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2018 ACCEC Annual Meeting
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SPEAKERS

Kenneth S. Abraham
University of Virginia School of Law
Charlottesville, VA
Rules of the Game



Ken Abraham is one of the nation's leading scholars and teachers in the fields of insurance law and torts. He is a member of the Council of the American Law Institute, he is an Advisor to the ALI's Restatement of the Law of Liability Insurance, and he was an Advisor to the Restatement of Torts (Third). He has been a consulting counsel and an expert witness in dozens of major insurance coverage cases, involving directors and officers liability, environmental cleanup liability, toxic tort, products liability, and property insurance claims. He has also served as an arbitrator in major insurance coverage cases. He is the author of over 60 law review articles and five books. His casebook, *Insurance Law & Regulation* (6th ed. 2015, now co-authored with Daniel Schwarcz), has been used as the principal text in over 100 U.S. law schools.

Michael F. Aylward
Morrison Mahoney LLP
Boston, MA
Managing Captive Claims



Michael F. Aylward is a senior partner in the Boston office of Morrison Mahoney LLP where he chairs the firm's complex insurance claims resolution group. For nearly thirty years, Mr. Aylward 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 also consults frequently on bad faith and ethics disputes and has served as an arbitrator and testified as an expert in various matters involving coverage and reinsurance issues arising out of such claims.

In addition to his trial and appellate practice, Mr. Aylward often testifies as an expert on insurance related-issues. He is also a AAA-certified neutral and has served as a party-appointed arbitrator in a number of large insurance disputes. In addition to his legal practice, Mr. Aylward is a prolific author and speaker on insurance coverage issues. He is a contributing author to several leading insurance treatises, including two chapters in the New Appleman Insurance Law Practice Guide (2008) and a chapter in the 2012 ABA treatise on environmental liability and insurance coverage disputes. He also published an e-newsletter that is circulated each Tuesday to over a thousand claims professional and in-house counsel and is a co-editor of co-editor of the Insurance Law Forum blog that has been ranked among the Top 50 insurance blogs annually since it was founded in 2008.

William Berk
Berk, Merchant & Sims, PLC
Coral Gables, FL
Coverage in a Time of Storms



William Berk is a founding member of Berk, Merchant & Sims, PLC. For nearly thirty (30) years Mr. Berk has represented insurers in coverage, liability and bad faith disputes, and has served as an expert witness.

Over his career, Mr. Berk has tried well over one hundred (100) jury trials and has handled appeals in the state and federal courts.

Mr. Berk has lectured frequently over the past twenty (20) years on such topics as bad faith litigation; insurance coverage law; appraisal; mold damages and coverage; ethics; and Chinese Drywall.

James W. Bryan
Nexsen Pruet, PLLC
Greensboro, NC
Emerging Coverage B Claims



James W. Bryan has been practicing law for 29 years and is a member in the Greensboro, North Carolina office of the Nexsen Pruet law firm. He practices in the area of civil litigation with a concentration in insurance coverage, bad faith litigation, tort litigation, trucking industry defense, commercial litigation, and environmental law. He is a graduate of UNC-Chapel Hill and Wake Forest University School of Law. He has held several leadership positions in the Defense Research Institute, and currently he is a member of DRI's Insurance Law Committee and chair of its First Party Property Subcommittee. Mr. Bryan also is the chair of the Council of the Insurance Law Section of the North Carolina Bar Association and was past president of the Greensboro Bar Association. He is also vice-chair and master of the Guilford Inn of Court.

Richard Bryan
Jackson & Campbell, PC
Washington, DC
Rules of the Game



Rick is the Chair of Jackson & Campbell's Liability Insurance Coverage Practice Group and serves on the Executive Committee of the firm. He began work at Jackson & Campbell in 1980 and has been a Director since 1987.

Rick has represented insurers in insurance coverage disputes for more than 30 years. His practice is concentrated primarily in the area of casualty insurance coverage, focusing on environmental, mass tort, construction defects, and occupational disease coverage disputes.

An alumnus of the National Institute for Trial Advocacy, he has conducted seminars on insurance coverage and trial practice. He authored the following chapter in Thomson West's Law and Practice of Insurance Coverage Litigation: Settlement, Releases, Covenants Not to Sue, Hold Harmless Agreements: The Insurer's Perspective.

Rick is Chair of the Kibwezi Partnership Committee, which provides support for an Education Center in the village of Kibwezi, Kenya and also provides food, clothing, financial and educational support for 37 children in the Kibwezi, Kenya area orphaned by the effect of AIDS.

Suzan Charlton
Covington & Burling LLP

Washington, DC

Are Two Policies Better than One?



