPS Staff Counsel Committee

### **A PRIMER: SO YOU HAVE BEEN ASKED TO WRITE A COVERAGE OPINION UNDER THE TYPICAL AUTO POLICY—WHAT NOW?**

This “primer” session will provide valuable “how to” information for the in-house attorney or panel counsel who may be asked to write a coverage opinion under an automobile policy but may not know where to start. The discussion will address the purpose and goal of a typical auto policy coverage opinion, the application of the facts to the policy language and applicable law, and any potential ethical pitfalls for in-house attorneys or panel counsel in drafting such coverage opinions.

#### PANEL INTRODUCTION AND MODERATOR:

**Laura Sidwell Maki, TIPS Staff Counsel Committee Chair, State Farm Mutual Automobile Insurance Company, Atlanta, GA**

#### PANELISTS:

**James R. Broening, Broening Oberg Woods & Wilson, PC, Phoenix, AZ**  
**Mark R. Brown, State Farm Mutual Automobile Insurance Company, Baltimore, MD**  
**Dorothy Q. Paine, Allstate Insurance Company, Phoenix, AZ**  
**Jacqueline A. Pincus, American Family Insurance Group, Phoenix, AZ**

3:00 p.m.-5:00 p.m. **INTRODUCTORY SESSION**—Sponsored by Robinson & Cole LLP

### **DIRECT AND CROSS-EXAMINATION OF THE CLAIMS ADJUSTER IN INSURANCE COVERAGE/BAD FAITH LITIGATION: PLAINTIFF’S OBJECTIVES VERSUS DEFENSE STRATEGY-AN INTERACTIVE EXPERIENCE**

Experience an interactive direct and cross-examination of a claims adjuster in a hypothetical insurance coverage/bad faith trial by learned insurance litigators before an experienced intermediary. The program will provide useful information regarding how best to approach preparation and examination of insurance professionals relevant to today’s insurance coverage cases.

#### PANEL INTRODUCTION:

**Ginny L. Peterson, TIPS ICLC Chair, Kightlinger & Gray, LLP, Indianapolis, IN**  
**Gary L. Gassman, Program Chair, Meckler Bulger Tilson Marick & Pearson LLP, Chicago, IL**

#### CO-MODERATORS AND COMMENTATORS:

**Laurie E. Dugoniths, The Johnson Firm, LLC, Atlanta, GA**  
**Madeleine Fischer, Jones, Walker, Waechter, Poitevent, Carrère & Denègre, LLP, New Orleans, LA**  
**Arthur H. Patterson, Ph.D., Senior Vice President, DecisionQuest, State College, PA (TIPS Sponsor)**

#### PRESIDING:

**Leo J. Jordan, Past TIPS Chair, Former VP & Counsel, State Farm Insurance Companies, Lewisville, TX**

#### WITNESS:

**Grace Hanson, Claims Litigation Counsel, Homesite Group Incorporated, Boston, MA**

#### FOR THE INSURED:

**Gregory R. Giometti, Gregory R. Giometti & Associates, P.C., Denver, CO**

#### FOR THE INSURER:

**Franklin D. Patterson, Patterson Nuss & Seymour, P.C., Denver, CO**

5:00 p.m.-6:00 p.m. **OPENING RECEPTION – ALL ATTENDEES ARE WELCOME**  
Sponsored by International Risk Management Institute, Inc. (IRMI)

6:30 p.m.-8:30 p.m. **DINNER (TICKETED EVENT)**  
Sponsored by Matson Driscoll & Damico LLP and DecisionQuest

## DAY TWO, FRIDAY, FEBRUARY 17, 2012

7:00 a.m.-5:00 p.m. **REGISTRATION**

7:00 a.m.-8:30 a.m. **CONTINENTAL BREAKFAST**—Sponsored by Carrington, Coleman, Sloman & Blumenthal, LLP

7:30 a.m.-8:30 a.m. **STAFF COUNSEL COMMITTEE BUSINESS MEETING**

8:30 a.m.-8:45 a.m. **WELCOME AND OPENING REMARKS**

**Randy J. Aliment**, TIPS Section Chair, *Williams Kastner*, Seattle, WA  
**Ginny L. Peterson**, TIPS Insurance Coverage Litigation Committee Chair, *Kightlinger & Gray, LLP*, Indianapolis, IN  
**Lyndon F. Bittle**, TIPS Insurance Coverage Litigation Committee Chair-Elect, *Carrington, Coleman, Sloman & Blumenthal, LLP*, Dallas, TX  
**Gary L. Gassman**, Program Chair, *Meckler Bulger Tilson Marick & Pearson LLP*, Chicago, IL  
**Christopher R. Mosley**, Program Co-Chair, *Sherman & Howard LLC*, Denver, CO

