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# Mealey's™ 5th Annual Advanced Insurance Coverage Conference: Top 10 Issues

**Get a head start on your 2007 plans with this illuminating look at the ten most frequently litigated insurance issues today.**

**Co-Chairs:**

**Laura A. Foggan, Esq.**  
Wiley Rein & Fielding LLP  
Washington, DC

**John D. Shugrue, Esq.**  
Morgan, Lewis & Bockius LLP  
Chicago

**January 22-23, 2007**  
The Rittenhouse Hotel  
Philadelphia

## Registration Form

**Mealey's 5th Annual Advanced Insurance Coverage Conference: Top 10 Issues, January 22-23, 2007, The Rittenhouse Hotel, Philadelphia.** Multiple attendees: please copy form and submit for each attendee.

Name \_\_\_\_\_

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Registration fee: \_\_\_\_\_  Bill me

Check enclosed (Please make checks payable to LexisNexis Mealeys. Send payment in U.S. funds drawn on a U.S. bank.)

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YES, I'm interested in purchasing the written materials on CD for \$275

**YES, I'm interested in purchasing the Multimedia CD of this conference for \$499.** The CD includes audio recordings, written speaker materials and presentations. (U.S.A. & Canada: Please add appropriate sales tax to your order.)

Please send me information on self-study Online CLE programs through [lexis.com](http://lexis.com).

Please send me information on group or package pricing.

Yes, I'm interested in more information on sponsorship and exhibit opportunities.

Yes, please send me a FREE sample and subscription information on **Mealey's Emerging Insurance Disputes**.

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ONLINE: [www.lexisnexis.com/conferences](http://www.lexisnexis.com/conferences)

E-MAIL: [mealeyseminars@lexisnexis.com](mailto:mealeyseminars@lexisnexis.com)

PHONE: 1-800-MEALEYS or (610) 768-7800

FAX: (610) 768-0880

PAYMENTS: LexisNexis Mealey's, P.O. Box 7247-6167, Philadelphia, PA 19170-6167

# Registration Information

## Registration Fee

The registration fee includes continental breakfast each day, one luncheon, attendance at all conference sessions, a copy of the conference handbook on CD, networking reception, coffee breaks, and continuing education credit processing. The registration fee is \$1195 for the first attendee.

## Special Discounts\*

- Early-Bird registration, by December 11, 2006 – \$995 – save \$200
- Additional registrants from the same firm or company – \$1045 – save \$150
- Corporate Discount<sup>1</sup> – \$895 – save \$300
- Government employees – \$797 – save \$398
- Paralegals – \$398 – save \$797
- Sitting Judges or Special Masters – attend free
- Group Pricing Available - contact Mealeys regarding additional savings for your firm's practice group or legal department. Package pricing available for a single conference or a series of conferences.

\*Cannot be combined with any other offer.

<sup>1</sup> Corporate discount not applicable to law firms or outside counsel.

## CLE, CPD & CPCU Credits Included

Mealey's conferences are worth an average of 9 to 12 CLE credit hours. CLE credit will be available for all mandatory CLE states. International accreditation will also be available at this conference, as will CPCU credit through the American Institute for CPCU. For more information or to confirm the exact CLE credit approval for your state(s) of license, please visit [www.lexisnexis.com/conferences](http://www.lexisnexis.com/conferences). \*Approval pending at time of printing.

## How to Register

Please register online at [www.lexisnexis.com/conferences](http://www.lexisnexis.com/conferences), call 1-800-MEALEYS, (610)768-7800, fax your registration form to (610)768-0880, e-mail [mealeyseminars@lexisnexis.com](mailto:mealeyseminars@lexisnexis.com) or mail your registration form with payment to LexisNexis Mealeys, P.O. Box 7247-6167, Philadelphia, PA 19170-6167. Receipt of payment guarantees your registration. A \$75 service fee may be charged for any on-site registrations.