Suzan Charlton, special counsel with Covington & Burling LLP in Washington, DC, represents policyholders in insurance disputes. Her litigation and settlement experience encompass 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.

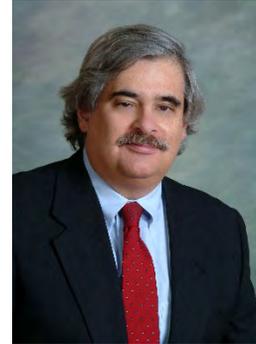
Ms. Charlton has been recognized as a “SuperLawyer” in Washington, DC, is a past co-chair of the ABA Litigation Section ICLC’s annual CLE conference, is a managing editor of the ICLC’s website and social media platforms and has held numerous subcommittee leadership positions within the ICLC. She is a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

For more information: <http://www.cov.com/scharlton>

Robert D. Chesler
Anderson Kill

Newark, NJ

15 Cases in 45 Minutes



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.

Lewis F. Collins
Butler Weihmuller Katz Craig, LLP
Tampa, FL
Comparative Bad Faith: Trends, Tricks, and Traps



Lewis F. Collins, Jr., is a Partner in the Tampa, Florida office of Butler Weihmuller Katz Craig, LLP. He is Board Certified in Civil Trial Law by both the Florida Bar and the National Board of Trial Advocacy, and is also a Board Certified Civil Pretrial Practice Advocate by the National Board of Civil Pretrial Practice Advocacy. He is a Fellow of the American College of Coverage and Extracontractual Counsel and has also served on the Board of Regents of that organization. He practices primarily in the areas of commercial litigation, bad faith, products liability, drug and medical device litigation, wrongful death, employment law, and professional liability defense. He was named “Lawyer of the Year for Product Liability Litigation, 2015 – Defendants in Tampa, FL.” by Best Lawyers in America.

Mr. Collins has served as the President of: Lawyers for Civil Justice (2009-10), the Federation of Defense & Corporate Counsel (2006-07) and the Florida Defense Lawyers Association (1995-96) and the Federation of Defense & Corporate Counsel Foundation (2015-16). He was a member of the Board of Directors of the Defense Research Institute and was the Dean of the Litigation Management College at the Kellogg School of Management, Northwestern University (2001 - 2002).

Mr. Collins is an “AV” rated Preeminent Lawyer, a member of ABOTA and is a Master of the American Inns of Court. In 1997, he received the Florida Defense Lawyers Presidential Achievement Award and the 1996 DRI Exceptional Performance Award. Mr. Collins was recognized as a “Leading Florida Attorney” in the field of Products Liability Defense by Leading American Attorneys, a “Florida Super Lawyer”, selected as one of the The Best Lawyers in America, Product Liability Litigation - Defendants and was also chosen one of “Tampa Bay’s Top Lawyers” by his peers.

Mr. Collins received his Bachelor of Science Degree from Florida State University in 1975 and his Juris Doctor from Loyola University, New Orleans, in 1978.

Mitchell F. Dolin
Covington & Burling LLP

Washington, DC

The Legacy of Level 3 More than 15 Years Later



Mitchell Dolin co-chairs Covington’s insurance recovery practice and has practiced in this field for more than thirty years. Ranked by Chambers USA as one of the nation’s top dozen or so policyholder lawyers for each of the past several years, his advocacy work has taken place in trial and appellate courts across the country, domestic and international arbitral proceedings, and numerous high-stakes mediations. In the insurance field, he has been lead counsel to corporate policyholders pursuing general liability, D&O, E&O, and other lines of coverage for a wide array of underlying liabilities, including antitrust, employment, environmental, intellectual property, mass tort, professional services, and shareholder claims, as well as for first-party property, business interruption, cargo, and event cancellation losses. Mr. Dolin, who for several years chaired the firm’s arbitration practice group, has served as an advocate and arbitrator in numerous domestic and international arbitrations and has litigated arbitration-related questions in the courts. He has published and lectured on many arbitration, insurance, and litigation topics and is a member of the American Law Institute and a fellow of the American Bar Foundation.

Joseph G. Finnerty III
DLA Piper LLP
New York, NY
Transactional Liability Insurance



Joseph G. Finnerty III is a litigation partner at DLA Piper US LLP who served as Chairman of the firm's New York Litigation Practice Group for eight years, and Vice Chairman of the firm's US Litigation Practice Group for seven.

Joe concentrates his commercial litigation practice in business litigation and counselling and dispute resolution for leading insurance companies worldwide. Joe has been focused most recently upon representing M&A transaction liability insurers in disputes arising under representations and warranties insurance and litigation risk insurance, including managing, quantifying and resolving pre-dispute insurance claims for alleged losses arising out of M&A transactions. Joe also regularly litigates non-insurance M&A, fiduciary duty, fraud and securities law claims for public and private companies and their management.