**MORNING SESSION**—Sponsored By Kilpatrick Townsend & Stockton LLP

8:45 a.m.-9:45 a.m. **INSURANCE COVERAGE ISSUES IN CONSTRUCTION DEFECT CASES**  
Co-Sponsored by TIPS Self Insurers and Risk Managers Committee

Construction and design defects cases continue to plague homeowners and the court system, resulting in significant losses to owners, contractors, designers, and insurance companies. This program will address the latest developments and dilemmas in, and the solutions to, the evolving concepts of “occurrence” and “consequential damages,” “additional insured” coverage, the definition of “property damage,” the impact of expert opinions, and other common policy terms and exceptions that affect coverage for construction defect claims.

MODERATOR:

**Brandi L. Bennett**, *Ice Miller LLP*, Indianapolis, IN

PANELISTS:

**James DeDonato**, *Beazley Group*, Farmington, CT  
**Jose A. Ramirez**, *Holland & Hart LLP*, Greenwood Village, CO  
**James R. Tortorella**, Director, *Aon Risk Solutions*, New York, NY  
**Christopher H. Westrick**, *Golden Rothschild Spagnola Lundell Boylan & Garubo P.C.*, Bridgewater, NJ

9:45 a.m.-10:45 a.m. **STAFFING THE CASE: EXAMINING THE ETHICAL IMPACT OF STAFF OR CAPTIVE COUNSEL ON THE TRIPARTITE RELATIONSHIP**  
Co-sponsored by TIPS Staff Counsel Committee

Some insurers use captive law firms or staff counsel to defend their insureds in litigation. This panel will address the potential ethical issues that arise with an insurer’s use of staff counsel. The program will explore the particular problems that arise with eroding policies, potential conflicts between insurers and policyholders, the impact on the tripartite relationship, considerations for staff counsel, the circumstances under which staff counsel should withdraw, and the potential exposure to the insurer from the use of staff counsel.

MODERATOR:

**Richard J. Cohen**, *Goldberg Segalla LLP*, Buffalo, NY

PANELISTS:

**Daniel G. Acosta**, *Farmers Insurance Exchange*, Las Cruces, NM  
**Professor James M. Fischer**, *Southwestern Law School*, Los Angeles, CA  
**George C. Rockas**, *Wilson Elser Moskowitz Edelman & Dicker LLP*, Boston, MA

10:45 a.m.-11:00 a.m. **BREAK**—Sponsored by Jeff Kichaven, Mediator

**MID-MORNING SESSION**—Sponsored by Wilson Elser Moskowitz Edelman & Dicker LLP

11:00 a.m.-12:00 p.m. **THE MORE THINGS CHANGE, THE MORE THEY STAY THE SAME: RECURRING AND EMERGING ISSUES IN D&O AND E&O COVERAGE**  
Co-sponsored by TIPS Professionals’ Officers’ & Directors’ Liability Committee

This panel will explore recurring issues relating to directors and officers and errors and omissions coverage including notice and reporting requirements, the definition of “claim,” related claims and interrelated wrongful acts, conduct exclusions and adjudication requirements, conflicts, allocation, arbitration provisions, and “other insurance” clauses. The panelists will also discuss emerging issues in D&O coverage arising from an insured’s “financial impairment,” “tail” coverage, imputation of knowledge, and an individual insured’s responsibility for payment of the policy retention.

MODERATOR:

**Christopher H. Yetka**, *Lindquist & Vennum PLLP*, Minneapolis, MN

PANELISTS:

**Tracy A. Campbell**, *Schiff Hardin LLP*, Chicago, IL  
**Kim D. Hogrefe**, Senior Vice President, *Chubb & Son*, Warren, NJ  
**John J. Kerns**, Managing Director, *Beecher Carlson*, New York, NY  
**Helen K. Michael**, *Kilpatrick Townsend & Stockton LLP*, Washington, D.C.

12:00 p.m.-1:15 p.m.

