

March 2 – 4, 2006
The Westin La Paloma
Tucson, AZ

2006 Insurance Coverage
LITIGATION
Committee CLE Seminar

**Insurance Coverage Litigation
CLE Seminar Co-Chairs**

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**Insurance Coverage Litigation
Committee Co-Chairs**

Timothy W. Burns
Neal, Gerber & Eisenberg, LLP
Chicago, IL

Linda B. Foster
Weissman, Nowack, Curry & Wilco, PC
Atlanta, GA

Dear Colleagues

The Insurance Coverage Litigation Committee of the ABA's Section of Litigation is proud to present its eighteenth annual Insurance Coverage Litigation Committee CLE Seminar. For those of you who have never ventured to Tucson, each year many of the nation's top insurance and policyholder's lawyers and industry leaders attend the meeting and present diverse topics and views on current insurance issues. For those of you who have attended our past meetings, this year's program will provide the same high-quality presentations and valuable networking opportunities as the prior seventeen programs.

This year's plenary sessions will address the timely topics of disaster coverage, coverage for corporate financial scandals, and an analysis of issues from the World Trade Center trial by a panel including the presiding judge from that litigation, and ethical traps for the unwary. This year's meeting will also offer programs each day emphasizing practical trial and mediation skills at an advanced level. In addition, this year we have expanded the Thursday, March 2, 2006 programs, and focused them on pretrial and trial practice topics, with plenary sessions on deposing the underwriter, litigating D&O rescissions, and trying an insurance coverage case to a jury. Also, Friday and Saturday offer a full complement of both plenary and high level break-out sessions. There will also be receptions on Wednesday and Thursday nights, and a Friday night dinner, which will provide you with excellent opportunities to

see old friends, and hopefully make some new friends and contacts.

We are lucky to return to the Westin La Paloma Resort, located in the foothills of Tucson's Santa Catalina Mountains. In addition to the networking opportunities and valuable continuing legal education programs, this year's meeting will offer great entertainment, including golf, tennis, massage, hiking, horseback riding, and a major league baseball spring training game.

We invite you to make your reservation early and join us this year. Last year's meeting received special recognition from the ABA Section of Litigation, and this year promises to continue that trend. The combination of meeting your colleagues, attending CLE programs presented by leading industry and policyholder lawyers, entertainment and Tucson's beautiful weather have made this program one of the most well attended meetings the ABA has to offer. Please mark your calendar and we hope to see you in Tucson on March 2-4, 2006.



 SECTION of LITIGATION
AMERICAN BAR ASSOCIATION

General Information

Registration Fee & Hours

The registration fee allows registrants to attend all CLE programs. In addition, the fee includes program materials, continental breakfasts, coffee breaks, and admission to the receptions held on Wednesday and Thursday.

The online registration fee is \$375.

The deadline for online registration is **Thursday, February 9, 2006**. After this date, you may register on-site.

On-site Registration will take place during the following hours:

Thursday, March 2, 2006

Noon – 6:00 pm

Friday, March 3, 2006

7:00 – Noon

Saturday, March 4, 2006

7:00 - Noon

For information regarding registration, please contact the Meetings Assistant, at (312) 988-6247.

Reach Us Through The Web

For more information on the ABA Insurance Coverage Litigation Committee and to Register On-Line, log on to the Committee's home page at www.abanet.org/litigation/committee/insurance.

Registration Cancellations

Requests for refunds must be made in writing and received no later than Thursday, February 9, 2006, in the ABA Section of Litigation office. Please fax or email your request to

the Meetings Assistant, at (312) 988-6234 or blhenderson2@staff.abanet.org. There will be a \$50 administrative fee deducted from the refund. Cancellations received after February 9, 2006 will not be refunded; however, the Section will gladly accept substitutions for those unable to attend.

Airline Information

The American Bar Association has an online travel site, where you can automatically receive ABA discounts from a variety of carriers, can view and purchase other low fare options including web fares. The ABA Online Travel can be accessed at www.abanet.org, from the Home page.