Joe has also successfully represented an array of liability insurers in claims seeking insurance to cover disgorgement and restitution remedies, including obtaining a final judgment for the largest insurer of investment banks in litigation claims seeking coverage for more than US\$300 million in SEC disgorgement and penalty orders. Joe has now represented leading transaction liability insurers in more than 20 different M&A transaction insurance claims.

Joe also led the successful defense of one of the world's largest insurance brokers in a consolidated class action MDL proceeding alleging the unlawful sale of cell phone replacement insurance and seeking the disgorgement of insurance premiums in excess of US\$500 million. He also led the successful defense and dismissal of two separate Alien Tort Claims Act class actions against Sheikh Mohammed bin Rashid Al Maktoum, the Ruler of Dubai.

More broadly, Joe's insurance practice includes litigation, investigations and counselling in connection with private equity management liability insurance, directors and officers liability insurance, alternative risk transfer products, captive insurance programs, professional liability, business interruption insurance, manuscript new product coverages, and, of course, transaction liability insurance (including representations and warranties, litigation risk and tax opinion insurance). Joe has represented the industry's leading liability insurance businesses, including Berkshire Hathaway, AIG, Munich Re, Chubb, Ironshore, Euclid, Zurich, St. Paul Travelers, CNA, AXIS, The Hartford, and Beazley, as well as an array of Lloyd's syndicates and London underwriters, among many others.

Laura A. Foggan
Crowell & Moring LLP
Washington, DC
Emerging Coverage B Claims



Laura A. Foggan is a partner in Crowell & Moring's Washington, D.C. 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). Ms. Foggan's practice includes counseling insurers and reinsurers on strategic opportunities, litigation trends and emerging risks such as drones and autonomous vehicles, privacy and cyber-liability, global warming (climate change), additive ("3D") printing, IoT and utilization of blockchain. She regularly represents insurers in state and federal courts in a wide range of complex insurance litigation, such as coverage disputes involving environmental and toxic tort claims, construction, products liability, and privacy and cyber claims, among others. She has participated in more than 200 appellate cases including key national precedents on insurance issues. Ms. Foggan also possesses significant experience representing insurer trade groups on a wide variety of issues affecting the business of insurance. Currently, she is serving as the insurance industry liaison to the American Law Institute's Restatement of the Law, Liability Insurance, giving voice to insurer concerns with the project's drafts.

Marialuisa S. Gallozzi
Covington & Burling LLP

Washington, DC

Ethical Issues Arising out of Sharing Information



Marialuisa Gallozzi represents policyholders in resolving complex and high value insurance coverage matters. She also provides strategic advice to policyholders about their insurance assets. She is also one of the leads for Covington's Strategic Risk and Crisis Management initiative, which helps companies manage product recall and other crises, plan for crisis events and conduct simulations.

Over the past 25 years, Ms. Gallozzi has negotiated well over 100 insurance settlements with domestic, foreign and insolvent insurers involving coverage for asbestos, implantable medical device, food contamination, environmental, D&O and other liabilities. She also has represented policyholders, in numerous first-party claims including those involving earthquake, September 11, flood, collapse, hurricane and crime/employee dishonesty losses. Ms. Gallozzi advises nonprofit organizations on a wide range of coverage matters, has extensive experience with claims against state guaranty funds and in insurer insolvencies, and advises companies on insurance rights and assets in corporate transactions.

Ms. Gallozzi chairs Covington's Evaluation Committee. She has maintained an active pro bono practice throughout her legal career and currently represents D.C. Appleseed.

Ms. Gallozzi has lectured extensively on insurance in CLE programs and at law schools, including American University, Washington College of Law, the University of Virginia School of Law and the University of Connecticut School of Law.

David B. Goodwin
Covington & Burling LLP
San Francisco, CA
Managing Captive Claims



David Goodwin is partner in the San Francisco office of Covington & Burling LLP and a member of Covington's Insurance Coverage, Arbitration, and Appellate practice groups.

Mr. Goodwin has more than 30 years of experience representing corporate policyholders in insurance coverage disputes and litigation, his practice runs the gamut of insurance issues, including major property damage and business interruption losses, errors and omissions, fidelity, crime, financial guarantee, and director and officer claims, offshore, and onshore construction insurance disputes, and marine, products liability and environmental insurance matters. Mr. Goodwin has served as a party arbitrator in numerous insurance arbitrations. He also is a highly experienced appellate advocate who has argued more than 50 appeals.

Mr. Goodwin has a J.D. from Stanford Law School and a B.A. and M.A. from Oxford University. He has served as an adjunct professor at The University of California at Berkeley Law School, where he taught courses on insurance law.