**TOOLBOX LUNCHEON SESSIONS**—Sponsored By Rivkin Radler LLP

COORDINATORS:

**Rabeh Soofi**, *Crone Hawxhurst LLP*, Los Angeles, CA  
**David K. Pharr**, *Bradley Arant Boult Cummings LLP*, Jackson, MS

- **SELF-INSURED RETENTIONS**  
J. David Moore, *Jones, Walker, Waechter, Poitevent, Carrère & Denègre, L.L.P.*, Birmingham, AL
- **USE A MEDIATOR, GET DISBARRED: ETHICAL PERILS FOR LAWYERS BASED ON THE UNETHICAL PRACTICES OF MEDIATORS**  
Jeff Kichaven, *Jeff Kichaven Mediator*, Los Angeles, CA  
Charles Platto, *Law Offices of Charles Platto*, New York, NY
- **IT ISN'T EASY BEING GREEN: GREEN CONSTRUCTION RISKS AND INSURANCE COVERAGE ISSUES**  
Caryn L. Daum, *Robinson & Cole LLP*, Boston, MA  
Brian Margolies, *Traub Lieberman Straus & Shreusberry LLP*, Hawthorne, NY
- **D&O LITIGATION AND BANKRUPTCY**  
Stacy R.C. Berliner, *Thacker Martinsek, LPA*, Cleveland, OH
- **THE IMPACTS OF INSURANCE COVERAGE LEGISLATION**  
Cathleen H. Heintz, *Hall & Evans LLC*, Denver, CO
- **INTERMEDIARY ISSUES-BROKERS AND AGENTS IN COVERAGE DISPUTES**  
Damian J. Arguello, *Davis Graham & Stubbs LLP*, Denver, CO
- **THE ROLE OF UK INSURERS IN RESOLVING US CLAIMS**  
Antony Woodhouse, *Lawrence Graham LLP*, London, England
- **WHAT EVERY INSURANCE LAWYER SHOULD KNOW ABOUT HOMEOWNERS INSURANCE POLICIES**  
Stacey A. Giuliani, Chief Legal Officer, *Florida Peninsula Insurance Company*, Boca Raton, FL
- **CONTRACTUAL LIABILITY COVERAGE**  
Marcus R. Tucker, *Royston, Rayzor, Vickery & Williams, L.L.P.*, Houston, TX
- **TITLE INSURANCE COVERAGE ISSUES**  
Michael Carrigan, *Holland & Hart LLP*, Denver, CO  
Jose A. Ramirez, *Holland & Hart LLP*, Greenwood Village, CO
- **ADDITIONAL INSURED ISSUES**  
Michael Menapace, *Wiggin and Dana LLP*, Hartford, CT  
Charles Platto, *Law Offices of Charles Platto*, New York, NY
- **DIRECT ACTION STATUTES AND RIGHTS**  
Diane Bucci, *Zelle McDonough & Cohen LLP*, White Plains, NY
- **CONFLICTING DECISIONS REGARDING THE DUTY TO DEFEND**  
Craig C. Crafton, *Cozen O'Connor*, Dallas, TX
- **INSURER BILLING GUIDELINES**  
Madeleine Fischer, *Jones, Walker, Waechter, Poitevent, Carrère & Denègre, L.L.P.*, New Orleans, LA
- **EXHAUSTION: CAN AN INSURED TRIGGER EXCESS POLICIES WHEN IT ENTERS INTO A BELOW-LIMITS SETTLEMENT WITH A PRIMARY INSURER?**  
Andrew Oldis, *Kaufman Borgeest & Ryan LLP*, Westchester, NY

**AFTERNOON GENERAL SESSION**—Sponsored by Litchfield Cavo LLP

1:30 p.m.-2:30 p.m.

**BACKROOM DEALS AND BARROOM BRAWLS: MEDIA LIABILITY COVERAGE IN ENTERTAINMENT LITIGATION**

When a prime time television program or blockbuster movie gets hit with a copyright infringement, idea misappropriation, or other media liability lawsuit, insurance coverage may not be the first thought that comes to mind. It should be because of the staggering defense costs and potential for significant economic loss. This panel will address various types of policies that may be triggered and coverage issues that arise in connection with these claims from the insured and insurer perspective. The panel will discuss claims handling issues, and how a good partnership between insurer and insured can be a match made in heaven—and what happens when that relationship goes south.

MODERATOR:

**Marc S. Mayerson**, *Orrick, Herrington & Sutcliffe LLP*, Washington, D.C.

PANELISTS:

**Cassandra S. Franklin**, *Dickstein Shapiro LLP*, Los Angeles, CA  
**James J. S. Holmes**, *Sedgwick LLP*, Los Angeles, CA  
**Michelle Tilton**, Media Liability Insurance Consultant, Los Angeles, CA

2:30 p.m.-3:30 p.m.

