dri™

DRI delivers resources to build your practice

Insurance Coverage and Claims Institute

- Hear about the latest trends in insurance coverage
- Gain valuable insight into the handling of complex coverage disputes
- Hone skills in preparing coverage letters
- Network with claims professionals and counsel



BUSINESS DEVELOPMENT SKILLS WORKSHOP Essential Business Development Skills for Leading the Firm of the Future See page 3 for details



April 1-3, 2020 Swissôtel Chicago Hotel Chicago, IL

rom dozens of bridges to Marina City and Cloud Gate, Chicago's art and architecture are diverse, mixing

buildings and structures that have made Chicago one of the great cities of the world for sightseeing. Like its host city, the 2020 DRI Insurance Coverage and Claims Institute promises to provide an incredible array of presentations, topics, and networking opportunities, making this program a mandatory event for every insurance law practitioner and claims professional.



Jennifer A. (Jen) Ehman Program Chair



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Roman **Lifson** Law Institute

PRESENTED BY DRI'S Insurance Law Committee

What You Will Learn



- Learn about the insurance industry's approach to the challenges that climate change presents
- Discover the latest trends and explore new issues arising from the ongoing sexual abuse litigation across the country
- Hear from industry insiders about the latest developments in data privacy claims, including issues related to the California Consumer Privacy Act and the GDPR
- Develop knowledge and hear tips to maintain privilege and avoid institutional bad-faith claims and bad-faith setups, as well as much, much more

Members Get More

- Access to LegalPoint Mathematical at dri.org: Committee newsletters, seminar course materials, and other publications.
- Access to the DRI Insurance Law Committee Community: Share articles, post blogs, and connect with others on the latest trends in your area of practice.
- Access to dri circles, where lawyer-to-lawyer connections happen. Search dri circles in your

app store:



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PROGRAM SCHEDULE

Click on any speaker name to view bio.

WEDNESDAY, APRIL 1

12:30 p.m. **Registration**



Wednesday, April 1, 1:00 p.m.-4:00 p.m.

Essential Business Development Skills for Leading the Firm of the Future PRESENTER | Wendy Merrill, StrategyHorse Consulting Group, Baltimore, MD

The practice of law is changing, and successful professionals are those who possess the skills to lead their firms into the future successfully. Leadership skills, business development acumen, time management, a knack for client development, and business savvy are all essential for attorneys who are committed to long-term success. Join Wendy Merrill of StrategyHorse Consulting Group for an innovative and creative approach to helping those on the partnership track surpass both their individual goals and the growth objectives of the firm.

Attendees will leave the session with the following:

- An understanding of their individual value proposition to their firm, clients, colleagues, and community—a precursor to defining one's personal brand (essential for smart business development) and effectively positioning oneself as an esteemed *trusted advisor*;
- Proven techniques on building a sustainable practice, with strategies for how to combat the

risk of AI by becoming the *lawyer of the future*, exchanging the traditional "selling through intimidation-legalese and high fees" approach to bringing in new clients for more relatability and humanity in the practice of law;

NEW!

- The skills necessary to establish oneself as a *rainmaker* by differentiating oneself from competitors;
- The ability to identify, pursue, and secure the most profitable clients/matters for the firm;
- Executive presence and *self-confidence* developed through fun exercises and confidential and engaging group conversations with peers; and
- The ability to apply these new skills to a successfully executed individualized strategic plan for *personal and professional growth*—with measurable results.

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

2:00 p.m. Insurance Law Committee Networking Event | Two Chicago icons sit side by side: the Skydeck Chicago and Giordano's famous stuffed pizza. Join us for a lunch of world-renowned pizza and then see Chicago from the top of North America's second tallest building. You can even step out onto The Ledge, a glass balcony extending four feet outside the 103rd floor of Willis Tower. Please email jdvanvolkenburg@vv-wvlaw.com for details and to reserve your spot.

I focus my practice on coverage work and it was a great opportunity to continue to learn, while networking and meeting outside and in-house counsel.

Δ

WEDNESDAY, APRIL 1 (cont.)

