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December 7*, 8-9, 2005 Four Seasons Hotel Austin, Texas

*Wednesday Evening Sessions: Cornerstones of Insurance

Sponsored by the Insurance Law Section of the State Bar of Texas
AND THE University of Texas School of Law

10TH ANNUAL INSURANCE LAW INSTITUTE

December 7*, 8-9, 2005 • Four Seasons Hotel • Austin, TX

Video Replay • February 9-10, 2006 • Cityplace Conference Center • Dallas, TX

Earn up to 15.25 Hours of Credit including 1.25 Hours of Ethics Credit

WEDNESDAY EVENING, DEC. 7, 2005*

*Included with full conference fee; also available as standalone registration.

*Included in Video Replay (Video Replay begins Thurs., Feb. 9 at 9 a.m.)

CORNERSTONES OF INSURANCE

For the Experienced Non-Insurance Lawyer

6:30 p.m. .25 hr

Claims Made v. Occurrence

A brief discussion of the differences between claims-made and occurrence-based policies. This presentation will also address the topics of notice and prejudice, including what needs to be done and when in order to preserve coverage.

Vincent E. Morgan, Houston

6:45 p.m.

.50 hr ethics

Duty to Defend

What every non-insurance lawyer and novice insurance practitioner should know about triggering and evaluating the duty to defend, the insurer's defense of the insured, and conflicts between the policy-holder and insurer.

Moderator: Veronica Carmona Czuchna, Austin Linda M. Dedman, Dallas

Olga Seelig, Austin James W. Walker, Dallas

7:15 p.m. Break

7:30 p.m. .50 hr

Reservation of Rights

A fundamental guide to the Reservation of Rights letter, including its function, drafting considerations, and options and strategy for responding to the reservation letter.

Veronica Carmona Czuchna, Austin Linda M. Dedman, Dallas

8:00 p.m. .50 hr

The Stowers Doctrine—How Does it Work in the Real World?

How it works and key points regarding its application in real life.

Bob Roberts, Austin James W. Walker, Dallas

8:30 p.m. Adjourn

THURSDAY MORNING

Presiding Officer:

Veronica Carmona Czuchna, Austin

8:00 a.m. Registration Opens

Includes continental breakfast.

8:50 a.m. Welcoming Remarks

9:00 a.m. .83 hr

Insurer's Reimbursement Rights in Light of Frank's Casing and Matagorda County

The panel, consisting of counsel included in the Texas Supreme Court decisions of *Frank's Casing* and *Matagorda County*, will discuss the future of insurer's reimbursement rights in light of these decisions.

Moderator: Robert D. Allen, Dallas J. Clifton Hall, III, Houston

Warren W. Harris, Houston

9:50 a.m. .50 hr

The Stowers Doctrine—On the Cutting Edge of Excess Exposure

How the historical development of this important doctrine will continue to effect its future development within the context of an ever-changing landscape of commercial insurance.

James W. Walker, Dallas

10:20 a.m. Break

10:35 a.m. .50 hr

Indemnity/ Additional Insurance

New endorsement forms affect completed operations, coverage for the additional insured's own negligence and the traditional 'arising out of' scope coverage for additional insureds and indemnitees.

Patrick J. Wielinski, Arlington

11:05 a.m. .67 hr

Insurance Coverage for Defective Construction Claims: The Saga Continues....

This discussion will address the ongoing battle between policyholders and their insurers over insurance coverage for defective construction claims, including recent developments and new policy forms.

Aaron L. Mitchell, Dallas Lee H. Shidlofsky, Austin

11:45 a.m. Lunch: Box Lunch included in Full Conference Fee

THURSDAY AFTERNOON

Presiding Officer: James W. Walker, Dallas

12:00 p.m. 1.00 hr

The Winds of Zeus v. Poseidon's Waters

William E. Bailey and Richard "Dickie" Scruggs will debate the rights and responsibilities of insurance companies and policyholders in light of recent lawsuits in the wake of Hurricanes Katrina and Rita. Questions will be solicited and encouraged from conference attendees.

William E. Bailey, Flowood, MS Richard F. Scruggs, Oxford, MS

Moderator: Michael Sean Quinn, Austin

1:00 p.m. .75 hr

The Bond with Your Broker—Shaken But Not Stirred

How has the broker's role in the insurance industry changed in light of the recent scrutiny of investigations and disputes? This session discusses the types of broker issues that were prevalent prior to the Spitzer investigations, what Spitzer has uncovered and what the future holds in terms of defining the effective professional and the broker's role and focus in the future. Specific claims against brokers will be discussed and how companies are handling them.

Panel: D. Christopher Heckman, Irving Ernest Martin, Jr., Dallas Daniel T. Torpey, Dallas

1:45 p.m. 1.00 hr

Agents, Agency & Vicarious Liability

Agents as Defendants; Insurer's vicarious liability for agent conduct; and Agents as Plaintiffs.