## INSURANCE COVERAGE FOR THE EFFECTS OF NATURAL DISASTERS

Every year the U.S. and other countries are subject to natural disasters. The March 11, 2011 earthquake that struck Japan was the fifth largest ever recorded, caused losses in the billions and is just one of the latest in a series of foreign events impacting U.S. and North American businesses. In disaster situations businesses look to insurance for relief. This panel will explore the legal, coverage and quantification issues that arise when insureds attempt to recover losses from natural disasters under various forms of insurance, including Contingent Business Interruption ("CBI") or Civil Authority coverage found in property policies, CGL coverage, or specialty coverage for different disaster types.

MODERATOR:

**Jennifer (Ginger) M. Busby, Immediate Past Chair, TIPS, Burr & Forman LLP, Birmingham, AL**

PANELISTS:

**Patti Bitner, VP, Property Claims, Century Insurance/Meadowbrook Insurance Group, Westerville, OH**

**David F. Klein, Orrick, Herrington & Sutcliffe LLP, Washington, DC**

**Bradford S. Moyer, Plunkett Cooney, PC, Detroit, MI**

**Neil Silverblatt, Client Services Executive, Hylant Group, Chicago, IL**

3:30 p.m.-3:45 p.m.

**BREAK**—Sponsored by Neal, Gerber & Eisenberg LLP

3:45 p.m.-4:30 p.m.

## MULTIPLE PLAINTIFFS AND MASS TORTS: RECONCILING TRIGGER, LIMITS AND DEDUCTIBLES

In matters involving multiple plaintiffs, class actions, civil rights claims, bodily injury claims, product liability claims, consumer fraud claims, or construction defects, the issues of trigger and number of occurrences affect the bottom line. How much money will be available to pay claims and what insurers will be liable to pay? The determination of these issues will often pit insurers against each other, or promote alliances between the policyholder and certain insurers. This session will highlight the issues in the format of "Point, Counterpoint" providing opposing views of how trigger and the number of occurrences will affect the number of policies, the limits, and the number of deductibles.

MODERATOR:

**Janet R. Davis, Meckler Bulger Tilson Marick & Pearson LLP, Chicago, IL**

PANELISTS:

**Jill B. Berkeley, Neal, Gerber & Eisenberg LLP, Chicago, IL**

**William H. Black, Jr., Post & Schell PC, Philadelphia, PA**

4:45 p.m.-5:45 p.m.

## COMMITTEE BUSINESS MEETINGS

**Insurance Coverage Litigation Committee**

**Professionals' Officers' and Directors' Liability Committee**

**Self-Insurers and Risk Managers Committee**

7:00 p.m.- 9:30 p.m.

## DINNER—DINE AROUND

ARRANGED BY:

**Madelaine R. Berg, Esq., Phoenix, AZ**

Reservations will be made at several local restaurants. Sign-up for dinners onsite, join old friends and meet new ones as you enjoy fine Arizona cuisine.

## DAY THREE, SATURDAY, FEBRUARY 18, 2012

7:30 a.m.-12:00 p.m.

### REGISTRATION

7:30 a.m.-8:30 a.m.

**TOOLBOX BREAKFAST SESSIONS** – Sponsored by Zelle McDonough & Cohen LLP  
(See prior descriptions for TOOLBOX LUNCH SESSIONS)

**MORNING SESSIONS**—Sponsored by Kightlinger & Gray, LLP

8:30 a.m.-9:30 a.m.

## COVERAGE ISSUES ARISING FROM CONSUMER MORTGAGE FRAUD AND THE IMPACT OF THE U.S. FINANCIAL MELTDOWN

The financial crisis is far from over and has led to legal issues including government investigations, criminal prosecutions and civil litigation. This panel will address the insurance ramifications arising from criminal prosecutions related to mortgage fraud and other issues, and accompanying civil liabilities and litigation. The panel includes an Assistant United States Attorney for the District of Arizona, the site of major federal mortgage fraud prosecutions, counsel on the cutting edge of financial crisis litigation, and a leading policyholder advocate.