IN-HOUSE COUNSEL AND CLAIMS PROFESSIONALS ONLY

2:00 p.m. Welcome and Introductions Jennifer A. Ehman, Hurwitz & Fine PC, Buffalo, NY

> Jessica L. Foscolo, Merchants Insurance Group, Buffalo, NY

2:10 p.m. Proactive Approaches to Avoiding Unnecessary Litigation

Litigation can often be protracted and expensive. This presentation will discuss efforts carriers can take to be proactive with the goal of resolving matters pre-litigation or setting up the claim prior to litigation commencing. This includes effective issuance of tender letters, retention of experts, early settlement negotiations, and the use of early mediation.

Maria D. Jensen, American Family Mutual Insurance Company, Oakbrook Terrance, IL

Alexis M. Farley, State Farm Insurance, Tempe, AZ

3:00 p.m. Primary and Umbrella/Excess Carriers: Tensions and Triumphs

When primary and excess carriers work together, they can often achieve better claim outcomes. This program will explore how carriers can work together, what duties they owe to each other, and when or if those duties may shift. It will also address when limits should be tendered, the effect of tendering limits, how different jurisdictions treat tenders in the context of the duty to defend, pre/post judgment interest issues, and dealing with disputes over coverage positions.

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

John M. Foley, Markel Service, Deerfield, IL

4:00 p.m. Adjourn

5:30 p.m. Women's Networking Reception

6:00 p.m. Networking Reception sponsored by Skarzynski Marick & Black LLP

7:30 p.m. **Women's Networking Dinner** | Please contact Suzanne Whitehead at **swhitehead@ skarzynski.com** for more information on how to sign up or for any questions.

THURSDAY, APRIL 2

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SPONSORED BY Lowe Stein Hoffman Allweiss & Hauver LLP

- 7:00 a.m. Registration
- 7:00 a.m. Continental Breakfast SPONSORED BY Jeff Kichaven Commercial Mediation von Briesen & Roper sc
- 8:00 a.m. Welcome and Introductions Jennifer A. Ehman, Hurwitz & Fine PC, Buffalo, NY

Jeffrey D. (Jeff) Van Volkenburg, Varner & Van Volkenburg PLLC, Clarksburg, WV

8:10 a.m. Emerging Additional Insured Issues

This session will provide an overview of judicial trends in interpretation and application of the 2004 revisions to the ISO-form additional insured endorsements, which shifted the threshold causation requirement from "arising out of" to "caused, in whole or in part, by." The session will address other emerging issues relative to the scope of additional insured coverage in light of the revised language, including the interplay with contractual indemnity and state anti-indemnity statutes, and whether conflicts of interest exist requiring independent counsel.

Charles A. Hafner, *Nicolaides Fink Thorpe Michaelides Sullivan LLP*, Chicago, IL

9:00 a.m. Bridge Building: How to Establish Better Relationships Between Carrier and Counsel

> Listen to a moderated discussion with two panelists who will talk about the evolution of their relationship and how they have forged a partnership between in-house and outside counsel.

Understand what insurers consider when evaluating their outside counsel and what steps in-house professionals can take to ensure that their counsel can effectively litigate cases.

MODERATOR | **Rick L. Hammond**, *HeplerBroom LLC*, Chicago, IL

Seth K. Kleinman, AmeriTrust Group Inc., Westerville, OH

Lauren S. Curtis, Traub Lieberman Straus & Shrewsberry LLP, Saint Petersburg, FL

9:50 a.m. Refreshment Break SPONSORED BY Dykema Gossett PLLC

10:10 a.m. Handling a Squall: Navigating Triggers of Coverage in Property Damage Claims

Determining which insurance policy applies is not always straightforward. This presentation will explore different trigger theories along with allocation issues related to property damage claims, including those involving construction defect and environmental claims.

