SPEAKERS
Marion B Adler
Rachlis Duff Adler Peel & Kaplan, LLC

*You Screwed Up: You Trusted Us!: Conflicts Among Insurers, Independent Counsel, and Insureds*

Marion B. Adler has over 25 years of experience in representing commercial policyholders in litigation, negotiations, and counseling in connection with complex insurance recovery matters. Her experience includes litigation under CGL and excess policies of long-tail coverage disputes, for product liability and environmental claims, as well as a wide range of other claims arising under CGL policies, including construction, intellectual property, civil rights, privacy (including TCPA and FCRA), and defamation claims. She has successfully represented both companies and directors and officers in obtaining coverage under D&O policies. Her experience also extends to other forms of insurance policies, including Fidelity Bonds, ERISA coverage, and Commercial Credit policies.

Marion frequently writes and speaks on subjects relating to commercial litigation, including insurance coverage.

From July 2000 to 2002, she served as the Co-Chair of the Practices and Procedures Subcommittee of the ABA’s Insurance Coverage Committee of the Section on Litigation.
Robert D. Allen  
Law Offices of Robert D. Allen, PLLC
Show Me the Money: Latest Developments in the Recovery of Attorneys Fees in Coverage and Bad Faith Litigation

Bob Allen is the Principal in the Law Offices of Robert D Allen, PLLC where he practices tort and commercial trial and appellate litigation with a significant emphasis in handling insurance and reinsurance disputes. Since the mid-1980s, Mr. Allen has regularly represented parties in complex insurance coverage, bad faith, fraud, reinsurance and regulatory litigation matters including excess versus primary carriers/self insureds, priority of coverage, reinsurance, regulatory and insolvency related disputes. Mr. Allen also serves as a mediator, arbitrator, umpire, and expert witness in insurance, reinsurance, commercial and tort disputes.

Bob has been involved in several landmark and important insurance and reinsurance cases in Texas and other parts of the United States. For example, Bob was lead counsel in the original Texas Supreme Court cases on reimbursement, the dual employer doctrine for workers compensation and the case resulting in the first published opinion under Texas law involving advertising injury coverage. He has held leadership positions in the Dallas Bar Association, the International Association of Defense Counsel and DRI. At his former firms, Bob was the Chair of the Insurance Coverage and Bad Faith Litigation Practice Group at Vial Hamilton. At Baker & McKenzie, he was the Chair of the Insurance and Reinsurance Disputes Section of its North American Litigation Practice Group and the head of the Dallas litigation practice.
Michael F. Aylward
Morrison Mahoney LLP

Reflections on a Paradigm Shift for Extra-Contractual Liability in the Restatement of the Law, Liability Insurance

Michael F. Aylward is a senior partner in the Boston office of Morrison Mahoney LLP where he chairs the firm’s Complex Insurance Coverage Practice group. For the past four decades, he has represented insurers and reinsurers in coverage disputes around the country concerning the application of liability insurance policies to commercial claims involving intellectual property disputes, environmental and mass tort claims and construction defect litigation. He has served as lead counsel in major coverage cases around the country and has successfully argued several landmark appeals on issues such as the pollution exclusion, “known loss” the meaning of “occurrence” and the scope of CGL coverage for cybernet and intellectual property claims. He has also advised various medical malpractice insurers concerning professional liability claims and consults frequently on bad faith and ethics disputes. He has also served as an arbitrator in numerous insurance coverage matters and has testified as an expert in matters involving coverage and reinsurance issues arising out of such claims.

In 2012, Mr. Aylward was among the twelve founding members of the American College of Extra-Contractual and Coverage Counsel and continues to serve on its Executive Committee and Board of Regents. He has also served in leadership roles for the American Bar Association (Insurance CLE); Federation of Defense and Corporate Counsel (chair, Reinsurance, Excess and Surplus Lines Section) and the International Association of Defense Counsel (Reinsurance and Excess Committee Chair). He is a frequent lecturer on insurance, ethics and bad faith issues and has published numerous articles on these topics, including a chapter on Understanding Bad Faith in the 2012 Appleman insurance treatise. In 2014, he was appointed by the American Law Institute to serve as one of the 43 Advisers on the pending Restatement of the Law of Liability Insurance.

Mr. Aylward is a graduate of Dartmouth College, where he received his B.A. with Honors (History) in 1976 and the Boston College Law School (J.D. Cum Laude, 1981).
William T. Barker
Dentons

You Screwed Up: You Trusted Us!: Conflicts Among Insurers, Independent Counsel, and Insureds

William Barker is a member of Dentons in the Chicago office with a nationwide practice in the area of complex commercial insurance litigation, including coverage, claim practices, sales practices, risk classification and selection, agent relationships and regulatory matters. In addition to handling complex litigation, he counsels clients on insurance issues. He also counsels and litigates on matters of lawyers’ professional responsibility.

William was a member of the joint defense briefing team that won In re Katrina Canal Breaches, 495 F.3d 191 (5th Cir. 2007), and Chauvin v. State Farm Fire and Cas. Co., 495 F.3d 232 (5th Cir. 2007), the major federal cases on insurance coverage for damage caused by the flooding of New Orleans. He also contributed to the joint defense effort in the parallel cases in the Louisiana Supreme Court, including Sher v. Lafayette Ins. Co., 2008 WL 928486 2008 WL 928486 (La. April 8, 2008) (flood exclusion bars coverage for Hurricane Katrina flooding).

William represents various insurers in defending bad faith claims, especially on appeal. For example, he was brought into Torres v. Travelers Ins. Co., Civ. 01-5056 (D.S.D.), after a verdict exceeding US$12 million. He prepared post-trial motions that obtained a reduction to US$2 million and briefed an appeal that ended in a confidential settlement. He is currently handling or has recently concluded appeals in other eight-figure bad faith cases. He is a noted speaker and commentator on bad faith and claim handling issues.

William is a noted advisor and litigator on the professional responsibilities of insurance defense counsel. He was one of the lawyers for Travelers Indemnity Co. in Unauthorized Practice of Law Committee v. Amer. Home Assur. Co., 2008 WL 821034 (Tex. Mar. 28, 2008), upholding the use of staff counsel to defend insureds).

William has litigated a number of cases regarding the constitutional rights of insurers and others, for example:

- Goldberg v. Sweet, 488 U.S. 252 (1989), dealing with the taxation of interstate telephone calls, in which the court adopted one theory urged by the amicus brief and the concurrence adopted another
- Holiday Inns Franchising, Inc. v. Branstad, 29 F.3d 383 (8th Cir. 1994)
- Iowa v. Holiday Inns Franchising, Inc., 513 U.S. 1032 (1994), dealing with a franchising statute that unconstitutionally impaired the obligation of franchise contracts
- Allstate Ins. Co. v. Auto Damage Appraiser Licensing Bd., 507 N.E.2d 250 (Mass. 1987), which avoided a First Amendment question by the narrow construction of the statute

William’s practice includes a concentration in appellate litigation. He has handled scores of appeals and has prepared many amicus briefs in various state and federal appellate courts. He is a former chair of the Appellate Advocacy Committee of the ABA Tort, Trial and Insurance Practice Section. William has served as an expert witness in bad faith and legal malpractice cases.
Bernard P. Bell  
Miller Friel, PLLC  
*Chances Are … A Fortuity Case Study*

Bernie Bell represents insureds in disputes with their insurers and is a nationally recognized leader in his field. He serves as lead counsel pursuing insurance recovery across a full range of disputed claims, from property damage and business interruption losses to claims arising from directors and officers (D&O) liabilities, as well as employment, environmental, fiduciary (ERISA), intellectual property, management, product, professional, representations and warranties (R&W), tax position, and toxic tort liabilities.

His recent representations include engagements to recover property damage and business interruption losses caused by catastrophic events at refineries, petrochemical plants, oil and gas pipelines, golf courses and hospitality venues. He regularly pursues recovery under liability policies for the costs of defending and resolving government subpoenas and investigations, and various breach-of-duty claims. Other recent representations include claims under pollution legal liability coverage for environmental clean-up costs. Bernie regularly appears in courts, arbitration tribunals, and mediations throughout the United States and in London arbitration under the Bermuda Form.

