Insurance Coverage and Claims Institute

- Dedicated programming for in-house and claims professionals
- Gain practical tips for investigating coverage issues presented by extreme weather events
- Learn the claims processes under TRIA and TRIA’s future role in the context of terrorism risk insurance programs
- Discover innovative approaches for navigating your coverage investigation from reservation of rights to resolution

March 21–23, 2018
Swissôtel Chicago
Chicago, IL
A big city for big topics! Join us in Chicago to experience top-quality education and networking as only DRI and the Insurance Coverage and Claims Institute can provide. As an attendee you will be able to participate in sessions that highlight “deep dish” developments in the industry and demonstrate the latest trends in coverage. Further business development opportunities abound, with networking receptions offered throughout the program. Join us in Chicago: the Windy City awaits you!

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Program Chair

**Matthew S. Foy**  
Committee Chair

**Eric K. Bowers**  
Program Vice Chair

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

**Katie J. Roh**  
Industry Vice Chair

**Roman Lifson**  
Law Institute

PRESENTED BY DRI’s Insurance Law Committee
What You Will Learn

- Insights on when independent counsel is required and when it is not
- Strategies for using policy provisions to obtain the information to which an insurer is entitled
- Approaches for counteracting unauthorized communications purporting to speak on the insurer’s behalf
- Tools to posture an insurance coverage dispute for early resolution
- Tips for using depositions to underscore and advance your litigation theme

Get Started

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

Maximize Your DRI Seminar Experience

*No one gets you connected like DRI.*

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

WEDNESDAY, MARCH 21

1:00 p.m.  Registration

2:00 p.m.  |  Insurance Law Committee Networking Event
Chicago: a city synonymous with architecture, museums, and—pizza! For those arriving early and not attending the insurance industry program, please join members of the DRI Insurance Law Committee as we enjoy Chicago Pizza Tours, a tour that highlights the diversity of Chicago neighborhoods and celebrates this Windy City food staple. **Space is limited.** Please contact the program chair, Daniel I. Graham, Jr., at (312) 585-1419 for details on this event.

2:00 p.m.  Welcome and Introduction
Daniel I. Graham, Jr., Nicolaides Fink Thorpe Michaelides Sullivan LLP, Chicago, IL
Eric K. Bowers, Zelle LLP, Dallas, TX
Katie J. Roh, Travelers, Hartford, CT

2:10 p.m.  Recent Changes in the Federal Discovery Rules: What Claims Professionals Need to Know
Substantive insurance law is crucial, but rules of procedure can be just as important in coverage litigation. This presentation will examine the effect of the 2015 amendments to the Federal Rules of Civil Procedure on the discovery landscape and identify the potential pitfalls and advantages that they can present.
Melissa Fernandez, Travelers, Hartford, CT

3:00 p.m.  Roundtable Discussion: Addressing Unauthorized Acts of Brokers, Agents, and Coverage Counsel in the Claims Process
What do you do when someone purports to speak on your behalf without your blessing? In this roundtable discussion, claims professionals will share insights and strategies to get things back on track when communications go astray.
Andrew Scott Boris, American Agricultural Insurance Company, Schaumburg, IL

4:00 p.m.  Adjourn

Click on any speaker name to view bio.

5:30–6:00 p.m.  Women’s Networking Reception
SPONSORED BY Carr Maloney PC

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

THURSDAY, MARCH 22

7:00 a.m.  Registration

7:00 a.m.  Continental Breakfast
SPONSORED BY von Briesen & Roper sc

7:00 a.m.  First-Time Attendees Breakfast
Matthew S. Foy, Gordon Rees Scully Mansukhani LLP, San Francisco, CA

8:00 a.m.  Welcome and Introduction
Daniel I. Graham, Jr., Nicolaides Fink Thorpe Michaelides Sullivan LLP, Chicago, IL
Eric K. Bowers, Zelle LLP, Dallas, TX
Katie J. Roh, Travelers, Hartford, CT

8:05 a.m.  Policy Rescission
Though extreme, sometimes cancelling an insurance policy has to be done. In this session we will gain perspective on when an insurance policy should be cancelled and the steps that must be taken to ensure that the rescission is done properly.

