

AMERICAN BAR ASSOCIATION
TORT TRIAL & INSURANCE PRACTICE SECTION
PRESENTS

19TH ANNUAL INSURANCE COVERAGE LITIGATION COMMITTEE MIDYEAR PROGRAM

FINDING BALANCE IN THE SHIFTING SANDS OF INSURANCE COVERAGE

CO-SPONSORED BY THE EXCESS, SURPLUS
LINES AND REINSURANCE COMMITTEE AND
THE SELF-INSURERS AND RISK MANAGERS
COMMITTEE

FEBRUARY 24-26, 2011
ARIZONA BILTMORE
RESORT AND SPA
PHOENIX, AZ

FEATURING A
HANDS-ON
INTRODUCTORY
SESSION WITH
EXPERTS IN THE
FIELD ON TRYING A
COVERAGE CASE





WELCOME

Dear Friends, Colleagues, and New Members,

Please join us as the Insurance Coverage Litigation Committee of the Tort Trial & Insurance Practice Section (TIPS) holds its 2011 Annual Midyear Program in Phoenix, Arizona on February 24 through 26.

Last year's program was a great success on every level – educationally, professionally, and socially. Based upon the feedback we received from last year's attendees, we are again offering an excellent program at the same spectacular venue – the Arizona Biltmore Resort & Spa.

Our program begins on Thursday afternoon with a hands-on session “Trying the Coverage Case to a Jury: A Mock Trial Experience,” featuring an appellate judge, veteran trial lawyers, an experienced jury consultant ... and you as a potential juror! Those of you who have never tried a coverage case will learn how, and those who have undoubtedly will learn new and valuable litigation skills.

Friday and Saturday feature presentations on a broad array of current and important coverage issues by true experts in our field. In addition to the formal seminars, we have scheduled multiple “toolbox” sessions discussing a wide variety of coverage topics in a more informal and interactive setting. Based on the tremendous interest in these programs, the toolbox presentations will take place at lunch on Friday, and again at breakfast on Saturday.

There will also be time to meet new friends and make new connections. The opening reception on Thursday evening is included in the registration cost and we urge you to purchase a ticket to the on-site Thursday night dinner. On Friday night, join your new and old friends for a “dine-around” at some of Phoenix's top restaurants.

Our Committee will hold a Business Meeting on Friday afternoon and we hope you will attend and volunteer to get involved in this dynamic group. Saturday offers a golf outing, tour of the Heard Museum and a public service program benefiting “Shoes That Fit”.

While the primary purpose of this program is educational, the resort is truly amazing! We took a vote at last year's Business Meeting and the attendees overwhelmingly chose to return to the Biltmore. Bring your families, your golf clubs, your sneakers and, of course, your laptop. What better place to work than in the Phoenix sunshine?

I hope to see you in February and get to know each one of you.

Judith F. Goodman
Chair, TIPS Insurance Coverage Litigation Committee
Goodman & Jacobs LLP
New York, NY



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A SPECIAL THANKS TO OUR SPONSORS FOR THEIR SUPPORT!

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WOODRUFF SAWYER & CO.

PROGRAM AGENDA

DAY ONE, THURSDAY, FEBRUARY 24, 2011

2:00 p.m.-5:00 p.m.

REGISTRATION—Sponsored by Walker Wilcox Matousek LLP

3:00 p.m.-5:00 p.m.

INTRODUCTION SESSION

TRYING THE COVERAGE CASE TO A JURY: A MOCK TRIAL EXPERIENCE

Experience an interactive mock trial presentation of an insurance coverage case by learned insurance trial lawyers before an appellate court judge with attorney argument, witness testimony, and open jury deliberation moderated by professional jury consultants. See first hand what matters to jurors and how best to argue and examine witnesses on legal and factual issues relevant to today's insurance coverage cases.

WELCOME AND OPENING REMARKS:

Judith F. Goodman
TIPS Insurance Coverage Litigation Committee Chair
Goodman & Jacobs LLP
New York, NY

Panel Introduction:
Bradford S. Moyer
Plunkett Cooney, PC
Kalamazoo, MI

Co-moderators:
Laurie Dugoniths
The Johnson Firm
Atlanta, GA

Panelists:
Hon. Margaret Downie
Arizona Court of Appeal
Phoenix, AZ

Patrick J. McGroder III
Gallagher & Kennedy, P.A.
Phoenix, AZ

Madeleine Fischer
*Jones, Walker, Waechter, Poitevent,
Carrère & Denegre, L.L.P.*
New Orleans, LA

Donald L. Myles, Jr.
Jones, Skellon & Hochuli, PLC
Phoenix, AZ

Arthur Patterson, Ph.D
Sr. VP, DecisionQuest
State College, PA

5:00 p.m.-6:00 p.m.

