



# Northeast Regional Claims Conference

Distinguished faculty, including legal authorities and leading industry professionals

Practical insight on handling complex insurance coverage claims

Presentations on technology-related risks and legal issues arising under those policies

Interactive, moderated table discussions during onsite luncheon, discussing timely topics and conventional concerns

November 2, 2017

Hilton Hartford

Hartford, CT

DRI delivers **resources** to build your practice ■

## **T**his seminar is a one-day program designed for insurance

executives, claims professionals, and outside counsel in the Northeast who specialize in insurance coverage and casualty claims. The program is intended to provide insightful education and training on some of the most important claims issues facing the insurance industry today. Be part of the interactive networking luncheon organized by DRI, which has moderated table discussions on a variety of topics ranging from claims-handling dilemmas to emerging issues, that you want to learn more about. This is a CE- and CLE-accredited program.



**Joanna M. Roberto**  
Program Chair



**Matthew S. Foy**  
Committee Chair



**Charles W. (Chuck) Browning**  
Program Vice Chair



**F. Lane Finch, Jr.**  
Committee Vice Chair



**Lee Craig**  
Law Institute




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



## What You Will Learn


- Reservation of rights letters, including avoiding coverage by estoppel and unintended results in the wake of *Harleysville*
- Emerging risks: Understanding coverage for unconventional cybercams and breach of privacy claims
- Problems and pitfalls with the ever-evolving faulty construction claim
- Guarding privileged communications against challenges seeking disclosure

## 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 Share on social media   

## Maximize Your DRI Seminar Experience

*No one gets you connected like DRI.*

- 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

*Click on any speaker name to view bio.*

## THURSDAY, NOVEMBER 2

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

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

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

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

**Joanna M. Roberto**, *Goldberg Segalla LLP*, Garden City, NY

8:10 a.m. **Bad Faith: Defusing the Fuse**

This program discusses ways in which an insurer can manage a claim while anticipating the institution of a bad faith claim. The discussion will explore situations that may lead to a bad faith claim, such as the failure to initiate settlement discussions, and also how to engage in the preventive administration of claim files and litigation management from beginning to end. In addition to practical approaches, the discussion will also address the critiques and comments to the ALI's Restatement of Liability Insurance Project, focusing on areas related to bad faith and settlement duties.


**Peter Kochenburger**, *University of Connecticut School of Law*,  
Hartford, CT

**Kathleen J. (Kathy) Maus**, *Butler Weihmuller Katz Craig LLP*,  
Tallahassee, FL

9:10 a.m. **Social Engineering Fraud: Masters of the Mind**

Phishing and whaling and other forms of social engineering fraud are made possible by the transformation of typical workplace communications, from face-to-face conversations and phone calls to emails. Given the increasing frequency of these cybercams and the difficulty in detecting them before it's too late, responsive insurance products have become a hot-button issue. This presentation will discuss the available coverages for fraudulent fund transfers under crime and fidelity, E&O, and cyberinsurance policies, and more.


**Jonathan L. Schwartz**, *Goldberg Segalla LLP*, Chicago, IL

 **Richard (Rich) Savage**, *The Hartford Steam Boiler Inspection and Insurance Co.*, Wayne, PA

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

10:25 a.m. **The Intended and Unintended Consequences of a Reservation of Rights**

The failure to issue a coverage position letter properly can be detrimental to the existence of a claim. Being familiar with state require-

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


ments and nuances, including time restrictions, mandatory content inclusion, and policyholder consent, is an area of consideration for insurers, as is conduct by an insurer or its retained counsel, that can amount to waiver or estoppel. This presentation assesses the often fatal implications of breaching the duty to defend. Some implications include exploring the boundaries of independent counsel and determining whether and when an insurer can and should terminate its duty to defend.

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

11:15 a.m.

**How to Respond to Misrepresentation:  
Reform, Rescind, or Neither**

Distinguishing between innocent and material misrepresentations is critical to analyzing whether the equitable remedy of rescission is warranted. It is equally important, however, to explore the effect on additional insureds who challenge the position, as well as state requirements for immediate reimbursement of premiums, waiver, and ratification. What about when an independent mistake does not amount to a mutual mistake? Which choice will yield the better result? It's important to know which choice to make when faced with inconsistent information that affects the intended risk underwritten and which may influence future claims made under the policy.

 **James (Jim) McNamara**, *Aspen Re*, Rocky Hill, CT

**Dennis N. Ventura**, *Tressler LLP*, Chicago, IL


12:05 p.m.

**Networking Luncheon with Moderated Table  
Discussions** (*please check box on registration form*)

1:15 p.m.

**Privacy Claims Rights: What Happens When  
It Was Supposed to Be Confidential?**

Collecting, disseminating, and taking sensitive information such as personal identification, zip codes and confidential profile data are leading causes of privacy claims. This presentation will consider emerging privacy theories of liability and the types of coverage and endorsements which are frequently called up to cover them. Discussion will also focus on determining whether and which types of privacy claims trigger an insurer's duty to defend or indemnify, available coverage defenses, and claims-handling considerations and strategies.

