



Life, Health, Disability and ERISA



The latest trends and developments in the life, health, disability and ERISA industry you need to know

Breakout sessions featuring tracks in ERISA, Non-ERISA, and Health, which allow you to tailor the program to fit your practice

A full spectrum of substantive presentations, including ethics, featuring the leading experts in the industry

Unparalleled (and new!) networking and business development opportunities with prominent in-house and outside counsel

April 26-28, 2017
Swissôtel Chicago
Chicago, Illinois

DRI
delivers
resources
to build
your practice ■



DRI's Life, Health, Disability and ERISA Seminar is returning to the world-class city of Chicago. This seminar is the can't-miss program for practitioners in the life, health, and disability industry across the country, and is well-recognized for its unmatched education and networking opportunities for in-house and outside counsel alike. Spanning three days, the seminar leads off on Wednesday with nine separate breakout sessions covering three tracks: ERISA, Non-ERISA, and Health—allowing you to focus specifically on the area that best fits your practice. Thursday and Friday offer a broad range of plenary presentations covering the hottest topics in the life, health, and disability industry, including the always popular life insurance, individual disability, and accidental death and dismemberment updates, and Mark Schmidtke's riveting ERISA presentation. Not only does the seminar offer first-rate educational programming, it features an abundance of networking opportunities where you can easily expand your national contacts in the industry with both in-house counsel and outside counsel. It's also a great chance to get more involved in DRI's Life, Health and Disability Committee. The 2017 seminar has something for everyone, so don't procrastinate. Register now to join old friends and make new ones while learning the latest at the premiere industry event. You'll be glad you did.



Scott M. Trager
Program Chair



D. Larry Kristinik III
Program Vice Chair



Leonor (Leo) M. Lagomasino
Committee Chair



Byrne J. Decker
Committee Vice Chair



Linda M. Lawson
Law Institute



See what others have to say about DRI seminars

PRESENTED BY **DRI's Life, Health and Disability Committee**

THIS SEMINAR BROCHURE IS SPONSORED BY **CARLTON FIELDS**








What You Will Learn

- How the new federal rules affect the always turbulent ERISA discovery process
- The latest regulatory and compliance issues in health insurance
- How to persuade a skeptical jury to find in favor of your insurance company client
- Developments in behavioral health claims and mental health parity
- How the U.S. Department of Labor has changed the ERISA claim regulations and fiduciary rules
- How to navigate safely through a rescission action
- Updates on life insurance, individual disability, and accidental death and dismemberment claims litigation
- And much more!




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 Life, Health and Disability 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

Click on any speaker name to view bio.

WEDNESDAY, APRIL 26

8:00 a.m. **DRI for Life Run/Walk-Around** | Arriving to the seminar early and want some exercise? Gather in the hotel lobby for a scenic and energizing run/walk around town and get a head start to building your contacts in the life, health, and disability area.

12:00 p.m. **Registration**

2:00 p.m. **Breakout Sessions** (see below)

5:30 p.m. **Young Lawyers, In-House Counsel and Boot Camp Alum Get-Together**

This get-together immediately precedes the Networking Reception and is exclusively for first-time attendees, boot camp alumni (Classes of 2011, 2013 and 2015), and those who qualify as DRI young lawyers to meet and network with in-house counsel within the life, health, and disability field in a more intimate setting. (Gather at the hotel lobby bar.)

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

SPONSORED BY **Nelson Mullins Riley & Scarborough LLP**
Smith Moore Leatherwood LLP

7:30 p.m. **Women's Dinner** | Meet and dine with fellow prominent women professionals in the industry at this incredibly popular event. Sign up on-site. Limited availability.

THURSDAY, APRIL 27

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BREAKOUT SESSIONS Wednesday, 2:00 p.m.–5:00 p.m.