Reservations can also be made with the ABA Travelocity Business agent at (866) 321-8403.

Airport Transfer & Car Rental

Arizona Stagecoach Shuttle offers service between the Tucson Airport and the Westin La Paloma for \$36 one-way or \$62 roundtrip. If traveling as a couple, \$42 one-way or \$74 round trip. Please inquire about special rates for more than two traveling. For reservations, please call (520) 889-1000 or visit Arizona Stagecoach's Web-site at www.azstagecoach.com.

Most major car rental companies are located in the baggage claim area of the Tucson Airport. ABA members are entitled to special discounts by calling Hertz at (800) 654-2230 and referencing the ABA group discount number 13000.

Hotel Information

All programs will take place at The Westin La Paloma, nestled in the rugged beauty of the Santa Catalina Mountains and the lush high Sonora Desert. To make reservations, please call the hotel at (520) 742-6000 or central reservations at (800) 937-8461 by Thursday, February 2, 2006. In order to receive the ABA discounted rate of \$270 single/double occupancy (excluding 11.6% tax & \$10 resort fee per day), please refer to the ABA Section of Litigation Insurance Coverage Litigation CLE Seminar. After Thursday, February 2, 2006, the ABA discounted rate cannot be guaranteed and will be subject to availability. Hotel reservations must be cancelled 3 days prior to the scheduled day of arrival to avoid a one-night cancellation charge.

Services For The Disabled

If special arrangements are required for an individual to attend this seminar, please contact Meetings Assistant at (312) 988-6247.

MCLE Credit

Accreditation has been requested for this program from every state with mandatory continuing legal education requirements for attorneys. Please be aware that each state has its own rules and regulations, including its definition of "CLE." Certificates of Attendance will be available at the conclusion of the program for both attendees and speakers. Please call the ABA for CLE information at (312) 988-6247 two to three weeks prior to the seminar for questions pertaining to the number of credit hours requested.

Thank You

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Program Information

Wednesday, March 1, 2006

6:30 - 8:30 pm – *Early Bird Cocktail Party*

Everyone invited

Thursday, March 2, 2006

Noon - 6 pm – *Registration*

1:00 - 2:10 pm – *Practical Skills Session*

Deposing and Defending an Underwriter

This panel, consisting of counsel for insureds and insurers, will focus on two classic problems in environmental insurance coverage cases: (1) proving up lost policies and (2) interpreting Personal Injury Coverage provisions as applied to pollution claims to illustrate the kind of information the underwriter possesses and issues that arise in deposing the underwriter and defending the deposition. Actual, entertaining deposition testimony will be re-enacted to demonstrate useful techniques and the results achieved.

Speakers: **Georgia Kazakis**, Covington & Burling, Washington, DC; **John Vishneski**, Mayer Brown, Chicago, IL; **Lee Ogburn**, Kramon & Graham, Baltimore, MD.

2:15 - 3:25 pm – *Practical Skills Session*

I Want a Divorce! Update on Current Battles Involving D&O and Severability Issues

The continuing media frenzy over corporate scandals, additional restatements of financial statements, and recent trials leading to both convictions and acquittals on corporate mismanagement theories that raise issues regarding the dishonesty exclusions, are continuing to focus attention on policy applications and the documentation on which an insurer relies in issuing or renewing directors and officers liability insurance. Despite suggestions that the rescission push is subsiding, these issues are not going away. This panel will discuss new developments in the law of rescission and severability, and address practical considerations arising in this important area of interest.

Speakers: **Mary Craig Calkins**, Howrey LLP, Los Angeles, CA; **Steven Smith**, Bryan Cave, Chicago IL; **Daniel Aronowitz**, President, Ulico Insurance Company, San Francisco, CA; **Kathryn Walker**, Managing Vice President, Professional Liability Claims, St. Paul Travelers, St. Paul, MN.