Bernie is a Fellow of the American College of Contractual and Extracontractual Counsel, and is the co-chair (policyholder side) of the College’s First-Party Insurance Committee. He wrote or co-wrote chapters in the Appleman insurance law treatise on Commercial Property Insurance and Time Element (Business Interruption) Insurance, and is a frequent writer and speaker on insurance coverage issues.
Timothy Burns  
Perkins Coie  

Building Product Class Actions - Coverage Under the Roof?

Timothy W. Burns is a partner at Perkins Coie LLP. He is the former co-chair of the Insurance Coverage Litigation Committee of the American Bar Association. Tim is favorably ranked in the 2006 (Illinois), 2007 (recommended in "Insurance" nationally), and 2008 to 2014 (Band 2 - nationally) editions of Chambers USA: America's Leading Lawyers for Business. According to the publication, Tim "shines brightly in the sensitive and complex area of D&O [directors' and officers'] insurance," and corporate interviewees for the publication agreed that he "is probably the best counselor in the business for the procurement of this insurance . . . and is a real client magnet in this specialized field." According to one client quoted, "He is smart, diligent, innovative, resourceful and practical." Tim also is listed in The International Who's Who of Insurance & Reinsurance Lawyers and as one of the nation's top thirty policyholder-side insurance lawyers in the Executive Counsel Shortlist.

Tim has developed a nationally prominent D&O and fiduciary liability insurance practice. He advises clients on all aspects of D&O and fiduciary insurance, including counseling them with respect to the insurance aspects of securities and derivative litigation, fiduciary claims, government investigations, initial public offerings, spin-offs, mergers and acquisitions, and bankruptcies. Tim’s practice also includes representing corporate policyholders in their disputes and litigation with their insurance carriers. He has represented major policyholders in insurance coverage litigation since 1992.
Bruce D. Celebrezze  
Sedgwick LLP  
War and Peace (The Abridged Version): Application of the War and Terrorism Exclusions

Bruce D. Celebrezze is a partner in the San Francisco office of Sedgwick LLP. He has been practicing in the field of insurance law for virtually his entire legal career spanning 38 years (so far). As one of the country’s leading insurance industry litigators, he has represented a wide variety of international, national and regional insurers. In addition, Mr. Celebrezze frequently lectures and is widely published as a legal expert in the field.

Mr. Celebrezze is exceptionally well regarded by his peers and the wider market, with a national and international practice that focuses on complex general liability, including personal and advertising injury, property, and specialty lines. He also spends a substantial portion of his practice handling commercial disputes for insurers.

Mr. Celebrezze is President-Elect and a member of the Board of Regents and the Executive Committee of the American College of Coverage and Extracontractual Counsel. He is also active in the Federation of Defense and Corporate Counsel, having served as a Senior Director, member of the Executive Committee, Vice President, Dean of the Litigation Management College Graduate Program, and chair of the Insurance Coverage Section.

Mr. Celebrezze was a member of the civil grand jury in the City and County of San Francisco for a one year term. He was a member of the Board of Trustees of the Mechanics’ Institute, a 6,000 member, 165,000 volume non-profit library in San Francisco, for 16 years, including serving as President of the Board for four years. He is a member of the President's Visiting Committee of St. Ignatius High School in Cleveland, Ohio.

Mr. Celebrezze has received many honors and recognitions for his insurance work and excellence. He has been recognized annually for many years by the pre-eminent legal directory Chambers USA as a leader in insurance, with highest esteem by his peers. Mr. Celebrezze has also been praised and recognized by Benchmark Litigation as a leader in his field.
Suzan F. Charlton  
Covington & Burling LLP  
*Keeping Your "Food Recall Insurance" Fresh*

Suzan Charlton, special counsel with Covington & Burling LLP in Washington, DC, represents policyholders in insurance disputes. Her litigation and settlement experience encompasses a broad range of losses and liabilities, including food contamination, product recalls, product liabilities (including asbestos), catastrophic property damage, pollution, and more. She has also represented indigent clients and non-profit organizations in their insurance recovery efforts.

Ms. Charlton has been recognized as a “SuperLawyer” in Washington, DC, is a past co-chair of the ABA Litigation Section ICLC’s annual CLE conference, is a managing editor of the ICLC’s website and social media platforms, and has held numerous subcommittee leadership positions within the ICLC. She is a frequent author and speaker on myriad insurance topics. She is also the creator of the comic strip Lawtoons.
Robert Chesler  
Anderson Kill & Olick, P.C.  

*Fifteen Cases in Forty-Five Minutes: The Most Important Coverage and Extracontractual Decisions of the Past Year*

Robert D. Chesler is a shareholder in Anderson Kill's Newark office. Mr. Chesler represents policyholders in a broad variety of coverage claims against their insurers and advises companies with respect to their insurance programs. Mr. Chesler is also a member of Anderson Kill's Cyber Insurance Recovery group.

A leading participant in the birth of modern insurance law in the early 1980s, Mr. Chesler has earned the reputation as "The Insurance Guru" for exceptional insurance coverage knowledge, and has emerged as a leader in such new areas of insurance coverage as cyber-Insurance, D&O, IP, privacy and "green" insurance.

Mr. Chesler has served as the attorney of record in more than 30 reported insurance decisions, representing clients including General Electric, Ingersoll-Rand, Westinghouse, Schering, Chrysler, and Unilever, as well as many small businesses including gas stations and dry cleaners. He has received numerous professional accolades, including a top-tier ranking for Insurance Litigation: New Jersey in Chambers USA: American's Leading Lawyers for Business, which dubs him a "top-notch attorney" and "dominant force in coverage disputes." He is also listed in The Legal 500, The Best Lawyers in America, Super Lawyers and Who's Who Legal in the Insurance and Reinsurance section of the publication.

Mr. Chesler is a relentless advocate for his clients in their efforts to obtain coverage from their insurance companies. He has strength in creatively analyzing complex insurance coverage disputes and rapidly driving towards resolution. He has spent his entire career obtaining settlements from insurance companies. He can speak "insurancese" as well as the insurers, and knows how to approach insurance companies, when to talk to them and when to litigate. His depth of experience enables him to distinguish a bad insurance claim from a good one, and understand and implement best strategies for obtaining money for his clients quickly and cost-effectively.

Mr. Chesler taught history at the State University of New York at Purchase and Legal Methods at Harvard University. He currently teaches insurance law at Rutgers Law School. He holds a Ph.D. in history from Princeton University and maintains a scholarly interest in insurance. He is co-author of the seminal article “Patterns of Judicial Interpretation of Insurance Coverage for Hazardous Waste Site Liability,” 18 Rutgers L.J. 9 (1986), which has been cited by numerous courts, including seven state supreme courts and the Second Circuit, along with dozens of other articles on insurance issues. He is co-author of Insurance Coverage for Intellectual Property and Cyber Insurance Claims, published by Thomas West, and is former co-editor in chief of the Environmental Claims Journal. Mr. Chesler is also co-editor of Coverage, the ABA Insurance Journal. He has chaired seminars on the new cyber-policies and food insurance issues for the ABA and NJSBA, and is currently Chair of the Insurance Sub-Committee of the American Intellectual Property Law Association.
Janet Davis  
Cozen O'Connor  
*Building Product Class Actions - Coverage Under the Roof?*

Janet R. Davis is a Shareholder of Cozen O'Connor in Chicago, Illinois. She practices in the areas of insurance coverage, professional liability and construction litigation. Janet represents and counsels insurers on a wide range of issues and policies including errors and omissions, directors and officers, employment practices liability, life sciences, and general liability. She represents architects and engineers in litigated and arbitrated matters and also provides design professionals with general corporate counseling on issues including contract drafting, insurance, fee disputes and employment. Janet is a frequent lecturer on a variety of topics including insurance coverage, design professional liability, and the role of counsel retained by insurers. She is a former Chair of the Tort Trial & Insurance Practice Section’s Insurance Coverage Litigation Committee and served on the Editorial Board of the CGL Reporter from 1996-2008. Janet also served on TIPS Council and was the TIPS Secretary/Chief Diversity Officer from 2008-2011. She was honored by TIPS in 2013 with the Kirsten Christophe Award for Excellence in Trial & Insurance Practice and is a Fellow of the American College of Coverage and Extracontractual Counsel. She has also been recognized repeatedly by Super Lawyers and Leading Lawyers.
Barry J. Fleishman  
Shapiro Lifschitz and Schram, PC  
Subrogation, Equitable Contribution, and Other Insurance: Untangling The Gordian Knot Without Prolonged Litigation

Barry Fleishman focuses his practice on complex policyholder insurance coverage issues. His insurance coverage experience includes representation before federal and state courts, arbitral tribunals, and judicial and private mediators, focusing on corporate policyholder claims for insurance coverage arising out of liability and loss from property damage, bodily injury, personal injury, and alleged wrongful acts of directors and officers. Mr. Fleishman has represented major corporations seeking insurance coverage with respect to liabilities and losses incurred as the result of catastrophic property damage, defective or misused products, environmental damage, alleged discrimination, and directors' and officers' activities in cases involving natural disasters, including major hurricane and cyclone-related losses, fires and explosions, mold and moisture, and alleged corporate wrongful acts.