	■ ERISA TRACK	■ NON-ERISA TRACK	■ HEALTH TRACK
2:00 p.m.	ERISA Litigation Tactics and Best Practices: The Strategy of Litigating the ERISA Claim Wm. Jere Tolton III , <i>Ogden & Sullivan PA</i> , Tampa, FL	Avoiding the Traps of Interpleader Jaeleen J. Johnson , <i>Semmes Bowen & Semmes PC</i> , Baltimore, MD	Physicians v. Health Plans Michael H. Bernstein , <i>Sedgwick LLP</i> , New York, NY  Lisa H. Cain , <i>Humana Inc.</i> , Louisville, KY
3:00 p.m.	The New DOL Rules on Claims Procedures and Fiduciaries Joshua Bachrach , <i>Wilson Elser Moskowitz Edelman & Dicker LLP</i> , Philadelphia, PA	Latest Trends, Techniques, and Case Law on Surveillance in Disability Insurance Litigation Stephen F. Cassell , <i>Command Investigations LLC</i> , Lake Mary, FL Michael W. Thrall , <i>Nyemaster Goode PC</i> , Des Moines, IA	Individual Health Insurance Lawsuits and Bad Faith John E. Meagher , <i>Shutts & Bowen LLP</i> , Miami, FL
3:55 p.m.	Break SPONSORED BY Wilson Elser Moskowitz Edelman & Dicker LLP		
4:10 p.m.	ERISA Litigation Update: Proportionality in Conflict Discovery After the 2015 FRCP Amendments Paul A. Wilhelm , <i>Clark Hill PLC</i> , Detroit, MI	Blurred Lines: The Convergence of Mental/Physical Disability, Partial/Total Disability, and Legal/Factual Disability Keiko J. Kojima , <i>Burke Williams & Sorensen LLP</i> , Los Angeles, CA	Regulatory and Compliance Issues with All-Payer Claims Databases Post-Gobeille  Bernadette M. Inskeep , <i>UnitedHealthcare</i> , Minneapolis, MN

- 6:30 a.m. **DRI for Life Run/Walk-Around** | Early riser? Gather in the hotel lobby for a scenic and energizing run/walk with fellow life, health, and disability practitioners.
- 7:30 a.m. **Registration**
- 7:30 a.m. **Continental Breakfast**
SPONSORED BY **Burr & Forman LLP**
Chittenden Murday & Novotny LLC
- 7:30 a.m. **In-House/Corporate Counsel Breakfast**
(exclusively for in-house/corporate counsel)
- 8:30 a.m. **Welcome and Introduction**
Linda M. Lawson, *Meserve Mumper & Hughes LLP*, Los Angeles, CA
Scott M. Trager, *Funk & Bolton PA*, Baltimore, MD
- 8:40 a.m. **Life Insurance Update**
This presentation will review the most notable life insurance decisions over the past year, including a review and update of annuity litigation, STOLI, and cost of insurance/class action litigation.
Moheeb H. Murray, *Bush Seyferth & Paige PLLC*, Troy, MI
- 9:30 a.m. **Advanced Issues in Rescission Litigation**
This presentation will address the tricky issues that can cause good rescissions to go bad. Learn what constitutes evidence of intent to deceive, how to avoid imputed knowledge of agents, arguments in favor of retaining premiums, and when rescission arises in ERISA-governed plans.
D. Larry Kristinik III, *Nelson Mullins Riley & Scarborough LLP*, Columbia, SC
- 10:15 a.m. **Refreshment Break**
SPONSORED BY **Hall & Evans LLC**
Nilan Johnson Lewis PA
- 10:30 a.m. **Bad Faith/Extracontractual Liability and Punitive Damages**
This presentation will provide strategies and tips not only to defend bad faith claims, including the extra-contractual and punitive damages sought therein, but also to avoid these claims in the first place.
J.S. (Chris) Christie, Jr., *Bradley Arant Boult Cummings LLP*, Birmingham, AL
- 11:15 a.m. **Behavioral Health Claims and Mental Health Parity**
In the wake of the Mental Health Parity and Addiction Equity Act, the push to make mental health treatment equal to treatment for other health issues has been a major adjustment for health plans. This session will discuss cases seeking to enforce patients' rights under the act, as well as the effect of the ACA.
Alan Tawshunsky, *Tawshunsky Law Firm PLLC*, Washington, DC
- 12:00 p.m. **Lunch (on your own)**
- 12:00 p.m. **Diversity and Inclusion Luncheon**
The luncheon will feature a guest speaker. Those interested in attending must reply to an invitation from the sponsor, which will be sent upon registration.
HOSTED BY **Baker Donelson Bearman Caldwell & Berkowitz PC**
- 1:25 p.m. **Introduction to the Pro Bono Network**
The Pro Bono Network (PBN) mobilizes attorneys to provide pro bono representation by bringing training and representation opportunities to the places and at the times most convenient to them. The organization has grown to over 200 attorneys who have served over 1,000 low-income clients. PBN has received recognition in various publications and has been honored by numerous legal aid agencies for its contributions.
Donna Alberts Peel, *Kirkland & Ellis LLP*, Chicago, IL
- 1:30 p.m. **Humanizing the Insurance Company**
Learn how to present the insurance company in the best light possible during discovery, mediation, and trial, including thinking through jury selection and how to persuade a skeptical jury to find in favor of the insurance company.
Dan Jacks, PhD, *EDGE Litigation Consulting LLC*, Kingwood, TX
Cristin J. Mack, *Hall & Evans LLC*, Denver, CO
- 2:20 p.m. **Schmidtke on ERISA**
Mr. Schmidtke, a leading authority on ERISA, will discuss the latest in cutting-edge ERISA issues, including Supreme Court developments and timely issues affecting life, health, and disability insurance providers and their counsel.
Mark E. Schmidtke, *Ogletree Deakins Nash Smoak & Stewart PC*, Valparaiso, IN

