



SPONSORED BY THE
TORT TRIAL & INSURANCE PRACTICE SECTION
UNITING PLAINTIFF, DEFENSE, INSURANCE, AND
CORPORATE COUNSEL TO ADVANCE THE CIVIL JUSTICE SYSTEM
PRESENTS THE



***PROPERTY INSURANCE LAW COMMITTEE
ANNUAL SPRING CLE MEETING
Co-Sponsored by the Insurance Coverage
Litigation Committee***

***LESSONS LEARNED:
HOW MAJOR CATASTROPHIC
LOSSES SHAPE PROPERTY
INSURANCE LAW***

***APRIL 7-9, 2016
WYNN LAS VEGAS
LAS VEGAS, NV***



AMERICAN BAR ASSOCIATION



WELCOME

Dear Colleagues:

Welcome to the 2016 Spring Meeting of the ABA Tort Trial & Insurance Practice Section's Property Insurance Law Committee! This year's Meeting will be held at the luxurious Wynn Resort in Las Vegas, Nevada, on the iconic, world-famous Las Vegas Strip. Wynn Resorts hold more Forbes Travel Guide Five Star awards than any other independent hotel company in the world, and the resort offers award-winning restaurants, exciting entertainment and nightlife, a pristine 18-hole golf course, two award-winning spas, salons and luxury shopping. Meeting attendees will be able to take advantage of all the resort has to offer at the discounted rate of \$239 Single or \$289 Double per night.

The 2016 Meeting will focus on how major catastrophic losses have shaped property insurance law. The program will offer a chronological retrospective of major losses and the prospective impact they have had on the law. Our distinguished group of speakers is comprised of seasoned practitioners, judges, industry professionals and experts. This engaging, insightful, and knowledgeable group of esteemed presenters will offer interesting and entertaining panel discussions starting with the 1906 San Francisco earthquake – and the development of ensuing loss coverage – through the legal impact of catastrophic events including the eruption of Mount St. Helens, September 11, the Japanese Tsunami, hurricanes and fires, ending with the developing area of property insurance coverage for cybersecurity losses. The program will also include a discussion of bad faith issues in catastrophic losses and a panel that will address locating and vetting experts for property disputes involving catastrophic losses. The Meeting will end with an ethics presentation by participants from the ABA Commission on Ethics 20/20 who will discuss amendments the ABA has made to the Model Rules of Professional Conduct.

In addition to attending substantive educational programming addressing a broad array of property insurance coverage issues and related legal developments, Meeting attendees will have several opportunities to participate in networking events designed to bring together professionals from all aspects of the property insurance industry. The Meeting begins on Thursday evening with a Welcome Reception open to all attendees. After the Friday morning presentations, attendees are free to enjoy the afternoon at their leisure. Friday evening, all attendees are invited to attend a dinner, followed by a group outing to see the award-winning aqua show, *La Rêve – The Dream*. After the Saturday morning presentations, all attendees are welcome to join the Committee's business lunch meeting. All of the social events are wonderful opportunities for first time attendees, as well as for return attendees, to connect with friends and colleagues.

We look forward to a wonderful Meeting. See you there!

