

17TH ANNUAL
INSURANCE LAW INSTITUTE



October 18–19, 2012

Courtyard by Marriott – Downtown ▪ Austin, Texas

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THURSDAY MORNING, OCT. 18, 2012

Presiding Officer:

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

8:00 a.m. Registration Opens

Includes continental breakfast.

**THANK YOU TO OUR BREAKFAST
SPONSOR**

THOMPSON & KNIGHT LLP

8:50 a.m. Welcoming Remarks

9:00 a.m. .50 hr

Fortuity Doctrine

Trying to make sense of the concepts of “known loss” and “loss in progress.”

Philip K. Maxwell, Law Offices of Philip K. Maxwell,
Austin, TX

James H. “Hamp” Moody III, Quilling, Selander,
Lownds, Winslett & Moser, P.C., Dallas, TX

9:30 a.m. .50 hr

**Duty to Cooperate: Playing Well with
Insurance Companies**

The *Ewing/Gilbert* issue of liability defenses and interplay between *Tilley* and Duty to Cooperate.

Beth D. Bradley, Tollefson Bradley Ball &
Mitchell, LLP, Dallas, TX

Pamella A. Hopper, McGuire Woods LLP, Austin, TX

10:00 a.m. .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 a.m. Break

10:45 a.m. .50 hr

Legally Liable/Legally Obligated

This session discusses a hidden issue in *Lennar v. Markel*: the scope of “legal obligation” in the insuring agreement of a liability policy.

Patrick J. Wielinski, Cokinis, Bosien & Young, P.C.,
Irving, TX

11:15 a.m. .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 a.m. .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.

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

12:15 p.m. Pick Up Lunch

Included in conference registration.

THURSDAY AFTERNOON

Presiding Officer:

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

**THANK YOU TO OUR
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**MARTIN, DISIERE,
JEFFERSON & WISDOM, L.L.P.**

LUNCHEON PRESENTATION

12:30 p.m. .50 hr ethics

**The Art of the Apology in Insurance
Litigation**

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

1:00 p.m. Break

1:15 p.m. .75 hr including .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.

Moderator:

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

Panelists:

Ryan D. Pratt, Ernst & Young LLP, Houston, TX
Susan Sessler, Matson Driscoll & Damico LLP,
Richardson, TX

I liked the broad and diverse topics, most of which were particularly representative of issues I am seeing in my practice.

Great program!

Good, experienced insurance lawyers.

All speakers very helpful
and knowledgeable.

I love the absolute insurance geekiness of it—unapologetically geared to insurance practitioners.

Good variety of topics, high quality of speakers and very timely topics.

The topics and speakers were great!

Excellent, as usual.

2:00 p.m. .75 hr

Top Ten Mistakes to Avoid as a Risk Manager

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.

Moderator:

Rachelle H. Glazer, Thompson & Knight LLP, Dallas, TX

Panelists:

Dorina Hertner, Accor North America, Carrollton, TX
Jennifer Kikta, BehringerHarvard, Dallas, TX

2:45 p.m. .50 hr

What the Frack?

Insurance Issues Involving Fracking

Brian Scott Martin, Thompson, Coe, Cousins & Irons, L.L.P., Houston, TX

3:15 p.m. Break

3:30 p.m. .50 hr

Escabedo Decision: Navigating the Recovery of Medical Damages in a Personal Injury Case

Examining the practical implications of recovery of past medical expenses in light of the Texas Supreme Court's ruling.

Meloney Perry, Meckler Bulger Tilson Marick & Pearson LLP, Dallas, TX

Kirk L. Pittard, Kelly, Durham & Pittard, LLP, Dallas, TX

4:00 p.m. .75 hr

Suing and Defending the Binding Authority Agent/Broker

Rick L. Oldenettel, Oldenettel & McCabe, Houston, TX
Lennon C. Wright, Wright & Clifford, Houston, TX

4:45 p.m. .75 hr

Subrogation Ins and Outs

Judy Kostura, Judge, Kostura & Putman P.C., Austin, TX

5:30 p.m. Adjourn to Sponsored Reception

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SHIDLOFSKY LAW FIRM PLLC
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ABOUT THE COVER



Cathedral/Soufflé, 32" x 40", mixed media collage of paper soufflé cups, old law books and packaging, is by Philip Durst. For more information, visit davisgalleryaustin.com/artists.durst.html

FRIDAY MORNING, OCT. 19, 2012

Presiding Officer:

Lee H. Shidlofsky, Shidlofsky Law Firm PLLC, Austin, TX

8:00 a.m. Conference Room Opens

Includes continental breakfast.

THANK YOU TO OUR BREAKFAST SPONSOR

SHANNON, GRACEY,
RATLIFF & MILLER LLP

9:00 a.m. .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 a.m. .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

Stephen E. Walraven, Langley & Banack, Inc., San Antonio, TX

Author:

Jordan J. La Raia, Gardere Wynne Sewell, Houston, TX

10:00 a.m. .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, The Law Offices of Henry Moore and Jayme Bomben, Austin, TX

10:30 a.m. Break

10:45 a.m. .50 hr

Bad Faith—Can an Insurance Company Go Too Far?