Mark L. Kincaid, Austin Joe K. Longley, Austin Bob Roberts, Austin

Insurance Broker TBA

2:45 p.m. .50 hr

Inchmaree, Abseiling, and Exploding Concrete

What form do you need to insure clay pigeon shoots? What kind of protection is available against immaculate conception or impregnation by aliens? Why are knockouts excluded from paranormal events coverage? What is the premium for a policy protecting against concrete slabs exploding? Why are Christmas lights acceptable risks but creches not? Can you insure that your groom to be shows up? And what about ceidlhs and abseiling? Learn more than you know now about unusual policy forms, claims and coverage issues.

John C. Tollefson, Dallas

3:15 p.m. Break

3:30 p.m. .50 hr

Business Interruption Coverage/Time Element

An overview of coverage for business interruption losses and related coverages. Treatment will be given to subjects such as what constitutes "interruption" and "restoration," as well as other facets of time-element

Vincent E. Morgan, Houston

Phone: 512-475-6700 Fax: 512-475-6876

Judges Would Like to See Moderator: Hon. Craig T. Enoch, Austin Hon. Catharina Haynes, Dallas Hon. Lee Yeakel, Austin 4:40 p.m. .67 hr Evidence Issues in Contract Case; Privilege; Attorney as Fact Witness Evolving issues of evidence in privilege; what is new, old, and on the horizon. Linda M. Dedman, Dallas Karen L. Keltz, Dallas 5:20 p.m. Adjourn FRIDAY MORNING Presiding Officer: Hon. Catharina Haynes, Dallas 8:30 a.m. 2.00 hrs The Sound and the Fury: The Coverage Wars in the Wake of Katrina and Rita A panel discussion of issues affecting insureds, insurers and governmental authorities as a result of recent catastrophic hurricane losses. Moderator: Elizabeth Ann Gilday, Dallas Jay Lonero, Metarie, LA David C. Mattax, Austin Phillip K. Maxwell, Austin Michael Sean Quinn, Austin Jay Russell Sever, New Orleans, LA 10:30 a.m. Break 10:45 a.m. .50 hr Worker's Compensation How the 2005 Workers' Compensation Act (HB7), which creates the TDI WC Division and establishes medical networks, will affect your insurance practice. Robert Stokes, Austin 11:15 a.m. .67 hr including .25 hr ethics Homeowners Insurance Litigation in 2006 After the mold crisis, what's left? This panel will debate ethical issues and present trends since Fiess and predict what next year will begin. Christopher W. Martin, Houston 11:55 a.m. Lunch on Your Own FRIDAY AFTERNOON Presiding Officer: Beth D. Bradley, Dallas .67 hr 1:15 p.m.

Rules of Construction

from the viewpoint of the policy holder. Richard Arnold, Dallas R. Brent Cooper, Dallas

This presentation will focus on the rules of policy construction

4:00 p.m.

Judicial Panel on Insurance Cases: What

1:55 p.m.	.67 hr

Use and Abuse of Insurance Experts

.67 hr

Discussion of current Texas law regarding the use of experts in insurance coverage and bad faith cases, including custom and usage testimony and Daubert/Robinson considerations

Michael W. Huddleston, Dallas

2:35 p.m. .50 hr

Charge: Fact or Legal Issue?

What are the triable fact questions in a declaratory judgment or contractual coverage case? How do matter of law determinations affect jury submissions?

Russell H. McMains, Corpus Christi

3:05 p.m. **Break** 3:20 p.m. .50 hr ethics

The Noble Lawyer

The noble lawyer through the centuries and as personification of the State Bar Rules of Professional Conduct.

William J. Chriss, Corpus Christi

3:50 p.m. .50 hr

Best of the Rest

A survey of recent cases from who controls settlement decisions when multiple carriers are involved, the latest on 21.55, and extra contractual exposure and coverage for punitive damages.

David J. Schubert, Dallas

4:20 p.m. Adjourn

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Registration Fee after Wed.	Nov. 30, 2005	\$475.00	
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AUSTIN

December 7*, 8-9, 2005 **CONFERENCE LOCATION**



Four Seasons Hotel 98 San Jacinto Blvd Austin, TX 78701 512-685-8100

\$179 special group rate good through November 11, 2005 (subject to availability)

Parking: \$6 self-parking; \$10 valet (subject to change)

KEY DATES

Registration & Cancellation

November 30, 2005, 5 p.m. · last day for early registration add \$50 for registrations received after this time

December 2, 2005, 5 p.m. · last day for full refund

December 5, 2005, 5 p.m. · last day for partial refunds \$50 processing fee applied

December 7, 2005

 Wednesday evening sessions begin at 6:30 p.m.

December 9, 2005 • conference begins at 9:00 a.m.

ABOUT THE COVER



"Buda Poplar," watercolor is by Christopher St. Leger. For more information, visit his Web site at www.christopherstleger.com

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DALLAS

February 9-10, 2006*

VIDEO REPLAY

Includes Course Binder, Wed. Evening Sessions, Fri. Box Lunch

*Video Replay begins at 9 a.m. on Thurs., Feb. 9, 2006



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\$295 Registration Fee

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