OPENING RECEPTION – ALL ATTENDEES ARE WELCOME

Sponsored by International Risk Management Institute, Inc. (IRMI)

6:30 p.m.-8:30 p.m.

DINNER (Ticketed Event)

Sponsored by Matson Driscoll & Damico LLP and DecisionQuest

DAY TWO, FRIDAY, FEBRUARY 25, 2011

7:30 a.m.-5:00 p.m.

REGISTRATION

7:30 a.m.-8:30 a.m.

CONTINENTAL BREAKFAST—Sponsored by Goodman & Jacobs LLP

7:30 a.m.-8:30 a.m.

SELF-INSURERS AND RISK MANAGERS COMMITTEE BUSINESS MEETING

8:30 a.m.-8:45 a.m.

WELCOME AND OPENING REMARKS

Jennifer (Ginger) M. Busby
TIPS Section Chair
Burr & Forman, LLP
Birmingham, AL

Bradford S. Moyer
Program Chair
Plunkett Cooney, P.C.
Kalamazoo, MI

Judith F. Goodman
**TIPS Insurance Coverage
Litigation Committee Chair**
Goodman & Jacobs LLP
New York, NY

Gary L. Gassman
Program Co-Chair
Meckler Bulger Tilson Marick & Pearson LLP
Chicago, IL

8:45 a.m.-9:45 a.m.

MORNING SESSION—Sponsored By Kilpatrick Stockton LLP

THERE'S SOMETHING IN THE AIR: COVERAGE FOR CLIMATE CHANGE, AIR EMISSIONS, AND OIL SPILLS

There are an increasing number of lawsuits brought by government agencies under the Clean Air Act and private citizen suits under public/private nuisance laws against energy companies alleging that air emissions have contributed to global warming, greenhouse emissions or other adverse climate changes. Can the costs of global warming claims properly be shifted to insurers? Do these claims fall within the definitions of traditional CGL policies? What types of coverage are available for these risks? Do these claims represent a coming wave or a wash-out in terms of future litigation? Similarly, the ecological and legal impacts of the Gulf Oil Spill will take years to resolve and the coverage issues may be more complex than the clean-up itself. Which policyholders will have their claims paid and which will be left holding the bag? What types of coverage respond to these claims? What unidentified coverage assets can be brought to bear? How can we off-set the next disaster from a coverage perspective? This panel will discuss in depth coverage issues arising out of these new environmental concerns.

Moderator:
Christopher Mosley
Sherman Howard
Denver, CO

Panelists:
John G. Nevius
Anderson Kill & Olick, PC
New York, NY

Steve Schulwolf
Michaels & May, P.C.
Chicago, IL

James Paskell
Litigation & Liability Management, LLC
Solon, OH

9:45 a.m.-10:45 a.m.

MONEY TALKS: COVERAGE ISSUES IMPLICATED BY THE CURRENT FINANCIAL CRISIS

Many coverage issues arise out of SEC litigation against investment banks. This program will provide an overview of the coverage issues as well as an update from the 2009 financial crisis coverage panel with respect to other questions including: What types of coverage are available for these risks and losses? How is the market adapting and what products are available? What coverage defenses apply to the variety of financial crisis-related claims?

Moderator:

Joseph Ramirez
Holland Hart
Denver, CO

Panelists:

David Goodwin
Covington & Burling LLP
San Francisco, CA

Alan Rutkin
Rivkin Radler LLP
Uniondale, NY

Carolyn Polikoff
Woodruff-Sawyer & Co.
San Francisco, CA

10:45 a.m.-11:00 a.m.

BREAK—Sponsored by Jeff Kichaven, Mediator

11:00 a.m.-12:00 p.m.

SCALING THE GREAT (DRY)WALL: DEVELOPMENTS IN COVERAGE FOR CHINESE DRYWALL CLAIMS

The tug-of-war between state and federal courts over Chinese Drywall and the courts' interpretation of the laws of various states may give rise to cacophony of judicial opinions. The panel will examine trends and attempt to make sense of varying decisions including: if and when damage or injury arises from Chinese Drywall, and if so, whether there a "direct physical loss" under the first-party part of a policy; whether Chinese Drywall damages constitute "property damage" caused by an "occurrence" under third-party coverage; the effect of the New Home Warranty Acts of different states on coverage and the effect of various policy exclusions and limitations to coverage including those related to pollution, business risk and "your work."