3:35 - 4:45 pm – *Practical Skills Session*

Not Just an Ordinary Day In Court: The Insurance Coverage Jury Trial

Insurance coverage “trial” lawyers will discuss the fundamentals of planning and conducting an insurance coverage “jury” trial. The panel of veteran coverage trial lawyers will discuss the many facets of presenting a coverage case to a jury. Why the jury trial is the preferred method for resolving complex coverage cases, how to choose the right jury if you represent the policyholder or the insurer, whether a jury should and can be educated about the “meaning” of insurance policies, the role of insurance experts in a jury trial, and giving the jury the tools to make the “right” decision, will be some of the subjects which this panel will address.

Speakers: **John James**, Potter Anderson & Corroon, Wilmington, DE; **Mary Kay Vyskocil**, Simpson Thatcher, New York, NY; **Barry Fleishman**, Dickstein Shapiro Morin & Oshinsky, Washington, DC; **Ray Wong**, Hancock Rothert & Bunshoft, San Francisco, CA; **Patricia Bronte**, Jenner & Block, Chicago, IL.

4:45 - 5:45 pm – *Subcommittee Meetings*

6:00 - 8:00 pm – *Welcome Cocktail Reception*

Sponsored by: **PricewaterhouseCoopers LLP**

Everyone Invited

Friday, March 3, 2006

7:00 - 8:00 am – *Breakfast*

7:00 - Noon – *Registration*

Friday, March 3, 2006 (continued)

8:00 - 9:15 am – *Plenary Session*

When Disaster Strikes: First-Party Coverage Issues Arising in the Wake of a Natural Disaster

The panel will focus on first-party coverage issues implicated by recent natural disasters, including the period of restoration, allocation between causes of loss, the applicability of other time-element extensions such as civil authority and contingent business income coverage, the potential application of exclusions and factual and legal causation. The presentation will focus on lessons to be learned by policyholders and insurance companies from court decisions in the first-party insurance coverage disputes filed for time-element losses stemming from the September 11, 2001 attacks.

Speakers: **Walter J. Andrews**, Hunton & Williams LLP, McLean, VA; **Richard Lewis**, Anderson Kill & Olick, New York, NY; **Leslie Platt**, Wiley Rein & Fielding, Washington, DC.

9:25 - 10:35 am – *Plenary Session*

Running for Cover(age) When Corporate Scandal Breaks

Innocent directors and officers — and their insurance carriers — face difficult D&O coverage issues when corporate financial scandals break out. The panel will focus on current hot issues surrounding the tension between the innocent director/officer and the carrier, such as (1) protecting individual directors/officers, (2) severability and imputation language, (3) rescission actions, (4) policy exclusions for intentional misconduct and personal profit, (5) exhausting coverage on defense costs advanced to indicted corporate insiders and (6) global settlements. The panel will examine D&O coverage issues from the perspectives of policy-holders, brokers, and carriers.

Speakers: **Karen Painter Randall**, Connell Foley, Roseland, NJ; **Lane Finch**, Haskell Slaughter, Birmingham, AL; **Matthew L. Jacobs**, Kirkpatrick, Lockhart, Nicholson & Graham, Washington, DC; **Mary Anne Mullin**, CNA Specialty Lines, New York, NY; **Denise Amantea**, Woodruff-Sawyer Insurance Services, Inc., San Francisco, CA.

10:45 - 11:40 am – *Breakouts*

Session A: Lost Policies, Burning Rivers and Other Everyday Transactions: Expert Answers to Life, the Universe and Insurance

A multi-media trial with three insurance industry experts exploring important issues, including: (1) locating lost, missing or destroyed policies and establishing due diligence in searching for policies; (2) the scope of recoverable environmental damages; and (3) the impact of corporate transactions and succession on insurance rights. The trial will utilize 10 second movie scene clips as the “factual” background followed by questioning of the experts.

Speakers: **James Davis**, Anderson Kill & Olick, Chicago, IL; **Michele Piero**, Insurance Archeology Group, New York, NY; **Robert Chung**, Anderson Kill & Olick, New York, NY; **Prof. Adam Scales**, University of Connecticut Law School, Hartford, CT; **James Vandeven**, Environ, Arlington, VA.