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

- 3:10 p.m. **Refreshment Break**
SPONSORED BY **Rumberger Kirk & Caldwell Sands Anderson PC**
- 3:25 p.m. **Accidental Death & Dismemberment Update**
The return of an old favorite. Experienced outside and in-house counsel will bring you up-to-date on the latest AD&D cases.
➤ Gary Schuman, *Combined Insurance Company of America*, Chicago, IL
E. Ford Stephens, *Christian & Barton LLP*, Richmond, VA
- 4:25 p.m. **Review of Recent United States Supreme Court ERISA Cases and Looking to the Future**
A leading Supreme Court litigator will offer her take on *Conkright*, *LaRue*, *McCutcheon*, *Heimeshoff*, *Montanile*, etc., and discuss what the Supreme Court has in store for ERISA in the future.
Catherine M.A. Carroll, *Wilmer Cutler Pickering Hale and Dorr LLP*, Washington, DC
- 5:10 p.m. **Life, Health and Disability Committee Business Meeting** (*open to all*)
- 6:00 p.m. **Networking Reception**
SPONSORED BY **Wilson Elser Moskowitz Edelman & Dicker LLP**
- 7:00 p.m. **Dine-Arounds** | Join colleagues and friends at selected restaurants for dinner. Sign up on-site.
- 9:30 p.m. **Young Lawyers After-Dinner Reception**
Everyone invited. More details on-site.

FRIDAY, APRIL 28

- Wi-Fi Access**
SPONSORED BY **Lathrop & Gage LLP**
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- Charging Station**
SPONSORED BY **Ogletree Deakins Nash Smoak & Stewart PC**
- 6:30 a.m. **DRI for Life Run/Walk-Around** | Early riser? Gather in the hotel lobby for a scenic and energizing run/walk with fellow life, health, and disability practitioners.