Moderator:

Mark Mese
Kean Miller Hawthorne D'Armond McCowan & Jarman, LLP
Baton Rouge, LA

Panelists:

Trisha Davis
Chief Claims Officer
Midlands Claim Administrators
Calabasas, CA

David Pharr
Bradley Arant Boult Cummings
Jackson, MS

Lauren McMillen
Plunkett Cooney P.C.
Bloomfield Hills, MI

12:00 p.m.-1:15 p.m.

TOOLBOX LUNCHEON SESSIONS—Sponsored By Rivkin Radler LLP

Coordinators:

Art Garrett
Keller & Heckman LLP
Washington, DC

Rabeh Soofi Bruder
Ice Miller LLP
Indianapolis, IN

- INSURER LIABILITY FOR THEIR THIRD-PARTY PROFESSIONALS
Shari L. Klevens, McKenna Long & Aldridge LLP, Washington, DC
- PRIORITY OF COVERAGE: HORIZONTAL v. VERTICAL EXHAUSTION
Jeffrey J. Vita, Saxe Doernberger & Vita PC, Hamden, CT
- INSURANCE COVERAGE FOR CLASS ACTIONS
Wystan M. Ackerman, Robinson & Cole LLP, Hartford, CT
- ALLOCATION BETWEEN COVERED AND NON-COVERED CLAIMS
Adam Kominsky, Silverman, Sclar, Shin & Byrne PLLC, New York, NY
- THE REINSURANCE AUDIT SURVIVAL GUIDE
Michael Steinlage, Larson King, St. Paul, MN
- DEFENSE WITHIN LIMITS: BURNING LIMITS
William Ford, Ford & Serviss LLP, Tarzana, CA
- LITIGATING COVERAGE IN CONSTRUCTION DEFECT CASES
Cathleen H. Heintz, Hall & Evans LLC, Denver, CO
- CORPORATE INDEMNIFICATION AND INSURANCE: PANACEA OR PANDORA?
Christopher Yetka, Lindequist & Vennum PLLP, Minneapolis, MN
- INDEPENDENT COUNSEL AND ADHERENCE TO CARRIER GUIDELINES
Douglas Richmond, Sr., VP, AON Global, Chicago, IL
- RECENT DEVELOPMENTS IN PERSONAL AND ADVERTISING INJURY COVERAGE
Arthur J. McColgan, Walker Wilcox Matousek LLP, Chicago, IL
- LITIGATION INVOLVING STATE GUARANTY FUNDS – NEW RULES – NEW PLAYING FIELD
Michael Gorby, Gorby, Peters & Associates, LLC, Atlanta, GA
- DISCLOSURE OBLIGATIONS WHEN RENEWAL POLICY RESTRICTS OR OMITTS COVERAGE
Diane Bucci, Zelle McDonough & Cohen LLP, White Plains, NY
- BANKRUPTCY IMPLICATIONS FOR SELF-INSURANCE AND SIRS
Christopher H. Westrick, Golden, Rothschild, Spagnola, Lundell, Boylan & Garubo, P.C., Bridgewater, NJ
- LOOKING BEHIND THE NUMBERS: UNDERSTANDING FINANCIAL DOCUMENTS AND TERMS
Janis Hagenbucher, Matson Driscoll & Damico LLP, Philadelphia, PA

AFTERNOON GENERAL SESSION—Sponsored by Robinson & Cole LLP

1:30 p.m.-2:30 p.m.

NOW YOU SEE IT, NOW YOU DON'T: THE DISAPPEARING ATTORNEY-CLIENT AND WORK PRODUCT PRIVILEGES IN COVERAGE AND BAD FAITH LITIGATION

There has been a severe erosion of, and in some jurisdictions an eradication of, traditional attorney-client and work product privileges when counsel renders advice to insurance company clients on coverage issues and claims handling practices particularly, but not exclusively, when bad faith is alleged. The panel will discuss how the privileges can be waived even when an "advice of counsel" defense has not been asserted, the likely and unanticipated consequences that can result, and how communications can be structured so that those consequences can be avoided.