Session B: Who Writes the Last Check: “All Sums” Allocation & Reallocation

This panel focuses on the important topic of how losses are reallocated after an initial “all sums” allocation (i.e., what happens after the initial “vertical spike.”) As “all sums” case law becomes further entrenched in the coverage landscape, this topic becomes increasingly important both in litigation and at the settlement table, as both sides try to calculate the ultimate value of the claim after all contribution rights and settlement credits have been factored in. The final “reallocated” result can be tremendously different than the initial “all sums” allocation.

Speakers: **Benedict Lenhart**, Covington & Burling, Washington DC; **Maria Enriquez**, Bates & Carey, Chicago, IL; **Estelina Dallett**, Dickstein Shapiro Morin & Oshinsky, Washington, DC; **Dana Lumsden**, Hunton & Williams LLP, Charlotte, NC.

Session C: Ships Passing in the Night: Courts Differing Treatment of the Absolute Pollution Exclusion

This panel will discuss how courts in construing the absolute pollution exclusion reach different interpretations based on their differing judicial philosophies. Like ships passing in the night, courts nationwide have split over how the exclusion should be enforced and, in some circumstances, the same court has reversed field on the subject. The panel will explore why this fragmented approach will undoubtedly continue focusing on how a particular jurisdiction’s philosophical view contributes to its judicial construction of the exclusion.

Speakers: Prof. Jeffrey Stempel, Nevada School of Law, Henderson, Nevada; Laura Foggan, Wiley Rein & Fielding, Washington, DC; William Shelley, Cozen O'Connor, Philadelphia, PA; Ellis Medoway, Archer & Grenier, Haddonfield, NJ.

Session D: Brace Yourself: The Next Wave of Asbestos Bankruptcies

The best opportunity in 25 years to resolve asbestos litigation has been lost. What next? Panelists will discuss the likelihood of a new wave of asbestos bankruptcies and the issues presented for carriers and policyholders, including the future of prepacks and non-debtor add-ons given recent decisions in the Combustion Engineering, Pittsburgh Corning, and Congoleum cases; the impact of state tort reform on the asbestos bankruptcies; and the continuing vitality of the UNR/Fuller-Austin doctrine.

Speakers: Steve Vaccaro, Debevoise & Plimpton, New York, NY; Gretchen Ramos, Carroll Burdick & McDonough, San Francisco, CA; Anna Engh, Covington & Burling, Washington, DC.

11:45 - 12:35 pm - Breakouts

Session A: Vendor's Additional Insured Endorsements: Are They Worth the Paper They Are Written On?

To survive the ever-increasing tide of litigation, it makes sense for retailers, distributors and wholesalers to seek ways to limit their product liability exposure. Many companies, therefore, will do business with a product manufacturer only if the manufacturer agrees to secure insurance coverage protecting it from losses arising out of the manufacturer's products. Some recent opinions, however, have narrowed the scope of such coverage and/or relied on "economic" theories rather than traditional cannons of policy construction to the potential detriment of additional insureds. The panel will discuss the competing case law and other additional insured issues as well as propose proactive suggestions to assist practitioners on both sides in such disputes.

Speakers: Regina DePumpo, Utica National Insurance Group, Utica, New York; Greg Horowitz, McCarter English, Newark, NJ; John Malloy, Robinson & Cole, Hartford, CT; Yuri Mikulka, Howrey LLP, Irvine, CA.

Session B: The Side A Frenzy and Other D&O and Fiduciary Liability Developments

In the current post-Enron environment, directors and officers face unprecedented scrutiny and liability exposure. The magnitude of securities litigation settlements has exploded with no end in sight and it is now almost commonplace for plaintiffs and regulators to aggressively pursue individual director and officers defendants. This environment is leading to significant changes in D&O insurance. This lively panel will explore current and future changes in Director and Officer insurance including the current growth in Side A only policies and the impact of these changes on the policy holders and the insurance carriers. The panel will discuss how these policy changes and recent developments in the law are affecting D&O coverage issues including the impact of Side A policies in the claims handling process.