Heidi H. Raschke

Property Insurance Law Committee Chair
Carlton Fields
Tampa, FL

Celeste A. Hill

Program Co-Chair
Clausen Miller P.C.
Chicago, IL

John V. Garaffa

Program Co-Chair
Butler Weihmuller Katz Craig LLP
Tampa, FL



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Zelle LLP

PROGRAM AGENDA



THURSDAY, APRIL 7, 2016

- 12:00 P.M. – 6:00 P.M. **REGISTRATION**
- 7:00 P.M. – 8:30 P.M. **WELCOME RECEPTION**
***ALL ARE WELCOME TO ATTEND.**

FRIDAY, APRIL 8, 2016

- 7:00 A.M. – 12:00 P.M. **REGISTRATION**
- 7:00 A.M. – 7:30 A.M. **CONTINENTAL BREAKFAST**
- 7:30 A.M. – 7:35 A.M. **WELCOME AND ANNOUNCEMENTS**
Heidi H. Raschke, Property Insurance Law Committee Chair
Carlton Fields, Tampa, FL
G. Glennon Troublefield, Tort Trial & Insurance Practice Section Chair,
Carella Byrne et al, Roseland, NJ
Celeste A. Hill, Program Co-Chair, Clausen Miller P.C., Chicago, IL
John V. Garaffa, Program Co-Chair, Butler Weihmuller Katz Craig LLP,
Tampa, FL
- 7:35 A.M. – 8:20 A.M. **1906 SAN FRANCISCO EARTHQUAKE AND ENSUING LOSS COVERAGE**
This session will explore the development of ensuing loss coverage under commercial and residential property policies, tracing that development from the cases following 1906 San Francisco Earthquake to today.
John N. Love, Robins Kaplan LLP, Boston, MA
Vedica Puri, Pillsbury & Coleman, LLP, San Francisco, CA
- 8:20 A.M. – 9:00 A.M. **MOUNT ST. HELENS' ERUPTION AND DIRECT V. INDIRECT OFF-PREMISES BUSINESS INCOME LOSSES**
The presentation will focus on the unique issues that arose in the context of the eruption of Mount St. Helens. It will explore direct and indirect business income losses caused by off-premise conditions.
Francis J. "FJ" Maloney, II, Maloney Lauersdorf Reiner P.C., Portland, OR
Christina M. Phillips, Childress Duffy, Ltd., Chicago, IL
- 9:00 A.M. – 9:50 A.M. **SEPTEMBER 11, 2001 TERRORIST ATTACKS AND THE NUMBER OF OCCURRENCES**
In this session panelists will present the arguments made regarding the number of covered occurrences arising out of the attack on the World Trade Center in New York on September 11, 2001 and explore the internet and development of policy provisions highlighted by those events.
John Gross, Proskauer Rose LLP, New York, NY
Patricia St. Peter, Zelle LLP, Minneapolis, MN
- 9:50 A.M. – 10:00 A.M. **BREAK**



10:00 A.M. – 10:50 A.M.

SEPTEMBER 11, 2001 AND LOSS VALUATION INCLUDING PERIODS OF INDEMNITY FOR TIME ELEMENT LOSSES

This panel will discuss issues concerning loss valuation and measurement arising out of the September 11, 2001 attacks, including the scope of replacement cost coverage under commercial property policies, periods of indemnity for time element losses, and claims for loss of market.

Marshall Gilinsky, *Anderson Kill P.C.*, Burlington, VT

Jonathan Held, *J.S. Held LLC*, Jericho, NY

Jonathan R. MacBride, *Zelle LLP*, Philadelphia, PA

Daniel G. Markowicz, *Matson Driscoll & Damico Ltd.*, Los Angeles, CA

10:50 A.M. – 11:25 A.M.

SEPTEMBER 11, 2001 AND IMPACT OF ACTIONS BY CIVIL AUTHORITIES

This session will explore property policy coverages implicated as due to acts by civil authorities after the September 11 attacks and will include a discussion of cases interpreting applicable coverages.

Margaret H. Fahey, *Clausen Miller P.C.*, Chicago, IL

Matthew B. Weaver, *Ver Ploeg & Lumpkin, P.A.*, Miami, FL

11:25 A.M. – 12:10 P.M.

HURRICANE KATRINA AND WIND V. FLOOD COVERAGE

This presentation will address property coverage questions that arose after Hurricane Katrina, including causation and damage issues involving wind versus flood and the application of anti-concurrent causation policy provisions.

Jennifer L. Gibbs, *Zelle LLP*, Dallas, TX

Robert I. Siegel, *Geiger, Laborde & Laperouse, LLC*, New Orleans, LA

1:30 P.M.

GOLF TOURNAMENT (Ticketed Event)

SPA RETREAT (Ticketed Event)

7:30 P.M.

DINNER (Ticketed Event)

9:30 P.M.

LAS VEGAS SHOW FEATURING LAREVE (Ticketed Event)

SATURDAY, APRIL 9, 2016

7:00 A.M. – 12:00 P.M.

REGISTRATION

7:00 A.M. – 7:30 A.M.

CONTINENTAL BREAKFAST

7:30 A.M. – 8:10 A.M.

JAPANESE TSUNAMI AND CONTINGENT BUSINESS INTERRUPTION LOSSES

This presentation will address the applicability of contingent Business Interruption Coverage to disruptions in policyholders' business operations after the March 2011 earthquake and tsunami, which caused physical loss to the suppliers and customers of policyholders.

