

# 2025 Insurance Coverage Litigation Committee CLE Seminar

March 5–8, 2025

Loews Ventana Canyon Resort  
Tucson, AZ



[ambar.org/litigationinsurance](https://ambar.org/litigationinsurance)

#LitigationInsurance



AMERICAN **BAR** ASSOCIATION

Litigation Section

# EVENT HIGHLIGHTS

## Wednesday, March 5

**Early Bird & First-Time Attendee Reception** | 5:30 PM–6:30 PM |

Included in Registration

Join us at our kick-off reception to catch up with colleagues and make new connections. Drinks and light hors d'oeuvres will be served.

**Networking Dine-Arounds** | 6:30 PM–9:00 PM | Pay on own

Sign up for the popular pay-on-your-own dine-arounds to meet other attendees who share your professional and practice interests. More information to come.

## Thursday, March 6

**Networking Breakfast** | 8:00 AM–9:15 AM | Included in Registration

Start the day by networking in small groups over breakfast.

**Grab-and-Go Lunch** | 12:15 PM–1:15 PM | Ticketed: \$55

Fuel up before our afternoon sessions with a grab-and-go lunch buffet.

**Subcommittees Meet Up** | 5:00 PM–5:30 PM | Included in Registration

All ICLC attendees are invited to this interactive session. Connect with peers, hear directly from leadership on the committee's current initiatives, and learn about opportunities to get involved with subcommittees and contribute to content development.

**Welcome Reception** | 5:30 PM–6:30 PM | Included in Registration

Mix and mingle with fellow attendees before heading out to one of your favorite Tucson dinner spots. Drinks and light hors d'oeuvres will be served.



# EVENT HIGHLIGHTS

## Friday, March 7

### **Networking Breakfast** | 7:00 AM–8:00 AM | Included in Registration

Enjoy breakfast with Section friends and the new contacts you have made at the seminar.

### **Roundtables Luncheon** | 1:05 PM–2:20 PM | Ticketed: \$65

The roundtable discussions are open to all seminar attendees and merge valuable networking with programming. Select one of the 17 topics and discuss with your tablemates over lunch. Each table will have a maximum of 11 spots available, with up to two spots reserved for the speakers. Sign-ups are on a first-come, first-served basis. A full list of topics and descriptions can be found on pages 29–35.

### **Round Robin Tennis Tournament** | 2:45 PM–4:45 PM | Ticketed: \$30

A Round Robin Doubles Tennis Tournament will be coordinated by the resort's tennis pro. Playing partners will be assigned upon arrival. Contact Maria Gamboa at [maria.gamboa@americanbar.org](mailto:maria.gamboa@americanbar.org) with any questions.

### **Golf Tournament** | 2:30 PM–5:30 PM | Ticketed: \$125

The Golf Tournament will begin shortly after the Roundtable Luncheons. Participants will receive an email requesting preferred playing partners and club rental information.

### **Women's Reception** | 6:00 PM–7:00 PM | Included in Registration

All attendees are invited to join us in support and celebration of women litigators. Drinks and light hors d'oeuvres will be served.

### **Tailgate BBQ Party** | 7:00 PM–10:00 PM | Ticketed: \$110

Gear up for an evening of fun at our Tailgate BBQ Party! Whether you're a die-hard fan or just in it for the great food and company, this is the place to be. Challenge others to spirited games and enjoy the exciting atmosphere. Put on your favorite team gear and get ready to win! Various prizes will be awarded for the best team spirit, so bring your enthusiasm and creativity. Don't miss out on this ultimate tailgate experience!

# EVENT HIGHLIGHTS

## Saturday, March 8

**Networking Breakfast** | 7:00 AM–8:00 AM | Included in Registration

Meet up with your new connections over breakfast on the final day of the program.

**Mexican, Margaritas & the Desert Museum** | 1:30 PM–6:30 PM |

Ticketed: \$145

Join us for an afternoon of Mexican food, margaritas, and a visit to the Arizona-Sonora Desert Museum, which offers a unique fusion of experiences: zoo, aviary, aquarium, botanical garden, art gallery, natural history museum, walking trail, and conservation/research facility.

The Desert Museum is a world-renowned experience, rated as a top 10 museum in the United States, and the number one destination for Tucson visitors. There will be something for everyone—native mammals (mountain lions, deer, foxes, wolves, coyotes, javelinas, bears, otters, sheep, and prairie dogs), reptiles, birds, native plants, desert art, and the opportunity to stroll in a desert environment and take in the vibrance of the desert ecosystem.

We will leave the hotel at 1:30 PM after Saturday's programming. If time allows, we will make a quick visit to Saguaro National Park (West), which has been described as the "Saguaro Forest," before returning to the hotel by 6:30 PM.

The \$145 fee includes transportation from the Loews to/from the Desert Museum by motorcoach, on-board refreshments, lunch and margaritas, and admission to the museum.



# SCHEDULE

Schedule as of 1/24/2025.

TIME	EVENT	ROOM
<b>Wednesday, March 5</b>		
3:30 PM–6:00 PM	Registration	Grand Ballroom Foyer
4:30 PM–5:30 PM	<b>Young Lawyers Plenary:</b> Bad Faith Discovery: Search for Truth or Fishing Expedition?	Salon A
5:30 PM–6:30 PM	Early Bird & First-Time Attendee Reception (All attendees welcome)	Ventana Heights Terrace
6:30 PM–9:00 PM	Networking Dine-Arounds (Pay on own)	Various Restaurants
<b>Thursday, March 6</b>		
7:30 AM–6:00 PM	Registration	Grand Ballroom Foyer
8:00 AM–5:30 PM	Speaker Ready Room	Coronado
8:15 AM–9:15 AM	Networking Breakfast	Grand Ballroom Foyer
9:15 AM–9:30 AM	Opening Remarks	Salon AB
9:30 AM–10:45 AM	<b>Plenary:</b> View from the Bench: How to Effectively Present Coverage Arguments to the Court and the Jury	Salon AB
10:45 AM–11:00 AM	Networking Break	Grand Ballroom Foyer
11:00 AM–12:15 PM	<b>Plenary:</b> Bad Faith in the Trenches: Nooks and Crannies of the Bad Faith Trial	Salon AB
12:15 PM–1:15 PM	Grab-and-Go Lunch (Ticketed: \$55)	Grand Ballroom Foyer