Speakers: Timothy Burns, Neal, Gerber & Eisenberg LLP, Chicago, IL; Priya Cherian Huskins, Woodruff-Sawyer Insurance Services, Inc., San Francisco, CA; Dan A. Bailey, Bailey Cavaliere, Columbus, OH; Michael Early, Assistant General Counsel, Chicago Underwriting Group, Inc., Chicago, IL.

Session C: Hot Topics in Reinsurance

This program will address significant issues in reinsurance law with emphasis on three problems central to current industry practice: (1) broad, contractual access to records v. privilege/confidentiality concerns; (2) reinsurance and retrocessional coverage of bulk settlements that include IBNR and other "immature" claims; and (3) extracontractual (or "bad faith") claims.

Speakers: David Attisani, Choate Hall, Boston, MA; George Cavell, American Reinsurance, Princeton, NJ; David Greenwald, Jenner & Block LLP, Chicago, IL; Barbara Murray, PricewaterhouseCoopers LLP, Chicago, IL.

Session D: What Do You Mean You Want Money from My Client! Mediating Construction Defect Coverage Disputes

Join this panel to learn why some construction defect mediations fail and what insurance coverage lawyers can do make them more successful. The panel will provide useful tips and insights to the tough mediation questions and issues. The discussion will include: (1) asking an insurer for authority; (2) allocation agreements and dealing with additional insured issues; (3) asking an insured for a contribution; (4) how to select the right mediator and what information do you tell the mediator and when; (5) when to make presentations and why; (6) negotiation strategy — who makes the first move; (7) settlement alternatives such as "fund and fight" arrangements and Miller v. Schugart agreements; and (8) approaches to maximize or minimize coverage.

Speakers: Ronald Kammer, Hinshaw Culbertson, Miami, FL; Anthony Leuin, Shartsis Friese, San Francisco, CA; Zela Claiborne, Mediator & Arbitrator, San Francisco, CA.

12:35 - 2:00 pm – Roundtable Luncheon

Choose the topic of interest and place corresponding number on your registration form as 1st and 2nd choices.

1. Valuation of Losses that Defy Ordinary Forensic Analysis — Damage to Unique or Unusual Property. **Samantha Trahan**, Gardere Wynne Sewell, Houston, TX; **Barbara Evans**, Weissman, Nowack, Curry & Wilco, Atlanta, GA.
2. When the Answer is "No": A Discussion of Coverage Disclaimers. **Kevin Lane**, Sliwa & Lane, Buffalo, NY; **Toya Kelley**, Tydings & Rosenberg, Baltimore, MD.
3. Honey, I Shrunk the Firm (But Not the Talent): Coverage Litigation in a Small Firm. **John Mumford**, Hancock, Daniel, Johnson & Nagle, Glen Allen, VA; **Kevin Starkey**, Starkey, Kelly, Bauer & Kenneally, Brick, NJ.
4. The States Still Want Their Money: Direct Actions by States Against Insurers. **Laura Hanson**, Meagher & Geer, Minneapolis, MN; **Amy Woodworth**, Meagher & Geer, Minneapolis, MN.
5. Preserving Your Rights: Tips for Preparing and Responding to Reservation of Rights Letters. **Greg Como**, Lewis Brisbois Bisgaard & Smith, Phoenix, AZ; **David Anderson**, Schiff Hardin, Chicago, IL.
6. What's Up with ERISA? **W. Fulton Broemer**, Broemer & Associates, Houston, TX.
7. When Good Stuff Goes Bad: Coverage for Food & Wine Claims. **Rina Carmel**, Tressler Soderstrom Maloney & Preiss, Los Angeles, CA; **Anthony Leuin**, Shartsis Friese, San Francisco, CA.
8. Reimbursement of Uncovered Defense Costs. **Andrew Weiner**, Dickstein Shapiro Morin & Oshinsky, Washington, DC; **Stephen Kelley**, Kelley Casey & Moyer, Kalamazoo, MI.
9. Pitfalls of Claims-Made Coverage. **Jay Levin**, Reed Smith, Philadelphia, PA; **Deborah Minkoff**, Cozen O'Connor, Philadelphia, PA.
10. What's New in Environmental Coverage? **Steven Caley**, Weissman, Nowack, Curry & Wilco, Atlanta, GA; **Brent Huber**, Ice Miller, Indianapolis, IN.
11. Should We Settle? The Unforeseen Factors which May Affect the Carrier's Obligation to Settle. **Heather Michael**, Arnall Golden Gregory, Atlanta, GA; **Scott Wandstrat**, Arnall Golden Gregory, Atlanta, GA.
12. When Good Claims Go Bad: Negotiation, Arbitration or Litigation? **Joe Galanti**, Ernst & Young, Miami, FL.