Mr. Fleishman was recognized in The Best Lawyers in America® for Insurance Law in 2017 and the seven years immediately preceding. He was recognized in 2016 and the five years immediately preceding as a Washington, D.C. "Super Lawyer" in the area of Insurance Coverage and a “Top 100 Lawyer” in Washington, D.C. from 2011-2016, as selected by Super Lawyers magazine and published in the Washington Post. In 2011, Mr. Fleishman was recommended in the area of Insurance by Legal 500 US. He is also member of the Washington, D.C. team recognized as a Tier 1 practice in Insurance Recovery in 2011 by US News - Best Lawyers® "Best Law Firms." Mr. Fleishman was recognized by Legal Media in its 2013 and 2014 Guide to the World's Leading Insurance and Reinsurance Lawyers. He was listed in the International Who's Who of Business Lawyers in 2014 for Insurance. Mr. Fleishman was listed in the International Who's Who of Reinsurance and Insurance Lawyers for 2013, 2015 and 2016.
Laura A. Foggan
Crowell & Moring

*Louisiana Hayride—Arceneaux and Pro-rata Defense Allocation—the New Trend*

Laura Foggan is a partner in Crowell & Moring's Washington, DC office, where she is a member of the firm's Insurance/ Reinsurance Group. She is described by LawDragon 500 Magazine as “one of the most successful advocates for the insurance industry to ever practice” and recently was named Washington DC Insurance "Lawyer of the Year" by Best Lawyers (2017). Laura represents clients in a variety of litigation and counseling matters, including:

- Serving as lead counsel in a wide range of complex insurance matters, such as coverage disputes involving environmental and toxic tort claims, construction, products liability, and privacy and cyber claims, among others. Also represents insurers in bad faith and extra-contractual matters.

- Representing clients in both federal and state appellate courts. Has participated in more than 200 appellate cases including key national precedents on insurance issues.

- Represented the U.S. Chamber of Commerce as amicus curiae before the U.S. Court of Appeals for the Eighth Circuit in Perras v. H&R Block. The Eighth Circuit affirmed denial of class certification, citing the U.S. Chamber's amicus brief in its opinion. Argued before numerous federal circuits and state appellate courts.

- Representing insurance trade associations in litigation, appellate, and other matters, including providing technical analysis of insurance issues and analyzing and formulating regulatory and legislative proposals. Possesses significant experience representing insurer trade groups on a wide variety of issues affecting the business of insurance. Also advocates for individual insurers in legislative and regulatory matters.

- Counseling property and casualty insurers on emerging risks and litigation trends including unmanned aircraft systems (UAS, or more commonly, drones), cyber-liability, global warming (climate change), nanotechnology, and additive ("3D") printing.

- Contributing to pro bono and community service activities, including hosting annual Summer Law Day for incoming students at Thurgood Marshall Academy.

A former co-chair of the Insurance Coverage Litigation Committee of the American Bar Association (ABA) Litigation Section, Laura is praised by Chambers USA as "a highly experienced appellate lawyer" who frequently handles "novel and ground-breaking cases" and "knows coverage issues A-Z" (2016) and by LawDragon 500 Magazine as "the best in the business at protecting insurers facing all types of major claims with an unmatched track record in significant trials and appellate cases" (2014). In addition to her litigation and counseling work described above, Laura represents insurers in arbitrations, as well as Alternative Dispute Resolution (ADR) and mediation proceedings. She handles multi-party negotiations involving private claimants, multiple carriers, and insureds. Laura also assists in drafting insurance policy forms and endorsements, offering strategic suggestions and form language to meet product goals and regulatory requirements.

Laura is regularly rated by Chambers USA as one of Washington's "Leading Lawyers" for insurers in commercial insurance work, is included in the Best Lawyers in America directory for insurance law, and has been named one of Washington's "Top 100 Lawyers" (2012-2016), "Top 50 Women Lawyers" (2009, 2011-2016), "Top 10 Lawyers" (2015), and "Super Lawyers" for Insurance Coverage (2008-2016), among many other honors.
Arthur S. Garrett  
Keller and Heckman LLP  
*Keeping Your "Food Recall Insurance" Fresh*

Arthur Garrett is co-chair of Keller and Heckman's national litigation practice. He also serves as the Firm's General Counsel.

Mr. Garrett's litigation practice focuses on insurance recovery with an emphasis on the representation of food industry policyholders. His trial experience has taken him all over the United States to try cases in state and federal courts and mediate/arbitrate disputes on behalf of corporations and trade associations. Mr. Garrett was recently trial counsel that was selected as a Top 10 Defense verdict in the State of California.

He specializes in advising food companies on their liability insurance programs (including GL, D&O, E&O, Excess, Umbrella and specialized recall policies, such as Product Contamination Insurance) and first-party property policies, including open marine/cargo insurance. In such matters, Mr. Garrett provides advice on the appropriate insurance coverage and the rights of policyholders in the event of a loss and in disputes with their insurance carriers. He also provides advice on appropriate risk transfer mechanisms (insurance and indemnity) in commercial transactions. Food recall/insurance coverage situations that Mr. Garrett has handled within the last two (2) years include pomegranate, parsley, alfalfa, soft cheese, and cumin.

Mr. Garrett also serves as Vice Chair of the Insurance Coverage Litigation Committee of the ABA's Tort and Insurance Practice Section.
Tarron Gartner-Ili
Cooper & Scully, P.C.
Subrogation, Equitable Contribution, and Other Insurance: Untangling The Gordian Knot Without Prolonged Litigation

Tarron Gartner-Ili has more than 25 years of experience in first-and third-party insurance coverage litigation, including general liability, errors & omissions, directors & officers liability, oil & gas, cyber liability, commercial property, specialty risk, disability, bond and fidelity disputes. Earlier in her career, Tarron spent close to a decade as a Second Vice President of an A+-rated insurer, first as a Managing Claim Coverage Counsel, and later as a General Counselor. Tarron’s business and management experience, coupled with her legal acumen, enables her to provide a broad range services to her clients, including coverage analysis and litigation skills, risk management, and insurance program reviews.

Notable Cases:

- Recovered $3.1 million from a general liability insurer for amounts a general contractor paid in settlement of a construction defect claim— Tippman Construction Company v. Selective Insurance Company of South Carolina, Civil Action No. 4:11-cv-00591, in the United States District Court for the Northern District of Texas.
- Recovered delay damage claim for general contractor against property owner for owner’s failure to provide specifications for customized fixtures, resulting in substantial project delays— Demand In Arbitration No. 71110E0000211, SLSJ Associates, LLC. v. St. Paul Place Acquisition Partners, LP.
- Successfully represented subcontractor policyholder in insurance coverage dispute under General Liability policies issued by multiple carriers over multiple policy years, effecting a $1.1 million settlement of both the coverage and underlying liability dispute.
- Successfully represented a policyholder in a dispute under a non-subscriber policy, resulting in $1.5 million settlement on the policyholder’s behalf.
Laura Hanson
Meagher & Geer

The Cobbler’s Children Have No Shoes: Professional Liability Insurance

Laura focuses her practice on commercial insurance coverage -- especially environmental and construction defect claims and litigation, which she has handled throughout the United States in the state and federal trial and appeals courts. She has appeared in three state supreme courts and four different federal circuit courts of appeals. She is licensed to practice law in Minnesota, Montana, South Dakota and Wisconsin.

