

Fidelity and Surety Roundtable

- Hear from industry leaders in claims handling and management and counsel
- Learn about the latest issues in surety law: arbitration, cross-indemnity claims, and protecting the surety in a principal's bankruptcy action
- New this year: an ethics discussion about enforcing the surety's rights against indemnitors and third parties



May 17, 2019

Gleacher Center

Chicago, IL

The Fidelity and Surety Roundtable focuses exclusively on important legal issues involving fidelity and surety claims and litigation. We are excited about the ethics presentation this year, which will address limitations on enforcing a surety's rights. Plus, it is great to earn an ethics CLE credit.

The size of the seminar encourages lively group participation from the many surety company representatives and attorneys who attend. Also, meet and socialize with other attendees at the networking dinner Thursday night and the Friday afternoon social event in Chicago.



Vicki M. Smith
Program Co-Chair



Douglass F. Wynne, Jr.
Committee Chair



Emily H. Brooks
Program Co-Chair



Heather F. Shore
Committee Vice Chair

PRESENTED BY **DRI's Fidelity and Surety Committee**

Register online now at dri.org or complete the form in the back.



What You Will Learn

- How the surety can use collateral in a principal's bankruptcy
- The pros and cons of proceeding to arbitration
- Ethical considerations when enforcing a surety's rights against indemnitors and other third parties
- Strategies for handling cross-indemnification claims

Members Get More

- Access to **LegalPoint**™ at **dri.org**: Committee newsletters, seminar course materials, and other publications.
- Access to the **DRI Fidelity and Surety 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:






PROGRAM SCHEDULE

Click on any speaker name to view bio.

THURSDAY, MAY 16

- 11:45 a.m. **Chicago Surety Claims Association Meeting and Luncheon** | Everyone is welcome to attend. For more information and to RSVP, please contact Grace Cranley, Grace.Cranley@Dinsmore.com.
- 6:30 p.m. **Networking Dinner** | Gather for an informal networking dinner at one of Chicago's finest restaurants (at no cost to surety company personnel; others pay their own way). For more information and to RSVP, please contact Vicki M. Smith, smith@bodyfeltmount.com.

FRIDAY, MAY 17

- 7:00 a.m. **Registration**
- 7:00 a.m. **Continental Breakfast**
SPONSORED BY **Cashin Spinelli Ferretti**
- 8:10 a.m. **Welcome and Introductions**
 **Emily H. Brooks**, *Great American Insurance Group*, Louisville, KY
Vicki M. Smith, *Bodyfelt Mount LLP*, Portland, OR
- 8:20 a.m. **The Surety's Collateral in the Principal's Bankruptcy**
This discussion will address the issues that may arise when the principal files for bankruptcy and the surety wants to use its collateral in the face of potential losses. Is an ILOC really better than cash? What about indirect preferences? How does the surety avoid running afoul of the automatic stay in bankruptcy? These concerns and related issues will be examined.
Beth J. Rotenberg, *Chiesa Shahinian & Giantomasi PC*, West Orange, NJ
- 9:10 a.m. **Arbitration: The Good, the Bad, and Is It Binding?**
Arbitration is a mixed bag. The panel will discuss recent cases addressing when it is or is not binding on a surety, as well as the pros, cons, and effects of arbitration on the surety.
 **Megan Burke**, *Travelers*, Chicago, IL
 **Stephanie M. Keddy**, *CNA Insurance*, Chicago, IL
Christopher T. McRae, *McRae & Metcalf PA*, Tallahassee, FL
- 10:00 a.m. **Refreshment Break**

10:20 a.m.

Ethical Considerations When Enforcing a Surety's Rights Against Indemnitors and Other Third Parties

Indemnitors and third parties did not require the surety agreement and perhaps did not even sign the agreement, but they may pay for it. This segment explores how sureties can ethically enforce their rights against such parties.

Jessica E. Bowers, *Smith Bowers PLLC*, Raleigh, NC

➔ **Michael Thomas Cronin**, *Markel Surety Corporation*, Austin, TX

11:10 a.m.

Cross-Indemnification Practice and Pitfalls

This session will explore the practical aspects of prosecuting a cross-indemnification claim against several indemnitors across multiple general indemnity agreements, the defenses raised against the surety, and whether the use of omnibus language increases the risk of cross-indemnification.

➔ **Emily H. Brooks**, *Great American Insurance Group*, Louisville, KY

Gene F. Zipperle, Jr., *Ward Hocker & Thornton*, Louisville, KY

12:00 p.m.

Closing Remarks and Adjourn

12:00 p.m.