Moderator:

Craig Stewart
Edwards Angell Palmer & Dodge LLP
Boston, MA

Panelists:

Tracy Campbell
Schiff Hardin LLP
Chicago, IL

Steven P. Perlmuter
Robinson & Cole LLP
Boston, MA

Professor James Fisher
Southwestern School of Law
Los Angeles, CA

Douglas Richmond
AON Global
Chicago, IL

2:30 p.m.-3:30 p.m.

WORKING HARD OR HARDLY WORKING: THE INS AND OUTS OF EPL INSURANCE COVERAGE AND CLAIMS

Beginning in the 1990s, the availability of Employment Practices Liability Insurance has increased. Underwriters recognized the need for EPLI products due to the burgeoning number of employment claims and limited coverage available for the claims under other types of policies. In writing EPLI, such issues as staff turnover, the type of organization, loss history and a company's employment practices and financial information factor into the risk assessment and underwriting. Employers must consider the scope of the coverage, policy terms, exclusions and premium. EPLI also presents its own loss exposure and coverage issues. This program will provide an overview of employer and insurer dealings with EPLI. The discussion will include history, considerations for policyholders purchasing the insurance, considerations for insurers based on the characteristics of a potential policyholder, the substantive scope of the coverage and common coverage issues in EPLI coverage disputes and a claims handling, litigation and resolution perspective from policyholder, insurer and in-house counsel.

Moderator:

Michelle Lafferty
General Counsel, Hylant Group
Cleveland, OH

Panelists:

David Rocklin
Chubb & Son
Los Angeles, CA

Sandra R. McCandless
SNR Denton US LLP
San Francisco, CA

Janet R. Davis
Meckler Bulger Tilson
Marick & Pearson LLP
Chicago, IL

3:30 p.m.-3:45 p.m.

BREAK—Sponsored by Howrey LLP

3:45 p.m.-4:30 p.m.

WHAT'S HAPPENING TODAY IN INSURANCE COVERAGE – THE LATEST DEVELOPMENTS

Keeping abreast of recent case law and developments in key coverage areas is a must for both experienced attorneys who want to be on the cutting edge and for younger attorneys focusing on an overview of important issues and current developments. This program will cover areas of broad general interest and also supplement and complement other programs being presented in specific areas. It will be presented from the perspective of both the carrier and the policyholder, and will include the latest developments in coverage law. Panelists will include outside counsel as well as an in-house carrier representative and a forensic accountant. Topics will include duty to defend, bad faith and punitive damages, internet advertising, additional insureds, and more!

Moderator:

Chuck Platto
Law Offices of Charles Platto
New York, NY

Panelists:

Aaron Singer
The Hartford
Hartford, CT

David R. Elmore, Jr
CPA, Matson Driscoll & Damico LLP
Reston, VA

Joan Cotkin
Nossaman LLP
Los Angeles, CA

Nosizi Ralephata
Turner Padgett Graham and Lancey P.A.
Charleston, SC

4:45 p.m.-5:45 p.m.

TIPS/ICLC BUSINESS MEETING

4:45 p.m.-5:45 p.m.

EXCESS, SURPLUS LINES AND REINSURANCE COMMITTEE BUSINESS MEETING

7:00 p.m.-9:30 p.m.

DINNER—DINE AROUND

Reservations will be made at several local restaurants. Sign-up for dinners, join old friends and meet new ones as you enjoy the fine Arizona cuisine.

DAY THREE, SATURDAY, FEBRUARY 26, 2011

7:30 a.m.-12:00 p.m.

REGISTRATION

7:30 a.m.-8:30 a.m.

TOOLBOX BREAKFAST SESSIONS—Sponsored by Kightlinger & Gray, LLP and Zelle McDonough & Cohen, LLP

Coordinators:

Art Garrett
Keller & Heckman LLP
Washington, DC

Rabeh Soofi Bruder
Ice Miller LLP
Indianapolis, IN

- **INSURER LIABILITY FOR THEIR THIRD-PARTY PROFESSIONALS**
Shari L. Klevens, McKenna Long & Aldridge LLP, Washington, DC
- **PRIORITY OF COVERAGE: HORIZONTAL v. VERTICAL EXHAUSTION**
Jeffrey J. Vita, Saxe Doernberger & Vita PC, Hamden, CT
- **INSURANCE COVERAGE FOR CLASS ACTIONS**
Wystan M. Ackerman, Robinson & Cole LLP, Hartford, CT
- **ALLOCATION BETWEEN COVERED AND NON-COVERED CLAIMS**
Adam Kominsky, Silverman, Sclar, Shin & Byrne PLLC, New York, NY
- **THE REINSURANCE AUDIT SURVIVAL GUIDE**
Michael Steinlage, Larson King, St. Paul, MN
- **DEFENSE WITHIN LIMITS: BURNING LIMITS**
William Ford, Ford & Serviss LLP, Tarzana, CA
- **LITIGATING COVERAGE IN CONSTRUCTION DEFECT CASES**
Cathleen H. Heintz, Hall & Evans LLC, Denver, CO
- **CORPORATE INDEMNIFICATION AND INSURANCE: PANACEA OR PANDORA?**
Neil M. Mody, Connell Foley LLP, Roseland, NJ
- **INDEPENDENT COUNSEL AND ADHERENCE TO CARRIER GUIDELINES**
Christopher Yetka, Lindquist & Vennum PLLP, Minneapolis, MN
- **RECENT DEVELOPMENTS IN PERSONAL AND ADVERTISING INJURY COVERAGE**
Douglas Richmond, Sr. VP, AON Global, Chicago, IL
- **LITIGATION INVOLVING STATE GUARANTY FUNDS – NEW RULES – NEW PLAYING FIELD**
Arthur J. McColgan, Walker Wilcox Matousek LLP, Chicago, IL
- **DISCLOSURE OBLIGATIONS WHEN RENEWAL POLICY RESTRICTS OR OMITTS COVERAGE**
Michael Gorby, Gorby, Peters & Associates, LLC, Atlanta, GA
- **BANKRUPTCY IMPLICATIONS FOR SELF-INSURANCE AND SIRS**
Diane Bucci, Zelle McDonough & Cohen LLP, White Plains, NY
- **LOOKING BEHIND THE NUMBERS: UNDERSTANDING FINANCIAL DOCUMENTS AND TERMS**
Christopher H. Westrick, Golden, Rothschild, Spagnola, Lundell, Boylan & Garubo, P.C., Bridgewater, NJ
- **JANIS HAGENBUCHER**, Matson Driscoll & Damico LLP, Philadelphia, PA

MORNING SESSIONS—Sponsored by Fasken Martineau Du Moulin LLP

8:30a.m.-9:30 a.m.

ETHICAL DILEMMAS IN THE COVERAGE CONTEXT

Ethical questions and issues of professional responsibility are present in virtually every litigated case. Coverage disputes and resulting declaratory judgment actions often present the thorniest ethical dilemmas particularly when attorneys are handling matters involving client fraud or witness false testimony. New issues have arisen as a result of the conflict waiver and informed consent documentation procedures under the Model Rules of Professional Conduct. Insurers, policyholders and their respective coverage counsel typically assert that their communications are privileged and not discoverable and ethical issues may arise when the privilege is not properly invoked. Furthermore, the new duties imposed by the Federal Rule of Civil Procedure 26(b)(5)(B) and Model Rule of Professional Conduct 4.4 with respect to inadvertently produced materials will directly implicate coverage lawyers and coverage disputes. An attorney may also overlook his or her ethical obligation to advise a client to issue a litigation hold in connection with a claim or suit.

This panel will address the ethical and practical implications associated with assertions of attorney-client privilege, reliance on privilege, discovery issues, fraud and dishonesty and the "inadvertent" disclosure of potentially privileged materials. The panel, representing all sides of a coverage dispute, will discuss how to ethically structure communications to avoid privilege issues, the implications of the relevant Federal Rules of Civil Procedure and Model Rules of Professional Conduct, litigation holds, the advice of counsel and the coverage attorney's ethical obligations.

Moderator:

John W. Allen

*Varum
Kalamazoo, MI*

Panelists:

Jeff Kichaven

*Jeff Kichaven Mediator
Los Angeles, CA*

Gordon K. Walton

*Meckler Bulger Tilson Marick & Pearson LLP
Chicago, IL*

Seth Lamden

*Howrey LLP
Chicago, IL*

9:30 a.m.-10:30 a.m.

OUT WITH THE OLD – IN WITH THE NEW: COVERAGE FOR CORPORATE SUCCESSORS

Companies are bought, sold, merged, and acquired on a daily basis. But when a successor corporation is held liable for its predecessor's actions, this often results in a multitude of questions as to whether and to what extent a predecessor's insurers may be liable for coverage. This panel will explore the complex and varied issues that can arise from the interplay between corporate succession and transactions, assignment of claims, liability and insurance rights. In addition to exploring the circumstances that may cause a successor to seek coverage under historical policies, our diverse panelists will discuss how potential successor liability issues may be addressed as a practical matter in today's world from the viewpoint of both insurers and corporate successors seeking coverage under historical policies.