# SCHEDULE

TIME	EVENT	ROOM
<b>Thursday, March 6</b>		
1:15 PM–2:15 PM	<b>Breakout:</b> Unlocking the Secrets of Discovery in Insurance Litigation: Strategies, Challenges, and Best Practices	Salon A
	<b>Breakout:</b> From BIPA to GIPA: How BIPA Coverage Decisions May Influence the Availability of CGL Coverage for Emerging GIPA Class Action Suits	Salon B
	<b>Breakout:</b> Identifying, Avoiding, Mitigating, and Insuring Environmental Risk in Construction	Salon C
	<b>Breakout:</b> Insurance Coverage Issues Lurking Behind Deepfakes	Catalina Ballroom
2:15 PM–2:30 PM	Networking Break	Grand Ballroom Foyer
2:30 PM–3:30 PM	<b>Breakout:</b> Help Me Help You: Collaborative Problem-Solving with Opposing Counsel	Salon A
	<b>Breakout:</b> Choice of Law: How to Lose Your Case Before You Even File	Salon B
	<b>Breakout:</b> Not Following the Leader: Second Guessing Underlying Carriers' Coverage Determinations	Salon C
	<b>Breakout:</b> Product Recall: Managing the Process and Preparing the Insurance Claim	Catalina Ballroom

# SCHEDULE

## TIME

## EVENT

## ROOM

### Thursday, March 6 (Cont.)

3:30 PM–3:45 PM	Networking Break	Grand Ballroom Foyer
3:45 PM–4:45 PM	<b>Breakout:</b> Hot Topics in Arbitration: Navigating Hurdles and Headaches	Salon A
	<b>Breakout:</b> Clearing the Air: Navigating Insurance Coverage for Ethylene Oxide Litigation	Salon B
	<b>Breakout:</b> Damned If You Do, Damned If You Don't—and Covered Either Way?	Salon C
	<b>Breakout:</b> Deal or No Deal: New Risks, New Insurance Products	Catalina Ballroom
5:00 PM–5:30 PM	Subcommittees Meet-Up (All are encouraged to attend to join a subcommittee and learn how to become more active in the ICLC.)	Grand Ballroom Foyer
5:30 PM–6:30 PM	Welcome Reception	Grand Ballroom Foyer
9:00 PM–10:00 PM	Dessert Reception with Litigation Section Chair-Elect Tiffany Williams Brewer	Presidential Suite 4274
10:00 PM–12:00 AM	After-Hours Hospitality Suite	Suite 2205

### Friday, March 7

7:00 AM–1:00 PM	Registration	Grand Ballroom Foyer
7:00 AM–1:00 PM	Speaker Ready Room	Coronado
7:00 AM–8:00 AM	Networking Breakfast	Grand Ballroom Foyer



# SCHEDULE

TIME	EVENT	ROOM
<b>Friday, March 7 (Cont.)</b>		
8:00 AM–9:15 AM	<b>Plenary:</b> Is DEI Still Alive Post-SCOTUS 2023?	Salon AB
9:15 AM–9:25 AM	Networking Break	Grand Ballroom Foyer
9:25 AM–10:35 AM	<b>Plenary:</b> Latest Developments in Third-Party Bad-Faith Claims	Salon AB
10:35 AM–10:45 AM	Networking Break	Grand Ballroom Foyer
10:45 AM–11:45 AM	<b>Breakout:</b> Perspectives and Approaches for Dealing with a Changing Property Insurance Market	Salon A
	<b>Breakout:</b> Tug of (Coverage) Wars: Who Controls the Defense in Multi-Suit Claims	Salon B
	<b>Breakout:</b> Artificial Intelligence Reboot: What Have We Learned in a Year, and Where Do We Go from Here?	Salon C
	<b>Breakout:</b> Spilling the Tea on Legacy London Insurance Markets	Catalina Ballroom
11:45 AM–11:55 AM	Networking Break	Grand Ballroom Foyer
11:55 AM–12:55 PM	<b>Breakout:</b> Breaking Up the Staring Contest in Settlement and Mediation	Salon A
	<b>Breakout:</b> Bridging the Gap Between CGL and Builders Risk	Salon B



# SCHEDULE

TIME	EVENT	ROOM
<b>Friday, March 7 (Cont.)</b>		
11:55 AM–12:55 PM	<b>Breakout:</b> Should It Stay, or Should It Go? Discovery in a Declaratory Action When Underlying Litigation Is Pending	Salon C
	<b>Breakout:</b> “We Didn’t Start the Fire”— But Do We Have Coverage Insurance Claims for Wildfire Losses and Liabilities?	Catalina Ballroom
1:05 PM–2:20 PM	Roundtable Luncheons Buffet	Grand Ballroom Foyer
	Roundtable Luncheon 1–4	Coronado
	Roundtable Luncheon 5–7	Rincon
	Roundtable Luncheon 8–10	Santa Rita
	Roundtable Luncheon 11–13	Sabino
	Roundtable Luncheon 14–15	Executive Boardroom
	Roundtable Luncheon 16–17	Senora
2:30 PM–5:30 PM	Golf Tournament (Ticketed: \$125)	Golf Staging Area
2:45 PM–5:00 PM	Guided Hike Sponsored by Round Table Group (Invitation Only)	Meet in Main Lobby
2:45 PM–4:45 PM	Round Robin Tennis Tournament (Ticketed: \$30)	Tennis Courts
6:00 PM–7:00 PM	Women’s Reception (All attendees welcome)	Ventana Room, FL 2
7:00 PM–10:00 PM	Tailgate BBQ Party (Ticketed: \$110)	Coyote Corral (Outdoors)
10:00 PM–2:00 AM	After Hours Hospitality Suite	Suite 2205

# SCHEDULE

TIME	EVENT	ROOM
<b>Saturday, March 8</b>		
7:00 AM–12:30 PM	Registration	Grand Ballroom Foyer
7:00 AM–12:00 PM	Speaker Ready Room	Coronado
7:00 AM–8:00 AM	Networking Breakfast	Grand Ballroom Foyer
8:00 AM–9:15 AM	<b>Plenary:</b> ESG Is Driving a New Wave of D&O Liability: What Are the Risks and How Do Companies Prepare?	Salon A
9:15 AM–9:30 AM	Networking Break	Grand Ballroom Foyer
9:30 AM–10:30 AM	<b>Plenary:</b> “I Hear It’s the Next Asbestos”: PFAS, Climate Change, and Other Equally Daunting Things You Should Know About	Salon A
10:30 AM–10:40 AM	Networking Break	Grand Ballroom Foyer
10:40 AM–11:40 AM	<b>Plenary:</b> Unmasking AI Bias: How New Technology Perpetuates Old Prejudice	Salon A
11:40 AM–11:55 AM	Networking Break	Grand Ballroom Foyer
11:55 AM–12:55 PM	<b>Plenary:</b> An Ethics Conundrum: What Am I? Coverage Counsel? Defense Counsel? Claim Investigator?	Salon A
1:30 PM–6:30 PM	Mexican, Margaritas & the Desert Museum (Ticketed: \$145)	Meet in Main Lobby

# PROGRAMMING

Wednesday, March 5

**Young Lawyers  
Plenary: Bad Faith  
Discovery: Search  
for Truth or Fishing  
Expedition?**

4:30 PM–5:30 PM

General CLE

Salon A

Recurring discovery issues in bad faith litigation often include disputes over the discoverability of: (1) insurance company claims manuals and guidelines; (2) insurance company reserves; (3) reinsurance information; and (4) similar claims, complaints, or cases against the insurer. Panelists will discuss (1) whether claims manuals and guidelines are the yardstick for measuring whether an insurer met internal and industry standards or are cheap paper trumped by the insurer's professional experience and practical realities; (2) loss reserves relevance to issues other than coverage, fault, liability, or value; (3) the split in authority over the discoverability of reinsurance agreements; and (4) what makes claims "similar" and the circumstances that may overcome relevance and proportionality arguments.