Daniel R. Bentson, *Bullivant Houser Bailey P.C.*, Seattle, WA

Erica J. Dominitz, *Kilpatrick Townsend & Stockton LLP*, Washington, DC

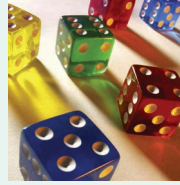
8:10 A.M. – 8:45 A.M.

HURRICANE SANDY—PARTICULAR ISSUES

This session will address issues that figured prominently in the litigation following Hurricane Sandy including coverage limited to named storms, the distinction between storm surge and flood, and the degree to which property policy sub-limits can be "stacked" in the event of a loss.

Melissa M. D'Alelio, *Robins Kaplan LLP*, Boston, MA

Johnathan C. Lerner, *Lerner Arnold & Wilson, LLP*, New York, NY



8:45 A.M. – 9:20 A.M.

FIRES/EXPLOSIONS—DEFINITION OF EXPLOSION AND INTERPLAY BETWEEN ALL-RISK AND BOILER & MACHINERY POLICIES

The presentation will address historical distinctions between All-Risk and Boiler & Machinery policies, the definition of “explosion” under Boiler & Machinery coverages and will discuss the current market for such coverages.

Thomas S. Brown, *Butler Weihmuller Katz Craig LLP*, Philadelphia, PA
Larry Gordon, *Travelers Ins.*, Hartford, CT
Bill J. Kramer, *William Kramer & Associates*, Hartford, CT

9:20 A.M. – 9:55 A.M.

BAD FAITH ISSUES IN CATASTROPHIC LOSSES/BIG BAD FAITH CASES

Panelists will discuss the potential for bad faith exposure in handling catastrophic losses and steps that may be taken to avoid exposure for extra contractual damages.

Jeffrey Michael Cohen, *Carlton Fields*, Miami, FL
Sean McAloon, *Rivkin Radler LLP*, Uniondale, NY

9:55 A.M. – 10:10 A.M.

BREAK

10:10 A.M. – 10:55 A.M.

DEVELOPING AREA-PROPERTY INSURANCE COVERAGE FOR CYBERSECURITY LOSSES

In this session, panelists will address available property coverages available for cyber security losses, including traditional forms and recent insurance products designed to cover or limit coverage for cyber risks, as well as case addressing coverage for cyber losses.

Rene L. Siemens, *Covington & Burling LLP*, Los Angeles, CA
Joyce C. Wang, *Carlson, Calladine Peterson LLP*, San Francisco, CA
Meredith Murphy, *FM Global*, Johnston, RI

10:55A.M. – 11:40 A.M.

LOCATING AND VETTING EXPERTS FOR PROPERTY DISPUTES INVOLVING CATASTROPHIC LOSSES

This panel will discuss locating and vetting experts on behalf of one’s client, obtaining material necessary to cross examine opposing experts, and legal requirements for admission of expert testimony.

Jay M. Levin, *Reed Smith LLP*, Philadelphia, PA
William F. Stewart, *Stewart Bernsteil Rebar & Smith*, Princeton, NJ
John J. Murphy, Jr., *J. Murphy & Associates*, Blue Bell, PA

11:40 A.M. – 12:40 P.M.

ETHICS PANEL

Participants in the ABA Commission on Ethics 20/20 will talk about the amendments the ABA has made to the Model Rules of Professional Conduct through February 2015 including advances in technology.

Hon. Daniel J. Crothers, *North Dakota Supreme Court*
Bismarck, ND
Ellyn S. Rosen, *ABA Center for Professional Responsibility*
Chicago, IL

12:45 P.M. – 2:00 P.M.

PROPERTY INSURANCE LAW COMMITTEE BUSINESS LUNCH MEETING *ALL ARE WELCOME TO ATTEND

REGISTRATION FORM

ABA Tort Trial & Insurance Practice Section (TIPS)

LESSONS LEARNED: HOW MAJOR CATASTROPHIC LOSSES SHAPE
PROPERTY INSURANCE LAW

PROPERTY INSURANCE LAW COMMITTEE

ANNUAL SPRING CLE MEETING

April 7-9, 2016 • Wynn Las Vegas, Las Vegas, NV

REGISTRATION DEADLINE: March 15, 2016 • HOTEL DEADLINE: March 15, 2016

REGISTRANT: (Please print or type one form per person; photocopy this form for additional registrants)

LAST NAME	FIRST NAME	MI
Name as you wish it to appear on your badge		
FIRM/COMPANY		
WHAT STATE(S) ARE YOU LICENSED IN?		
ADDRESS		
CITY	STATE	ZIP
(AREA CODE) BUSINESS TELEPHONE	FACSIMILE	
E-MAIL ADDRESS		

Are you attending your first TIPS PILC CLE Program?