Christine Haskett
Covington & Burling LLP
San Francisco, CA
Comparative Bad Faith: Trends, Tricks, and Traps



Christine Haskett represents global companies in complex coverage disputes with their insurers. Ms. Haskett's practice encompasses disputes involving property and business interruption insurance, asbestos liabilities, product liability claims, construction claims, and D&O insurance.

Ms. Haskett represents companies in a wide range of industries, and she has particular expertise within the chemical, oil, and manufacturing industries and with cases involving technologies that leverage her Chemical Engineering background.

Scott C. Hecht
Stinson Leonard Street LLP
Kansas City, MO
Are Two Policies Better Than One?



Scott Hecht is the leader of the firm's Insurance litigation practice group. He advises clients about insurance issues and litigates insurance and employee benefits disputes. Executive liability insurance policies (Directors & Officers, Errors & Omissions, Employment Practices, and Fiduciary) and Property/Business Interruption policies are Scott's primary focus, but he also has substantial experience handling matters involving general liability insurance, pollution liability insurance, title insurance, cyber insurance, and fidelity bonds.

Scott's insurance practice has given him the opportunity to assist clients in managing catastrophes, both man-made and natural. Scott also has substantial experience defending ERISA claims involving both pension and welfare benefit plans. Those claims include claims for benefits, breach of fiduciary duty and retaliation/interference, as well as all manner of litigation concerning the structure, administration and funding of employee benefit plans. Scott has ample class action experience having served as lead counsel in the defense of both ERISA and insurance-related class actions. He has litigated cases in federal judicial districts throughout the Midwest and defended appeals in the United States Courts of Appeals for the Seventh, Eighth and Tenth Circuits. Scott is a Fellow in the American College of Coverage and Extracontractual Counsel (ACCEC).

Ronald L. Kammer
Hinshaw & Culbertson LLP
Coral Gables, FL
Are Two Policies Better Than One?



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.

Mr. Kammer is the Partner-in-Charge of Hinshaw & Culbertson LLP's Miami office. He is the National Business Unit Leader of the firm's Insurance Practice and a past Business Development Partner and Regional Director for the firm.

Jill Kerxton
Aon Transaction Solutions
Washington, DC
Transactional Liability Insurance



Jill is a Managing Director of Aon Transaction Solutions. Jill has worked in the tax and transactional insurance business throughout her career. Prior to joining Aon in 2013, Jill enjoyed a twenty-year legal career where she was a partner at firms, including Mintz Levin and predecessors of DLA Piper and Katten Muchin Rosenman. As co-leader of the Financial Risks Practice, Jill became a nationally recognized expert in the insurance of financial and transactional risks, such as M&A insurance, insurance programs covering tax and regulatory risks, litigation buyouts, environmental insurance and credit enhancements and played an instrumental role in the development of Tax insurance, R&W Insurance and other transactional insurance products. Jill began her career as a tax lawyer and acted as legal counsel to U.S., London and international insurers, many of which regularly underwrite financial risks. Today, she advises clients purchasing such insurance programs.

Robert A. Kole
Choate Hall & Stewart LLP
Boston, MA
The Opioid Epidemic



Rob Kole is a partner in the firm's Insurance & Reinsurance Group. He has argued before the U.S. Court of Appeals for the First, Second, Fifth, Ninth and Eleventh Circuits in connection with insurance and reinsurance disputes. He is recognized in The Legal 500 as a leading lawyer for Insurance and has been elected to the World's Leading Insurance and Reinsurance Lawyers by Who's Who's Legal. In April 2010, he was named one of 10 "Insurance Law Rising Legal Stars Under 40" by Law360, and he has been named a Massachusetts Super Lawyer in each of the past 8 years.

Seth D. Lamden
Neal, Gerber & Eisenberg LLP
Chicago, IL
Emerging Coverage B Claims



Seth D. Lamden is a partner in Neal, Gerber & Eisenberg LLP's Insurance Policyholder Practice Group. He concentrates his legal practice on assisting policyholders understand and enforce their rights to insurance coverage and has helped policyholders recover hundreds of millions of dollars in insurance proceeds from a broad array of industries, including construction, utilities, manufacturing, professional services, financial services, and managed care. Seth is a Fellow of the American College of Coverage and Extracontractual Counsel and serves as the Chair of the Self-Insurance and Risk Management Committee, Tort Trial & Insurance Practice Section (TIPS) of the ABA and as a Vice Chair of TIPS' Insurance Coverage Litigation Committee. He also serves as the chair of the Illinois Association of Defense Trial Counsel's Insurance Law Committee and is a member of the IDC's Board of Directors. Seth is the Executive Editor of the International Risk Management Institute, Inc.'s CGL Reporter and has written nine book chapters and more than 50 articles on topics relating to insurance coverage. He maintains a Martindale-Hubbell AV Preeminent™ rating and is listed in the area of insurance coverage in The Best Lawyers in America, Illinois Super Lawyers, and Leading Lawyers Network.