Moderator:

Brandi Bennett

*Ice Miller LLP
Indianapolis, IN*

Panelists:

Nancy Brownstein

*The Travelers Companies, Inc.
Hartford, CT*

Joseph Thacker

*Thacker Martinsek LPA
Cleveland, OH*

Kenneth C. Newa

*Plunkett Cooney P.C.
Detroit, MI*

10:30 a.m.-10:45 a.m.

BREAK—Sponsored by Gorby Peters & Associates, LLC

10:45 a.m.-11:45 a.m.

MID-MORNING SESSION

OASIS OR MIRAGE: COVERAGE FOR CLAIMS INVOLVING PATENT LITIGATION AND ADVERTISING INJURY

It is common knowledge that patent litigation often involves the highest of stakes, with many cases being "bet the company" whether for the plaintiff or for the defendant. Smaller patent holders with limited resources can find themselves at a fatal disadvantage if a deep-pocketed competitor files suit for infringement or for patent invalidation. Similarly, copyright, trademark and trade dress claims are becoming increasingly expensive as federal litigation costs increase and the values that entities place on their intellectual property increase. Recent case law identifies opportunities to pursue insurance coverage for patent infringement lawsuits despite patent infringement exclusions in CGL policies. Similarly, the intersection of the Lanham Act and advertising injury coverage has created a debate regarding the coverage available under advertising injury policy provisions. Finally, in certain instances, Coverage B under liability policies can provide coverage for defendants in copyright suits. This panel will address these issues, recent developments including the *Hyundai Motor America v. National Union* case, and more!

Moderator:

Robert I. Westerfield

*Bowles Verna, LLP
Walnut Creek, CA*

Panelists:

Nancy Axilrod

*COACH, Inc.
New York, NY*

Timothy M. Thornton, Jr.

*Nelsen, Thompson, Pegue & Thornton
Los Angeles, CA*

John McMeekin

*Rawle & Henderson LLP
Philadelphia, PA*

11:45 a.m.

CLOSING REMARKS

12:30 p.m.-5:30 p.m.

AFTERNOON ACTIVITIES

GOLF OUTING (LYNX COURSE, ARIZONA BILTMORE)—Ticketed Event

*Sponsored by Plunkett Cooney PC and Litigation and Liability Management, LLC
Golf Prizes Supplied by Matson, Driscoll & Damico LLP
Drink Carts sponsored by The Johnson Firm*

HEARD MUSEUM TOUR—Ticketed Event

Enhance your visit to the Southwest with a guided tour of the Heard Museum. One of Phoenix's first cultural attractions, the museum has grown to be one of the world's finest destinations for learning about American Indian arts and cultures. Located in Phoenix, the Heard is just a short ride from the Biltmore. Our schedule also will include time for lunch at the Café at the Heard, where attendees can dine in a courtyard amid Ironwood trees, sculptures, and fountains. Museum admission, the guided tour, and transportation are included in the ticket price (excludes lunch).

VOLUNTEER/SERVICE PROJECT—"Shoes That Fit"

Even if you have other plans for Saturday afternoon, you can still participate in this service project aimed at providing children in need with new athletic shoes for school. We will be working with the local Phoenix-area chapter of Shoes That Fit, a national organization that provides shoes for children who otherwise would be wearing socks, flip-flops or ill-fitting, worn or torn shoes to school, making it difficult for them to participate in school or recreational activities (www.shoesthatfit.org). You can help by donating money, new athletic shoes (kids' and pre-teen sizes) or gift cards (Target, Wal-Mart, Payless). A Committee volunteer will collect your donations at the registration desk and on Saturday afternoon we take a trip to a local merchant to turn your generous monetary and gift card donations into shoes. If you've never done this kind of bulk shopping before, you'll be surprised to see how gratifying it can be.

GENERAL INFORMATION

REGISTRATION DEADLINE: FEBRUARY 3, 2011

ADVANCE REGISTRATION

Visit the TIPS 19th Annual TIPS Insurance Coverage Litigation Committee Midyear Meeting entitled "Finding Balance in the Shifting Sands of Insurance Coverage" website to register at www.abanet.org/tips or complete the registration form included in this brochure.