**Panelists:** **Olivia G. Bushman**, Hunton Andrews Kurth LLP, Washington, DC; **Jennifer M. Kearns**, Thompson Coe, Houston, TX; **Jeffrey Stempel**, University of Nevada, Las Vegas, Las Vegas, NV

# PROGRAMMING

**Thursday, March 6**

**Plenary: View from the Bench: How to Effectively Present Coverage Arguments to the Court and the Jury**

9:30 AM–10:45 AM

General CLE

Salon AB

When presenting an insurance coverage case, counsel is faced with a host of options for how to address complex procedural and legal issues. This panel of federal judges will address the views from the bench on how counsel can navigate these issues most effectively. Drawing on their deep experience on the bench, these judges will share what works (and doesn't) when presenting insurance coverage issues to the court and the jury, including filing for summary judgment; reliance on demonstratives; resolving discovery disputes; and applying state law in federal court (including certification questions).

**Moderator:** **Heather Habes**, Covington & Burling LLP, Los Angeles, CA

**Panelists:** **Hon. J. Philip Calabrese**, U.S. District Court for the Northern District of Ohio, Cleveland, OH; **Hon. R. Brooke Jackson**, U.S. District Court for the District of Colorado, Denver, CO; **Hon. Michael T. Liburdi**, U.S. District Court for the District of Arizona, Phoenix, AZ; **Hon. Rosemary Márquez**, U.S. District Court for the District of Arizona, Tucson, AZ

# PROGRAMMING

Thursday, March 6

**Plenary: Bad Faith in the Trenches: Nooks and Crannies of the Bad Faith Trial**

11:00 AM–12:15 PM

General CLE

Salon AB

Two experienced insurance and trial attorneys (long-term adversaries), two insurance expert witnesses (neither admitting to bias one way or the other), and a highly credentialed law professor will present on bad faith issues. The panel will, in a spirited format, discuss what is a general business practice, why it matters, how to prove its existence, and how to defend such an accusation. What are performance metrics; why do they matter (or should they); and what is the link to industry standards? Do customer surveys, net promoter scores, or audit results matter—and are they admissible into evidence? Is insurer conduct (or even the conduct of its counsel) relevant or, if relevant, admissible in evidence? Does litigation immunity (some say privilege) apply to bar all or some of this evidence? May an expert fill in the gap of explanation for conduct when the advice of counsel is not asserted as a defense? What role can or should experts play in the bad faith trial (with suggestions from the experts themselves) as further elaborated by policyholder and insurer-side counsel?

**Moderator:** **Richard H. Lumpkin**, Reed Smith LLP, Miami, FL

**Panelists:** **Laura Besvinick**, Clyde & Co, Miami, FL;  
**Bernd G. Heinze**, Heinze Group, King of Prussia, PA;  
**Max N. Helveston**, DePaul University, Chicago, IL;  
**Kearson Strong**, Strong Consulting, Altoona, AL

# PROGRAMMING

Thursday, March 6

**Breakout: Unlocking the Secrets of Discovery in Insurance Litigation: Strategies, Challenges, and Best Practices**

This program will include discussion of key issues driving discovery disputes in insurance coverage litigation from the perspective of practitioners and federal magistrate judges.

**Moderator:** **Christopher T. Kuleba**, Reed Smith LLP, Miami, FL

**Panelists:** **Hon. Christina A. Bryan**, U.S. District Court for the Southern District of Texas, Houston, TX; **Hon. Laura L. Lambert**, U.S. District Court for the Middle District of Florida, Jacksonville, FL; **Amanda A. Proctor**, Carlton Fields, Atlanta, GA

1:15 PM–2:15 PM

General CLE

Salon A

**Breakout: From BIPA to GIPA: How BIPA Coverage Decisions May Influence the Availability of CGL Coverage for Emerging GIPA Class Action Suits**

With its private right of action and broad accrual standard, Illinois's Biometric Information Privacy Act (BIPA) has been a thorn in the side of Illinois businesses and their commercial general liability insurers for years. After the Illinois legislature enacted a 2024 amendment to BIPA that tamed some of the more draconian features of the statute, plaintiff's law firms are beginning to turn their attention elsewhere and file privacy-based class action suits under a similarly structured Illinois statute: the Genetic Information Privacy Act (GIPA). The panel will discuss the similarities and differences between GIPA and BIPA and explore the novel issue of insurance coverage for GIPA claims by analogizing to the reasoning of leading BIPA coverage decisions.

**Moderator:** **Ben Boris**, Neal Gerber & Eisenberg LLP, Chicago, IL

**Panelists:** **Jalen Brown**, Reed Smith LLP, Chicago, IL; **Karen Dixon**, Skarzynski Marick & Black LLP, Chicago, IL; **Marissa N. Sinha**, Lathrop GPM, San Jose, CA

1:15 PM–2:15 PM

General CLE

Salon B

# PROGRAMMING

Thursday, March 6

**Breakout:  
Identifying,  
Avoiding, Mitigating,  
and Insuring  
Environmental  
Risk in  
Construction**

1:15 PM–2:15 PM

General CLE

Salon C

As new property development is focused on the inner city, waterfront properties, and other historic industrial sites, routine contracting practices may yield environmental hazards. These exposures are not restricted to environmental contractors; GCs, CMs, trades, and owners all have exposure. This session will explore and present how these issues can be identified and properly addressed during due diligence, pre-construction, insurance, and contracting mechanisms.

**Moderator:** **Tracy Alan Saxe**, Saxe Doernberger & Vita PC, Trumbull, CT

**Panelists:** **Rodrigo (Diego) Garcia**, Thompson Coe, Houston, TX; **John J. Heft**, RT New Day, Hamilton, NJ; **Nicole Murry**, Markel, Atlanta, GA

**Breakout: Insurance  
Coverage Issues  
Lurking Behind  
Deepfakes**

1:15 PM–2:15 PM

General CLE

Catalina Ballroom

Delve into the coverage issues lurking behind deepfakes, beginning with an explanation of how they work and why they are difficult to detect, and looking at coverage using three hypotheticals: (1) the deepfake that leads to fraudulent money transfer; (2) deepfaked spokespeople or celebrities used in advertisements; and (3) deepfaked biometrics used for employment or to gain improper access to biometric-protected devices or information.