Yes No

I am a member of the ABA and wish to join the Tort Trial & Insurance Practice Section. I have enclosed a separate check for \$50 made payable to the American Bar Association.

REGISTRATION FEES:

	On or Before 3/15/16	After 3/15/16	QTY	TOTAL
Registration Fee per TIPS Member	\$550	\$575	_____	_____
ABA Member	\$650	\$675	_____	_____
General Attendee	\$700	\$725	_____	_____
Insurance Company/ Government Employee	\$300	\$325	_____	_____
Law Student	\$200	\$200	_____	_____

SOCIAL EVENTS

			QTY	TOTAL
Thursday Opening Reception	Included	Included	_____	_____
Friday Night Dinner	\$100	\$100	_____	_____
LeReve Las Vegas Performance	\$138	\$138	_____	_____
Friday Golf Tournament	\$500	\$500	_____	_____
(Includes green fees, shoe, club and cart rental)				
Friday Spa	TBD	TBD	_____	_____

MATERIALS:

I will not be able to attend the 2016 ABA PILC Spring Meeting, but wish to order a copy of the materials. \$125 _____

TOTAL PAYMENT:

TOTAL \$ _____

PAYMENT INFORMATION:

Check (made payable to the ABA) American Express MasterCard VISA

CREDIT CARD NUMBER	EXPIRATION DATE
SIGNATURE	

Note: We encourage you to register using the online registration link on this form. If you are unable to register online, please use this form to register by mail or fax. In order to protect your credit card information, we do not accept credit cards payments via email.

THREE WAYS TO REGISTER

1. ONLINE:
www.americanbar.org/tips

2. MAIL:
AMERICAN BAR ASSOCIATION
Attn: Service Center-Meeting/Events Registrations
Code IL1604PILC
321 North Clark Street
18th Floor
Chicago, IL 60654

3. FAX:
312/988-5850

GENERAL INFORMATION

Registration Deadline: March 15, 2016 • Hotel Deadline: March 15, 2016

ADVANCE REGISTRATION

Visit the TIPS Property Insurance Law Committee Annual Spring CLE Meeting entitled "**Lessons Learned: How Major Catastrophic Losses Shape Property Insurance Law**" website to register at www.americanbar.org/tips or complete the registration form included in this brochure.

The registration fee includes admission to the program, course materials, continental breakfast, breaks, and reception. If you wish to have your name appear on the pre-registration list distributed at the program, ALL registration forms must be received no later than the registration deadline of March 15, 2016. Registration reservations will be confirmed in writing within 10 business days.

ON-SITE REGISTRATION

On-site registrations will be accepted if space is available. Call Ninah F. Moore at 312/988-5498 or email ninah.moore@americanbar.org, 72 hours prior to the program to confirm that space is available. On-site registrants must pay the program fee by credit card or check made payable to the American Bar Association. A \$25 fee will be charged to individuals registering on-site.

CANCELLATION POLICY

No registration fee refunds will be granted for cancellations received after **March 15, 2016**. In order to receive a refund (less a \$50 administrative fee), the ABA must receive written cancellation by **March 15, 2016**. Registrants who are unable to attend may send a substitute or will receive course materials in lieu of a refund.

HOTEL INFORMATION

For Reservations call 866/770-7555.