Laura repeatedly has been named to the Super Lawyers® list in the category of insurance coverage by Minnesota Super Lawyers magazine. She is also listed in The Best Lawyers in America for her insurance coverage practice.

Laura is co-chair of the Section of Litigation’s Insurance Coverage Litigation Committee for the American Bar Association. She is a member of the Defense Research Institute and a speaker at insurance conferences sponsored by the American Bar Association and DRI.

Laura has also published articles in insurance publications, including Claims Magazine, and the publication of National Association of Mutual Insurance Companies (NAMIC).
Susan B. Harwood
Boehm Brown Harwood PA
Chances Are … A Fortuity Case Study

Susan B. Harwood is a partner with Boehm Brown Harwood, P.A. in Maitland, Florida. She concentrates her practice in the areas of first and third party insurance coverage disputes, bad faith and third party liability matters. She has been a member of the Federation of Defense and Corporate Counsel (FDCC) since 2001, where she served on the its Board of Directors from 2011 to 2013. Ms. Harwood was chair of the FDCC’s Property Insurance Section in 2007-2009, Dean of the FDCC’s Litigation Management College’s Graduate Program from 2011-2013, and currently serves on the FDCC’s Admissions and Membership committees. A past member of the Tort Trial and Insurance Practice Section of the American Bar Association (“TIPS”), Ms. Harwood has served on the Women and Minority Involvement Committee, as chair of the Property Insurance Law Committee and on the editorial board of The Brief, a TIPS publication. A frequent speaker on insurance coverage topics, Ms. Harwood gave the keynote speech at the Australian Insurance Law Association’s 2009 Annual Conference in Melbourne, Australia on recent catastrophic losses in the U.S.

Ms. Harwood currently sits on the Board of Directors of the Windstorm Insurance Network (WIND), an organization dedicated to promoting awareness of windstorm insurance issues through the application of educational initiatives. She was convention chair for WIND’s annual 2006 conference held in Orlando, Florida, and she was elected as Secretary for WIND in 2014. Ms. Harwood is also a certified circuit mediator in Florida. She attended Wake Forest University (B.A. 1979) and Wake Forest University’s School of Law (J.D. 1983).
Michael W. Huddleston  
Munsch Hardt Kopf & Harr, PC  
Master Class: Bad Faith Trial Tactics From the Best, For the Best


Mike’s is considered to be one of Texas’ leading experts regarding the duty of liability carriers to settle under the Stowers doctrine. He is often called upon to assist in the drafting and handling of settlement offers in complex personal injury and professional liability cases. He is also often asked to assist policyholders in successfully protecting themselves from adverse verdicts where coverage is disputed.

Mike’s insurance practice involves a very wide-range of insurance products, including D & O, professional liability, employment practices, fiduciary liability, commercial general liability, cyber liability, technology errors and omissions, excess/umbrella, non-subscriber plans and employer’s liability coverage, healthcare provider insurance, commercial property, builder’s risk, business interruption, executive liability, FLSA coverage, Medicare fraud coverage, product recall, crime and fidelity, adjuster errors and omissions, and reinsurance.

Mike is often called upon to serve as a litigation manager or quarterback in complex cases. This is due in part to not only his insurance expertise, but also his work in handling a number of non-insurance appellate matters involving commercial litigation and personal injury. His other appellate decisions include Rose v. Doctor's Hospital (constitutionality of medical malpractice caps) and Christopherson v. Allied Signal (en banc)(expert witness standards pre-Daubert).

His work also includes the drafting of risk management (self-insurance, indemnity and exculpatory clauses, etc.) and insurance procurement provisions in construction, real estate and other commercial contracts. He has also participated in insurance audits and acquisition analysis.

Mike has served as a mediator/arbitrator in complex commercial and insurance matters. He has also served as an expert witness in complex insurance cases. Mike has served on the Planning Committees and served as a Presiding Officer at most of the major insurance law seminars in Texas. He is a prolific writer and commentator on insurance law continuing legal education.
Ronald Kammer
Hinshaw & Culbertson LLP
The Cobbler’s Children Have No Shoes: Professional Liability Insurance

Ronald Kammer focuses on the representation of insurers nationally. He has been involved in many significant third party coverage disputes including cases that interpreted an insurance company’s duty to defend and indemnify, breach of policy conditions, claims involving bad faith and unfair and deceptive trade practices, as well as coverage obligations for construction defect, pollution, trademark and patent infringement claims.

Mr. Kammer also handles first party coverage disputes, including claims involving breach of policy warrants, business interruption, misrepresentation and fraud. He regularly provides advice to insurance carriers and policyholders on issues involving policy interpretation, claims handling practice and procedures, and the drafting of insurance policy provisions. Mr. Kammer also practices in general civil litigation including commercial litigation and legal malpractice.

He has tried cases and handled appeals involving bad faith as well as first and third party insurance coverage disputes including property, commercial general liability, excess and umbrella, professional lines, commercial and personal automobile, homeowners, fidelity bond and life insurance. In addition, Mr. Kammer has served as an expert in legal malpractice, insurance coverage, bad faith and attorney fee disputes.
Anthony B. Leuin
Shartsis Friese LLP

Fifteen Cases in Forty-Five Minutes: The Most Important Coverage and Extracontractual Decisions of the Past Year

Tony Leuin is a senior litigation partner at Shartsis Friese LLP in San Francisco. With over 35 years of experience, he has a broad background in civil disputes of all types, with particular concentration in insurance coverage. He represents policyholders in complex disputes involving commercial insurance policies, such as CGL, Directors and Officers, Errors and Omissions, Employment Practices, property, fidelity and crime policies, surety bonds, and newer products such as cyber coverages and “reps and warranties” insurance to facilitate mergers and acquisitions. Tony’s clients include public and private companies who reflect the diversity of American business, from retailing to real estate, medicine to manufacturing, financial services to food and wine.

Tony is a Contributing Editor to California’s leading treatise on insurance coverage, The Rutter Group’s California Practice Guide: Insurance Litigation. He is a long-time member of the Insurance Coverage Litigation Committee of the ABA’s Litigation Section, where he has been a frequent speaker at its annual conference, co-chaired the Construction Litigation sub-committee, and served as Website Managing Editor. He is also a member of the Insurance Coverage Section of the ABA’s Forum on the Construction Industry.

Tony sits on the Board of Directors and Executive Committee, and Chairs the Claims Committee, of Pilot/Legis, a Risk Purchasing Group composed of approximately 40 law firms (comprising approximately 1800 lawyers) who purchase Professional Liability cover in the London Market. As a consequence of this work, he has a unique window into Professional Liability insurance, including not only coverage disputes, but also policy drafting and claims handling practices.
R. Hugh Lumpkin  
Ver Ploeg & Lumpkin  
*The Cobbler’s Children Have No Shoes: Professional Liability Insurance*

Hugh Lumpkin was born in San Tomé, Venezuela, eventually making his home in Miami, Florida. He received his undergraduate degree from Duke University in 1977 and his law degree from the University of Miami in 1980. Since 1983, a substantial portion of his practice included representing both insurers and insureds in coverage and collateral litigation; a focus which became exclusive to policy holder representation beginning in 1999.

In 1999, Hugh made the decision to limit his practice to insurance consulting, litigation, trials and appeals and joined Brenton Ver Ploeg in forming the current firm. Ver Ploeg & Lumpkin, P.A. now employs over fifty people, including 27 attorneys in two Florida offices (Miami and Orlando), limiting its practice to policyholder insurance work, including extracontractual recoveries – a practice which is now national in both scope and reputation.