MODERATOR:

**Alan S. Rutkin, Rivkin Radler LLP, Uniondale, NY**

PANELISTS:

**John Ambro**, *Orrick, Herrington & Sutcliffe LLP*, Washington, D.C.  
**Mary-Pat Cormier**, *Edwards Wildman Palmer LLP*, Boston, MA  
**Sandeep Prabhakar**, *Deloitte Financial Advisory Services LLP*, Chicago, IL  
**Bill C. Solomon**, Assistant United States Attorney, *District of Arizona*, Phoenix, AZ

9:30 a.m.-10:30 a.m.

**CYBER LIABILITY, SOCIAL MEDIA AND THE NEW WORLD OF FINANCIAL RISK EXPOSURE: ARE YOU OVER-EXPOSED?**

Our business world and means of communication are being re-invented, with technology at the center of that process. Businesses are faced with new exposures, financial concerns, and public relations implications from technology. Professionals from a variety of business, insurance, and legal perspectives will address the incorporation of technology into business practices and the tools necessary to protect business and client assets and information from technology and cyber-related risks, and the insurance products likely to be most affected, utilized, and challenged to further develop and grow with the new cyber world.

MODERATOR:

**Michelle Lafferty**, Corporate Counsel, *Hylant Group*, Cleveland, OH

PANELISTS:

**John Iannarelli**, Assistant Special Agent, *Federal Bureau of Investigation*, Phoenix, AZ  
**J. Andrew Moss**, *Reed Smith LLP*, Chicago, IL  
**Michael O'Shaughnessy**, President & CEO, *Guardian Pro, LLC*, Anthem, AZ  
**Michael Phillips**, Senior Vice President, *Torus Insurance*, Jersey City, NJ

10:30 a.m.-10:45 a.m.

**BREAK**—Sponsored by Sherman & Howard LLC

10:45 a.m.-11:45 a.m.

**MID-MORNING SESSION**—Sponsored by Schiff Hardin LLP

**ADVERTISING INJURY COVERAGE AND DAMAGES ALLOCATION ISSUES IN INTELLECTUAL PROPERTY CASES: HOW MUCH INTELLECTUAL PROPERTY LAW DO INSURANCE COVERAGE LAWYERS NEED TO KNOW?**

Significant issues arise when parties attempt to resolve intellectual property lawsuits under advertising injury coverage, or challenge who must pay if a case goes to judgment. Many disputes involve whether damages can be apportioned between advertising and another use of a trademark or copyright, and the type of allocation that may be performed. This panel will address a variety of the questions and issues that arise under advertising injury coverage and intellectual property litigation including the types of damages that are covered, allocation, the burden of proof in a coverage action, bad faith considerations, and the rules on statutory damages for intellectual property disputes.

MODERATOR:

**Judith F. Goodman**, *Goodman & Jacobs LLP*, New York, NY

PANELISTS:

**David A. Gauntlett**, *Gauntlett & Associates*, Los Angeles, CA  
**R. Dixon Grier**, CPA, *Matson, Driscoll & Damico LLP*, Boston, MA (TIPS Sponsor)  
**Timothy M. Thornton, Jr.**, *Nelsen, Thompson, Pegue & Thornton*, Los Angeles, CA

11:45 a.m.

**CLOSING REMARKS**

12:30 p.m.-5:30 p.m.

**AFTERNOON ACTIVITIES**

**GOLF OUTING (LYNX COURSE, ARIZONA BILTMORE)**—Ticketed Event

Golf Prizes Supplied by Matson Driscoll & Damico LLP

Drink Carts sponsored by The Johnson Firm, LLC

**VOLUNTEER/SERVICE PROJECT—"SHOES THAT FIT"**

COORDINATED BY:

**Catherine N. O'Donnell**, *Zelle McDonough & Cohen LLP*, Boston, MA

Even if you have other plans for Saturday afternoon, you can still participate in this service project aimed at providing children in need with new athletic shoes for school. We will be working with the Phoenix area chapter of Shoes That Fit, a national organization that provides shoes for children who would otherwise be wearing socks, flip-flops or ill-fitting, worn or torn shoes to school, making it difficult for them to participate in school or recreational activities ([www.shoesthatfit.org](http://www.shoesthatfit.org)). You can help by donating money, new athletic shoes (kids' and pre-teen sizes) or gift cards (Target, Wal-Mart, Payless, etc.). A Committee volunteer will collect donations at the registration desk and on Saturday afternoon will lead a trip to a local merchant to turn the generous donations into shoes. If you have never done this kind of bulk shopping before, you will be surprised at how gratifying it can be.