2:15 – 5:00 pm – Activities

Golf	2:15 – 5:00 pm
Horseback Riding	2:15 – 5:00 pm
Jeep Tour	2:15 – 5:00 pm

7:00 – 11:00 pm – Cocktails and Dinner

Saturday, March 4, 2006

7:00 - 8:00 am – Breakfast

7:00 - 8:00 am – Business Meeting

7:00 - Noon – Registration

8:00 - 9:15 am – Plenary Session — Ethics

Working Both Sides: Conflicts Arising Out of Advance Waivers Where Law Firm Attempts to Represent Both Insurers and Insureds

With more and more law firms merging, resulting in the creation of mega-law firms, the issue of conflicts arising out of law firms both representing and suing insurance carriers in coverage litigation has become a much more difficult issue to navigate, not only from an ethical standpoint but also from a business relationship point of view. Is it possible that we can all live together in harmony under one figurative roof? Advance waivers are seen by some as a way to help accomplish this task in some circumstances. However, it is not entirely clear whether they are enforceable, ethical, or workable. This panel will present a mock hearing on a motion to disqualify on a representation involving an advance waiver, and will address all of the ethical implications involving an advance waiver, including a hypothetical on positional conflicts, confidentiality and the execution of waivers when undertaking representation.

Speakers: Angela Elbert, Neal, Gerber & Eisenberg LLP, Chicago, IL; Barbara A. Sherk, Sliwa & Lane, Buffalo, NY; Jonathan Lerner, Skadden, Arps, Slate, Meagher & Flom, New York, NY; Lawrence Fox, Drinker Biddle & Reath, Philadelphia, PA; Sarah Garner, Neal, Gerber & Eisenberg LLP, Chicago, IL; Honorable Julio Fuentes, United States Court of Appeals for the Third Circuit, Newark, NJ.

9:30 - 10:35 am – Plenary Session

What's New on Number of Occurrences? Current Trends, Big Cases, and the Latest Theories

This panel will examine new developments, and emerging controversies, in one of the most frequently contested areas of insurance coverage: number of occurrences. Important recent and pending cases such as the World Trade Center coverage litigation, Appalachian Ins. Co. v. GE, and Travelers v. Gerling will be analyzed by a panel composed of leading practitioners from policyholder, direct insurer and reinsurer sides, as well as retired federal court Judge John Martin, who presided over the World Trade Center trial.

Speakers: **James Cooper**, Gardere Wynne Sewell, Houston, TX; **Robert J. Bates, Jr.**, Bates & Carey LLP, Chicago, IL; **Suzan F. Charlton**, Swidler Berlin, Washington, DC; **Honorable John S. Martin**, Retired, United States District Court Judge, Southern District of New York; **R. Nicholas Gimbel**, McCarter & English, Philadelphia, PA; **John C. Yang**, Wiley Rein & Fielding, Washington, DC.

