

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

11:45 am 0.50 hr	<p>Number of Occurrences under Texas Law: The Impact on Who Pays What</p> <p>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.</p> <p><i>This session will be presented at 2:45 p.m.</i></p> <p>Ernest Martin Jr., Haynes and Boone, LLP - Dallas, TX</p>
12:15 pm	<p>Pick Up Lunch</p> <p>Included in conference registration.</p>

Thursday Afternoon, Oct. 18, 2012

Presiding Officer:

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

	<p>Luncheon Presentation</p> <p>Sponsored by Martin, Disiere, Jefferson & Wisdom, L.L.P.</p>
12:30 pm 0.50 hr ethics	<p>The Art of the Apology in Insurance Litigation</p> <p><i>This session will be presented on Friday at 12:00 p.m.</i></p> <p>Christopher W. Martin, Martin, Disiere, Jefferson & Wisdom, L.L.P. - Houston, TX</p>
1:00 pm	<p>Break</p>
1:15 pm 0.75 hr 0.50 hr ethics	<p>Documenting Your Business Interruption Loss</p> <p>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.</p> <p>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</p>

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	Break
3:30 pm 0.50 hr	<p><i>Escabedo</i> 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	<p>Conference Room Opens</p> <p>Includes continental breakfast.</p> <p>THANK YOU TO OUR BREAKFAST SPONSOR SHANNON, GRACEY, RATLIFF & MILLER LLP</p>
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9:00 am 0.50 hr	So You Think You Know What a CGL Says What is new and what is the same - Commercial General Liability explained Charles E. Comiskey, Brady Chapman, Holland & Associates - Houston, TX
9:30 am 0.50 hr	The 8 Corners Rule under Attack: The "New" Rules for the Duty to Defend When does the eight corners rule still apply? When courts and insurance contracts erode or abandon this rule, what's next? 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
10:00 am 0.50 hr	Taking an Adjuster's Deposition A discussion of the legal and practical implications of deposing insurance representatives in insurance coverage and bad faith cases. Tarron L. Gartner, Cooper Scully, P.C. - Dallas, TX Henry L. Moore, Attorney at Law - Austin, TX
10:30 am	Break
10:45 am 0.50 hr	Bad Faith—Can an Insurance Company Go Too Far? Shannon E. Loyd, Gravely & Pearson LLP - San Antonio, TX
11:15 am 0.50 hr	Trucking Insurance Update MCS-90 David J. Schubert, Schubert & Evans PC - Dallas, TX
11:45 am	Pick Up Lunch Included in conference registration.

Friday Afternoon, Oct. 19, 2012

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	Luncheon Presentation Sponsored by Haynes and Boone, LLP
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12:00 pm 0.75 hr	<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>This session will be presented on Thursday at 12:30 p.m.</p> <p>Kacy Miller, CourtroomLogic Consulting - Dallas, TX Amy Elizabeth Stewart, Attorney at Law - Dallas, TX</p>
12:45 pm	Break
1:00 pm 0.75 hr	<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>
1:45 pm 0.50 hr	<p>What Is "Property Damage"?</p> <p>Lee H. Shidlofsky, Attorney at Law - Austin, TX</p>
2:15 pm 0.75 hr ethics	<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>
3:00 pm	Adjourn