## Cancellation Policy

Registrants who cancel up to 4 weeks prior to the conference date will receive a full refund. Registrants canceling from 4 weeks-2 weeks prior to the conference date will receive a full credit towards another Mealey's conference. Cancellations made after 2 weeks prior to the conference date will be subject to a 25% administrative fee; the remaining amount will be credited towards another Mealey's conference. Credits must be used within six months of the date of issuance. Attendees who are paid in full and do not attend the conference forfeit a refund or a credit voucher. Substitutions may be made at any time. Mealeys reserves the right to cancel any of its programs. Speakers, sessions and times are subject to change.

## Hotel Accommodations

The Rittenhouse Hotel is located at 210 West Rittenhouse Square, just 20 minutes from Philadelphia International Airport. Attendees should make reservations directly with the hotel by calling 215-546-9000. When making reservations, indicate that you are attending Mealey's 5th Annual Advanced Insurance Coverage Conference: Top 10 Issues, January 22-23, 2007. A block of rooms has been reserved for attendees at a rate of \$225 a night for a single or double room. The cut-off date for this rate is January 5th. After that date, this rate will be offered based on space availability. Please note, there are a limited number of rooms in our room block so make your reservations early.

For alternative hotels, please call us at (610) 768-7800.

## Special Needs

Should you have any special needs, please contact Mealey's at least three weeks prior to the conference, to allow us time to make reasonable accommodations.

## Can't Attend in Person? Purchase the Conference on CD

Mealey's Multimedia Service allows you to bring the best of our live programs to your home or office. The CD includes audio recordings and speaker materials for only \$499 or purchase the speaker materials on CD for \$275. Prepayment is required. The CDs are nonrefundable. Call 1-800-MEALEYS or email [mealeyseminars@lexisnexis.com](mailto:mealeyseminars@lexisnexis.com) for more information. Visit [www.lexisnexis.com/conferences](http://www.lexisnexis.com/conferences) for a complete list of recorded programs.

## Sponsorship & Exhibit Opportunities

Increase your exposure, maintain contacts, obtain new leads by sponsoring an event or exhibiting at this conference. Contact Angela Norton at 610-205-1126 for details.

# Mealey's 5th Annual Advanced Insurance Coverage Conference: Top 10 Issues

## **Ten educational sessions. Ten solid reasons to attend.**

Jump start your practice for 2007! Receive the latest insider strategies into the ten most pressing insurance litigation issues of the day. You'll gain practical insights that you can use to assess exposures, litigate key issues and settle your next claim.

- 1. Unique Coverage Issues Raised by Mass Tort Litigation** – Learn how coverage considerations and exposure assessments can change in the context of mass tort cases where individual claims are consolidated, transferred to MDLs for at least some common litigation issues and more.
- 2. D&O** – Find out how professional liability insurance will respond to the latest stock option backdating securities scandal, the investigations, litigation and new SEC rules; rescission issues, and more.
- 3. Catastrophic Loss** – Hear an analysis of the many commercial and personal lines issues posed by hurricane claims, a review of the initial flood vs. wind damage decisions, and more.
- 4. Non-Traditional Risk Transfer Options** – Get the inside story on retrospective premium issues, self-insured and fronted arrangements; captive insurers; and what happens to non-traditional risk transfers when insurers like Reliance go insolvent.
- 5. Corporate Succession & Rights to Coverage Issues** – Examine how the courts deal with assignment of insurance coverage after a corporate merger & acquisition, and more importantly, after a successor company's claim.
- 6. New Developments and Cutting Edge Issues in Extra-Contractual Liability** – Receive an in-depth look at the lessons insurers can learn to avoid extra contractual liability including bad faith settlements and punitive damage awards.
- 7. Fiduciary Liability** – Discover the latest in new “stock-drop” ERISA claims, and the relationship between D&O coverage, fidelity bonds and fiduciary liability insurance.
- 8. Number of Occurrences** – Does each instance of property damage or bodily injury constitute one or more occurrences? See how the courts are ruling on this significant question in different jurisdictions and its big money impact on policyholders, claimants and insurers.
- 9. Risk Management & Risk Transfer Tips** – Hear how insurers and reinsurers will be writing coverage for new emerging risks such as terrorist attacks and avian flu.
- 10. Ethical Issues Involved in the Tripartite Relationship** – Pick up CLE ethics credits, heighten your awareness of this professional dilemma, while safeguarding your professional reputation.