Anthony B. Leuin
Shartsis Friese LLP
San Francisco, CA
15 Cases in 45 Minutes



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
Miami, FL
The Opioid Epidemic



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

Michael L. Manire
Manire & Galla LLP

New York, NY

The Legacy of Level 3 More Than 15 Years Later



Mike Manire's practice has focused on insurance since 1993, when he joined D'Amato & Lynch. He founded his new firm, Manire & Galla LLP, with a colleague in 2015. Mr. Manire has represented global D&O, E&O and professional liability insurers in connection with complex claims on policies issued both in the U.S. and abroad. He has represented insurers in coverage and bad faith litigation, but his 20 years of experience in dispute resolution and mediation has led him to a particular interest and expertise in exploring and reaching resolution. Mr. Manire has participated in settlements of both coverage and underlying liability issues in hundreds of matters, including securities fraud class actions, shareholder derivative actions, creditors' committee and bankruptcy trustee claims, breach of fiduciary duty claims, consumer class actions, employment liability actions, bankers' and investor advisors' liability claims, media and intellectual property claims, and a variety of other professional and management negligence claims.

Lorelie S. Masters
Hunton Andrews Kurth LLP
Washington, DC
Rules of the Game



Lorie is a nationally recognized insurance coverage lawyer who has tried major insurance coverage cases and recovered over the years more than \$1,000,000,000 for clients. She has written two legal treatises in her practice area and one, on international arbitration of insurance disputes won the 2012 Book Prize by the British Insurance Law Association. In 2012, she co-founded the American College of Coverage and Extra-Contractual Counsel, and served as its second President in 2014-2015. Lorie was a co-founder of the American College of Coverage and Extracontractual Counsel and served as its second President in 2014-2015. She currently serves on the Board of Governors of the American Bar Association.

Lorie has been very active in a variety of other bar associations. In the ABA, she served on the Commission on Women in the Profession from 2009-2012, and was key to production of the Commission's 2012 report, *Visible Invisibility: Women of Color in Fortune 500 Legal Departments*. In 2007 and 2008, she helped raised funding for the Commission's Women of Color Research Initiative. She served on the ABA's Gender Equity Task Force from 2012-2015. She has been active in the Section of Litigation's Leadership since 2000, serving as its Publications and Content Officer (2013-2015), on the Council (2010-2013), and chairing various other committees, including its very successful Insurance Coverage Litigation Committee (2000-2003). As President of DC's Women' Bar Association from 2007-2008, Lorie organized the WBA's Diversity Summit, and used its findings to write the WBA report, *Creating Pathways to Success for All*. She helped found the WBA's Centennial Committee to celebrate its first 100 years (in May 2017) and secure its next 100.

She also does extensive pro bono work on both DC and other voting rights issues and representing individuals, including victims of human trafficking. She serves on the Board of the DC Bar Foundation, the largest funder of legal services providers in the DC area. She has helped found two NGOs, the Human Trafficking Pro Bono Legal Center and Saving America's Veterans (formerly the National Capital Area Veterans Service Foundation). She has worked for years on efforts to gain greater political autonomy and voting rights in Congress for those who call DC home. With that background, she decided to run as a candidate in 2014 in the first election ever for DC's Attorney General, finishing third in a crowded field.

Doug McIntosh
McIntosh Sawran & Cartaya, P.A.

Fort Lauderdale, FL

Comparative Bad Faith: Trends, Tricks, and Traps



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. Mr. McIntosh 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). Mr. McIntosh is also an active member of DRI, The Voice of the Defense Bar, 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. Mr. McIntosh 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. Mr. McIntosh 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. Mr. McIntosh 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. Mr. McIntosh 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. Mr. McIntosh 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. Mr. McIntosh is a state qualified arbitrator and has served as selected mediator, panel and sole arbitrator, in a number of matters.