Mr. Lumpkin earned his AV rating from Martindale in 1994, has been honored as a SuperLawyer since 2006, a Best Lawyer since 2010, was recognized as the top insurance lawyer in Miami in 2013 and 2016, and has been repeatedly recognized by the South Florida Legal Guide and Florida Trend as one of the best lawyers in Florida for insurance coverage and bad faith litigation on the policyholder side of the versus. He was appointed to the American Academy of Contractual and Extra-contractual Counsel in 2014, where he now serves as co-chair of the first party insurance section. He has written and lectured extensively on a variety of topics; not limited to insurance, though the majority of his published and teaching work for the past twenty years has concerned insurance coverage and litigation.
Randy J. Maniloff
White & Williams

Alexander Hamilton and James Donavan: Coverage Lawyers Who Mattered

Randy Maniloff is an attorney at White and Williams, LLP in Philadelphia. He concentrates his practice in the representation of insurers in coverage disputes over primary and excess obligations under a host of policies, including commercial general liability and various professional liability policies, such as public official’s, law enforcement, educator’s, media, computer technology, architects and engineers, lawyers, real estate agents, community associations, environmental contractors, Indian tribes and several others. Randy has significant experience in coverage for environmental damage and toxic torts, liquor liability and construction defect, including additional insured and contractual indemnity issues.

Randy is the co-author of General Liability Insurance Coverage – Key Issues In Every State (Second Edition; Oxford University Press 2012) (with Professor Jeffrey Stempel of the University of Nevada Las Vegas Boyd School of Law). "Key Issues" is a 664 page desk reference book that quickly and conveniently provides the law in every state for 21 important general liability coverage issues.


For the past twelve years, Randy has published a year-end article that addresses the ten most significant insurance coverage decisions of that year. Randy has also written for such influential organizations as The Federalist Society, Manhattan Institute and Washington Legal Foundation.

Randy serves as one of three Deans of the White and Williams Coverage College - an annual event that brings together 500 insurance professionals from across the country, representing approximately 150 companies, for an intensive day-long curriculum of insurance coverage education.

Before entering private practice, Randy spent four years as counsel to Professional Travel Insurance Company, Ltd., a Gibraltar-based insurer conducting business primarily in the United Kingdom.

Randy is a frequent lecturer at industry seminars and has published approximately 60 articles in a variety of insurance publications addressing a multitude of coverage issues.
Christopher W. Martin
Martin Disiere Jefferson & Wisdom
Master Class: Bad Faith Trial Tactics From the Best, For the Best

Mr. Martin is one of the most recognized insurance attorneys in the country. He has a national reputation for trying insurance coverage and bad faith cases across the country with particular emphasis in Texas, Oklahoma, and the Gulf Coast. He is the founding partner of Martin, Disiere, Jefferson & Wisdom, LLP, a 70 lawyer insurance litigation boutique with offices in Houston, Dallas and Austin, Texas. Chris has authored three treatises on Texas Insurance Law and more than 100 articles on insurance claims, coverage issues and the trials of insurance lawsuits. For the last eight consecutive years, Chambers USA has named him the top insurance litigation attorney in Texas. Three times over the last decade, The Texas Lawyer named him one of the top five “Go To” Insurance Lawyers in Texas. He has received repeated accolades from Super Lawyers, Best Lawyers, and The International Guide to Insurance Lawyers. He is a graduate of Baylor University and the Baylor School of Law.
Lorelie S. Masters  
Hunton & Williams  

Reflections on a Paradigm Shift for Extra-Contractual Liability in the Restatement of the Law, Liability Insurance

A prominent insurance coverage litigator, Lorie handles all aspects of complex, commercial litigation and arbitration. She has recovered millions of dollars of insurance coverage for products, environmental, employment, directors and officers, fiduciary, property damage, cyber and other liabilities. Lorie also handles various types of first-party property insurance claims, including claims under boiler and machinery, business-interruption, contingent business-interruption, extra expense and other related coverages.

Lorie is a partner in the insurance coverage practice, and clients say she “is very good at explaining complicated issues, and then distilling them for commercial use,” according to Chambers USA 2016, which ranks her in the upper echelons of her practice nationwide.

Lorie writes and speaks extensively on insurance coverage, technology and litigation. In addition to her legal practice, she is active in diversity and inclusion matters and has represented many individuals and groups pro bono, including policyholders denied health care coverage and victims of human trafficking.


Relevant Experience
- Represents large and small companies, trade associations and individuals seeking to enforce their insurance coverage.
- Lead counsel in a case awarding full policy limits, plus attorney fees and interest, to the policyholder under a contract requiring arbitration in London.
- Lead trial counsel for a major chemical company in a coverage case resulting in a jury verdict named by The National Law Journal as one of the most significant of the year.
- Served as lead counsel in numerous matters obtaining millions of dollars in recoveries in environmental coverage cases and has succeeded in helping clients find millions of dollars in “lost insurance” policy assets.
Doug McIntosh  
McIntosh Sawran & Cartaya, P.A.  
You Screwed Up: You Trusted Us!: Conflicts Among Insurers, Independent Counsel, and Insureds

Douglas M. McIntosh founded the firm in 1989. He has handled a broad range of personal injury, product liability, commercial and professional negligence litigation, including legal, dental and medical malpractice defense, product liability and insurance coverage litigation. He has had the opportunity to counsel insurance companies on bad faith, professional errors and omissions, general liability and all-risk policies of insurance and focuses his practice predominantly on catastrophic damages and insurance coverage matters. He developed the Healthcare Law Practice Division and the Insurance Coverage Division in the firm. He has served as a testifying expert in state and federal courts in bad faith, primary, excess and reinsurance law cases. He has served on the Board of Directors and is a past president of the Florida Defense Lawyers Association (FDLA), a one-thousand member organization of the civil defense bar of this state. He has been awarded this organization’s highest achievement award for his efforts for the defense bar statewide and nationally. Doug is an elected member of the International Association of Defense Counsel (IADC) and serves on its professional liability, medical malpractice and admiralty law committees.

He is an elected member of the Association of Defense Trial Attorneys (ADTA). Doug is also an active member of DRI, and served for five years as the appointed Florida statewide representative to this national organization. He was elected as a National Director on its Board of Directors and served a three year term. Doug has served on numerous DRI committees, and chaired its insurance roundtable in 2009. He has served as chairperson of the Broward County Bar Association Professionalism Committee for many years and has chaired the Peer Review Council. He was awarded the BCBA Lynn Futch Professionalism in Practice Award in 2004, and the St. Thomas More Society Archbishop McCarthy Award in 2006. He has lectured to state leaders around the country on substantive and defense trial practice issues. Doug is a member of the Board of Governors of the Shepard Broad Law Center of Nova University. He is also an invited member of the Council on Litigation Management, a nonpartisan alliance of insurance companies, corporations, corporate counsel, litigation and risk managers, claims professionals and outside counsel.

He is admitted to practice in the state and federal courts in Florida and is admitted to practice before the United States Supreme Court. Doug helped found Hope Outreach Center, Inc., a community outreach program in Broward County (Florida) and served as its president for many years. He has also served as a member to Florida Supreme Court-appointed committees, and received an award from the Florida Supreme Court as a guardian ad litem for children in Broward County. Doug has been awarded a Peer Review Rating of “AV” by the LexisNexis Martindale-Hubbell Law Directory. He has also been voted by his peers for inclusion in Best Lawyers in America, the oldest and one of the most respected publications in the legal profession. He has been named a South Florida “Top Lawyer” and a “Super Lawyer” by peer publication reviews. Doug has authored numerous articles, published chapters on defense techniques for major publishers and has lectured frequently on a variety of topics, including trial techniques, bad faith and insurance coverage in Florida and law firm economics and business practices. Doug is a state qualified arbitrator and has served as selected mediator, panel and sole arbitrator, in a number of matters.
Suzanne C. Middige
Coughlin Duffy LLP
Fifteen Cases in Forty-Five Minutes: The Most
Important Coverage and Extracontractual Decisions of
the Past Year

Suzanne Cocco Middige is the Managing Partner and
a founding member of Coughlin Duffy and a member
of the Insurance and Reinsurance Services Group.

Prior to election to Managing Partner, Suzanne
served as the Practice Group Leader for the
Insurance and Reinsurance Services Group from
2004 to 2012. Suzanne's practice focuses on the
representation of domestic and international insurers and reinsurers in litigated and non-
litigated matters.