The registration fee includes admission to the program, course materials, continental breakfast, breaks, and reception. If you wish to have your name appear on the pre-registration list distributed at the program, **ALL** registration forms must be received no later than the registration deadline of February 3, 2011. Registration reservations will be confirmed in writing within 10 business days.

ON-SITE REGISTRATION

On-site registrations will be accepted if space is available. Call Ninah F. Moore at 312/988-5498 or email mooren@staff.abanet.org, 72 hours prior to the program to confirm that space is available. On-site registrants must pay the program fee by credit card or check made payable to the American Bar Association. A \$25 fee will be charged to individuals registering on-site.

CANCELLATION POLICY

No registration fee refunds will be granted for cancellations received after **February 3, 2011**. In order to receive a refund (less a \$100 administrative fee), the ABA must receive written cancellation by **February 3, 2011**. Registrants who are unable to attend may send a substitute or will receive course materials in lieu of a refund.

HOTEL INFORMATION

For Reservations call 800/950-0086 OR 602/955-6600
A limited number of rooms have been blocked for program registrants of the ABA TIPS 2011 Annual Insurance Coverage Litigation Committee Meeting at the Arizona Biltmore Resort & Spa, 2400 East Missouri Avenue, Phoenix, AZ 85016 for a hotel room rate of \$229.00 single/double plus 12.27% tax. For reservations, please call the hotel directly at 800/950-0086 OR 602/955-6600. The room block will be held until exhausted or until **Thursday, February 3, 2011 at 5:00 p.m. (CST)**. After the meeting specified hotel deadline, reservations will be confirmed based on availability. Please refer to the ABA TIPS 2011 Annual Insurance Coverage Litigation Committee Meeting when calling the hotel to make reservations. Hotel check-in is 4:00 p.m. and checkout is 12:00 p.m. All reservations must be guaranteed by credit card or deposit check for one night's room and tax. Individuals with guaranteed reservations must cancel their reservations 48 hours prior to the scheduled day of arrival to avoid a one-night cancellation charge.

AIRLINE INFORMATION

Discounted airfares are available from ABA Orbitz For Business including ABA negotiated discounts on American and United Airlines. To book online, go to www.abanet.org/travel > click under the Orbitz For Business logo at the top of the page > click on the appropriate link in the Self Paid Travel box. For assistance with online or offline reservations, call toll free 1-877-222-4185.

Discounts can also be obtained directly from the carrier.

HOTEL DEADLINE: FEBRUARY 3, 2011

Following are the ABA discount codes for American and United Airlines under which your reservations need to be purchased in order to receive either the ABA percentage discount or zone fare.

FOR 2010

AMERICAN AIRLINES	(800-433-1790)	Code #A1210SS
UNITED AIRLINES	(800-521-4041)	Code #578IG

FOR 2011

AMERICAN AIRLINES	(800-433-1790)	Code #A1911SS
UNITED AIRLINES	(800-521-4041)	Code #578IG

CLE INFORMATION

Accreditation will be requested for this program from every state with mandatory continuing legal education (MCLE) requirements for its lawyers. Please be aware that each state has its own rules and regulations, including its definition of "CLE". Check with your state agency for confirmation of this program's approval. Attorneys seeking to obtain MCLE credit in Pennsylvania are required to pay state accreditation fees directly to that state. Certificates of attendance will be available at the conclusion of the program. In order to receive CLE credit, all attorneys will be required to sign in on the sign in sheets and obtain a Uniform Certificate of Attendance. Registration fees must be paid in full before registrants can receive credit. You may contact Donald Quarles at 312/988-5708 two weeks prior to the conference for confirmation of the number of CLE credit hours requested by the ABA or credits approved by any particular state.

MEMBERSHIP INFORMATION

For more information about membership in the ABA or the Tort Trial & Insurance Practice Section (TIPS), please visit us online at www.abanet.org/tips/memberapp.html or call 1-800-285-2221. Membership in TIPS includes three industry-leading periodicals, discounts of up to 20% on many TIPS CLE programs, and other career and practice-enhancing benefits. Join TIPS today!

PERSONS WITH DISABILITIES

Services for persons with disabilities are available. If special arrangements are required for an individual to attend this program, please notify the ABA promptly at 312/988-5498. Reasonable advance notice is requested.

GET CONNECTED WITH TIPS!

Information on this and other TIPS CLE programs is available online at www.abanet.org/tips. Visit us and get connected!

SCHOLARSHIPS AVAILABLE!