 **Melissa Fernandez**, *Travelers*, Hartford, CT

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


2:05 p.m.

**Risk Transfer: Tag, You're It!**

Agreeing to defend can be the single most expensive proposition of a claim. This presentation will explore management and strategy when faced with potential liability exposure based on contractual prom-

ises and obligations. Differentiating between contractual indemnity and additional insured obligations is a critical distinction that governs the determination of how this ultimately affects the paying party. The direction and outcome of a claim can be greatly affected by the employment of certain endorsements, such as those requiring privity, causation, and findings of negligence.

**Dan D. Kohane**, *Hurwitz & Fine PC*, Buffalo, NY

 **Victoria H. (Vicki) Roberts**, *Meadowbrook Insurance Group*, Scottsdale, AZ


2:55 p.m.


**Refreshment Break**

3:10 p.m.

**Defense Counsel, In-House Counsel, and the Many Carriers: Ethical Concerns About the Ultimate Privilege**

Traditionally, attorney-client communications are privileged. This topic considers the manner in which privilege can be challenged, lost, or waived. Practice guidelines are key in assisting in-house counsel to prevent discovery of protected intra-company communications and inter-company communications amongst multiple insurers covering the same loss. This presentation illustrates how to best and ethically exchange information between outside counsel and client as well as in-house and staff counsel, especially when claim supervision and coverage disputes arise. The discussion considers the perspective from an insurer, reinsurer, and practicing counsel.

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

 **Thomas N. (Tom) Leidell**, *Tokio Millennium Re AG*, Stamford, CT

**Joseph K. Scully**, *Day Pitney LLP*, Hartford, CT

4:10 p.m.

**Navigating Through the Ditches and Dumps of a Faulty Construction Claim**

In the faulty workmanship context, the initial defense determination is only the start of the battle, given the need to resolve difficult questions regarding the availability of indemnity coverage for remedial work undertaken to correct faulty work or design deficiencies. Guided by several significant decisions over the past year, this session will bring attendees up to date on current approaches to the interplay between the threshold insuring agreement requirements and the applicable exclusions, rip and tear damages, modified occurrence endorsements that address subcontractor work, and the practical challenges that arise when efforts are undertaken to settle disputes involving covered and noncovered claims and damages.

 **Robert N. (Bob) Clark**, *Travelers*, Hartford, CT

**Barbara A. O'Donnell**, *Zelle McDonough & Cohen LLP*, Boston, MA

5:00 p.m.

**Adjourn**

5:00 p.m.

**Networking Reception**

## 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 **7** 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.

### Registration Policy

**Save \$100 when you register by October 12, 2017.** (See the registration form for pricing.) The registration fee includes course materials, continental breakfasts, refreshment breaks, networking receptions. 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 **October 19, 2017** (*please allow 10 days for processing*). Registrations received after **October 19, 2017**, will be processed on-site.

### Refund Policy

The registration fee is fully refundable for cancellations received on or before **October 19, 2017**. Cancellations received after **October 19** and on or before **October 26, 2017**, will receive a refund, less a \$100 processing fee. Cancellations made after **October 26** 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

**Travel Discounts** DRI offers discounted meeting fares on various major air carriers for **DRI Northeast Regional Claims Conference** 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.
- DRI policy provides there will be no group functions sponsored by others in connection with its seminars.

## FACULTY

*Click on any name to view bio.*

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

 **Robert N. (Bob) Clark**, Travelers, Hartford, CT

**Lee Craig**, Butler Weihmuller Katz Craig LLP, Tampa, FL

 **Melissa Fernandez**, Travelers, Hartford, CT


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

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


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

**Peter Kochenburger**, University of Connecticut School of Law, Hartford, CT

**Dan D. Kohane**, Hurwitz & Fine PC, Buffalo, NY

 **Thomas N. (Tom) Leidell**, Tokio Millennium Re AG, Stamford, CT

**Kathleen J. (Kathy) Maus**, Butler Weihmuller Katz Craig LLP, Tallahassee, FL

 **James (Jim) McNamara**, Aspen Re, Rocky Hill, CT

**Barbara A. O'Donnell**, Zelle McDonough & Cohen LLP, Boston, MA

**Joanna M. Roberto**, Goldberg Segalla LLP, Garden City, NY

 **Victoria H. (Vicki) Roberts**, Meadowbrook Insurance Group, Scottsdale, AZ


 **Richard (Rich) Savage**, The Hartford Steam Boiler Inspection and Insurance Co., Wayne, PA

**Jonathan L. Schwartz**, Goldberg Segalla LLP, Chicago, IL

**Joseph K. Scully**, Day Pitney LLP, Hartford, CT

**Dennis N. Ventura**, Tressler LLP, Chicago, IL

**View faculty bios on the [Northeast Regional Claims Conference webpage](#); click on "View speakers" button.**

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

## Hotel Accommodations

A limited number of discounted hotel rooms have been made available at the **Hilton Hartford, 315 Trumbull St., Hartford, CT 06103** ([click here](#)) to view hotel photos.