In 1992, Suzanne joined the law firm of McElroy Deutsch & Mulvaney LLP where she
served as a Practice Group Administrator for the Insurance Services Group. She was
made a partner in 1999 and remained at that firm until she resigned in March 2004 to
start the firm of Coughlin Duffy LLP.
Julia A. Molander represents the insurance industry in virtually all aspects of their business, including insurance coverage litigation, insurance counseling, extracontractual (bad faith) liability, insurance fraud, underwriting matters, policy drafting, regulatory compliance, brokerage and agency liability, insurance insolvency and legislative issues. She has served as first-chair in more than 20 bench trials, jury trials and arbitrations.

Julia has more than 30 years experience in strategically managing insurance risk, on an enterprise-wide basis (state, regional and national), in areas such as construction defects, class actions, cyber risks, trucking and cumulative trauma. Julia was elected a fellow of the American College of Coverage and Extracontractual Counsel in 2014 and the Insurance Litigation Institute of America, where she currently serves as chair. She is rated AV Pre-eminent by her peers and has been recognized as a “Super Lawyer” since 2005.

Julia has lectured at major professional conferences sponsored by the American Bar Association, Association of Defense Counsel, Defense Research Institute, Association of California Insurance Companies, the California Continuing Education of the Bar, the American Conference Institute, the Property Law Research Bureau, the Insurance Risk Management Institute and the Practising Law Institute. She is a contributing editor the CEB publication California Liability Insurance Practice: Claims and Litigation. She has published numerous articles and scholarly discussions on a variety of insurance topics.
Nicholas N. Nierengarten  
Gray Plant Mooty  
Show Me the Money: Latest Developments in the Recovery of Attorneys Fees in Coverage and Bad Faith Litigation

Nick Nierengarten is a principal at Gray Plant Mooty in its Minneapolis office, where his practice spans the full spectrum of insurance coverage issues. For over 30 years, Nick has represented policyholders on insurance coverage matters, including advising on and negotiating coverage, and litigating coverage disputes. He is an active member of the TIPS Insurance Coverage Litigation Committee, having recently been a contributing author to the Committee’s treatise on the reasonable expectations doctrine. Nick is also a senior editor of the International Risk Management Institute (IRMI) Commercial General Liability Reporter. He is a frequent author and lecturer on insurance-related topics.
Barbara A. O’Donnell  
Zelle McDonough & Cohen LLP  
*Master Class: Bad Faith Trial Tactics From the Best, For the Best*

Barbara O’Donnell has more than 20 years of experience in matters of insurance coverage, extra contractual liability, insurance agent/broker liability, and professional liability law. Ms. O’Donnell’s practice is regional, and she has substantial experience in handling coverage and bad faith claims in state and federal courts throughout the Northeast.  

Ms. O’Donnell’s insurance coverage practice encompasses a broad range of liability coverage issues under commercial, specialty lines, professional, directors and officers, and other standard form and manuscript policies. She regularly advises and represents insurers in complex coverage disputes involving allocation issues, primary/excess obligations, advertising injury coverage, additional and other insured questions, application misrepresentation defenses, and the application of exclusions under claims made and occurrence based policies. Ms. O’Donnell also counsels insurers concerning claims handling obligations and effective ways to minimize exposure to extra contractual liability claims. Drawing on the breadth of her industry experience, Ms. O’Donnell also drafts policy forms and endorsements for insurers.  

Ms. O’Donnell holds leadership positions in national bar organizations and industry organizations. She is the immediate past Chair of the FDCC’s Reinsurance, Excess and Surplus Lines Section and a past Chair of FDCC’s Extra Contractual Liability Section. A past chair of the ABA/TIPS Insurance Coverage Litigation Committee, Ms. O’Donnell currently co-chairs the ABA/TIPS Book Publishing Board and serves on the ABA Standing Committee on Publishing Oversight. She is a past editor of TortSource, an ABA/TIPS publication, and also served for several years on the editorial board of the ABA/TIPS Tort Trial and Insurance Practice Law Journal. Ms. O’Donnell also served as the articles editor for The CGL Reporter, a biannual International Risk Management Institute publication, for a number of years. She also served as a Faculty Mentor at FDCC Graduate Litigation Management Programs offered to senior level insurance industry professionals.  

Ms. O’Donnell frequently writes and speaks on insurance coverage topics. Ms. O’Donnell’s article entitled “Preparing for and Defending Against Bad Faith Claims” appeared in the Summer 2016 issue of The Brief, an ABA Tort and Insurance Practice Section (TIPS) Publication. In February 2017, she participated in a panel discussion regarding significant trends in insurance coverage and bad faith litigation at the ABA/TIPS Insurance Coverage Litigation Committee Midyear meeting. In 2012, she spoke at DRI’s Insurance Coverage Claims Institute on the topic "Defenses To Bad Faith Actions: Do They Exist And Do They Work" and moderated a panel discussion on "Multiple Claimants and Insufficient Limits - Can Insurers Lessen their Exposure to Bad Faith Claims" at the FDCC’s Winter Meeting. She authored the opening chapter on “Insurance Policy Interpretation and Construction” in the West Group/American Bar Association (ABA) treatise entitled The Law and Practice of Insurance Coverage Litigation. Ms. O’Donnell's article entitled “The First Wave of Decisions Interpreting Employment Practices Liability Policies" appeared in the Fall 2005 issue of The Brief.

2017 American College of Coverage and Extracontractual Counsel  
Fifth Annual Meeting  
Palmer House Hilton, Chicago, IL  
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Lee H. Ogburn
Kramon and Graham PA

*Building Product Class Actions - Coverage Under the Roof?*

As chair of Kramon & Graham’s Insurance Coverage practice, Lee Ogburn has established a national reputation for excellence as counsel to property and casualty insurers. Clients rely upon Lee’s knowledge of the insurance industry, effective negotiation skills, and persuasive advocacy. He has served as lead counsel in trial and appellate courts nationwide, handling insurance disputes and claims involving hundreds of millions of dollars. Lee represents insurers in coverage disputes involving environmental and toxic tort, business tort, products liability, construction, and commercial claims. He also represents insurers in first party disputes.

Lee has appeared in every edition of the peer-nominated publication The Best Lawyers in America since 2008. He has been recognized in Best Lawyers for Bet-the-Company Litigation (since 2010), Commercial Litigation (since 2008), and Insurance Law (since 2010). In 2013, he was recognized by Best Lawyers as Baltimore Insurance Lawyer of the Year. Lee has appeared in every issue of Maryland Super Lawyers since 2007.

Lee is a 2015 recipient of the Daily Record’s Leadership in Law Award. In 2013, he received the Champion of Justice Award from the Equal Justice Council of Maryland Legal Aid for his leadership in promoting equal access to justice.

Lee is the Co-Chair of the Equal Justice Council of Maryland Legal Aid. He formerly Co-Chaired the Equal Justice Council’s Law Firm Campaign. Lee is also Chair of the Board of Directors for the Baltimore School for the Arts. He is a member of the Maryland Public Justice Center Advisory Council. He formerly served as Vice President of the Board and Chair of the Audit Committee of The Bryn Mawr School.

Lee is a member of the Maryland State Bar Association, American Bar Association, Public Justice Center Advisory Council and the American College of Coverage and Extracontractual Counsel.
Myles A. Parker
Carroll Warren & Parker PLLC
Chances Are … A Fortuity Case Study

Mr. Parker is an Equity Partner in Carroll Warren & Parker PLLC. He is admitted in Texas and Mississippi, and practices from offices in Houston, Texas and Jackson, Mississippi. His career spans more than 26 years, where he has served as lead counsel in numerous complex insurance coverage matters. He regularly represents quota share markets in major loss situations, guiding domestic and international insurers/reinsurers through the legal aspects of claims handling and coverage assessment.

Mr. Parker is a Fellow of the American College of Coverage and Extracontractual Counsel, and of the Litigation Counsel of America. He is AV rated by Martindale-Hubbell, and is recognized as a Leader in the Field by Chambers and Partners USA. He is a Member of the Million Dollar Advocates Forum, and is a Mid-South Super Lawyer. His professional accomplishments have been recognized by various other legal organizations, including his selection by Best Lawyers as one of the Best Lawyers in America, and by America’s Top 100 Attorneys for its Lifetime Achievement award.