# REGISTRATION FORM

**ABA TORT TRIAL & INSURANCE PRACTICE SECTION (TIPS)  
20TH ANNUAL ICLC MIDYEAR PROGRAM  
THROUGH THE SANDS OF TIME-THE EVOLVING  
LANDSCAPE OF INSURANCE COVERAGE**  
FEBRUARY 16-18, 2012 · ARIZONA BILTMORE RESORT & SPA · PHOENIX, AZ

**1. REGISTRANT:** *(Please print or type one form per person; photocopy this form for additional registrants)*

LAST NAME \_\_\_\_\_ FIRST NAME \_\_\_\_\_ MI \_\_\_\_\_

NAME AS YOU WISH IT TO APPEAR ON YOUR BADGE \_\_\_\_\_

FIRM/COMPANY \_\_\_\_\_

WHAT STATE(S) ARE YOU LICENSED IN? \_\_\_\_\_

ADDRESS \_\_\_\_\_

CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_

(AREA CODE) BUSINESS TELEPHONE \_\_\_\_\_ FACSIMILE \_\_\_\_\_

E-MAIL ADDRESS \_\_\_\_\_

SPOUSE OR GUEST (Print as you wish name to appear on the name badge) \_\_\_\_\_

Are you attending your first TIPS ICLC CLE Program?  Yes  No  
 I am a member of the ABA and wish to join the Tort Trial & Insurance Practice Section. I have enclosed a separate check for \$50 made payable to the American Bar Association.

**1. REGISTRATION FEES:**

	<u>On or Before 1/26/2012</u>	<u>After 1/26/2012</u>	<u>QTY</u>	<u>TOTAL</u>
Registration Fee per TIPS Member	\$525	\$550	_____	_____
General Attendee	\$600	\$625	_____	_____
Insurance Company/Government Employee	\$400	\$425	_____	_____
Staff Counsel	\$300	\$300	_____	_____
Law Student	\$200	\$200	_____	_____

**2. SOCIAL EVENTS:**

			<u>QTY</u>	<u>TOTAL</u>
Thursday Opening Reception	Included	Included	_____	_____
Thursday Dinner	\$100	\$100	_____	_____
Friday Tool Box Lunch Session				
Attendee	Included	Included	_____	_____
Spouse/Guest	\$75	\$75	_____	_____
Saturday Tool Box Breakfast Session				
Attendee	Included	Included	_____	_____
Spouse/Guest	\$75	\$75	_____	_____

Saturday Afternoon Activities  
 Are you interested in Golf?  Yes  No (Includes green fees, cart rental, boxed lunch and prizes)

**2. MATERIALS:**

I will not be able to attend the 2012 ICLC Midyear program, but wish to order a copy of the materials \$125 QTY \_\_\_\_\_ TOTAL \_\_\_\_\_

**3. TOTAL PAYMENT**

**TOTAL** \_\_\_\_\_

**4. PAYMENT INFORMATION**

Check (made payable to the ABA)  American Express  MasterCard  VISA

CREDIT CARD NUMBER \_\_\_\_\_ EXPIRATION DATE \_\_\_\_\_

SIGNATURE \_\_\_\_\_

**THREE WAYS TO REGISTER**

- |   |  |  |
|---|--|--|
| <p><b>1. ONLINE:</b><br/>www.americanbar.org/tips</p> | <p><b>2. MAIL:</b><br/>20th Annual ICLE Committee Midyear Program<br/>American Bar Association<br/>321 North Clark Street<br/>18th Floor<br/>Chicago, IL 60654</p> | <p><b>3. FAX:</b><br/>312/988-6230</p> |
|---|--|--|

TORT TRIAL & INSURANCE PRACTICE SECTION  
20<sup>TH</sup> ANNUAL INSURANCE COVERAGE  
LITIGATION COMMITTEE MIDYEAR PROGRAM  
**THROUGH THE SANDS  
OF TIME-THE EVOLVING  
LANDSCAPE OF  
INSURANCE COVERAGE**

**FEBRUARY 16-18, 2012**  
ARIZONA BILTMORE RESORT AND SPA  
PHOENIX, AZ

REGISTRATION DEADLINE:

JANUARY 26, 2012

HOTEL DEADLINE:

JANUARY 26, 2012

REGISTER ONLINE AT

[WWW.AMERICANBAR.ORG/TIPS](http://WWW.AMERICANBAR.ORG/TIPS)

AMERICAN BAR ASSOCIATION  
Tort Trial & Insurance Practice Section  
321 North Clark Street  
Chicago, Illinois 60654

