

20th Annual Insurance Law Institute
November 12-13, 2015 • Cityplace Conference Center • Dallas, TX

Thursday Morning, Nov. 12, 2015

Presiding Officer:

Stephen A. Melendi, Tollefson Bradley Mitchell & Melendi, LLP - Dallas, TX

8:00 am	Registration Opens Includes continental breakfast.
8:50 am	Welcoming Remarks
9:00 am 0.75 hr	Supreme Court Update Hon. Craig T. Enoch, Enoch Kever PLLC - Austin, TX
9:45 am 0.50 hr	Using the New Pattern Jury Charge Insurance Questions A brief guide to the new PJC questions and instructions for insurance breach of contract cases. Mark L. Kincaid, George, Brothers, Kincaid & Horton LLP - Austin, TX
10:15 am	Break
10:30 am 0.75 hr	Gandy/Seeger: Assignments and Actual Trials Explore <i>Gandy</i> and <i>Seeger</i> and their progeny, with a focus on courts requiring an actual trial before a judgment is binding on an insurer. Judicial exceptions are addressed, as well as the assignability of contractual, statutory and tort causes of action by an insured against an insurer to others, and the limitations placed upon such assignments by the courts. Diana L. Faust, Cooper & Scully, P.C. - Dallas, TX John T. Smithee, Templeton Smithee Hayes Heinrich Russell LLP - Amarillo, TX
11:15 am 0.50 hr	Insurer Duty to Indemnify: Before Judgment or Settlement? For decades, an insurer knew it had no duty to indemnify, if it had no duty to defend. The Texas Supreme Court, however, upended that well-settled issue in <i>D.R. Horton-Tex., Ltd. v. Markel Int'l Ins. Co.</i> , meaning that insurers who have properly denied a defense may have to make difficult coverage decisions when an insured demands indemnity for a settlement or a judgment. Based on recent Supreme Court precedent, may a court rule on the duty to indemnify prior to judgment or settlement? Cathlynn H. Cannon, Wilson Elser - Dallas, TX
11:45 am	Pick Up Lunch Included in registration.

Thursday Afternoon, Nov. 12, 2015

Presiding Officer:

Rebecca Suzanne DiMasi, Buchanan DiMasi Dancy & Grabouski LLP - Austin, TX

LUNCHEON PRESENTATION

	Thank You to Our Exclusive Sponsor Munsch Hardt Kopf & Harr, P.C.
12:05 pm 1.00 hr 0.25 hr ethics	How to Get Dough Out of Insurance Companies: Tactics and Tricks of the Trade A discussion of critical tactics and strategies for getting insurance companies to pay on a variety of claims. Learn the differences in approach as to different lines of coverage, based on the varied experiences of the panelists, such as first-party property, automobile liability and underinsured/uninsured motorists coverage, general liability and professional liability. The use of settlement agreements in liability cases that push the limits of <i>Gandy</i> and <i>Lennar</i> is also addressed. Moderator: Michael W. Huddleston, Munsch Hardt Kopf & Harr, P.C. - Dallas, TX Panelists: Ernest Martin Jr., Haynes and Boone, LLP - Dallas, TX J. Steven Mostyn, Mostyn Law - Houston, TX James Craig Orr Jr., Heygood, Orr & Pearson - Dallas, TX Mark A. Ticer, Law Office of Mark A. Ticer - Dallas, TX
1:05 pm	Break
1:20 pm 0.50 hr	Duties During Litigation An examination of the continuing duties of carriers and insureds after coverage litigation is filed, including an in-depth look at the continuation of penalty interest under the Prompt Payment Statute. J. Mark Lawless, McGuireWoods LLP - Austin, TX Brian S. Martin, Thompson Coe - Houston, TX
1:50 pm 0.75 hr	Do You Really Want to Go to Appraisal? Pros and Cons of the Appraisal Process from the Carrier and Policyholder's Perspective Analyze the appraisal process during the claims process and after litigation—including issues such as the impartiality of appraisers, umpires and the impact on extra-contractual claims. Leo John Jordan, Tollefson Bradley Mitchell & Melendi, LLP - Dallas, TX Matthew R. Pearson, Gravely & Pearson, LLP - San Antonio, TX
2:35 pm	Break

2:45 pm 1.00 hr	<p>Hacking through Cyber Insurance</p> <p>Review the damages arising from a data or privacy breach as well as important underwriting considerations in negotiating and placing dedicated network security/privacy liability insurance policies, with a focus on recent legal developments impacting claims for data-breach related loss and liability under both traditional coverages and “cyber” insurance policies.</p> <p>Moderator: Micah E. Skidmore, Haynes and Boone, LLP - Dallas, TX</p> <p>Panelists: Jes Alexander, Dickey's Barbecue Restaurants, Inc. - Dallas, TX Mariah Quiroz, Thompson Coe - Dallas, TX Peter D. Smith, Lockton Companies - Dallas, TX</p>
3:45 pm 1.00 hr	<p>Developments in Energy Insurance</p> <p>Explore the rulings in recent Texas insurance cases with a highlight of the broader application of energy-insurance concepts.</p> <p>Tamara D. Bruno, Pillsbury Winthrop Shaw Pittman LLP - Houston, TX Karen K. Milhollin, Hall Maines Lugin, P.C. - Houston, TX</p>
4:45 pm	Adjourn
	<p>Networking Reception (4:45 p.m. - 5:45 p.m.)</p> <p>Join us for drinks and hors d'oeuvres with program faculty and attendees.</p> <p>Thank You to Our Exclusive Sponsor The Loyd Law Firm, PLLC</p>

Friday Morning, Nov. 13, 2015

Presiding Officer:

Rebecca Suzanne DiMasi, Buchanan DiMasi Dancy & Grabouski LLP - Austin, TX

7:30 am	<p>Conference Room Opens</p> <p>Includes continental breakfast.</p>
8:30 am 0.75 hr	<p>Broker Liability</p> <p>A look at the current state of the law and where broker liability is expanding.</p> <p>Thomas A. Culpepper, Thompson Coe - Dallas, TX</p>
9:15 am 0.50 hr	<p>Duties and Liability of Public Adjusters</p> <p>A review of the law governing public adjusters in Texas and how and when they get sued.</p> <p>William J. Chriss, Law Office of William J. Chriss, P.C. - Corpus Christi, TX</p>

9:45 am 0.50 hr	<p>Construction Insurance Update</p> <p>An update on recent developments in insurance coverage for construction defects with analysis of the post-<i>Lennar</i>, post-<i>Ewing</i> world, as well as the ramifications of the <i>Deepwater Horizon</i> case.</p> <p>Lee H. Shidlofsky, Shidlofsky Law Firm PLLC - Austin, TX</p>
10:15 am	<p>Break</p>
10:30 am 1.00 hr ethics	<p>Ready Player One: Ethics</p> <p>Insurance coverage and litigation present numerous ethical traps for unwary lawyers. Sharpen your understanding of ethical issues common in insurance cases in this interactive presentation.</p> <p>Jamie Penton Cooper, Martin, Disiere, Jefferson & Wisdom, L.L.P. - Houston, TX</p>
11:30 am	<p>The Insurance Law Section Legend of Texas Insurance Law Award Presentation</p> <p>Award Recipient: Sidney H. Davis, Jr.</p> <p>The Insurance Law Section of the State Bar of Texas “Legend of Texas Insurance Law” award honoring a practitioner who had an outsized impact on Texas insurance law over their career is posthumously awarded to Sidney H. Davis, Jr. He was the managing partner at Touchstone Bernays Law Firm, where he worked for 30 years. He was a member of the Texas Association of Defense Counsel, the International Association of Defense Counsel, a seven time Texas Super Lawyer and recognized in The Best Lawyers in America and The Best Lawyers in Texas. He graduated magna cum laude from Texas Tech University and magna cum laude and member of the Order of the Coif from The University of Texas at Austin School of Law.</p> <p>Commentator: Vincent E. Morgan, Pillsbury Winthrop Shaw Pittman LLP - Houston, TX</p>
11:40 am	<p>Pick Up Lunch</p> <p>Included in registration.</p>

Friday Afternoon, Nov. 13, 2015

Presiding Officer:

Stephen A. Melendi, Tollefson Bradley Mitchell & Melendi, LLP - Dallas, TX

LUNCHEON PRESENTATION

	<p>Thank You to Our Exclusive Sponsor</p> <p>Zelle Hofmann Voelbel & Mason LLP</p>
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12:00 pm 0.75 hr	<p>Corporate Policyholders’ Most Common Insurance Questions and How to Answer Them</p> <p>A discussion of issues important to in-house counsel clients—policy placement and possible enhancements to the company’s insurance program; when, how or when not to provide notice to the insurance carrier; analyzing and responding to reservation of rights or denial letters; whether the company has the right to choose its own lawyer to defend it in litigated matters; and litigation strategies against the insurer and related third parties.</p> <p>Moderator: Robert M. Hoffman, Andrews Kurth LLP - Dallas, TX</p> <p>Panelists: James E. Mutrie III, RSP Permian - Dallas, TX Robert J. Ryan, Stallion Oilfield Services - Houston, TX Christopher S. Willis, Interstate Battery System of America, Inc. - Dallas, TX</p>
12:45 pm	Break
1:00 pm 0.75 hr 0.25 hr ethics	<p>How to Draft a Proper <i>Stowers</i> Demand and Submit a <i>Stowers</i> Case to a Jury</p> <p>An interactive examination of the often debated question—is this a valid <i>Stowers</i> demand? Are you ever called to draft, review or evaluate settlement letters purporting to be a “<i>Stowers</i>” demand? Put your <i>Stowers</i> knowledge to the test. Cast your vote on whether you think certain “real world” settlement demands are valid <i>Stowers</i> demands, and learn valuable tips on how to submit a <i>Stowers</i> case to a jury.</p> <p>Jamie R. Carsey, Thompson Coe - Houston, TX J. James Cooper, Reed Smith LLP - Houston, TX</p>
1:45 pm 1.00 hr	<p>Preserving Error</p> <p>An appellate Justice, a trial judge, and an appellate practitioner evaluate common problems with error preservation over the life cycle of a case, with a particular emphasis on insurance cases.</p> <p>Moderator: Scott P. Stolley, Thompson & Knight LLP - Dallas, TX</p> <p>Panelists: Hon. J. Brett Busby, Fourteenth Court of Appeals - Houston, TX Hon. Mark B. Greenberg, Dallas County Court at Law No. 5 - Dallas, TX</p>
2:45 pm 0.50 hr	<p>Emerging Trends in Auto Claims</p> <p>Examine the litigation strategies currently used to recover medical expenses in the aftermath of <i>Haygood v. De Escabedo</i>, the impact healthcare regulations have had on the recovery of medical expenses, and coverage issues in auto claims and lawsuits.</p> <p>Meloney Perry, Perry Law P.C. - Dallas, TX</p>
3:15 pm 0.75 hr ethics	<p>Ethics of Witness Preparation in Coverage Case</p> <p>Consider what a lawyer should and should not do when preparing a witness to testify for deposition and trial.</p> <p>Tarron L. Gartner-Ilai, Amy Stewart PC - Dallas, TX Lisa A. Songy, Tollefson Bradley Mitchell & Melendi, LLP - Dallas, TX</p>
4:00 pm	Adjourn