Suzanne C. Midlige
Coughlin Duffy LLP
Morristown, NJ
15 Cases in 45 Minutes



Suzanne Cocco Midlige 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. Suzanne's practice focuses on the representation of domestic and international insurers in litigated and non-litigated matters. She regularly represents multi-national insurers in asbestos coverage disputes, including the area of asbestos bankruptcy litigation. In addition, she is lead counsel for insurers in multiple insurance coverage disputes relating to contamination of Lower Passaic River and disputes involving non-traditional form of environmental contamination. Suzanne also represents insurers in disputes relating to professional liability, financial institutions and director & officer dispute

Barbara J. Miller
Wells Fargo & Company
Minneapolis, MN
Managing Captive Claims



Barbara Miller is the Claims Manager for Wells Fargo & Company and its captive insurer, Superior Guaranty Insurance Company. She is accountable for the management of property, general liability, management liability, cyber and fidelity claims and losses incurred by Wells Fargo and its businesses. Barbara began her insurance career with Travelers Insurance. She joined Wells Fargo, formerly known as Norwest Corporation, in 1997. She obtained a law degree from William Mitchell College of Law in St. Paul, Minnesota, graduating Cum Laude. Previously, she obtained a Bachelor of Business Administration degree from Iowa State University in Ames, Iowa.

J. W. Montgomery, III
Jones Day
Pittsburgh, PA
Rules of the Game



Jack Montgomery's practice focuses exclusively on insurance coverage advice, litigation, and arbitration. He handles insurance coverage litigation in various jurisdictions and national and international insurance arbitrations.

Notable cases include *Koppers Co., Inc. v. Aetna* (1996) (affirming a \$70 million jury verdict against Lloyd's and London companies, subject to a deduction for "share" of settling insurers); *Occidental Chemical Corp. v. Hartford* (the "Love Canal" insurance coverage dispute); *Motorola v. Associated Indem. Corp.* (2004) (requiring third-party liability insurers to defend class actions seeking the costs of headsets for cell phone users); *PepsiCo, Inc. v. Winterthur Int'l America Ins. Co.* (2004) (limiting the scope of a seepage/pollution/contamination exclusion in first-party insurance to environmental damage and not to product contamination); and *PepsiCo, Inc. v. Winterthur Int'l America Ins. Co.* (2005) (holding that lack of merchantability of a product constitutes "physical damage to tangible property"). Prior to joining Jones Day, Jack was lead counsel in *Joy Technologies, Inc. v. Liberty Mut. Ins. Co.* (1992) (applying "regulatory estoppel" to bar application of the so-called "pollution exclusion").

As lead counsel, Jack recently tried to conclusion three insurance arbitrations, two in London and one in the United States. He is also representing Transocean in connection with the Deepwater Horizon/Macondo well incident insurance issues. Other representative clients include Occidental Petroleum, Occidental Chemical, GE, GM, Motorola Solutions, PepsiCo, Macy's, and Air Products and Chemicals among others.

Jack regularly serves as an arbitrator in London-based, Bermuda-based, and domestic insurance arbitrations. For 24 years, he has been an adjunct professor at the University of Pittsburgh School of Law, teaching substantive courses on insurance law.

Barbara A. O'Donnell
Sulloway & Hollis, P.L.L.C.

Providence, RI

Comparative Bad Faith: Trends, Tricks, and Traps



Barbara O'Donnell has more than 20 years of experience in matters of insurance coverage, extra contractual liability, insurance agent/broker liability, employment, and professional liability law.

Ms. O'Donnell's practice is regional, and she has handled matters in several state and federal courts and before administrative and arbitration tribunals.

Ms. O'Donnell's insurance coverage practice includes the resolution and litigation of a broad range of liability coverage issues under commercial, specialty lines, professional, directors and officers, employment practices, 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 insurance coverage and industry experience, Ms. O'Donnell also drafts policy forms and endorsements for insurers. Ms. O'Donnell also prepares and presents custom tailored training programs for insurance professional on claims handling best practices and insurance coverage obligations and defenses to assist clients in avoiding costly coverage disputes.

Ms. O'Donnell's professional liability practice includes the representation of insurance agent/brokers against claims alleging the failure to procure requested or appropriate coverages. In defending agent/brokers against these claims, Ms. O'Donnell often draws upon her insurance coverage experience to establish that the agent/broker's conduct did not cause the alleged loss in any event.

In her employment law practice, Ms. O'Donnell counsels employers about effective ways to minimize liability exposure under the expanding array of state and federal laws governing employee/employer relations. Ms. O'Donnell regularly negotiates and prepares agreements to resolve disputes, including separation, nondisclosure, and settlement agreements.

Ms. O'Donnell holds leadership positions in national bar organizations and industry organizations. She is a past chair of the ABA/TIPS Insurance Coverage Litigation Committee and the Extra Contractual Liability Section of the Federation of Defense and Corporate Counsel ("FDCC"). She currently serves as a Vice Chair of the FDCC's Reinsurance, Excess and Surplus Insurance Section. Ms. O'Donnell is a member of the ABA/TIPS Book Publishing Board and 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. For over ten years, Ms. O'Donnell

served as the articles editor for The CGL Reporter, a biannual International Risk Management Institute publication.