Mr. Parker is admitted in the U.S. Supreme Court; U.S. Courts of Appeal – Fifth, Sixth & Eighth Circuits; U.S. District Courts – Texas, Mississippi & Puerto Rico; and State Courts – Texas & Mississippi.
Sherilyn Pastor  
McCarter & English  
*The Cobbler’s Children Have No Shoes: Professional Liability Insurance*

Sherilyn Pastor is Practice Group Leader of McCarter’s Insurance Coverage Group. She is an experienced trial attorney, who has secured hundreds of millions of dollars in insurance for corporate policyholders. She litigates complex coverage matters throughout the country and abroad, and provides insurance coverage advice to clients assessing their potential risks, analyzing new insurance products, and considering the adequacy of their programs.

By way of example, Ms. Pastor defended Transamerica Corporation in a dispute with a former subsidiary (IMO Industries) regarding the $1.5 billion in insurance coverage. Transamerica had purchased for itself and its subsidiaries as part of a consolidated risk management approach. After a six-month trial for this policyholder, the court ruled in Transamerica’s favor on all claims against it, entering declaratory judgment that Transamerica’s decades old divesture agreement left its former subsidiary liable for its own asbestos losses. The court rejected that Transamerica was responsible for deductibles, retentions, or gaps in insurance coverage, or was effectively transformed into a “de facto” insurer because of its risk management efforts. The Appellate Division upheld all of the trial court’s rulings in a 114-page decision, 81 pages of which it approved for publication, in September 2014. The N.J. Supreme Court refused to disturb them in July 2015, and order costs be paid in Transamerica’s favor.

Ms. Pastor has shaped insurance law. She obtained summary judgment awarding Wakefern Food Corporation insurance for all its Northeast blackout losses, establishing New Jersey law that “physical damage” in a property and business interruption policy includes loss of use, value and function. She convinced a federal court that an employee’s bill padding and kickback scheme was a direct and covered loss under a crime insurance policy. The court agreed with her, in awarding summary judgment to her client, that having the funds pass through an intermediary did not change the fundamental nature and effect of the employee’s theft and unlawful taking of property. Ms. Pastor also helped Lucent Technologies Inc. (now Alcatel Lucent) recover its fiduciary liability coverage following various class action settlements with ERISA plaintiffs.

Ms. Pastor is on the Board of Regents of the American College of Coverage and Extracontractual Counsel (ACCEC), and Co-Chair of its Professional Liability Committee. She received the College’s Thomas F. Segalla Award in 2015. Ms. Pastor is the Immediate Past Chair (Policyholder Side) of the ABA Litigation Section’s Insurance Coverage Litigation Committee, having served as Vice-Chair from 2009-2012 and as co-chair of various ICLC subcommittees since 2002. Ms. Pastor was a member of the New Jersey Supreme Court’s Professional Responsibility Rules Committee for over a decade, and a member of the New Jersey Supreme Court’s Working Group on Ethical Issues Involving Metadata in Electronic Documents. She also serves as an Editorial Consultant to Law360: Insurance, and was on the Editorial Boards of the Insurance Coverage Law Bulletin, and a consultant on the New Appleman Insurance Law Practice Guide.
Martin C. Pentz
Foley Hoag LLP

*Louisiana Hayride—Arceneaux and Pro-rata Defense Allocation—the New Trend*


Mr. Pentz is a Co-Chair of the COL/Excess Liability Insurance Committee of the ACCEC and a Co-Chair of the Insurance and Reinsurance Committee of the Insurance and Tort Litigation Section of the Boston Bar Association. He is listed in *The Best Lawyers in America* (Woodward/White, Inc.) and Massa.chusetts Super Lawyers, Insurance Coverage Litigation.
Neil B. Posner
Much Shelist
You Screwed Up: You Trusted Us!: Conflicts Among Insurers, Independent Counsel, and Insureds


In addition to counseling clients with regard to ongoing and future insurance requirements, Neil helps policyholders resolve all types of insurance coverage disputes, through negotiation, litigation and other forms of dispute resolution, including mediation, arbitration and settlement. He has successfully obtained insurance coverage for defendants involved in a variety of class actions and other complex lawsuits. For example, when the former CEO of a bankrupt Chicago-area public company was named in a shareholder class action brought by the bankruptcy estate — alleging securities fraud and breach of fiduciary duty, and seeking to recover damage claims totaling nearly $400 million — Neil helped his client obtain effective insurance coverage.

Neil also practices extensively in the area of lawyer’s professional liability, which includes counseling lawyers and law firms on professional responsibility and ethics matters. He has served as an expert witness in this area, and speaks and writes extensively on the subject. Neil is admitted to practice in Illinois and Wisconsin, the United States District Courts for the Northern District of Illinois and the Eastern District of Wisconsin, and the United States Tax Court.
Jay R. Sever
Phelps Dunbar LLP

Louisiana Hayride—Arceneaux and Pro-rata Defense Allocation—the New Trend

Jay Russell Sever obtained his undergraduate degree from the University of Maryland, B.S., 1986, and his J.D., 1991, from Tulane University Law School, where he served as the Senior Notes and Comments Editor, Tulane Law Review. He is admitted to practice in Louisiana and California.

Mr. Sever is a partner in the Insurance and Reinsurance group of Phelps Dunbar. He is also the Practice Coordinator for the Insurance and Reinsurance group in the New Orleans office. He serves as local, regional and national coverage counsel for both foreign and domestic insurance companies. He counsels clients, manages disputes and tries cases involving a wide variety of insurance coverage issues, including matters arising from bad faith, construction defect claims, third-party liability claims, first-party claims, professional liability claims, crane and rigging claims, racing and competitive sport claims, entertainment claims, transportation claims, environmental claims, general and toxic tort claims, advertising, copyright and trademark claims, media liability claims, multiple-year trigger and allocation issues, marine liability claims, Louisiana direct action claims and numerous others.

In addition to handling cases in Louisiana and California courts in which he is admitted, Mr. Sever also has acted as lead counsel in cases pending in Alabama, Florida, Georgia, Illinois, Indiana, Kentucky, Mississippi, New Jersey, New York, North Carolina, Oklahoma, Oregon, South Carolina, Tennessee, Texas, Virginia and Washington. Mr. Sever’s practice, both litigation and counseling, involves attorneys from all of Phelps Dunbar’s offices in the Gulf South and, where necessary, local counsel in states throughout the United States.

He has spoken on insurance coverage and litigation issues for multiple groups, including MC Consultants Inc. - Construction Litigation & Insurance Coverage Conference, Value Engineered Alternative Dispute Resolution (VEADR) Conference, HarrisMartin CAT Flood and Windstorm Litigation Conference, 8th Annual East Region Construction Litigation & Insurance Coverage Conference, Claims Legal Management (“CLM”) Conference, Federation of Defense and Corporate Counsel (“FDCC”), National Business Institute, New Jersey State Bar Association, and the University of Texas School of Law.


Elizabeth Stewart  
Murtha Cullina  

*War and Peace (The Abridged Version): Application of the War and Terrorism Exclusions*

Elizabeth Stewart is a trial lawyer, principally handling policyholder-side insurance coverage and complex commercial litigation. She recovers insurance proceeds and defense costs for policyholders facing large exposures and liabilities. The policies at issue have covered directors and officers, environmental, construction, products liability, property, business interruption, asbestos and employment claims.

Elizabeth is a Fellow of the American College of Coverage and Extracontractual Counsel and a member of the Insurance Coverage Litigation Committee of the American Bar Association and the Executive Committee of the Insurance Section of the Connecticut Bar Association. She also was appointed by Connecticut’s Chief Justice to the Connecticut Civil Commission.