**Moderator:** **Adrienne Kitchen**, Reed Smith LLP, Chicago, IL

**Panelists:** **Anne Juntunen**, Coalition Inc., San Diego, CA; **Peter F. O'Neill**, Shook Hardy & Bacon LLP, Chicago, IL; **Roey Rahmill**, Shartsis Friese, San Francisco, CA; **Benjamin Ritz**, Thompson Coe, Houston, TX



# PROGRAMMING

Thursday, March 6

**Breakout: Help Me Help You: Collaborative Problem-Solving with Opposing Counsel**

2:30 PM–3:30 PM

Ethics CLE

Salon A

Experienced attorneys from both “sides” will discuss their approach to collaboratively working with opposing coverage counsel. The moderator will highlight applicable professional ethics rules including Model Rules 3.1, 3.3, and 3.4, and guide the panel discussion on (1) How a coverage attorney’s approach to working with the other side impacts a dispute’s trajectory; (2) Best practices, tips, and tricks told through anecdotes (both success and horror stories); and (3) each panelist’s “advice” to the other side. Advice will be guided by questions such as “What tactics does the other side employ that hurt resolution?” and “What do you wish the other side knew about how you work with your own client?” This program will provide ready-to-use strategies to improve case outcomes and fulfill an attorney’s ethical obligations.

**Moderator:** **Donald B. Scaramastra**, Miller Nash, Seattle, WA

**Panelists:** **Peter J. Georgiton**, Dinsmore & Shohl, Columbus, OH; **Philip R. Matthews**, Duane Morris LLP, San Francisco, CA; **Carlton D. Wilde**, Bracewell LLP, Houston, TX

**Breakout: Choice of Law: How to Lose Your Case Before You Even File**

2:30 PM–3:30 PM

General CLE

Salon B

Choice of law can be outcome-determinative in coverage litigation. We will address how courts decide which state’s law to apply and give examples of how important choice of law can be. Some examples are insurability of punitive damages, causation, late notice, key exclusions, and scope of coverage.

**Moderator:** **Jay M. Levin**, Flaster Greenberg PC, Conshohocken, PA

**Panelists:** **Jennifer L. Gibbs**, Zelle LLP, Dallas, TX; **Michael Savett**, Butler Weihmuller Katz, Philadelphia, PA; **Jennifer C. Wasson**, Potter Anderson & Corroon, Wilmington, DE

# PROGRAMMING

## Thursday, March 6

### **Breakout: Not Following the Leader: Second Guessing Underlying Carriers' Coverage Determinations**

2:30 PM–3:30 PM

General CLE

Salon C

This program will include a panel discussion of whether, where, and to what extent an excess carrier is bound by the coverage determinations of an underlying carrier. Discussion will address the impact of various factors, including the applicable state law and specific policy language.

**Panelists:** **James P. Bobotek**, Pillsbury Winthrop Shaw Pittman LLP, Alexandria, VA; **Vanessa Durante**, Kennedys, Houston, TX; **Scott Greenspan**, Sills Cummis & Gross, New York, NY

### **Breakout: Product Recall: Managing the Process and Preparing the Insurance Claim**

2:30 PM–3:30 PM

General CLE

Catalina Ballroom

This program will discuss the best practices and lessons learned from managing product recalls and recall claims. The panel will provide perspective on building the right team of experts, public relations, and regulatory issues that can impact the insurance process; effective and appropriate collaboration between the insured and the insurers; and common coverage disputes and how to handle them.

**Panelists:** **Gretchen Hoff Varner**, Covington & Burling LLP, San Francisco, CA; **Jenny Ma**, BRG, Emeryville, CA; **Jamison Narbaitz**, Atheria Law, San Francisco, CA

### **Breakout: Hot Topics in Arbitration: Navigating Hurdles and Headaches**

3:45 PM–4:45 PM

General CLE

Salon A

Issues like third-party subpoenas, non-signatories, and subsequent agreements continue to stir up trouble in arbitrations. While there's no magic fix, this expert panel will offer strategies to tackle these tricky issues head-on. The panel will provide tips to help you steer clear of future pains and better represent your clients in arbitration.

**Moderator:** **Svetlana Gitman**, American Arbitration Association - International Centre for Dispute Resolution, Chicago, IL

**Panelists:** **Andres Avila**, Kennedys, New York, NY; **Hon. Marsha Ternus**, Marsha Ternus Law, Grimes, IA; **John S. Vishneski**, Reed Smith LLP, Chicago, IL

# PROGRAMMING

Thursday, March 6

**Breakout: Clearing the Air: Navigating Insurance Coverage for Ethylene Oxide Litigation**

3:45 PM–4:45 PM

General CLE

Salon B

Ethylene Oxide (EtO) litigation is on the rise. Although Ethylene Oxide has been used to sterilize medical equipment for decades, recent studies regarding the adverse health effects of exposure to EtO have resulted in an uptick in personal injury lawsuits. In 2023 alone, there was over \$700 million in jury awards and settlements related to EtO litigation. Where should policyholders turn when seeking insurance coverage for EtO litigation? In one of the first reported decisions to address insurance coverage for EtO litigation, a federal district court judge in Illinois held that a commercial general liability insurer had a duty to defend its policyholder and that the pollution exclusion in the policy did not apply. Will courts in other jurisdictions follow suit? Join us for an enlightening discussion on what to expect as courts grapple with the coverage implications of the new frontier of EtO litigation.

**Moderator:** **Andrew G. May**, Neal Gerber & Eisenberg LLP, Chicago, IL

**Panelists:** **Matthew A. Chiricosta**, Calfee Halter & Griswold LLP, Cleveland, OH;

**Schuyler Daum**, Edelson PC, Chicago, IL;

**Amy J. Kallal**, Mound Cotton Wollan & Greengrass LLP, New York, NY

# PROGRAMMING

## Thursday, March 6

### **Breakout: Damned If You Do, Damned If You Don't—and Covered Either Way?**

3:45 PM–4:45 PM

General CLE

Salon C

Artificial intelligence (AI) may be “the next Internet,” dramatically boosting human productivity and propelling businesses to new heights. But what happens when a product that the company developed using AI hurts people or property? What happens when a board of directors uses AI to help make decisions and those decisions flop? And what happens if a company is accused of “AI-washing,” overhyping its use of AI (allegedly) to boost the stock price? Are the company, or the directors, covered? Attend this panel and find out.

**Moderator:** **Seth Tucker**, Covington & Burling LLP, Washington, DC

**Panelists:** **Jennifer Farina**, McCarter & English LLP, Newark, NJ; **Elaine Whiteman Klinger**, Kennedys, Philadelphia, PA ; **Alexander Tibor**, Meagher + Geer PLLP, Minneapolis, MN

### **Breakout: Deal or No Deal: New Risks, New Insurance Products**

3:45 PM–4:45 PM

General CLE

Catalina Ballroom

Learn how merger and acquisition (M&A) participants are using new insurance products to make deals happen, and what you need to know about it. This presentation will discuss reps and warranties insurance, along with other transactional liability policies (such as judgment preservation and contingent liability insurance), including how they're structured, the role they play in M&A transactions, and common claim issues that arise in these policies. We'll also look at some other exotic forms of insurance that are becoming more mainstream, such as parametric insurance for certain unique risks.