Michael Sean Quinn, Attorney at Law, Salado, TX

11:15 a.m. .50 hr

Trucking Insurance Update

MCS-90

David J. Schubert, Schubert & Evans PC, Dallas, TX

11:45 a.m. Pick Up Lunch

Included in conference registration.

FRIDAY AFTERNOON

Presiding Officer:

Lee H. Shidlofsky, Shidlofsky Law Firm PLLC, Austin, TX

THANK YOU TO OUR LUNCHEON SPONSOR

HAYNES AND BOONE, LLP

LUNCHEON PRESENTATION

12:00 p.m. .75 hr

Jury Speak: What Matters to Jurors in Insurance Cases?

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.

Kacy Miller, CourtroomLogic Consulting, Dallas, TX
Amy Elizabeth Stewart, Attorney at Law, Dallas, TX

12:45 p.m. Break

1:00 p.m. .75 hr

Litigating Appraisal—Beyond Hurricane Ike, Appraisal Has a Life of Its Own

Moderator:

Veronica Carmona Czuchna, Duggins Wren Mann & Romero, LLP, Austin, TX

Panelists:

L. Kimberly Steele, Sedgwick, Detert, Moran & Arnold, Dallas, TX

Mark A. Ticer, Attorney at Law, Dallas, TX

1:45 p.m. .50 hr

What Is "Property Damage"?

Lee H. Shidlofsky, Shidlofsky Law Firm PLLC, Austin, TX

2:15 p.m. .75 hr ethics

Stowers Panel: Complex Claims and the Policy Limits Demand

William J. Chriss, Law Office of William J. Chriss, P.C., of Counsel to Gravely & Pearson, L.L.P., Austin, TX
R. Brent Cooper, Cooper & Scully, P.C., Dallas, TX
Michael W. Huddleston, Shannon, Gracey, Ratliff & Miller LLP, Dallas, TX

3:00 p.m. Adjourn

M
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This course has been approved for Minimum Continuing Legal Education credit by the State Bar of Texas Committee on MCLE in the amount of 12.75 hours, of which 1.75 credit hours will apply to legal ethics/professional responsibility credit. The University of Texas School of Law is a State Bar of California approved MCLE provider (#1944), and an Oklahoma Bar Association MCLE presumptively-approved provider (#169).

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School of Law
Attn. Registration
P.O. Box 7759
Austin, TX 78713-7759

Or fax to:
512-475-6876

Questions? Call us at 512-475-6700

AUSTIN

October 18–19, 2012

CONFERENCE LOCATION



Courtyard by Marriott – Downtown
300 E. 4th St
Austin, TX 78701
512-236-8008

Special Room Rate: \$189
good through September 26, 2012
(subject to availability)

Parking:
Self-parking \$7 for up to 3 hours,
\$21 for 6+ hours and overnight;
Valet parking \$16 daily, \$27 overnight

KEY DATES

October 10, 2012
last day for early registration
add \$50 for registrations
received after this time

October 12, 2012
last day for full refund

October 15, 2012
last day for partial refund
\$50 processing fee applied

October 18, 2012, 8:50 a.m.
Conference begins

REGISTRATION FORM

Mail this registration form to: **IN12**
The University of Texas School of Law, Attn. Registration
P.O. Box 7759, Austin, TX 78713-7759 or fax a copy to: 512-475-6876

PLEASE PRINT CLEARLY

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Name [Mr. / Ms.] _____

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Assistant's Email (optional) _____

Invoices, confirmations and receipts are emailed to these addresses.

GREEN REGISTRATION—Includes Electronic Materials on USB Key ONLY, Thursday and Friday Luncheon Presentations and Thursday Evening Reception

- Early Registration Fee due by Wednesday, October 10.....\$550
- Registration Fee after Wednesday, October 10.....\$600

STANDARD REGISTRATION—Includes Printed Course Binder ONLY, Thursday and Friday Luncheon Presentations and Thursday Evening Reception

- Early Registration Fee due by Wednesday, October 10\$555
- Registration Fee after Wednesday, October 10.....\$605

CONFERENCE PUBLICATIONS AND MEDIA

Allow 3–5 weeks from the conference date for delivery.

- Course Binder WITHOUT Conference Registration.....\$225
Note: Conference Registration includes Course Binder.
- Audio MP3 Speeches on CD.....\$130
- Audio CD Set.....\$210
- eBinder on CD (PDF format).....\$225/\$50
(\$225 purchased alone, \$50 with Registration or purchase of Course Binder or Audio MP3 Speeches on CD or Audio CD Set)

IN-HOUSE CLE: Bring the conference in-house and learn at your convenience.

Allow 3–5 weeks from the conference date for delivery. Approved for Texas MCLE credit.

- In-House CLE for 2—Includes Audio CD Set and Course Binders\$825
- _____ Add participant (includes Course Binder) for \$225 each.....\$ _____

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