- 7:30 a.m. **Registration**
- 7:30 a.m. **Continental Breakfast**
SPONSORED BY **Bradley Arant Boult Cummings LLP**
- 8:30 a.m. **Announcements**
D. Larry Kristinik III, *Nelson Mullins Riley & Scarborough LLP*, Columbia, SC
- 8:35 a.m. **A View from the Inside Looking Out**
An esteemed panel of in-house counsel will discuss the latest trends and challenges facing life, health, and disability carriers, including what they look for and expect from their outside counsel.
MODERATOR | **Patrick W. Begos**, *Robinson & Cole LLP*, Stamford, CT
PANEL
➤ Ann M. Courtney, *Unum Group*, Portland, ME
➤ C. Claibourne (Clay) Greene, *Northwestern Mutual Life Insurance Co.*, Milwaukee, WI
➤ Eric B. Myers, *AIG*, Houston, TX
- 9:20 a.m. **Issues in Health Information Security and Privacy Issues with Medical Records**
This presentation will discuss HIPAA privacy issues, business association agreements and compliance issues, and trends relating to privacy.
Schaun D. Henry, *McNees Wallace & Nurick LLC*, Harrisburg, PA
- 10:05 a.m. **Refreshment Break**
SPONSORED BY **Bodman PLC Womble Carlyle Sandridge & Rice LLP**
- 10:20 a.m. **Individual Disability Claim Litigation Update**
Learn about the most significant state and federal court decisions relating to individual (non-ERISA) disability claims, including the most notable defense trends and challenges.
Elizabeth G. Doolin, *Chittenden Murday & Novotny LLC*, Chicago, IL
- 11:10 a.m. **Ethics: Test Your Knowledge**
This entertaining and interactive ethics session will test your knowledge on a variety of different ethics-related scenarios facing both outside and in-house counsel in life, health, and disability cases.
➤ Douglas R. Richmond, *Aon Risk Solutions*, Overland Park, KS
- 12:10 p.m. **Adjourn**

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 **12.5** 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 for the latest information for your state.



A limited number of discounted hotel rooms have been made available at the **Swissôtel Chicago, 323 East Wacker Drive, Chicago, IL 60603** ([click here](#) to view hotel photos).

Take advantage of the group rate of **\$279 Single/Double** in one of two ways:

- 1) Reserve online: [Click here](#) or visit dri.org and go to the **DRI Life, Health, Disability and ERISA Seminar page** and click on the "Book Hotel" tab.
- 2) Or **contact the hotel directly at 312.565.0565** and mention the **DRI Life, Health, Disability and ERISA Seminar**.

The hotel block is limited and rooms and rates are available on a first-come, first-served basis. You must make reservations by **March 27, 2017**, to be eligible for the group rate. Requests for reservations made after **March 27** are subject to room and rate availability.

Registration Policy

Save \$100 when you register by March 27, 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 **April 3, 2017** (*please allow 10 days for processing*). Registrations received after **April 3, 2017**, will be processed on-site.

Refund Policy

The registration fee is fully refundable for cancellations received on or before **April 3, 2017**. Cancellations received after **April 3** and on or before **April 10, 2017**, will receive a refund, less a \$100 processing fee. Cancellations made after **April 10** 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 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 27, 2017**. After **March 27**, 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 Life, Health, Disability and ERISA 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

FACULTY *Click on any name to view bio.*

Joshua Bachrach, Wilson Elser Moskowitz Edelman & Dicker LLP, Philadelphia, PA

Patrick W. Begos, Robinson & Cole LLP, Stamford, CT

Michael H. Bernstein, Sedgwick LLP, New York, NY

➤ **Lisa H. Cain**, Humana Inc., Louisville, KY

Catherine M.A. Carroll, Wilmer Cutler Pickering Hale and Dorr LLP, Washington, DC

Stephen F. Cassell, Command Investigations LLC, Lake Mary, FL

J.S. (Chris) Christie, Jr., Bradley Arant Boult Cummings LLP, Birmingham, AL

➤ **Ann M. Courtney**, Unum Group, Portland, ME

Byrne J. Decker, Pierce Atwood LLP, Portland, ME

Elizabeth G. Doolin, Chittenden Murday & Novotny LLC, Chicago, Illinois

➤ **C. Claibourne (Clay) Greene**, Northwestern Mutual Life Insurance Co., Milwaukee, WI