Ricardo A. Woods, Burr Forman LLP, Mobile, AL

11:00 a.m. The Times They Are A-Changin': Effect of Changes to the Statutes of Limitations on Sexual Abuse Claims

Insurers are seeing a flood of new sexual abuse claims caused by the elimination or modification of the statute of limitations in many states for these types of claims. This presentation will discuss how insurers are responding to the issues presented by these claims, which often trigger multiple policies and raise questions of timely notice. It will also explore the various coverage issues that arise from these types of claims, including aggregation, allocation, and the fortuity doctrine, as well as issues related to replicating lost policies and the applicability of certain exclusions.

Robert W. DiUbaldo, *Carlton Fields PA*, New York, NY

Erik A. Sikorski, CPCU, AIC, Catalina U.S. Insurance Services LLC, San Diego, CA

11:50 a.m. Lunch (on your own)

1:10 p.m. Choppy Waters: Managing Complex Business Interruption and Extra-Expense Claims

This presentation will explore complex business interruption and extra-expense claims. It will cover strategies on what to ask and when to ask for it, where documentation is likely located, and why certain information is necessary for effective loss adjustment. The program will also look at ways to detect fraudulent business interruption claims and how to spot and combat exaggerated extra-expense claims.

Steven E. Peiper, Hurwitz & Fine PC, Buffalo, NY

Reinhard Krestel, Matson Driscoll & Damico LLP Forensic Accountants, Downers Grove, IL

2:00 p.m. What Do I Do? Ethical Dilemmas Created by the Tripartite Relationship

Explore real-life scenarios faced by defense counsel, coverage counsel, and monitoring counsel, including ethical dilemmas created by the tripartite relationship and issues related to the sharing of information and providing of advice.

Todd M. Rowe, Tressler LLP, Chicago, IL

3:00 p.m. Refreshment Break SPONSORED BY Hurwitz & Fine PC

I attend the ICCI almost every year and it is one of the most relevant seminars DRI does for my specific practice areas.

3:20 p.m. Climate Change and Insurance Coverage

Climate change has been blamed for the increase in frequency and severity of natural disasters such as hurricanes, floods, and fires. This presentation will discuss how the insurance industry has addressed the increased risk of extreme weather; the role of modeling; and what the industry expects in the future, including changes in underwriting practices and claim response.

Lawrence D. (Larry) Mason, Goldberg Segalla LLP, Chicago, IL

Steve Bowen, Aon Corporation, Chicago, IL

4:10 p.m. The Changing Landscape: Coverage Issues Arising from Data Privacy Claims

> This presentation will examine cyber, professional, and D&O coverage implications for data privacy claims that seek to enforce state privacy regulations (including the California Consumer Privacy Act), the GDPR, and Canadian privacy legislation.

Elizabeth F. Lorell, Gordon Rees Scully Mansukhani LLP, Florham Park, NJ

Heather A. Sanderson, Sanderson Law, Calgary, AB

- 5:00 p.m. Adjourn
- 5:05 p.m. **Insurance Law Committee Meeting** (open to all)
- 6:00 p.m. Networking Reception sponsored by Skarzynski Marick & Black LLP

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

Denotes expert

7:30 p.m. **Dine-Arounds** | Join colleagues and friends at selected restaurants for dinner (*on your own*). More details to be provided electronically.

Community Service Project: The Mission of Our Lady of the Angels

The DRI Insurance Law Committee is supporting the Mission of Our Lady of the Carés Angels, which serves the poor in West Hum-**#DRICares** boldt Park, a Chicago neighborhood with a 42 percent unemployment rate, a 67 percent high school dropout rate, and one of the highest juvenile arrest rates in the city. The Mission has food pantries that serve 1,000 families per month, afterschool programs for hundreds of at-risk youth, a community dinner program that serves 150 people bi-weekly, and a senior citizens program that provides a safe environment for exercise, community time, and lunch. Additionally, the Mission hosts various community events such as block parties and Christmas parties. Please consider making a monetary donation at this year's institute, and for more information, check out https:// www.missionola.com/getInvolved_Donate.html.

FRIDAY, APRIL 3

Wireless Access

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DRI for Life Run

7:00 a.m. | To sign up or for more information contact Albert Alikin at **aalikin@goldbergsegalla.com**.