**Moderator:** **Suzan F. Charlton**, Covington & Burling LLP, Washington, DC

**Panelists:** **Mary E. Borja**, Wiley Rein LLP, Washington, DC; **Vincent E. Morgan**, Bracewell LLP, Houston, TX

# PROGRAMMING

## Friday, March 7

### **Plenary: Is DEI Still Alive Post-SCOTUS 2023?**

8:00 AM–9:15 AM

Diversity CLE

Salon AB

Many corporations dove into a self-examination of a reenergized commitment to all things related to diversity, equity, and inclusion (DEI). Since the Students for Fair Admission case, corporations are panicking and quickly pivoting away from their DEI strategies. Should their DEI committees be disbanded? How do you maintain DEI in a changing environment? This panel will discuss where the line exists, and the practical steps that law firms can take to be fully open to recruiting and promoting minorities, while also obeying the letter of the law.

**Panelists:** **Freya K. Bowen**, Neal Gerber & Eisenberg LLP, Chicago, IL; **Diana Kantner**, KCIC, Chicago, IL; **William (Will) D. Purnell**, Spencer Fane, Phoenix, AZ; **Allison Zamani**, Blank Rome, Los Angeles, CA

# PROGRAMMING

Friday, March 7

**Plenary: Latest Developments in Third-Party Bad-Faith Claims**

9:25 AM–10:35 AM

General CLE

Salon AB

This panel presentation will focus on emerging issues related to third party bad faith claims, including newly decided case law detailing those rights for third parties. The discussion will include claims by and between primary and excess carriers and how successful they have been in different regions of the United States. Strategies and tactics will be discussed, from a carrier and policyholder perspective (including methods to effectively and efficiently resolve disputes in which such claims are made), as well as when the claim is from a third-party perspective. Finally, the panel will discuss, from the defense counsel perspective, their role in participating, negotiating, and facilitating the resolution of an action against their client (the insured), when a bad faith claim is presented, and how their role may differ if the action is commenced in a state with a tripartite relationship.

**Moderator:** **Jennifer Kalvestran**, Anderson McPharlin & Conners LLP, Los Angeles, CA

**Panelists:** **Seth Friedman**, Lewis Brisbois Bisgaard & Smith LLP, Atlanta, GA; **Charlotte Leszinske**, Hunton Andrews Kurth LLP, Washington, DC; **Stephen Melendi**, Tollefson Bradley Mitchell & Melendi LLP, Dallas, TX

# PROGRAMMING

Friday, March 7

**Breakout:  
Perspectives and  
Approaches for  
Dealing with a  
Changing  
Property Insurance  
Market**

10:45 AM–11:45 AM

General CLE

Salon A

One of the biggest challenges U.S. property owners, lenders, realtors, insurers, and insurance agents and brokers are facing in the post-COVID world is unprecedented volatility in property and casualty insurance markets, particularly related to reduced availability and affordability of coverage in catastrophe-prone areas. Increasingly frequent and severe weather events, a hard reinsurance market, inflation, aerial imagery, risk scoring, and climate change predictions are triggering skyrocketing premiums, widespread non-renewals, insurer insolvencies, and pressure on regulators and elected officials to “do something.” Media coverage of property insurance issues is at an all-time high. This panel—made up of diverse viewpoints from insurer, policyholder, and regulatory perspectives—will examine these issues and the approaches that regulators and legislators are taking to address them. This examination includes steps under consideration or already taken in states such as Florida and California at the regulatory and legislative level, and a look ahead at what these changes mean for stakeholders in the industry.

**Moderator:** **Matt Weaver**, Reed Smith LLP, Miami, FL  
**Panelists:** **Amy Bach**, United Policyholders, San Francisco, CA; **Leah Godesky**, O’Melveny & Myers, Century City, CA; **Lucy Wang**, California Department of Insurance, Oakland, CA



# PROGRAMMING

Friday, March 7

**Breakout: Tug of  
(Coverage) Wars:  
Who Controls the  
Defense in  
Multi-Suit Claims**

10:45 AM–11:45 AM

General CLE

Salon B

When multiple claimants bring lawsuits against one or more insured defendants seeking damages for bodily injuries, or death arising from a single occurrence and where the policy limits may not cover the insured's total potential exposure, who controls the defense of the individual claims? Is the insurer obligated to settle any, some, or all of the claims to protect the insured? Some states expressly provide the insured the right to independent counsel, but in other states, it depends on how the parties view the insured's exposure. This panel will look at the circumstances in which the potential of an excess verdict creates the risk of a conflict of interest between an insurer and its insured, the right to control the defense, and an insurer's obligations to provide and pay for independent counsel for the insured under its duty to defend in complex multi-party claims.

**Moderator:** **Alexis N. Dyschkant**, Covington & Burling LLP, Washington, DC

**Panelists:** **Kelli J. Amador**, Dinsmore, Columbus, OH; **Nicholas Sochurek**, KCIC, Washington, DC; **Seth M. Thomas**, Bose McKinney & Evans, Indianapolis, IN

# PROGRAMMING

## Friday, March 7

### **Breakout: Artificial Intelligence Reboot: What Have We Learned in a Year, and Where Do We Go from Here?**

10:45 AM–11:45 AM

General CLE

Salon C

This program will pick up on last year's plenary discussion about the use of artificial intelligence (AI) across all industries and the challenges of identifying and quantifying each company's AI risk profile and ensuring that those risks are adequately addressed through insurance or other risk transfer vehicles. The discussion will include: (1) how AI risk is being identified and quantified; (2) how AI risk is being managed through insurance, including discussion of new policy forms and endorsements and treatment of AI under "legacy" policies; (3) how insurers, brokers, and others are defining AI for purposes of ensuring clarity and contracting certainty; (4) how AI is stemming a new wave of litigation; and (5) how courts are handling suits involving AI.

**Moderator:** **Michael Levine**, Hunton Andrews Kurth LLP, Washington, DC

**Panelists:** **Iris Devriese**, Munich Re, Palo Alto, CA;  
**Ruth Kochenderfer**, Marsh, Washington, DC;  
**John Mumford**, Hancock Daniel, Richmond, VA

# PROGRAMMING

## Friday, March 7

### **Breakout: Spilling the Tea on Legacy London Insurance Markets**

10:45 AM–11:45 AM

General CLE

Catalina Ballroom

This panel will discuss best practices and strategies for working with the legacy London insurance markets to maximize recovery. They will discuss issues such as the transfer of records, broker mergers, understanding a historic slip, domestic underlying data, and run-off company takeovers. Also featured will be coverage issues such as PFAS pre-absolute London pollution exclusion claims (circa 1986), marine coverage, and unique policy terms like broad scope coverage with limited exclusions and lack of aggregate limits. Ultimately, the panel will provide a sophisticated overview of the unique aspects of the London market.