Schaun D. Henry, McNeese Wallace & Nurick LLC, Harrisburg, PA

➤ **Bernadette M. Inskip**, UnitedHealthcare, Minneapolis, MN

Dan Jacks, PhD, EDGE Litigation Consulting LLC, Kingwood, TX

Jeaneen J. Johnson, Semmes Bowen & Semmes PC, Baltimore, MD

Keiko J. Kojima, Burke Williams & Sorensen LLP, Los Angeles, CA

D. Larry Kristinik III, Nelson Mullins Riley & Scarborough LLP, Columbia, SC

Leonor (Leo) M. Lagomasino, Hinshaw & Culbertson LLP, Coral Gables, FL

Linda M. Lawson, Meserve Mumper & Hughes LLP, Los Angeles, CA

Cristin J. Mack, Hall & Evans LLC, Denver, CO

John E. Meagher, Shutts & Bowen LLP, Miami, FL

Moheeb H. Murray, Bush Seyferth & Paige PLLC, Troy, MI

➤ **Eric B. Myers**, AIG, Houston, TX

Donna Alberts Peel, Kirkland & Ellis LLP, Chicago, IL

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

Mark E. Schmidtke, Ogletree Deakins Nash Smoak & Stewart PC, Valparaiso, IN

➤ **Gary Schuman**, Combined Insurance Company of America, Chicago, IL

E. Ford Stephens, Christian & Barton LLP, Richmond, VA

Alan Tawshunsky, Tawshunsky Law Firm PLLC, Washington, DC

Michael W. Thrall, Nyemaster Goode PC, Des Moines, IA

Wm. Jere Tolton III, Ogden & Sullivan PA, Tampa, FL

Scott M. Trager, Funk & Bolton PA, Baltimore, MD

Paul A. Wilhelm, Clark Hill PLC, Detroit, MI

View faculty bios on the Life, Health, Disability and ERISA Seminar webpage; click on "View speakers" button.

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February 1–3
Women in the Law
*Omni Scottsdale Resort
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Trial Tactics
*The Venetian Palazzo Resort,
Las Vegas, NV*

April 5–7
**Insurance Coverage and
Claims Institute**
Loews Chicago, Chicago, IL

May 4–5
**Retail and Hospitality Litigation
and Claims Management**
Loews Chicago, Chicago, IL

May 17–19
Employment and Labor Law
Hilton Nashville, Nashville, TN

May 31–June 2
**Insurance Bad Faith and
Extra-Contractual Liability**
Hyatt Regency Boston, Boston, MA

June 15–16
Diversity for Success
Swissôtel Chicago, Chicago, IL

June 22–23
Young Lawyers
*The Westin Austin Downtown,
Austin, TX*

Publications for Your Practice

Members can access committee newsletters and seminar course materials via **DRI Online** at **dri.org**.

Newsletters *Life, Health and Disability News* (4 times a year)
ERISA Report (3 times a year)

Visit the **Life, Health and Disability Committee page** on **dri.org** for information about the committee and related resources.

Life, Health and Disability focus in *For The Defense*
August 2017 (upcoming)
August 2016
December 2015

Defense Library Series
The Law of Life Insurance Claims Compendium (coming in 2017)



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.

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DRI wishes to thank our sponsors for their support at this year's seminar!

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

How many attorneys are in your firm? _____ What is your primary area of practice? _____

REGISTRATION FEE

Registration fee includes seminar attendance, networking events, 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.

	On or before Mar. 27, 2017	After Mar. 27, 2017	
<input type="checkbox"/> Member	\$875	\$975	<i>For inclusion on the preregistration list and to receive course materials in advance, register by April 3, 2017.</i>
<input type="checkbox"/> Nonmember	\$1,110	\$1,210	
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<input type="checkbox"/> In-House Counsel Member*	FREE		
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<input type="checkbox"/> Group Discount*	\$775	\$875 (*as defined on page 5)	

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