A limited number of rooms have been blocked for program registrants of the ABA Tort Trial & Insurance Practice Section Property Insurance Law Committee Meeting at the Wynn Las Vegas, 3131 Las Vegas Blvd., South, Las Vegas, NV 89109 for a hotel room rate of \$239.00 single/\$289.00 double plus 12% tax. For reservations, please call the hotel directly at 866/770-7555. The room block will be held until exhausted or until **Tuesday, March 15, 2016 at 5:00 p.m. (CST)**. After the meeting specified hotel deadline, reservations will be confirmed based on availability. Please refer to the ABA Tort Trial & Insurance Practice Section Property Insurance Law Committee Meeting when calling the hotel to make reservations. Hotel check-in is 3:00 p.m. and checkout is 12:00 noon. All reservations must be guaranteed by credit card or deposit check for one night's room and tax. **Individuals with guaranteed reservations must cancel their reservations 14 DAYS prior to the scheduled day of arrival to avoid a one-night cancellation charge.**

AIRLINE INFORMATION

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With ABA Orbitz for Business*, you can automatically obtain ABA negotiated airfare discounts for travel to ABA Meetings. ABA Orbitz for Business enables you to purchase the best airfare at the time of booking by providing you with the ability to search for and compare fares from virtually every airline serving the destination.

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Discount available at www.united.com Online Discount Code: **ZVWE374477**

Delta Airlines 800-328-1111 ABA File Meeting Code Domestic: **NMM4N**
Discount available at www.delta.com Online Meeting Event Code DOM: **NMM4N**

*A *Travel Profile* is required when booking airline reservations with ABA Orbitz for Business, visit www.americanbar.org/travel for more information.

CLE INFORMATION

The ABA directly applies for and ordinarily receives CLE credit for ABA programs in AK, AL, AR, AZ, CA, CO, DE, GA, GU, HI, IA, IL, IN, KS, KY, LA, MN, MS, MO, MT, NH, NM, NV, NY, NC, ND, OH, OK, OR, PA, PR, SC, TN, TX, UT, VT, VA, VI, WA, WI, and WV. These states sometimes do not approve a program for credit before the program occurs. This course is expected to qualify for 9.17 CLE credit hours (including 1.0 ethics hours) in 60-minute states, and 11.0 credit hours (including 1.2 ethics hours) in 50-minute states. This transitional program is approved for both newly admitted and experienced attorneys in NY. Attorneys may be eligible to receive CLE credit through reciprocity or attorney self-submission in other states. For more information about CLE accreditation in your state, visit www.americanbar.org/tips or contact Ninah F. Moore at ninah.moore@americanbar.org or 312/988-5498.

ABA-TIPS has partnered with CEU Institute to provide CE Credit for licensed adjusters in all states with a CE requirement. Credit hours awarded are based on state review and approval. For more information about CE accreditation, please contact Ninah Moore at ninah.moore@americanbar.org, 312/988-5498.

MEMBERSHIP INFORMATION

For more information about membership in the ABA or the Tort Trial & Insurance Practice Section (TIPS), please visit us online at http://www.americanbar.org/groups/tort_trial_insurance_practice/membership.html or call 1-800-285-2221. Membership in TIPS includes three industry-leading periodicals, discounts of up to 20% on many TIPS CLE programs, and other career and practice-enhancing benefits. Join TIPS today!

PERSONS WITH DISABILITIES

Services for persons with disabilities are available. If special arrangements are required for an individual to attend this program, please notify the ABA promptly at 312/988-5498. Reasonable advance notice is requested.

GET CONNECTED WITH TIPS!

Information on this and other TIPS CLE programs is available online at www.abanet.org/tips. Visit us and get connected!

SCHOLARSHIPS AVAILABLE!

ATTENTION TIPS MEMBERS: Scholarships are available for all Section activities, courtesy of the TIPS Scholarship Fund. The Fund, established with the International Risk Management Institute ("IRMI") and supported by subscriptions to the IRMI CGL reporter, is intended to increase membership involvement in TIPS' activities among minorities, solo and small firm practitioners, government attorneys, women, and young lawyers by providing financial support to those who would otherwise be unable to participate. To request an application or receive additional information, visit www.americanbar.org/tips.



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Tort Trial & Insurance Practice Section
321 North Clark Street
Chicago, Illinois 60654

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- More than 25 hours of top-notch CLE programming, including ethics credit, to meet all of your educational needs
- Practice area-specific CLE tracks featuring premier speakers including judges and in-house counsel covering hot topics and the latest developments
- Numerous opportunities to network with insurance, defense, corporate and plaintiffs attorneys, judges and local lawyers
- Exclusive networking events for young lawyers
- Substantive business meetings for 31 practice-specific general committees
- Entertaining social events in contemporary Buckhead

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