Networking Event

FACULTY

Click on any name to view bio.

Jessica E. Bowers, *Smith Bowers PLLC*, Raleigh, NC

➔ **Emily H. Brooks**, *Great American Insurance Group*, Louisville, KY

➔ **Megan Burke**, *Travelers*, Chicago, IL

➔ **Michael Thomas Cronin**, *Markel Surety Corporation*, Austin, TX

➔ **Stephanie M. Keddy**, *CNA Insurance*, Chicago, IL

Christopher T. McRae, *McRae & Metcalf PA*, Tallahassee, FL

Beth J. Rotenberg, *Chiesa Shahinian & Giantomasi PC*, West Orange, NJ

Heather F. Shore, *Brown & Ruprecht PC*, Kansas City, MO

Vicki M. Smith, *Bodyfelt Mount LLP*, Portland, OR

Douglas F. Wynne, Jr., *Simon Peragine Smith & Redfearn LLP*, New Orleans, LA

Gene F. Zipperle, Jr., *Ward Hocker & Thornton*, Louisville, KY

View faculty bios on the Fidelity and Surety Roundtable webpage; click on "View speakers" button.

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. **Non-member claims professionals may utilize this offer once per calendar year. This offer excludes the DRI Annual Meeting.**

Seminar Location

Gleacher Center, University of Chicago, 450 North Cityfront Plaza Drive

CLE/Claims Adjusters Accreditation

This seminar has been approved for MCLE credit by the State Bar of California for up to **3.25** 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.** 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

The registration fee is \$175 for DRI members and \$225 for nonmembers. 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 **April 25, 2019** (*please allow 10 days for processing*). Registrations received after **April 25, 2019**, will be processed on-site.

Refund Policy

The registration fee is fully refundable for cancellations received on or before **April 25, 2019**. Cancellations received after **April 25** and on or before **May 2, 2019**, will receive a refund, less a \$100 processing fee. Cancellations made after **May 2** will not receive a refund. 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

Travel Discounts DRI offers discounted meeting fares on various major air carriers for **DRI Fidelity and Surety Roundtable** 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.

Hotel Accommodations

A limited number of discounted hotel rooms have been made available at the **InterContinental Chicago Magnificent Mile, 505 North Michigan Avenue, Chicago, IL 60611** ([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 Fidelity and Surety Roundtable page** and click on the "Book hotel" button.
- 2) Or **contact the hotel directly at 312.944.4100** and mention the **DRI Fidelity and Surety Roundtable**.

The hotel block is limited and rooms and rates are available on a first-come, first-served basis. You must make reservations by **April 26, 2019**, to be eligible for the group rate. Requests for reservations made after **April 26** are subject to room and rate availability.

[Click here](#) to view list of nearby hotels.

CLE for Your Practice

View all Continuing Legal Education offerings

March 14–15

Toxic Torts and Environmental Law

Sheraton New Orleans, New Orleans, LA

April 3–5

Insurance Coverage and Claims Institute

Loews Chicago Hotel, Chicago, IL

April 10–12

Construction Law

Caesars Palace, Las Vegas, NV

May 8–10

Employment and Labor Law

Pointe Hilton Tapatio Cliffs Resort, Phoenix, AZ

May 9–10

Retail and Hospitality Litigation

Loews Sapphire Falls/Royal Pacific Resorts at Universal, Orlando, FL

June 5–7

Insurance Bad Faith and Extra-Contractual Liability

Westin Washington, D.C. City Center, Washington, DC

June 20–21

Diversity for Success

Sheraton New Orleans, New Orleans, LA

June 26–28

Young Lawyers

Hilton Nashville Downtown, Nashville, TN

July 19

Appellate Advocacy

Loews Chicago, Chicago, IL

November 14–15

Asbestos Medicine

Westin Boston Waterfront, Boston, MA

December 5–6

Professional Liability

Sheraton New York Times Square Hotel, New York, NY

SEMINAR SPONSORS

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



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.

Fidelity and Surety Roundtable

May 17, 2019 | Gleacher Center, University of Chicago
450 North Cityfront Plaza Drive | Chicago, IL

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 are in your firm? What is your primary area of practice?

REGISTRATION FEE

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

- ☐ Member \$175
- ☐ Nonmember \$225
- ☐ In-House Counsel Member* FREE
- ☐ Claims Executive Member* FREE
- ☐ Surety Company Representative FREE

* As defined on page 4.

For inclusion on the preregistration list and to receive course materials in advance, register by April 25, 2019.

PAYMENT METHOD

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

3400-SURETY-21
Fidelity and Surety

2019-SURETYB

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