**Moderator:** **James Davis**, Perkins Coie LLP, Seattle, WA

**Panelists:** **Giuseppe Aguanno**, Mendes & Mount LLP, New York, NY; **Mark Hatley**, Arcina Risk Group, Los Angeles, CA; **Ian Pelham**, InSolutions, Legacy Services, Norwich, UK

# PROGRAMMING

## Friday, March 7

### **Breakout: Breaking Up the Staring Contest in Settlement and Mediation**

11:55 AM–12:55 PM

General CLE

Salon A

The program will address the common problem of multiple carriers or multiple defendants facing hotly contested allocation issues as they enter into settlement talks with the claimant. Frequently and unfortunately, there may be an unwillingness by parties to have meaningful allocation conversations prior to starting a mediation, which delays the settlement process because of the dual problems of the claimant's settlement demands and the varying interests of the multiple carriers who fund the settlement. The program will be presented as a "mock mediation" in the insurance coverage context where the moderator will present the problem to two seasoned mediators and explore the techniques neutrals use in their practice to make multi-party mediations more efficient. The goal is to give practitioners, on both the policyholder and carrier side, tools to negotiate with and among multiple carriers and defendants.

**Moderator: Howard Russell**, Private Trials, Las Vegas, NV

**Panelists: Jeff Kichaven**, Jeff Kichaven Commercial Mediation, Los Angeles, CA; **Andrew Nadolna**, JAMS, New York, NY; **Greg Parent**, Miles Mediation & Arbitration, Atlanta, GA

### **Breakout: Bridging the Gap Between CGL and Builders Risk**

11:55 AM–12:55 PM

General CLE

Salon B

Often there are gaps in coverage relative to construction defect claims between builders' risk and commercial general liability coverage. This program will discuss how to avoid those gaps and how to deal with them when they exist.

**Moderator: Amanda K. Anderson**, Boyle Leonard & Anderson, Tampa, FL

**Panelists: James Croteau**, Markel, Nashville, TN; **Rachel Ehrlich**, Ehrlich Mediation, Sacramento, CA; **Jorge Maza**, Kennedys, Miami, FL

# PROGRAMMING

## Friday, March 7

### **Breakout: Should It Stay, or Should It Go? Discovery in a Declaratory Action When Underlying Litigation Is Pending**

11:55 AM–12:55 PM

General CLE

Salon C

Presented as a mock oral argument on a motion to compel discovery in a declaratory action, this program will feature policyholder and insurer counsel presenting their respective positions and answering questions from the “court” (the moderator). Insurer counsel may argue that discovery is necessary to determine coverage obligations, while policyholder counsel may argue that such discovery will prejudice the insured’s defense of the underlying litigation. The court will ask informed and challenging questions of both sides—and may even seek the audience’s input.

**Panelists:** **Jeff Kiburtz**, Pillsbury Winthrop Shaw Pittman LLP, New York, NY; **Carrie Mount**, Miller Nash LLP, Seattle, WA; **Chiara Tondi Resta**, Werner Ahari Mangel LLP, Washington, DC

### **Breakout: “We Didn’t Start the Fire”— But Do We Have Coverage Insurance Claims for Wildfire Losses and Liabilities?**

11:55 AM–12:55 PM

General CLE

Catalina Ballroom

The scourge of wildfires shows no sign of abating, causing devastating losses to business and communities around the country and the world. This panel will discuss emerging trends and developments in first- and third-party insurance coverage for wildfire-related losses.

**Moderator:** **Bradley J. Nash**, Hoguet Newman Regal & Kenney LLP, New York, NY

**Panelists:** **Daniel B. Heidtke**, Duane Morris LLP, Austin, TX; **Lori L. Siwik**, SandRun Risk, Broadview Heights, OH; **John M. Sylvester**, K&L Gates, Pittsburgh, PA

# PROGRAMMING

## Saturday, March 8

### **Plenary: ESG Is Driving a New Wave of D&O Liability: What are the Risks and How Do Companies Prepare?**

8:00 AM–9:15 AM

General CLE

Salon A

This panel will discuss what ESG is and what the risks are for companies and D&Os as they are increasingly held accountable for ESG compliance and impact. The panel members will consider (1) recent cases involving ESG liability; (2) potential insurance coverage and coverage limitations; (3) steps companies can take to ensure ESG compliance; and (4) what ESG issues are now arising when placing a D&O policy. The panel's deep bench and diverse backgrounds promise a lively and thought-provoking discussion.

**Moderator:** **Mikaela Whitman**, McGuireWoods LLP, Los Angeles, CA

**Panelists:** **Jesse McOmber**, AECOM, Boise, ID; **Fabricio Naranjo**, RSM US LLP, Toronto, ON; **Joanne L. Zimolzak**, Dykema, Washington, DC

### **Plenary: "I Hear It's the Next Asbestos": PFAS, Climate Change, and Other Equally Daunting Things You Should Know About**

9:30 AM–10:30 AM

General CLE

Salon A

Recent years have seen the advent of several alarming environmental and product-pollution liability risks. From PFAS, to microplastics, to climate change, insureds and insurers alike are considering the potential for coverage—both under their existing policies and in the current market. In this panel, we will discuss the biggest environmental liabilities of today; the key coverage issues for each of these risks, including those presently being litigated; and reactions seen in the insurance marketplace.

**Moderator:** **Andrew Van Osselaer**, Haynes and Boone LLP, Austin, TX

**Panelists:** **Megan Brillault**, Beveridge & Diamond PC, New York, NY; **Claire Juliana**, Aon, New York, NY; **Yvette Nadgir**, Westfield Specialty Insurance, Berkley Heights, NJ

# PROGRAMMING

## Saturday, March 8

**Plenary: Unmasking  
AI Bias: How New  
Technology  
Perpetuates Old  
Prejudice**

10:40 AM–11:40 AM

General CLE

Salon A

Insurers and insureds increasingly rely on artificial intelligence (AI) to automate decision-making, including claims processing, underwriting, risk assessment, hiring, lending, and leasing apartments. However, this reliance on AI brings new legal challenges. Two of the largest health insurers are currently facing lawsuits alleging discrimination in their claims algorithms, and a major auto insurer has been sued over allegations that its AI models systemically disadvantage applicants based on race. AI systems can inherit biases from the data they are trained on. Today's AI, despite its advancements, still relies on data and opinions sourced from humans, which can cause biases to seep into the algorithms making crucial decisions. Participants will leave equipped to better spot AI bias, counteract it, and protect their clients from these hidden prejudices.