## **You'll network with ...**

Mingle at two breakfasts, a networking luncheon, and a reception – ample opportunity for you to share ideas and connect with potential clients. Last year, over 90 attendees participated in the program, including representatives from **AIG, Travelers, Great American, Global Aerospace and Equitas.**

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Advanced Insurance Coverage  
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**January 22-23, 2007**

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**Exhibitors & Sponsors  
Include:**



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# Mealey's 5th Annual Advanced

January 22-23, 2007, The Rittenhouse Hotel, Philadelphia

View updates to the agenda and faculty at [www.lexisnexis.com/conferences](http://www.lexisnexis.com/conferences).

## Monday, January 22, 2007

### 8:00 Registration and Continental Breakfast

### 9:00 Introduction and Opening Remarks

John Shugrue, Morgan Lewis & Bockius

Laura Foggan, Wiley Rein & Fielding

### 9:15 Insurance Issues in Mass Tort Litigation, Including Multi-District Litigation

- Coverage issues in welding fumes, asbestos, silica and benzene cases
- After the war – Tips for drafting coverage-in-place settlement agreements
- Winning the peace – Good communication, insurer reporting, and billing guidelines and audits
- Dealing with multiple policyholders

John Vishneski, Mayer Brown Rowe & Maw

Theodore Howard, Wiley Rein & Fielding

### 10:15 Morning Break

### 10:30 Current Events and D&O Coverage

- Stock Options Backdating
- New Coverage – Side A, Non-Rescindable, Difference In Conditions
- Rescission issues
- Warranties in connection with applications

Thomas Marrinson, Morgan Lewis & Bockius

Jason Cronic, Wiley Rein & Fielding

### 11:30 Ethical Issues Involved in the Tripartite Relationship

- Selection and Control of Defense Counsel
- Insurer's Use of Panel or Captive Counsel
- Defense Counsel's Ethical Dilemmas
- Reporting to the Insurer in a Qualified Defense
- Discussion of ABA Model Rules 1.7(b), 1.8(f) and 5.4(c)

Lawrence Fox, Drinker Biddle & Reath

Werner Powers, Haynes and Boone

### 12:30 Networking Luncheon

## **1:45 Litigation and Legislation Stemming From Recent Catastrophic Events**

- Recent decisions involving personal lines and their potential impact on commercial policyholder claims
- Critical claims issues facing the industry post Katrina, Wilma and Rita

**John Ellison**, Anderson Kill & Olick

**Ralph Hubbard**, Lugenbuhl Wheaton Peck Rankin & Hubbard

## **2:45 Afternoon Break**

### **3:00 Non-Traditional Risk Transfer Options**

- Large deductibles, captives, retrospective premium programs, self-insured and fronted arrangements, environmental risk transfers, and balance sheet transfers
- How do policyholders protect their collateral when their insurer goes insolvent?

**Peter Gillon**, Greenberg Traurig

Additional speaker to be announced

### **4:00 Corporate Succession and Rights to Coverage Issues**

- Who maintains the rights to the insurance during mergers & acquisitions, spinoffs, asset deals, etc?
- "Anti-assignment" clauses
- Contractual assumption of liabilities

**Matthew Jacobs**, Kirkpatrick & Lockhart Nicholson Graham

**Mary Massaron Ross**, Plunkett & Cooney

## **5:00 Networking Reception**

## **Tuesday, January 23, 2007**

### **8:00 Continental Breakfast**

### **8:30 New Developments and Cutting Edge Issues in Extra-Contractual Liability**

- Avoiding bad faith in claims management

**Lester Brown**, Howrey

Additional speaker to be announced

### **9:30 Fiduciary Liability**

- ERISA claims in connection with stock drops
- Relationship with D&O Coverage

**Christopher Loeber**, Morgan Lewis & Bockius

**Adam Smith**, Coughlin Duffy

# Top 10 Issues

## **10:30 Morning Break**

### **10:45 Real World Consequences of Number of Occurrence Determinations**

- Cause test vs. effects test
- Self-insured retention policies
- Product aggregate limits
- Horizontal exhaustion of primary insurance