Johanna E. Fricano, QBE North America, Itasca, IL
Jonathan L. Schwartz, Goldberg Segalla, Chicago, IL

9:00 a.m.  A Rose by Any Other Name: What Are “Damages,” and When Are They Covered?
Many liability policies require an insurer to pay damages. Often, however, the term “damages” is undefined. Are covered damages only monetary payments? What about punitive damages? Courts are answering these questions—and you need to know the answers.
Mia Finsness, Markel Corporation, Hamilton, Bermuda
Monica T. Sullivan, Nicolaides Fink Thorpe Michaelides Sullivan LLP, Chicago, IL

9:50 a.m.  Refreshment Break
10:05 a.m.  The Additional Insured Conundrum: Who Else Is Covered, for What, and When?
The term “insured” can have a broad meaning—and the term can be broader still when contract requirements and other factors come into play. This session will guide attendees through the complex coverage issues created by additional insured provisions and help you solve—or at least understand—the conundrum posed when “strangers” ask for coverage.
F. Lane Finch, Jr., Swift Currie McGhee & Hiers LLP, Birmingham, AL

11:00 a.m.  Bark and Bite: Exclusions That Can Affect Coverage B Claims
Policyholders look to Coverage B for a wide assortment of business-related claims. But is there coverage? This presentation will introduce attendees to policy exclusions that can make all the difference in assessing and evaluating the Coverage B claim.
Karen Imus Johnson, Travelers, Saint Paul, MN
Elizabeth L. Musser, Tressler LLP, Los Angeles, CA

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

1:15 p.m.  More Than We Bargained For? The Duty to Defend and the Prosecution of an Insured’s Counterclaims, Appeals, and More
The duty to defend is broad. But how far does that duty to defend extend? Does it require an insurer to prosecute claims on behalf of the insured for affirmative relief?
Carol A. Griffin, Resolute Management Inc., Boston, MA
John T. Harding, Lewis Brisbois Bisgaard & Smith LLP, Boston, MA

2:10 p.m.  In the Driver’s Seat: Ethical and Strategic Considerations in the Deposition of the Claims Professional
A deposition can be intimidating, but it can also be the perfect vehicle to repurpose the dispute to tell the insurer’s side of the story. This presentation will provide an overview of tips for giving an effective deposition.
Melanie C. Lockett, Lowe Stein Hoffman Allweiss & Hauver LLP, New Orleans, LA

3:10 p.m.  Refreshment Break
SPONSORED BY Hurwitz & Fine PC

3:25 p.m.  Help Us Help You: What the Cooperation Clause Does, How It Is Enforceable, and When It Is Breached
When the cooperation clause is used properly, it can equip the claims professional to evaluate the claim and perhaps facilitate an expeditious resolution of the underlying dispute. How? You’ll see!
Bryana L. Blessinger, Bullivant Houser Bailey PC, Portland, OR

4:15 p.m.  TRIA and Terrorism-Related Insurance Claims
In this session, we will learn the claims processes under the Terrorism Risk Insurance Act (TRIA). We will also consider the current scope of TRIA coverage, the expected congressional opposition, and TRIA’s future role in the context of terrorism-risk insurance programs.
Ronald R. Robinson, Berkes Crane Robinson & Seal LLP, Los Angeles, CA
Peter C. (Pete) Thomas, Guy Carpenter & Company LLC, Elon, NC

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

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

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

Community Service
This year, DRI’s Insurance Law Committee is proud to support the Greater Chicago Food Depository as its community service project. Since 1979, the Food Depository has worked to end hunger across Cook County. The Food Depository has been recognized as one of Chicago’s leading charities, partnering with agencies and programs to distribute food to Cook County’s children, elderly, and veterans. A table will be onsite with information about the Food Depository. Please consider making a donation and help the Food Depository continue its immediate and lasting effect on hunger in the Chicagoland area. You will have made the city a little bit better, just by your having been here.
**FRIDAY, MARCH 23**