7:30 a.m.	Registration
7:30 a.m.	Continental Breakfast SPONSORED BY Nicolaides Fink Thorpe Michaelides Sullivan LLP
8:30 a.m.	Breakout Sessions (see page 6)

12:30 p.m. **Adjourn**

⁶⁶ It is one of the few CLE courses I can go to each year on this topic, it is always well done, and I get to know a lot of great people.³³

	FUNDAMENTALS OF INSURANCE LAW	EXTRA-CONTRACTUAL/BAD FAITH CLAIMS				
8:30 a.m.	The Home Opener: Preparing an Enforceable Coverage Letter	Giving up the Grand Slam: Avoiding Institutional Bad Faith				
	This presentation will address best practices for pre- paring a disclaimer and reservation of rights let- ter, what must be included, and potential pitfalls to ensure that the letter will hold up in court.	As more states enact bad-faith statutes, hear what steps insurers can take to avoid potential claims for institutional bad faith and defend against arguments of systemic wrongdoing.				
	Michael B. Chester, Skarzynski Marick & Black LLP, New York, NY	Demetrius E. Rush, Zurich North America, Schaumburg, IL				
9:15 a.m.	Perfect Timing: When Is the Duty	Protecting Against Overly Broad Discovery				
	to Defend Triggered? The duty to defend is broad, but not without limits. This presentation will explore when the duty is trig- gered, and what obligations insurers have when pre- sented with poorly drafted complaints, covered and uncovered claims, and governmental proceedings.	Discovery in bad-faith claims can be far-reaching. Listen to a presentation addressing how to protect against discovery directed toward information that is not relevant or germane to the claim. Samrah Mahmoud , <i>Troutman Sanders LLP</i> , Irvine, CA				
	Andrea L. Kmak, Spyratos Davis LLC, Lisle, IL					
10:00 a.m.	Covering First Base: Protecting Privilege	The Bad-Faith Setup				
	This presentation will discuss privilege in the con- text of insurance coverage claims and how to protect privileged information and documents from production.	This presentation will focus on identifying and pro- tecting carriers against bad faith setups and how to handle common setups, such as time-limited demands and consent judgments.				
	Christopher M. Jacobs , <i>Houston Harbaugh PC</i> , Pittsburgh, PA	Kathleen J. (Kathy) Maus, Butler Weihmuller Katz Craig LLP, Tallahassee, FL				
		Beth Zaro Green , W.R. Berkley Corporation, Greenwich, CT				
10:45 a.m.	Refreshment Break					
11:00 a.m.	Defending a Claims Professional's Deposition: Tips and Strategies	Hit the Curve Ball: Nontraditional Theories for Obtaining Extra-Contractual Damages				
	Hear tips and strategies for defending a claims pro- fessional's deposition, including identifying the appropriate person to be deposed, the use of docu- ments in witness preparation, and how to manage a difficult witness.	Policyholder lawyers are becoming more aggressive in efforts to recover in excess of policy limits, even where there is no coverage. This presentation will explore new and emerging theories of recovery and how to defend against those theories.				
	Jeanette L. Dixon, <i>Manning & Kass Ellrod</i> , New York, NY	Matthew M. Haar, <i>Saul Ewing Arnstein & Lehr LLP</i> , Harrisburg, PA				
		Toni L. Frain, Liberty Mutual Group, Boston, MA				
11:45 a.m.	ADR: How to Swing It to Your Advantage	Preparing a 30(b)(6) Witness				
	As the number of cases going to trial decreases, alternative dispute resolution is on the rise. This pre- sentation will discuss how to identify when ADR is appropriate, understand when to mediate a cover- age case, and explore other options for resolution. Harold J. Adkins, Hammonds Sills Adkins & Guice LLP,	The 30(b)(6) deposition can be a powerful tool for policyholders. This presentation will discuss defending a 30(b)(6) witness in a bad-faith deposition and provide strategies for limiting areas of inquiry concerning extraneous issues, such as other claims or suits.				
	Baton Rouge, LA	Susan R. Snowden, Jackson Kelly PLLC,				

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 **12.25** 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 March 3, 2020. (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 10**, **2020** (*please allow 10 days for processing*). Registrations received after **March 10**, **2020**, will be processed on-site.