Drawing upon her expertise in complex insurance coverage and bad faith disputes, Ms. O'Donnell serves on the faculty of the Federation of Defense and Corporate Counsel's Graduate Litigation Management Program attended by senior level corporate and insurance industry litigation management professionals. She has also been appointed to the American Arbitration Association's Complex Coverage Neutral Evaluation panel. Ms. O'Donnell has also been recognized as one of the leading insurance coverage attorneys in the Massachusetts and Corporate Counsel Super Lawyers in each of the past nine years.

Ms. O'Donnell frequently writes and speaks on insurance coverage topics. In March 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 Federation of Defense and Corporate Counsel 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, an ABA Tort and Insurance Practice Section (TIPS) publication.

Sherilyn Pastor
McCarter & English

Newark, NJ

Coverage in a Time of Storms



Recognized as a leader in her field by Chambers USA and as one of New Jersey's "Best 50 Women in Business" by NJBIZ, Sherilyn Pastor is Practice Group Leader of McCarter and English's Insurance Coverage Group and a member of the firm's Executive Committee. She provides legal assistance to corporate policyholders and has secured hundreds of millions of dollars in insurance assets for a broad range of policyholder clients. She litigates complex coverage matters throughout the country and provides advice to clients assessing their potential risks, analyzing new insurance products and considering the adequacy of their programs. Ms. Pastor holds the AV Preeminent Rating from Martindale-Hubbell, its highest rating for ethics and legal ability. She has been recognized in The International Who's Who of Insurance & Reinsurance, and she has been honored as a New Jersey Super Lawyer since 2006.

Ms. Pastor is, for example, Transamerica Corporation's lead trial counsel in a dispute with a former subsidiary regarding insurance Transamerica purchased as part of a consolidated risk management structure for itself and its subsidiaries. After a several month trial for this large, multi-national corporate policyholder, Ms. Pastor secured a favorable ruling that Transamerica had no implied contract with the former subsidiary by virtue of its consolidated risk management approach. In addition to soundly rejecting the former subsidiary's claims, the trial court granted Transamerica's request for declaratory relief against the subsidiary.

Ms. Pastor also obtained summary judgment awarding Wakefern Food Corporation insurance for all its 2003 Northeast blackout losses. She assisted Lucent Technologies Inc. (now Alcatel Lucent) to recover its fiduciary liability coverage following various class action settlements with ERISA plaintiffs.

Ms. Pastor is Chair (policyholder side) of the ABA Section of Litigation, Insurance Coverage Litigation Committee. She was the Vice-Chair of the ICLC from 2009 to 2012, and has been co-chair of various ICLC subcommittees since 2002. Ms. Pastor serves on the Editorial Boards of the Insurance Coverage Law Bulletin, and is a consultant on the New Appleman Insurance Law Practice Guide. She is a member of the International Center for Conflict Prevention & Resolution's Director & Officer Liability Insurance Committee and its Insurance Neutrals Review Committee. Ms. Pastor also is a member of the New Jersey Supreme Court's Professional Responsibility Rules Committee. Ms. Pastor publishes and lectures frequently on insurance, trial skills and ethics matters.

Neil Posner
Much Shelist

Chicago, IL

Ethical Issues Arising Out of Sharing Information



Neil Posner successfully counsels his clients on the complexities of buying and maintaining insurance, and using insurance as part of an overall risk-management program. Chair of the firm's Policyholders' Insurance Coverage group, Neil focuses on insurance recovery and dispute resolution, risk management, loss prevention and cost containment. His clients include public and private companies, organizations, boards of directors, individual officers and other policyholders. Neil assists clients in analyzing, negotiating and enhancing a wide range of insurance policies and plans, including Directors' and Officers' Liability, Errors and Omissions/Professional Liability, Employment Practices Liability, Fiduciary Liability, Bankers Professional Liability and Financial Institution Bonds, Cyber Liability, E-Commerce, and Privacy Risks, Commercial Property, Intellectual Property Insurance, Construction Insurance, and Transportation, Transportation Broker, and Contingent Cargo Liability.

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.

Neil Rabin
Drinker Biddle

Dallas, TX

Coverage in a Time of Storms



W. Neil Rabin represents clients in complex commercial insurance litigation, insurance coverage disputes, extra-contractual claims and disputes between insurance and reinsurance companies. With more than 35 years of experience, he has litigated a wide variety of claims and disputes that have arisen from general liability, professional liability, property, marine, aviation, workers' compensation, fidelity, automobile, excess liability, umbrella and surplus policies. Since January 1, 2016, he and/or his team have tried eleven first party property cases to a jury verdict, obtaining a complete defense verdict of no-liability in ten of those cases. In addition to Texas, he has litigated matters in California, Oregon, New Mexico, Ohio, Kentucky, West Virginia and Massachusetts.