ATTENTION TIPS MEMBERS: Scholarships are available for all Section activities, courtesy of the TIPS Scholarship Fund. The Fund, established with the International Risk Management Institute ("IRMI") and supported by subscriptions to the IRMI CGL Reporter, is intended to increase membership involvement in TIPS' activities among minorities, solo and small firm practitioners, government attorneys, women, and young lawyers by providing financial support to those who would otherwise be unable to participate. To request an application or receive additional information, visit www.abanet.org/tips/scholarship.html or contact Linda Wiley at 312-988-5673.

REGISTRATION FORM

ABA Tort Trial & Insurance Practice Section (TIPS)
19th Annual Insurance Coverage Litigation Committee Midyear Program
Finding Balance In The Shifting Sands Of Insurance Coverage
Arizona Biltmore Resort And Spa • Phoenix, AZ • February 24-26, 2011

REGISTRATION DEADLINE: FEBRUARY 3, 2011 HOTEL DEADLINE: FEBRUARY 3, 2011
REGISTRANT: *(Please print or type one form per person; photocopy this form for additional registrants)*

LAST NAME	FIRST NAME	MI
NAME AS YOU WISH IT TO APPEAR ON YOUR BADGE		
FIRM/COMPANY		
WHAT STATE(S) ARE YOU LICENSED IN?		
ADDRESS		
CITY	STATE	ZIP
(AREA CODE) BUSINESS TELEPHONE	FACSIMILE	
E-MAIL ADDRESS		

Are you attending your first TIPS ICLC CLE Program? ☐ Yes ☐ No

☐ I am a member of the ABA and wish to join the Tort Trial & Insurance Practice Section. I have enclosed a separate check for \$50 made payable to the American Bar Association.

REGISTRATION FEES:	On or Before 2/3/11	After 2/3/11	QTY	TOTAL
Registration Fee per TIPS Member	\$525	\$550	_____	_____
General Attendee	\$600	\$625	_____	_____
Insurance Company/Government Employee	\$400	\$425	_____	_____
Law Student	\$200	\$200	_____	_____

SOCIAL EVENTS			QTY	TOTAL
Thursday Opening Reception	Included	Included	_____	_____
Thursday Dinner	\$100	\$100	_____	_____
Friday Tool Box Lunch Session (Attendee)	Included	Included	_____	_____
Friday Tool Box Lunch Session (Spouse/Guest)	\$75	\$75	_____	_____
Saturday Tool Box Breakfast Session (Attendee)	Included	Included	_____	_____
Saturday Tool Box Breakfast Session (Spouse/Guest)	\$75	\$75	_____	_____

Saturday Afternoon Activities

Are you interested in Golf? ☐ Yes ☐ No
Are you interested in the Heard Museum Tour? ☐ Yes ☐ No
Are you interested in the "Shoes That Fit" service project? ☐ Yes ☐ No

MATERIALS:

☐ I will not be able to attend the 2011 ICLC Midyear program, but wish to order a copy of the materials \$125

TOTAL PAYMENT

Total _____

PAYMENT INFORMATION

☐ Check (made payable to the ABA) ☐ American Express ☐ MasterCard ☐ VISA

CREDIT CARD NUMBER	EXPIRATION DATE
SIGNATURE	

THREE WAYS TO REGISTER

1. **ONLINE:** www.abanet.org/tips
2. **MAIL:** **19th Annual ICLE Committee Midyear Program**
American Bar Association
Tort Trial & Insurance Practice Section
321 North Clark Street
18th Floor
Chicago, IL 60654
3. **FAX:** 312/988-6230

19TH ANNUAL
INSURANCE
COVERAGE LITIGATION
COMMITTEE MIDYEAR
PROGRAM

FINDING BALANCE IN
THE SHIFTING SANDS
OF INSURANCE
COVERAGE

CO-SPONSORED BY THE EXCESS, SURPLUS
LINES AND REINSURANCE COMMITTEE AND
THE SELF-INSURERS AND RISK MANAGERS
COMMITTEE

FEBRUARY 24-26, 2011
ARIZONA BILTMORE
RESORT AND SPA
PHOENIX, AZ

Registration Deadline:
February 3, 2011

Hotel Deadline:
February 3, 2011

Register online at
www.abanet.org/tips



American Bar Association
Tort Trial & Insurance Practice Section
Defending Liberty
Pursuing Justice
321 North Clark Street
Chicago, Illinois 60654