Elizabeth’s Representative Insurance Coverage Cases:

Elizabeth’s Recent Speeches, Presentations and Publications on Coverage:
- Facilitator: Claims Handling Experts: How to Find Them, Manage Them and Win With Them (ABA Mar. 6, 2015)
- Speaker: Cover Yourself (And Your Client): Critical Insurance Considerations When Prosecuting and Defending Civil Actions (CBA Apr. 16, 2013)
- Speaker: Indemnification Clauses: A Practical Look at Everyday Issues (ACCA Westchester and Fairfield Chapter Apr. 1, 2011)
- Panelist: Oops, I Want That Back: Clawing Back Privileged Documents (ABA Mar. 6, 2009)
- Speaker: Bad Faith Claims Litigation: Policyholder and Insurer (CBA Oct. 27, 2008)

Elizabeth served as Murtha Cullina’s Managing Partner from 2009 through 2014 and as Chair of the Firm’s litigation department from 1998 through 2006.
Jeffrey Thomas  
University of Missouri - Kansas City  
Reflections on a Paradigm Shift for Extra-Contractual Liability in the Restatement of the Law, Liability Insurance

Jeffrey E. Thomas is the Daniel L. Brenner Faculty Scholar, Professor of Law, and Associate Dean for International Programs at the University of Missouri – Kansas City. He earned a Bachelor of Arts degree from Loyola Marymount University in 1983 (magna cum laude), and his Juris Doctor degree from University of California, Berkeley in 1986.

Insurance law is his primary research area. He served as the Editor-in-Chief of the New Appleman Library Edition, is co-author of the three-volume treatise Uninsured and Underinsured Motorist Insurance (with Alan Widiss), and his articles have been published in academic journals in the United States, China, Europe, India, Thailand, and the United Kingdom. He has served as President of the Asia Pacific Risk and Insurance Association, Chair of the Insurance Law Section of the Association of American Law Schools, a member of the Task Force on Federal Involvement in Insurance Regulation Modernization for the Tort Trial and Insurance Practice Section of the ABA, and as an Adviser to the American Law Institute’s Restatement of the Law, Liability Insurance.

Professor Thomas practiced law with the firm of Irell & Manella before entering academia, where a significant portion of his practice involved insurance coverage and bad faith. He has served as an expert consultant and witness on insurance-related cases for policyholders, insurers and claimants. He is a member of the California Bar.

Dean Thomas previously taught at the University of Chicago as Bigelow Teaching Fellow, at Loyola Law School (Los Angeles) as an adjunct, at University of Connecticut as a summer visitor, and is a two-time Fulbright Fellow to China (1999-2000) and Russia (2010).
Sara Thorpe
Nicolaides Fink Thorpe Michaelides Sullivan LLP
Show Me the Money: Latest Developments in the Recovery of Attorneys Fees in Coverage and Bad Faith Litigation

Sara M. Thorpe is a founding partner of Nicolaides Fink Thorpe Michaelides Sullivan LLP. The firm’s focus is on representing insurers in coverage disputes. From offices in California (San Francisco, Los Angeles, and San Diego), Chicago, and New York, Sara and her colleagues assist insurers with a wide-range of insurance policies and issues. Sara’s experience includes over 25 years litigating complex coverage issues involving asbestos, environmental contamination, general liability, and professional liability, and defending against “bad faith” and unfair business practice claims.

Sara is AV rated by Martindale-Hubbell. Chambers reports that clients and peers describe Sara as a "bright and tough lawyer" who is a "vigorous advocate for her clients," "very thorough" and "very passionate."
Ellen M. Van Meir
Thompson Coe
Subrogation, Equitable Contribution, and Other Insurance: Untangling The Gordian Knot Without Prolonged Litigation

Ellen Van Meir represents commercial lines insurers in matters including questions of coverage, Stowers’ liability and “bad faith.” Ellen vigorously represents her carrier clients in cases throughout the country. Ellen has also handled appellate matters in various Texas appellate courts and the U.S. Court of Appeals for the Fifth, Eighth, Ninth and Tenth Circuits. She frequently counsels her clients in matters of policy contract rights and obligations, good faith duties to insureds and settlement and allocation issues involving single and multi-carrier cases. Ellen represents some of the largest and most sophisticated insurers in areas of liability, professional errors and omissions, property, umbrella and excess coverage.

Representative Experience
- Prevailed in Texas Federal Court on claims for breach of contract related to medical malfeasance and breach of civil liberties.
- Prevailed in Texas trial and appellate courts on claims for pollution coverage.
- Represented insurance carriers in several multi-million dollar "personal and advertising injury” claims in litigation.
- Represented a major insurance carrier in evaluating what is an "accident" or occurrence in the Tenth Circuit.
- Designated national coverage counsel for the Deepwater Horizon incident on behalf of a major insurance group.
- Representing an insurance carrier in coverage disputes involving international losses and Defense Base Act claims.
- Representing major insurers evaluating massive construction litigation claims in Arizona, California, Hawaii and Nevada.
- Represented a major insurance company in an appeal to the Eighth Circuit resolving issues of what is an "occurrence" under Arkansas law.
- Obtained a jury verdict and appellate decision in favor of major insurance company client in a case of allocation of covered damages between two insurers in a construction defect matter.
- Represented a major insurance company in an appeal in which the United States Court of Appeals in the Fifth Circuit affirmed the district court's judgment that the claims for trademark infringement and unfair competition did not state claims in "personal and advertising injury" in the insurance policy.
- Represented a major insurance company in an appeal in which the United States Court of Appeals for the Fifth Circuit affirmed the district court's judgment allocating a settlement to uncovered claims and requiring the insured to reimburse the carrier.
- Negotiated a settlement on behalf of major insurer to resolve a multi-million dollar dispute between major travel industries entities.
- Litigated a commercial indemnity case of first impression between major petrochemical companies.
- Prevailed in California Federal Court in personal and advertising injury case determining the scope of libel and slander offense coverage under 9th circuit law.
- Negotiated resolution of multi-insurer copyright infringement case involving horizontal allocation, primary/excess and personal and advertising injury issues regarding theft of architectural plans.
- Monitored and participated in resolving several multi-million dollar construction defect cases in South Texas in state and federal courts.
- Tried to judgment in client’s favor advertising injury coverage disputes involving theft of trade names and trade secrets.

2017 American College of Coverage and Extracontractual Counsel
Fifth Annual Meeting
Palmer House Hilton, Chicago, IL
May 10-12, 2017
ACCEC 2017 Annual Meeting Materials
Joyce C. Wang
Carlson, Calladine & Peterson LLP

Master Class: Bad Faith Trial Tactics From the Best, For the Best

Joyce C. Wang is a founding partner of Carlson, Calladine & Peterson LLP and a nationally recognized litigator in the area of insurance coverage and bad faith. For over 30 years, she has represented national and international property and casualty insurers and reinsurers, as well as policyholders in complex commercial property and casualty insurance disputes. She is the head of the firm’s cyber coverage practice and is admitted in California and Hawaii.

Ms. Wang’s experience includes cases arising from catastrophes such as September 11, Hurricane Katrina, and the Honshu Tsunami, as well as large industrial and energy losses, cyber attacks and fraud. She also handles liability insurance disputes and has successfully obtained summary judgment on the grounds the conduct alleged was not an “accident” under a CGL policy. Her effective advocacy and professionalism enable her to successfully resolve many disputes before trial by way of dispositive motions. Through her extensive knowledge of insurance policies, case law, insurance regulations and statutes, she has earned a national reputation in the field.

Ms. Wang was instrumental in the 9th Circuit appeal in Northrop Grumman Corp. v. Factory Mutual Insurance Co., resulting in a ruling that the Policy’s Flood exclusion clearly and unambiguously applied to hurricane storm surge. She subsequently obtained summary judgment on the bad faith, misrepresentation and fraud causes of action on the grounds that Factory Mutual’s position was reasonable as a matter of law.

Ms. Wang is a past chair of the Property Insurance Law Committee (ABA) and an active member of the Federation of Defense and Corporate Counsel and the American College of Coverage and Extracontractual Counsel. She is a frequent panelist on insurance and bad faith law both here and abroad. California Lawyer Magazine voted her one of the 25 most influential lawyers in California after she argued before the California Supreme Court on behalf of a class of children affected by lead poisoning. She has been selected as a Northern California Super Lawyer every year since it began in San Francisco in 2004. Ms. Wang was recognized by San Francisco Magazine in 2012 as a Top Woman Attorney in Northern California, and by Fortune Magazine in 2013 as a Woman Leader in the Law.

Ms. Wang is admitted to all California State Courts, the U.S. District Court (Northern, Central and Eastern Districts of California), the Ninth Circuit Court of Appeals and all courts in the State of Hawaii.