Neil also counsels insurers and reinsurers on their coverage obligations and the avoidance of bad faith claims, as well as reinsured and reinsurers in matters arising out of reinsurance agreements.

Doug Richmond
Aon Professional Services

Olathe, KS

Ethical Issues Arising out of Sharing Information;
Comparative Bad Faith: Trends, Tricks, and Traps



Doug Richmond is Managing Director of Aon's Professional Services Group. Aon's Professional Services Group is the world's leading broker of insurance for law firms. Doug consults with Aon's 295 law firm clients on professional responsibility and liability issues, and additionally leads Aon's loss prevention efforts for all professions.

Before joining Aon, Doug was a partner with Armstrong Teasdale LLP in Kansas City, Missouri (1989–2004), where he had a national trial and appellate practice. In his time at Armstrong Teasdale, he tried over 40 major cases as “first chair” and was often engaged to handle appeals of cases tried by other lawyers. In 1998, he was named the nation's top defense lawyer in an insurance industry poll as reported in the publications *Inside Litigation* and *Of Counsel*. He is a member of the ABA's Standing Committee on Ethics & Professional Responsibility (2016–19). He is also a member of the American Bar Foundation, American Law Institute (ALI), American Board of Trial Advocates (ABOTA), International Association of Defense Counsel (IADC), and Federation of Defense and Corporate Counsel (FDCC). In the ALI, he is an Adviser for the Restatement of the Law of Liability Insurance and the Principles of the Law, Compliance, Enforcement, and Risk Management for Corporations, Nonprofits, and Other Organizations. Doug has also been selected to The Best Lawyers in America in the areas of legal malpractice, personal injury litigation, and railroad law. In 2003, the Euromoney Legal Media Group named him as one of the nation's top insurance and reinsurance lawyers.

Doug is the lead author of the book *Professional Responsibility in Litigation* (2d ed. 2016), and the co-author of an insurance law treatise, *Understanding Insurance Law* (6th ed. 2018) and an insurance law casebook, *Cases and Materials on Insurance Law* (8th ed. 2018). He is also a named editor of the *New Appleman Insurance Law Practice Guide*. He has published more than 60 articles in university law reviews, and many more articles in other scholarly and professional journals. Doug teaches Legal Ethics at the Northwestern University School of Law, and Insurance Law and a seminar on Liability Insurance Law at the University of Florida College of Law. He previously taught Trial Advocacy and Insurance Law at the University of Kansas School of Law, and Insurance Law and a seminar on Damages at the University of Missouri School of Law. Doug is also a regular NITA faculty member, teaching both deposition and trial skills.

Doug earned his J.D. at the University of Kansas, an M. Ed. from the University of Nebraska, and his B.S. from Fort Hays State University.

Peter K. Rosen
Latham & Watkins
Los Angeles, CA
Transactional Liability Insurance



Peter K. Rosen received his Juris Doctorate from the University of Southern California Gould School of Law. He is a partner in the Los Angeles office of Latham & Watkins and is a member of the litigation department. From March, 2013 until February, 2018, he was the Global Chair of the Insurance Coverage Litigation practice. He represents insurance policyholders in matters involving commercial general liability policies, directors' and officers' liability insurance policies, transactional liability insurance policies, environmental insurance, fidelity insurance, professional liability policies, property disputes, and surety bonds. Mr. Rosen was the lead lawyer for the retail leaseholder at the World Trade Center in the massive insurance coverage litigation arising out of the 9/11 attacks. His role in the World Trade Center insurance coverage litigation gained him worldwide recognition. Mr. Rosen's practice also includes counseling boards of directors and senior management on directors' and officers' litigation, corporate governance issues, insurance strategies, indemnification agreements and bylaws. Mr. Rosen is recognized by Chambers USA as a leading insurance policyholder lawyer. Since 2007, Mr. Rosen has taught Insurance Law as well as Corporate Governance at the USC Gould School of Law and is teaching Insurance Law at Pepperdine Law School during the Spring, 2018 semester. Mr. Rosen is as a Fellow of the Chartered Institute of Arbitrators (CIArb), a Fellow of the America College of Coverage and Extracontractual Counsel, a Master Member of the Pepperdine Straus American Inn of Court for Dispute Resolution and a CEDR Accredited Mediator. He also is a Panel Mediator for the United States District Court for the Central District of California, a Panel Mediator for the California Court of Appeal, Second Appellate District, and a mediator and arbitrator for the Los Angeles County Attorney-Client Mediation and Arbitration Service.