**Wireless Access**

**SPONSORED BY** Butler Weihmuller Katz Craig LLP

**PROGRAM SCHEDULE**

**BREAKOUT TRACKS**

**Friday, March 23, 8:30 a.m.–12:30 p.m. (choose one)**

|------------------------------------|-----------------------------------------------|
| 8:30 a.m. **What Types of Reservations Really Entitle an Insured to Independent Counsel?**
Must an insurance company assign independent counsel every time that the insurer reserves rights? The answer is “no.” And you will hear why.
Margaret A. Shipitalo, Cassiday Schade LLP, Chicago, IL |
| Evaluating Business Interruption Claims
Nothing will focus you on the nitty-gritty of your insured’s business like having to evaluate its business interruption claim. Get acquainted with the basics of BI coverage and practical tips for evaluating BI and contingent BI claims.
Robert C. Burrell, Borgelt Powell Peterson & Frauen SC, Milwaukee, WI |
| 9:15 a.m. **Who Has the Duty to Defend and When?**
Why should one insurer have to bear the defense of a mutual insured alone? This session will provide attendees with some strategies to ensure that every insurer is pulling its weight and participating in the defense of their mutual insured.
Jeffrey D. Van Volkenburg, McNeer Highland McMunn and Varner LC, Clarksburg, WV |
| Sword and Shield: The Use of Expert Witnesses
Expert witness testimony can be crucial to first-party cases. Get the jump on the other side’s experts, insulate your own experts from attack, and trigger—or withstand—the court’s “gatekeeper” function.
Eric K. Bowers, Zelle LLP, Dallas, TX
Kerry S. Lee, MBA, PE, SECB, M.ASCE, Nelson Forensics LLC, Plano, TX |
| 10:00 a.m. **Pulling the Reservation to Control the Defense: When Is It Worth It?**
Independent counsel’s fees are escalating, and there is no exit strategy anytime soon in the underlying litigation. Learn when it makes sense for the insurer to withdraw its reservation of rights and invest its energies to steer the litigation to resolution.
Kelly M. Lippincott, Carr Maloney PC, Washington, DC |
| Now It’s Personal: First-Party Bad Faith
Learn tips for responding to accusations of lowballing claims, or using “hired gun” experts to deny coverage, and more.
R. Brandon McCullough, Picadio Sneath Miller & Norton PC, Pittsburgh, PA
Timothy F. Sullivan, RPLU, NAMIC Insurance Company Inc., Indianapolis, IN |
| 10:45 a.m. **Refreshment Break** |
| 11:00 a.m. **Investigating the Claim: What Information Am I Entitled To? How Do I Get It?**
Hear strategies for dealing with privileged communications, confidentiality agreements, and protective orders so that the insurer can get the information to which it is entitled.
Heidi L. Vogt, von Briesen & Roper sc, Milwaukee, WI |
| At a Loss: Concurrent Cause of Loss/Ensuing Loss Provisions
How is coverage resolved when two (or more) causes of loss, at least one of which is uncovered, contribute to the loss? Learn where the burdens of proof lie and how to evaluate coverage properly.
James R. Swinehart, Clausen Miller PC, Chicago, IL |
| 11:45 a.m. **Using Special Verdicts and Special Interrogatories to Evaluate Coverage**
Waiting until the underlying dispute is resolved before addressing coverage issues may be a big mistake. There is a way to posture the coverage issues proactively while the underlying dispute is pending.
Michael A. Kotula, Rivkin Radler LLP, Uniondale, NY |
| Stormy Weather: Property Insurance Coverage Issues That Arise Out of Extreme Weather Events
This presentation will shed light on issues related to extreme weather and provide practical tips for addressing them.
Virginia Y. (Ginger) Dodd, Phelps Dunbar LLP, Baton Rouge, LA |
| 12:30 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, 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 12.50 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.

Registration Policy

Save $100 when you register by February 20, 2018. (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 February 27 (please allow 10 days for processing). Registrations received after February 27, 2018, will be processed onsite.