**Louis Chiafullo**, McCarter & English

**Brian Kelly**, Duane Morris

### **11:45 Risk Management and Risk Transfer Tips for Surviving Mass Disaster**

- Terrorism
- Avian Flu
- Legislative developments

**Moderators: John Shugrue**, Morgan Lewis & Bockius

**Laura Foggan**, Wiley Rein & Fielding

Speakers to be announced

## **12:45 Adjourn**

## **Mark your calendar for these 2007 programs ...**

### **Art of Negotiation**

January 29, 2007

Hyatt Century City, Los Angeles

### **Solvent Schemes of Arrangement**

February 1-2, 2007

The Ritz-Carlton Battery Park, NY

### **Fundamentals of Insurance**

February 8-9, 2007

The Westin Grand, Washington DC

### **The 14th Annual Insurance Insolvency and Reinsurance Roundtable**

April 25-28, 2007

The Scottsdale Fairmont Princess, Scottsdale, AZ

## The Co-Chairs

**Laura Foggan, Esq.**, is a partner in the Insurance Practice and co-chair of the Appellate Practice of Wiley Rein & Fielding, LLP in Washington, D.C. She represents insurers in a wide range of coverage and regulatory matters, handles critical appeals and is counsel to the Complex Insurance Claims Litigation Association. She has been lead counsel in trial and appellate matters involving underlying terrorism, technology, environmental, employment, product liability, mass tort and pharmaceutical claims. Recognized in *Euromoney's 2006 Guide to the World's Leading Insurance and Reinsurance Lawyers*, she also has been named one of the "100 Leading Women" in insurance by *Business Insurance* magazine and one of "America's Leading Lawyers for Business" for four consecutive years by Chambers USA.

**John Shugrue, Esq.**, is a managing partner of the Chicago office of Morgan, Lewis & Bockius LLP. Mr. Shugrue has substantial experience in handling complex litigation and insurance coverage matters involving Commercial General Liability, Directors and Officers, Errors and Omissions, First Party Property and Business Interruption, and Fidelity policies. He is experienced in all aspects of litigation, mediation, and arbitration with Lloyd's of London, London and Bermuda market insurers, and all major domestic insurers. Mr. Shugrue is a past Co-Chair of the Insurance Coverage Litigation Committee of the Section of Litigation of the American Bar Association. He is co-author of the treatise *Insurance Coverage Disputes*, and lectures frequently on a variety of insurance coverage issues.

### Corporate Rate – Save \$300

Are you an in-house counsel, business executive, risk manager, claims manager, or an employee at an insurance carrier or other corporation? You can receive a \$300 discount when attending **Mealey's Advanced Insurance Coverage Conference: Top 10 Issues**. For further discount information visit [www.lexisnexis.com/conferences](http://www.lexisnexis.com/conferences) or call 1-800-MEALEYS.

\*This discount cannot be combined with any other savings. Discount not applicable to law firms or outside counsel.

## Conference Faculty

### CO-CHAIRS

**Laura A. Foggan, Esq.**  
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**John D. Shugrue, Esq.**  
Morgan, Lewis & Bockius LLP  
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### FACULTY

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Los Angeles

**Brian A. Kelly, Esq.**  
Duane Morris LLP  
San Francisco

**Louis A. Chiafullo, Esq.**  
McCarter & English, LLP  
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**Christopher C. Loeber, Esq.**  
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**John S. Vishneski III, Esq.**  
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**Ralph S. Hubbard, Esq.**  
Lugenbuhl, Wheaton, Peck, Rankin  
& Hubbard, New Orleans

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Kirkpatrick & Lockhart Nicholson  
Graham LLP  
Washington, DC