**Moderator:** **Geoffrey Miller**, Custom House Risk Advisors, New Haven, CT

**Panelists:** **Phil Dawson**, Armilla AI, Montreal, Canada; **Latosha M. Ellis**, Hunton Andrews Kurth LLP, Washington, DC; **Lydia Floyd**, ContractScope Inc., Cleveland, OH; **Sara Schroeder**, Allied Professionals Insurance Services, Plano, TX



# PROGRAMMING

Saturday, March 8

**Plenary: An Ethics  
Conundrum: What  
Am I? Coverage  
Counsel? Defense  
Counsel? Claim  
Investigator?**

11:55 AM–12:55 PM

Ethics CLE

Salon A

This program will explore the ethics issues that confront both policyholder-side and insurer-side lawyers when dealing with investigations, claims-handling, and defense. For example, when is a lawyer who is defending an insured allowed to consult or otherwise be involved in coverage matters? Does it make a difference if defense counsel is appointed by the insurer or by the insured? When is an insurer's lawyer who is investigating a claim engaging in the daily business of insurance and when is she giving legal advice? Finally, does "splitting the file" make a difference?

**Moderator:** **Neil B. Posner**, Much Shelist PC, Chicago, IL

**Panelists:** **John Bonnie**, Weinberg Wheeler Hudgins Gunn & Dial LLC, Atlanta, GA; **Rachel E. Hudgins**, Hunton Andrews Kurth LLP, Atlanta, GA

# ROUNDTABLES

Friday, March 7

## **1. True Excess Policy: Are Policyholders Stuck with Horizontal Exhaustion?**

This roundtable will explore the “true excess” argument raised by carriers in horizontal-exhaustion jurisdictions and discuss best practices for achieving primary and noncontributory coverage, despite this argument. The discussion will explore a variety of primary and noncontributory endorsements, and the various issues created for upstream parties. By tying these discussion points to real case examples, attendees will gain a deeper perspective of the various priorities of coverage issues impacting excess policies.

**Speaker:** **Janie R. Eddy**, Saxe Doernberger & Vita PC, Trumbull, CT;  
**Douglas M. Kleeman**, Phelps Dunbar LLP, New Orleans, LA

## **2. BIPA: Latest in Underlying Claims and Coverage**

Illinois’ Biometric Information Privacy Act (BIPA) continues to spark new case filings every day. In the past few years, the Illinois Supreme Court has issued landmark decisions that expanded the reach of the law, though the Illinois legislature recently passed certain amendments to rein in the scope of liability. With defendants from all industries and states, this is not just an Illinois issue. Indeed, coverage issues under CGL, EPL, cyber, and other policies are becoming more complex and important, and coverage litigation is on the rise. Splits among state and federal courts regarding coverage have emerged. This program will explore developments in BIPA and coverage case law and try to predict where both are headed. We also will discuss other emerging data privacy trends, such as website AdTech litigation, and related coverage implications.

**Speakers:** **Matthew A. Bills**, Barack Ferrazzano Kirschbaum & Nagelberg LLP, Chicago, IL; **Amy Y. Cho**, Shook Hardy & Bacon LLP, Chicago, IL

# ROUNDTABLES

Friday, March 7

### **3. Algorithmic Pricing: Emerging Risks in Consumer Protection and Antitrust Disputes and Insurance Response**

In recent years, we have seen a new wave of government investigations and enforcement actions, as well as consumer and antitrust class actions targeting industries and companies that use artificial intelligence (AI) and other technological tools (like pricing algorithms) to set prices. The grievances the government (federal and state) and the private class action plaintiffs have are twofold: First, such price setting often relies on the targeted collection of user data or preference to achieve “personalized pricing” for individual users and thus could be a violation of consumer protection and privacy laws. Second, it is allegedly a “new mechanism” for enforcing the old-fashioned price-fixing cartel when competitors in an industry feed information into, and set prices using, the same pricing algorithms or pricing vendors. This roundtable will discuss these two types of emerging risks related to the use of AI or non-AI-based algorithms in pricing and how the insurance market is responding to them.

**Speakers:** **Huiyi Chen**, Jenner & Block LLP, Chicago, IL; **Laura Foggan**, Crowell & Moring LLP, Washington, DC

### **4. Is the Sky Falling? Launching into Space Debris Loss and Liability**

Space debris is a growing risk as more companies launch private spacecraft and satellites. This risk could implicate a range of coverage types, from property damage/business interruption to aviation liability, new space coverage forms, and even E&O and D&O. Space debris risks can also implicate physical-cyber coverage issues, as well as traditional coverage terms like the pollution exclusions, war exclusions, and the expected/intended injury exclusion. This roundtable will discuss potential coverages and hurdles to mitigating risk as companies navigate this new frontier.

**Speakers:** **Megan M. Myers**, Covington & Burling LLP, Washington, DC; **Matt Rigney**, Tollefson Bradley Mitchell & Melendi LLP, Dallas, TX

# ROUNDTABLES

Friday, March 7

## **5. The Rule of Contra Proferentem: What It Is, How to Apply It, and How to Spell It**

The rule of construction known as contra proferentem (“against the offeror”) is a linchpin of insurance coverage law, yet its application in any given case may differ depending on the facts and the jurisdiction. Counsel for insureds and insurers may view the rule as a “silver bullet” that results in an automatic win for the policyholder if the contract language is ambiguous, but this is not necessarily the case. Other issues may affect the outcome, including whether and to what extent extrinsic evidence can be introduced to show the intent behind a particular provision, whether contra proferentem should be a rule of “last resort” to be applied only when other attempts at interpretation fail, and whether the insured’s “sophistication” in business or insurance makes a difference. In the latter case, what does it mean for an insured to be “sophisticated” and does it matter if the policy provision at issue was not negotiated? The panel will explore the different ways courts have answered these questions and offer practical advice on how to approach the rule of contra proferentem in representing policyholders and insurers.

**Speakers:** **David E. Schoenfeld**, Shook Hardy & Bacon LLP, Chicago, IL;  
**Paul Walker-Bright**, Neal Gerber & Eisenberg LLP, Chicago, IL

## **6. Uncontrollable Discharge: The Coverage Implications of Lithium-Ion Batteries**

From cell phones to vehicles, lithium-ion batteries are near the center of our technological world and make life easier for billions of people. However, as lithium-ion batteries become more prevalent and their use expands into more demanding applications, the risks associated with their use have come under increasing scrutiny. At the same time, the number of individuals and businesses with exposure to those risks has increased, creating the potential for liability and loss that may not be fully appreciated by all of those involved in the life cycle of lithium-ion battery-powered devices. This roundtable will explore the coverage issues that these modern conveniences present and how insurers and insureds can manage their respective risks.

**Speakers:** **Leandra A. Ansah**, Beveridge & Diamond PC, Austin, TX;  
**Christopher C. Meeks**, Lewis Brisbois Bisgaard & Smith LLP, Atlanta, GA

# ROUNDTABLES

Friday, March 7

## **7. The Appraisal Clause: Why to Include It and How to Enforce It**

This roundtable will discuss the background of appraisal clauses in insurance policies, including what they are, why to include them, and how to invoke them. The program will discuss the benefits of invoking an appraisal clause and methods to enforce the same, including discussions on hiring an appraiser and the vetting process, selecting an appraisal panel, completing an appraisal protocol, attending the appraisal hearing, and discussing settlement options following the appraisal decision.

