

17th Annual Insurance Law Institute
October 18-19, 2012 • Courtyard by Marriott Austin-Downtown • Austin, TX

Thursday Morning, Oct. 18, 2012

Presiding Officer:

Jamie Penton Cooper, Martin, Disiere, Jefferson & Wisdom, L.L.P. - Houston, TX

8:00 am	<p>Registration Opens</p> <p>Includes continental breakfast.</p> <p>THANK YOU TO OUR BREAKFAST SPONSOR THOMPSON & KNIGHT LLP</p>
8:50 am	<p>Welcoming Remarks</p>
9:00 am 0.50 hr	<p>Fortuity Doctrine</p> <p>Trying to make sense of the concepts of "known loss" and "loss in progress."</p> <p>Philip K. Maxwell, Attorney at Law - Austin, TX James H. (Hamp) Moody III, Quilling, Selander, Lownds, Winslett & Moser, P.C. - Dallas, TX</p>
9:30 am 0.50 hr	<p>Duty to Cooperate: Playing Well with Insurance Companies</p> <p>The <i>Ewing/Gilbert</i> issue of liability defenses and interplay between <i>Tilley</i> and Duty to Cooperate.</p> <p>Beth D. Bradley, Tollefson Bradley Ball & Mitchell, LLP - Dallas, TX J. Mark Lawless, McGuire Woods LLP - Austin, TX</p>
10:00 am 0.50 hr	<p>Independent Counsel: How to Get the Insurance Company to Pay for Your Legal Fees</p> <p>A discussion of the insured's right to independent counsel, case law updates, and considerations in attempting to have insurance companies pay for independent counsel.</p> <p>Robert D. Allen, Meckler Bulger Tilson Marick & Pearson LLP - Dallas, TX Paul K. Stafford, Carter Stafford Arnett Hamada Mockler, PLLC - Dallas, TX</p>
10:30 am	<p>Break</p>
10:45 am 0.50 hr	<p>Legally Liable/Legally Obligated</p> <p>This session discusses a hidden issue in <i>Lennar v. Markel</i>: the scope of "legal obligation" in the insuring agreement of a liability policy.</p> <p>Patrick J. Wielinski, Cokinos, Bosien & Young, P.C. - Irving, TX</p>
11:15 am 0.50 hr	<p>Choice of Law: How It Impacts Coverage and Surrounding Litigation</p> <p>When the law of different states may apply, the choice can win or lose the case.</p> <p>Mark L. Kincaid, George, Brothers, Kincaid & Horton LLP - Austin, TX</p>

11:45 am
0.50 hr

Number of Occurrences under Texas Law: The Impact on Who Pays What

Depending on its impact on available policy limits or retention/deductible obligations, the number of occurrences often becomes a critical consideration for both policyholders and insurers. It may mean the difference between no or minimal coverage and abundant coverage. A focus on various policy language and case law with the goal of unlocking the mystery of this important issue.

This session will be presented at 2:45 p.m.

Ernest Martin Jr., Haynes and Boone, LLP - Dallas, TX

12:15 pm

Pick Up Lunch

Included in conference registration.

Thursday Afternoon, Oct. 18, 2012

Presiding Officer:

Jamie Penton Cooper, Martin, Disiere, Jefferson & Wisdom, L.L.P. - Houston, TX

Luncheon Presentation

Sponsored by Martin, Disiere, Jefferson & Wisdom, L.L.P.

12:30 pm
0.50 hr ethics

The Art of the Apology in Insurance Litigation

This session will be presented on Friday at 12:00 p.m.

Christopher W. Martin, Martin, Disiere, Jefferson & Wisdom, L.L.P. - Houston, TX

1:00 pm

Break

1:15 pm
0.75 hr
0.50 hr ethics

Documenting Your Business Interruption Loss

This segment explores key issues associated with business interruption and other time element coverages, including the process of analyzing, investigating and documenting a business interruption loss through the eyes of a forensic accountant.

Moderators:

Thomas H. Cook Jr., Zelle Hofmann Voelbel & Mason LLP - Dallas, TX

Moderators:

Vincent E. Morgan, Pillsbury Winthrop Shaw Pittman LLP - Houston, TX

Panelists:

Ryan D. Pratt, Ernst & Young LLP - Houston, TX

Panelists:

Susan Sessler, Matson Driscoll & Damico - Richardson, TX

2:00 pm 0.75 hr	<p>Top Ten Mistakes to Avoid as a Risk Manager</p> <p>Seasoned Risk Managers address the top ten mistakes to avoid in the risk management field and convey the most important actions a risk manager can take to minimize and mitigate risk, as well as maximize insurance recovery for a loss.</p> <p>Moderator: Rachelle H. Glazer, Thompson & Knight LLP - Dallas, TX</p> <p>Panelists: Dorina Hertner, G6 Hospitality LLC - Carrollton, TX</p> <p>Panelists: Jennifer Kikta, Behringer Harvard - Dallas, TX</p>
2:45 pm 0.50 hr	<p>What the Frack? Insurance Issues Involving Fracking</p> <p><i>This session will be presented at 11:45 a.m.</i></p> <p>Brian Scott Martin, Thompson, Coe, Cousins & Irons, L.L.P. - Houston, TX</p>
3:15 pm	<p>Break</p>
3:30 pm 0.50 hr	<p>Escabedo Decision: Navigating the Recovery of Medical Damages in a Personal Injury Case</p> <p>Examining the practical implications of recovery of past medical expenses in light of Texas Supreme Court's ruling.</p> <p>Meloney Perry, Meckler Bulger Tilson Marick & Pearson LLP - Dallas, TX Kirk L. Pittard, Kelly, Durham & Pittard, LLP - Dallas, TX</p>
4:00 pm 0.75 hr	<p>Suing and Defending the Binding Authority Agent/Broker</p> <p>The New Texas Two-Step</p> <p>Rick Lee Oldenettel, Oldenettel & McCabe - Houston, TX Lennon C. Wright, Attorney at Law - Houston, TX</p>
4:45 pm 0.75 hr	<p>Subrogation Ins and Outs</p> <p>Judy Kostura, Judge, Kostura & Putman P.C. - Austin, TX</p>
5:30 pm	<p>Adjourn to Sponsored Reception</p> <p>Sponsored by Shidlofsky Law Firm and Cooper & Scully, P.C.</p>

Friday Morning, Oct. 19, 2012

Presiding Officer:

Lee H. Shidlofsky, Attorney at Law - Austin, TX

8:00 am

Conference Room Opens

Includes continental breakfast.

**THANK YOU TO OUR BREAKFAST SPONSOR
SHANNON, GRACEY, RATLIFF & MILLER LLP**

9:00 am 0.50 hr	<p>So You Think You Know What a CGL Says</p> <p>What is new and what is the same - Commercial General Liability explained</p> <p>Charles E. Comiskey, Brady Chapman, Holland & Associates - Houston, TX</p>
9:30 am 0.50 hr	<p>The 8 Corners Rule under Attack: The "New" Rules for the Duty to Defend</p> <p>When does the eight corners rule still apply? When courts and insurance contracts erode or abandon this rule, what's next?</p> <p>J. James Cooper, Gardere Wynne Sewell LLP - Houston, TX Materials By: Jordan Jenel La Raia, Gardere Wynne Sewell - Houston, TX Stephen E. Walraven, Langley & Banack, Inc. - San Antonio, TX</p>
10:00 am 0.50 hr	<p>Taking an Adjuster's Deposition</p> <p>A discussion of the legal and practical implications of deposing insurance representatives in insurance coverage and bad faith cases.</p> <p>Tarron L. Gartner, Cooper Scully, P.C. - Dallas, TX Henry L. Moore, Attorney at Law - Austin, TX</p>
10:30 am	<p>Break</p>
10:45 am 0.50 hr	<p>Bad Faith—Can an Insurance Company Go Too Far?</p> <p>Shannon E. Loyd, Gravely & Pearson LLP - San Antonio, TX</p>
11:15 am 0.50 hr	<p>Trucking Insurance Update</p> <p>MCS-90</p> <p>David J. Schubert, Schubert & Evans PC - Dallas, TX</p>
11:45 am	<p>Pick Up Lunch</p> <p>Included in conference registration.</p>

Friday Afternoon, Oct. 19, 2012

Presiding Officer:

Lee H. Shidlofsky, Attorney at Law - Austin, TX

Luncheon Presentation

Sponsored by Haynes and Boone, LLP

<p>12:00 pm 0.75 hr</p>	<p>Jury Speak: What Matters to Jurors in Insurance Cases?</p> <p>A discussion of the challenges litigators face when arguing matters of law and presenting factual issues to jurors. Strategic suggestions for meeting judge vs. juror needs are also addressed.</p> <p><i>This session will be presented on Thursday at 12:30 p.m.</i></p> <p>Kacy Miller, CourtroomLogic Consulting - Dallas, TX Amy Elizabeth Stewart, Attorney at Law - Dallas, TX</p>
<p>12:45 pm</p>	<p>Break</p>
<p>1:00 pm 0.75 hr</p>	<p>Litigating Appraisal—Beyond Hurricane Ike, Appraisal Has a Life of Its Own Post-Johnson</p> <p>Litigation of appraisals is on the rise as policyholders and insurers increasingly litigate umpire agreements, impartiality and qualifications of appraisers and umpires, and scope of appraisal in the post-Johnson world. This presentation examines the current issues, trends and tactics in appraisal dispute litigation.</p> <p>Moderator: Veronica Carmona Czuchna, Duggins Wren Mann & Romero, LLP - Austin, TX Panelists: L. Kimberly Steele, Sedgwick, LLP - Dallas, TX Panelists: Mark A. Ticer, Attorney at Law - Dallas, TX</p>
<p>1:45 pm 0.50 hr</p>	<p>What Is "Property Damage"?</p> <p>Lee H. Shidlofsky, Attorney at Law - Austin, TX</p>
<p>2:15 pm 0.75 hr ethics</p>	<p>Stowers Panel: Complex Claims and the Policy Limits Demand</p> <p>Panelists: William J. Chriss, Gravely & Pearson, L.L.P. - Austin, TX Panelists: R. Brent Cooper, Cooper & Scully, P.C. - Dallas, TX Panelists: Michael W. Huddleston, Shannon, Gracey, Ratliff & Miller LLP - Dallas, TX</p>
<p>3:00 pm</p>	<p>Adjourn</p>