Refund Policy

The registration fee is fully refundable for cancellations received on or before **March 10, 2020**. Cancellations received after **March 10** and on or before **March 17, 2020**, will receive a refund, less a \$100 processing fee. Cancellations made after **March 17** 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 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 March
3, 2020. After March 3, 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 Seminar** 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

A limited number of discounted hotel rooms have been made available at **Swissôtel Chicago, 323 E. Wacker Drive, Chicago, IL 60601** (**click here** to view hotel photos).

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

- Reserve online: Click here or visit 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 312.565.0565 and mention the DRI Insurance Coverage and Claims Institute.

The hotel block is limited and rooms and rates are available on a firstcome, first-served basis. You must make reservations by **March 3, 2020**, to be eligible for the group rate. Requests for reservations made after **March 3** are subject to room and rate availability.

FACULTY Click on any name to view bio.

Harold J. Adkins, Hammonds Sills Adkins & Guice LLP, Baton Rouge, LA

Steve Bowen, Aon Corporation, Chicago, IL

Michael B. Chester, Skarzynski Marick & Black LLP, New York, NY

Lauren S. Curtis, Traub Lieberman Straus & Shrewsberry LLP, Saint Petersburg, FL

Robert W. DiUbaldo, Carlton Fields PA, New York, NY

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Rick L. Hammond, HeplerBroom LLC, Chicago, IL

Christopher M. Jacobs, Houston Harbaugh PC, Pittsburgh, PA

Maria D. Jensen, American Family Mutual Insurance Company, Oakbrook Terrace, IL Seth K. Kleinman, AmeriTrust Group Inc., Westerville, OH

Andrea L. Kmak, Spyratos Davis LLC, Lisle, IL

Reinhard Krestel, Matson Driscoll & Damico LLP Forensic Accountants, Downers Grove, IL

Roman Lifson, Christian & Barton LLP, Richmond, VA

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Heather A. Sanderson, Sanderson Law, Calgary, AB

Erik A. Sikorski, CPCU, AIC, Catalina U.S. Insurance Services LLC, San Diego, CA

Susan R. Snowden, Jackson Kelly PLLC, Martinsburg, WV

Jeffrey D. (Jeff) Van Volkenburg, Varner & Van Volkenburg PLLC, Clarksburg, WV

Ricardo A. Woods, Burr Forman LLP, Mobile, AL

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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, if a variance a diverse membership provides.

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.

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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 - Insurance Bad Faith: A Compendium of State Law

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Insurance Coverage and Claims Institute | April 1–3, 2020

CLE for Your Practice

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March 18–20 Litigation Skills Paris Las Vegas, Las Vegas, NV

April 1–3 **Construction Law** *Hyatt Regency Chicago*, Chicago, IL

April 29–May 1 Life, Health, Disability and ERISA Sheraton New Orleans, New Orleans, LA

April 30–May 1 **Trucking Law** *JW Marriott Austin,* Austin, TX

May 6 **Cannabis Law** *Boston Marriott Copley*, Boston, MA May 7–8 Retail and Hospitality Litigation Walt Disney World Dolphin and Swan Resort, Orlando, FL

May 14–15 Business Litigation Super Conference Minneapolis Marriott City Center, Minneapolis, MN

June 11–12 **Diversity for Success** *Westin Michigan Avenue*, Chicago, IL

June 25–26

Young Lawyers InterContinental Buckhead, Atlanta, GA

December 3–4 Insurance Coverage and Practice Symposium Sheraton New York, New York, NY

December 3–4 **Professional Liability** *Sheraton New York*, New York, NY

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Insurance Coverage and Claims Institute

April 1-3, 2020 Swissôtel Chicago Hotel | Chicago, IL

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REGISTRATION FEE

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	After							
	Mar. 3, 2020	Mar. 3, 2020	Nonmembers:						
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