**Speakers:** **Erin D. Doran**, Meagher+Geer LLP, Minneapolis, MN;  
**Nicholas G. Hill**, McGuireWoods LLP, Atlanta, GA

## **8. Catchphrase: Lloyd's of London Edition**

This roundtable will demystify London Market policies through an interactive exploration of key terminology and concepts unique to the space. Understanding the London Market is crucial, as it impacts all lines of coverage, particularly large risks. Yet despite its crucial role as a "key partner for insurance and reinsurance clients globally" to insure "challenging and developing risks that local insurers either do not wish to or cannot underwrite," many risk managers and lawyers are often intimidated by its unique traditions. This roundtable will discuss the visual clues used to gain insight into the history of Lloyd's of London, common structures of insurance policies, how to read London Market stamps, key cases dealing with London Market policies in the U.S., and terminology that has become part of the London Market vernacular. This roundtable is designed to be accessible to those who may have limited experience with this market and give them concrete terminology and analytical skills to better assess a possible risk or approach for U.S.-based litigation involving London Market policies.

**Speakers:** **Breanna Jones**, Covington & Burling LLP, San Francisco, CA;  
**Michelle Khoury**, Duane Morris LLP, San Francisco, CA

# ROUNDTABLES

Friday, March 7

## 9. A Horse of a Different Color: RWI Policies and Claims

Distinct from traditional insurance policies, the negotiation and operation of Representations and Warranties Insurance (RWI) is its own sub-specialty area. This roundtable will discuss the negotiation of these policies as part of an M&A transaction and how to navigate and resolve disputed claims post-closing.

**Speakers:** **Jennifer Drake**, Aon, Toronto, ON; **Jan A. Larson**, Jenner & Block LLP, Los Angeles, CA

## 10. Litigation Finance and Case Management

This highly interactive session is designed to provoke thought and discussion regarding how litigation finance can assist corporations, law firms, and lawyers in effectively managing their caseloads, while also addressing the pros and cons of such assistance.

**Speakers:** **Fiona A. Chaney**, Omni Bridgeway, Los Angeles, CA; **Peter A. Halprin**, Haynes and Boone LLP, New York, NY

## 11. The Ins and Outs of Outside Adjusters

Insureds sometimes hire public adjusters in hopes of obtaining a speedier or higher claim payment. Insurers sometimes hire independent adjusters to assist with the claim investigation. What are the roles of these outside adjusters? Are they agents of principals, and what issues can arise in bad faith litigation when either side has hired an outside adjuster? How are public adjusters paid, and can or should they be paid directly by the insurer for any claim settlement? Can or should public adjusters be expert witnesses? Join this roundtable to discuss these topics and more.

**Speakers:** **Karin Scherner Aldama**, Perkins Coie LLP, Phoenix, AZ; **Rina Carmel**, Anderson McPharlin Connors LLP, Los Angeles, CA; **Tred R. Eyerly**, Damon Key Leong Kupchak Hastert, Honolulu, HI

# ROUNDTABLES

**Friday, March 7**

## **12. Hurricanes, Tornadoes, Wildfires, Oh My!: The Use of Experts in Catastrophic Natural Disaster Cases**

This roundtable will discuss the role experts play in litigation involving catastrophic natural events, from determining causation and liability to helping owners and insurers assess impact and damages, to providing insight into emergency response and recovery efforts.

**Speakers:** **Francesco Palanda**, Hinshaw & Culbertson LLP, Coral Gables, FL; **Richard Waldinger**, Round Table Group, Phoenix, AZ

## **13. Keys to a Successful Business Interruption Claim**

This roundtable, aimed at lawyers, will discuss five keys to a successful claim including pre-loss assessment of insurance policy language and limits, being proactive with claim development considering both legal and forensic accounting issues, preparing a convincing claim, managing the claim process strategically, and developing thoughtful steps to dispute resolution.

**Speakers:** **Haley Hinton-Casper**, Barnes & Thornburg LLP, Chicago, IL; **Steve Moseley**, BRG, Chicago, IL

## **14. Navigating Business Interruption Claims in the Hospitality Industry: Key Issues and Insights**

This roundtable will provide lawyers with best practices for addressing the complex legal and accounting issues arising in hospitality claims including hotels, casinos, restaurants, and entertainment venues. We will discuss key policy provisions and coverage issues frequently experienced during the insurance claim process including causation, deductibles, named storm coverages, partial vs. total damage, and policy sublimits. We will also address how best to use historical trends, internal management reports, and industry data to calculate business interruption claims and common disputes that arise regarding loss measurement.

**Speakers:** **Holly Dethero**, BRG, Seattle, WA; **Benjamin Tievsky**, Pillsbury Winthrop Shaw Pittman LLP, New York, NY



# ROUNDTABLES

Friday, March 7

## **15. Insured vs. Insurer: Litigating Priorities in Subrogation Proceeds and the Made Whole Doctrine**

This roundtable discussion will address subrogation rights between the insured and insurer, common scenarios when insurers seek to recover coverage payments from third parties, and the “Made Whole Doctrine,” which prevents the insurer from subrogating until the insured’s loss is fully compensated. We will also touch on how different courts decide whether the insured’s or insurer’s third-party recovery interests are paramount in cases when the insured is partially compensated.

**Speakers:** **Amy Heiserman**, Nautilus Insurance Group, Scottsdale, AZ;  
**Craig M. Hirsch**, McGuireWoods LLP, Los Angeles, CA

## **16. Using Scientific Research to Out-Negotiate Your Opponent**

What does empirical research reveal about how expressions of anger and pride affect bargaining outcomes? Does making the first offer give a party an anchoring advantage? As between plaintiffs and defendants, who is more likely to unwisely go to trial after rejecting the last settlement offer, whose mistakes are the costliest, and what proven strategies reduce negotiation missteps? Join us to discuss these and other practical applications to help you win at negotiating.

**Speakers:** **Barry Goldman**, University of Arizona, Tucson, AZ;  
**Craig Nierman**, Phelan Tucker Law LLP, Iowa City, IA

## **17. Sharing Secrets from the Opposition’s Playbook**

Attorneys from both sides will share the best plays from their playbook while the opposition will have the opportunity to share their defense of those plays.

**Speakers:** **Adrian C. Azer**, Haynes and Boone LLP, Washington, DC;  
**Joshua Weinberg**, Ruggieri Parks Weinberg LLP, Washington, DC

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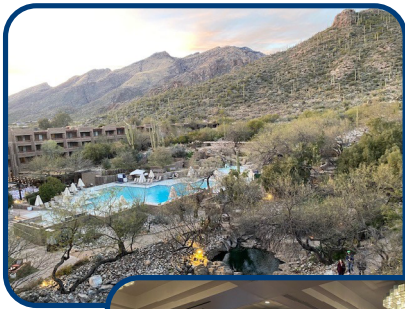
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