Take advantage of the group rate of **\$189 Single/Double** in one of two ways:

- 1) Reserve online: [Click here](#) or visit [dri.org](#) and go to the **DRI Northeast Regional Claims Conference page** and click on the "Book hotel" button.
- 2) Or **contact the hotel directly at 860.728.5151** and mention the **DRI Northeast Regional Claims Conference**.

The hotel block is limited and rooms and rates are available on a first-come, first-served basis. You must make reservations by **October 5, 2017**, to be eligible for the group rate. Requests for reservations made after **October 5** are subject to room and rate availability.



## CLE for Your Practice

View all  
Continuing  
Legal  
Education  
offerings

December 7–8, 2017  
**Insurance Coverage and  
Practice Symposium**  
*Sheraton New York  
Times Square Hotel*, New York, NY

December 7–8, 2017  
**Professional Liability**  
*Sheraton New York  
Times Square Hotel*, New York, NY

January 31–February 2, 2018  
**Women in the Law**  
*Nobu Eden Roc Resort*, Miami, FL

March 1–2, 2018  
**Medical Liability and Health Care Law**  
*Manchester Grand Hyatt*, San Diego, CA

March 22–23, 2018  
**Insurance Coverage and Claims Institute**  
*Swissôtel Chicago*, Chicago, IL

April 11–13, 2018  
**Life, Health, Disability and ERISA**  
*Westin Copley*, Boston, MA

April 25–27, 2018  
**Construction Law**  
*Hilton Nashville Downtown*, Nashville, TN

May 3–4, 2018  
**Retail and Hospitality Litigation  
and Claims Management**  
*Loews Chicago*, Chicago, IL

## Publications for Your Practice

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

Visit the **Insurance Law Committee page** on [dri.org](http://dri.org) for information about the committee and related resources.

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

October 2017 (upcoming)

May 2017

October 2016

### Defense Library Series

*Unfair Claims Practices Compendium* (coming in 2017)

*UM/UIM Motorist Coverage Compendium*

*Duty to Defend Compendium*

*Insurance Bad Faith: A Compendium of State Law*

*Reinsurance Professional's Deskbook*



## Diversity and Inclusion in DRI: A Statement of Principle

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

Diversity is a core value at DRI. Indeed, diversity, which includes sexual orientation, is fundamental to the success of the organization, and we seek out and embrace the innumerable benefits and contributions

that the perspectives, backgrounds, cultures, and life experiences a diverse membership provides.

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

## Harassment and Discrimination

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

# Northeast Regional Claims Conference

November 2, 2017

Hilton Hartford | Hartford, CT

[Register online](#)

[Download form to fax or mail](#)

FORMAL NAME \_\_\_\_\_ TITLE \_\_\_\_\_

NAME (as you would like it to appear on badge) \_\_\_\_\_

COMPANY/FIRM/LAW SCHOOL \_\_\_\_\_

ADDRESS \_\_\_\_\_

CITY \_\_\_\_\_ STATE/PROVINCE \_\_\_\_\_ ZIP/POST CODE \_\_\_\_\_

TELEPHONE \_\_\_\_\_ FAX \_\_\_\_\_ EMAIL \_\_\_\_\_

Please list any special needs \_\_\_\_\_

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

How many attorneys \_\_\_\_\_ What is your primary area of practice? \_\_\_\_\_

## REGISTRATION FEE

Registration fee includes seminar attendance, networking events, and course materials. DRI will email a link to download the course materials to all registrants two weeks in advance of the seminar.

	On or before Oct. 12, 2017	After Oct. 12, 2017	
<input type="checkbox"/> Member	\$450	\$550	<i>For inclusion on the preregistration list and to receive course materials in advance, <b>register by October 19, 2017.</b></i>
<input type="checkbox"/> Nonmember	\$500	\$600	
<input type="checkbox"/> Law Student Member	FREE		
<input type="checkbox"/> In-House Counsel Member*	FREE		
<input type="checkbox"/> Claims Executive Member*	FREE (*as defined on page 5)		
<input type="checkbox"/> Networking Luncheon**	FREE (**see page 5)		

## PAYMENT METHOD

- My check for \_\_\_\_\_ (USD) is enclosed.
- Please charge my  VISA  MasterCard  American Express.

3400-0135-21  
NE Regional Claims

2017-0135B

Card #             Exp. Date   -   CVC

Signature \_\_\_\_\_

Please remit payment by **MAIL** to:  
**DRI**  
72225 Eagle Way, Chicago, IL 60678-7252

Please remit payment by **COURIER** to:  
**JP Morgan, Attn: DRI LBX 72225**  
131 S. Dearborn, 6th Floor, Chicago, IL 60603