Refund Policy

The registration fee is fully refundable for cancellations received on or before February 27, 2018. Cancellations received after February 27 and on or before March 6, 2018, will receive a refund, less a $100 processing fee. Cancellations made after March 6 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 previously. The registration fee for additional registrants from the same firm or company is $775. Regardless of membership status if received on or before February 20, 2018. After February 20, the group rate is $875. All registrations must be received at the same time to receive the discount.

Travel Discounts DRI offers discounted meeting fares on various major air carriers for DRI Insurance Coverage and Claims Institute attendees. To receive these discounts, please contact Direct Travel, DRI’s official travel provider, at 800.840.0908. As always, to obtain the lowest available fares, early booking is recommended.

Hotel Accommodations

A limited number of discounted hotel rooms have been made available at Swissotel Chicago, 323 E. Wacker Drive, Chicago, IL 60601 (click here to view hotel photos). Take advantage of the group rate of $249 Single/Double in one of two ways:

1) 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 first-come, first-served basis. You must make reservations by February 20, 2018, to be eligible for the group rate. Requests for reservations made after February 20, 2018, are subject to room and rate availability.
FACULTY

Bryana L. Blessinger, Bullivant Houser Bailey PC, Portland, OR

Andrew Scott Boris, American Agricultural Insurance Company, Schaumburg, IL

Eric K. Bowers, Zelle LLP, Dallas, TX

Robert C. Burrell, Borgelt Powell Peterson & Frauen SC, Milwaukee, WI

Virginia Y. (Ginger) Dodd, Phelps Dunbar LLP, Baton Rouge, LA

Melissa Fernandez, Travelers, Hartford, CT

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

Mia Finsness, Markel Corporation, Hamilton, Bermuda

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

Johanna E. Fricano, QBE North America, Itasca, IL

Daniel I. Graham, Jr., Nicolaides Fink Thorpe Michaelides Sullivan LLP, Chicago, IL

Carol A. Griffin, Resolute Management Inc., Boston, MA

John T. Harding, Lewis Brisbois Bisgaard & Smith LLP, Boston, MA

Karen Imus Johnson, Travelers, Saint Paul, MN

Michael A. Kotula, Rivkin Radler LLP, Uniondale, NY

View faculty bios on the Insurance Coverage and Claims Institute webpage; click on “View speakers” button.

Kerry S. Lee, MBA, PE, SECB, M.ASCE, Nelson Forensics LLC, Plano, TX

Roman Lifson, Christian & Barton LLP, Richmond, VA

Kelly M. Lippincott, Carr Maloney PC, Washington, DC

Melanie C. Lockett, Lowe Stein Hoffman Allweiss & Hauver LLP, New Orleans, LA

R. Brandon McCullough, Picadio Sneath Miller & Norton PC, Pittsburgh, PA

Elizabeth L. Musser, Tressler LLP, Los Angeles, CA

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Katie J. Roh, Travelers, Hartford, CT

Jonathan L. Schwartz, Goldberg Segalla, Chicago, IL

Margaret A. Shipitalo, Cassiday Schade LLP, Chicago, IL

Monica T. Sullivan, Nicolaides Fink Thorpe Michaelides Sullivan LLP, Chicago, IL

Timothy F. Sullivan, RPLU, NAMIC Insurance Company Inc., Indianapolis, IN

James R. Swinehart, Clausen Miller PC, Chicago, IL

Peter C. (Pete) Thomas, Guy Carpenter & Company LLC, Elon, NC

Jeffrey D. Van Volkenburg, McNeer Highland McMunn and Varner LC, Clarksburg, WV

Heidi L. Vogt, von Briesen & Roper sc, Milwaukee, WI

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Diversity and Inclusion in DRI: A Statement of Principle

DRI is the largest international membership organization of attorneys defending the interests of business and individuals in civil litigation. Diversity is a core value at DRI. Indeed, diversity, which includes sexual orientation, is fundamental to the success of the organization, and we seek out and embrace the innumerable benefits and contributions that the perspectives, backgrounds, cultures, and life experiences a diverse membership provides.

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

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.
DRI wishes to thank our sponsors for their support at this year’s seminar!}

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Please list any special needs

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.

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