10:45 - 11:40 am – Breakouts

Session A: Successor Liability: Why Merger and Acquisition "Marriages" Require Insurance Due Diligence and Clear Pre-Nuptial Agreements

In Henkel Corp. v. Hartford Accident & Indemnity Co., the California Supreme Court held that an insured's successor-in-interest is not entitled to the benefits of its predecessor's insurance policies absent insurer consent. This panel will discuss mergers and acquisitions that impact insurance coverage issues, including successor liability. This panel will offer guidance to insureds and insurers on the complex coverage issues that arise when one company "marries" another company.

Speakers: **Lori Siwik**, Risk International Services, Inc., Cleveland, OH; **Koji Fukumura**, Cooley Godward, San Diego, CA; **Cathy Serafin**, Howrey LLP, Washington, DC; **Les Bek**, Vice President, AIG Mergers & Acquisitions Insurance Group, San Francisco, CA; **Kate Sampson**, Senior Vice President, Marsh McLennan, San Francisco, CA.

Session B: The Landscape is Changing: Bad Faith Damages in 2006

This panel will discuss how bad faith law has changed since the United States Supreme Court's landmark decision in State Farm v. Campbell. The panel will analyze cases in which punitive damages have been awarded for insurance bad faith after the State Farm decision. The panel will also discuss the practical import of these cases on insurers, policyholders, and their counsel (including

discovery issues relating to financial information and nationwide practices, measures to be taken to avoid punitive damages in bad faith cases, etc.).

Speakers: **Jeffrey Michael Cohen**, Carlton Fields, Miami, FL; **Rodney Eshelman**, Carroll, Burdick & McDonough, San Francisco, CA; **Heather Smith Michael**, Arnall Golden Gregory, Atlanta, GA.

Session C: New Technologies and The Claims They Spawn: A Risk and Insurance Coverage Perspective

Breakthrough technology has resulted in the miniaturization of many devices and the ability to mass assemble and disseminate information at breakneck speed. Cameras are so small that they can be hidden in small cell phones. The picture taken with such a camera can then be uploaded onto the Internet for viewing by millions of people. Business can store a tremendous amount of personal data regarding their customers, and store it in devices no larger than the palm of one's hand. Although these new technologies have many benefits, they create new liability risks.

Statutes are being drafted and enacted as we speak to address the duties of people/businesses that utilize such technology. Have businesses identified these risks and obtained insurance to protect themselves? This session explores these new risks and whether a standard CGL insurance policy provides adequate protection to businesses for such risks.

Speakers: **Christopher C. Loeber**, Morgan Lewis & Bockius, New York, NY; **Greg Brown**, University of Minnesota, Minneapolis, MN; **Adam Smith**, Coughlin Duffy, Morristown, NJ.

Session D: Running the Numbers: Effectively Preparing, Presenting, or Attacking Your Opponent's Damages Case

Proving current and future damages is usually the bottom line in an insurance case. But damages often present special problems in client relations, case preparation, discovery, and jury presentation. Using a hypothetical case, this panel will discuss and role play how to effectively integrate damages early in case preparation, develop the numbers cost effectively, subject to effective discovery, and present or attack them before the trier of fact.

Speakers: **David Brenner**, Riddell Williams, Seattle, WA; **Dominica C. Anderson**, Duane Morris, San Francisco, CA; **Steve Secrist**, Puget Sound Energy, Bellevue, WA; **Clarence E. Lennon**, PricewaterhouseCoopers LLP, Chicago, IL.

11:40 - 12:35 pm – Breakouts

Session A: Shooting Across the Border: Enforcement of Foreign Judgments

A number of policies held by United States policyholders have been issued by insurers from other countries. The panel will discuss some of the issues involved when United States policyholders seek coverage against insurers based in foreign countries and, specifically, to enforce judgments obtained in the United States in foreign courts. The panel will include experienced practitioners who recently concluded litigation in Colombia involving efforts of a United States corporation to enforce judgments obtained in the United States against an insurance company based in Colombia.

Speakers: **Julie Johnson**, Covington & Burling, Washington, DC; **Eduardo Wiesner**, Wiesner & Asociados LTDA, Bogotá, Colombia; **Ilan Rosenberg**, Cozen O'Connor, Philadelphia, PA.

Session B: How Much Coverage Do We Have? Pushing The Limits Of Multi-Year Policies

Adding up the total occurrence and aggregate limits of all policies issued to a policyholder over a number of years would seem to be an easy task. However, policyholders often view policies issued for more than a year as providing more than one set of limits. This session will review the theories offered by policyholders on why multi-year policies should provide multiple limits, the policy language insurers rely on to prove only a single limit applies and recent case law on the issue. This session will also address the determination of limits for policies cancelled short of their full term and policies extended for less than a year.

Speakers: **David Godwin**, Carroll, Burdick & McDonough, San Francisco, CA; **Cindy Tzvi**, Lowenstein Sandler, Roseland, NJ; **Josephine Hicks**, Parker Poe Adams & Bernstein, Charlotte, NC.

Session C: When Does the Money Run Out? Insolvency, Liquidation and Run Off

The number of property/casualty insurers in financial difficulty is at the highest level in more than a decade. In 2003, state regulators initiated regulatory proceedings against 32 insurers; there were 19 more in 2004. The ongoing liquidation of Reliance Insurance Company, with losses potentially exceeding \$2 billion, represents the largest such proceeding in history. This panel will compare and contrast coverage claims presented to solvent

insurers, insolvent insurers and those in run-off. It also will discuss the role of the state regulators and courts, and the effects on policyholders, agents and reinsurers.

Speakers: **Sherilyn Pastor**, McCarter & English, Newark, NJ; **John Osborne**, Global Risk Capital, Washington, DC; **Gregory Schopf**, Nixon Peabody, San Francisco, CA; **Carlos Del Carpio**, Riverstone Claims Management, Manchester, NH.

Session D: Pollution Liability Coverage — Same Old Song and Dance?

Pollution coverage continues to raise interesting coverage issues. This panel will discuss the types of products currently being offered by the insurance industry for pollution risks: i.e., pollution legal liability policies, cleanup cost cap policies, and contractors pollution liability policies. Although these policies may seem familiar, they differ from the coverage available under general liability, environmental impairment liability policies, and manuscript forms. Issues that the panel will address regarding pollution liability coverage include (1) other insurance disputes; (2) trigger; (3) what is a "pollution condition," "professional service," or "covered operation"; and (4) the effect of forum selection clauses.

Speakers: **Charles Denton**, Varnum, Riddering, Schmidt & Howlett, Grand Rapids, MI; **William Howard**, Cozen O'Connor, Philadelphia, PA; **Mary Ann Susavidge**, XL Environmental, Exton, PA.

1:00 pm – Spring Training

Registration Form

2006 Insurance Coverage Litigation Committee CLE Seminar

March 2 – 4, 2006 | The Westin La Paloma | Tucson, AZ

(The DEADLINE for registration is THURS. FEB. 9 – AFTER FEB. 9 you may register on-site)

Registration Options

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Check here if you are a "First Time Attendee" – We would like to welcome each of you!

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Signature _____

Enclosed is a check made payable to the American Bar Association,
Section of Litigation for \$ _____

TICKETED EVENTS

	Event Fee	Qty.	Total
Wednesday, March 1, 2006 Early Bird Cocktail Reception	Free	_____	_____
Thursday, March 2, 2006 Welcome Reception (registrants & guests)	Free	_____	_____
Friday, March 3, 2006 Roundtable Luncheon Topic Choice # - 1st _____ or 2nd _____	\$45	_____	_____
Golf Tournament (includes cart & coordination fee)	\$100	_____	_____
Foursome: _____ ; _____ ; _____			
Horseback Trail Ride	\$89	_____	_____
Jeep Scavenger Hunt Tour	\$89	_____	_____
Cocktails & Dinner	\$90 Adult	_____	_____
	\$25 Child	_____	_____
Spring Training Game (tickets only)	\$15	_____	_____
Total Amount Enclosed		_____	_____