

**17<sup>th</sup> Annual Insurance Law Institute**  
**October 18-19, 2012 • Courtyard by Marriott Austin-Downtown • Austin, TX**

**Thursday Morning, Oct. 18, 2012**

**Presiding Officer:**

**Jamie Penton Cooper**, Martin, Disiere, Jefferson & Wisdom, L.L.P. - Houston, TX

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| 8:00 am             | <p><b>Registration Opens</b></p> <p>Includes continental breakfast.</p> <p><b>THANK YOU TO OUR BREAKFAST SPONSOR</b><br/><b>THOMPSON &amp; KNIGHT LLP</b></p>  |
| 8:50 am             | <p><b>Welcoming Remarks</b></p>  |
| 9:00 am<br>0.50 hr  | <p><b>Fortuity Doctrine</b></p> <p>Trying to make sense of the concepts of "known loss" and "loss in progress."</p> <p>Philip K. Maxwell, Attorney at Law - Austin, TX<br/>James H. (Hamp) Moody III, Quilling, Selander, Lownds, Winslett &amp; Moser, P.C. - Dallas, TX</p>  |
| 9:30 am<br>0.50 hr  | <p><b>Duty to Cooperate: Playing Well with Insurance Companies</b></p> <p>The <i>Ewing/Gilbert</i> issue of liability defenses and interplay between <i>Tilley</i> and Duty to Cooperate.</p> <p>Beth D. Bradley, Tollefson Bradley Ball &amp; Mitchell, LLP - Dallas, TX<br/>J. Mark Lawless, McGuire Woods LLP - Austin, TX</p>  |
| 10:00 am<br>0.50 hr | <p><b>Independent Counsel: How to Get the Insurance Company to Pay for Your Legal Fees</b></p> <p>A discussion of the insured's right to independent counsel, case law updates, and considerations in attempting to have insurance companies pay for independent counsel.</p> <p>Robert D. Allen, Meckler Bulger Tilson Marick &amp; Pearson LLP - Dallas, TX<br/>Paul K. Stafford, Carter Stafford Arnett Hamada Mockler, PLLC - Dallas, TX</p> |
| 10:30 am            | <p><b>Break</b></p>  |
| 10:45 am<br>0.50 hr | <p><b>Legally Liable/Legally Obligated</b></p> <p>This session discusses a hidden issue in <i>Lennar v. Markel</i>: the scope of "legal obligation" in the insuring agreement of a liability policy.</p> <p>Patrick J. Wielinski, Cokinos, Bosien &amp; Young, P.C. - Irving, TX</p>   |
| 11:15 am<br>0.50 hr | <p><b>Choice of Law: How It Impacts Coverage and Surrounding Litigation</b></p> <p>When the law of different states may apply, the choice can win or lose the case.</p> <p>Mark L. Kincaid, George, Brothers, Kincaid &amp; Horton LLP - Austin, TX</p>  |

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| 11:45 am<br>0.50 hr | <p><b>Number of Occurrences under Texas Law: The Impact on Who Pays What</b></p> <p>Depending on its impact on available policy limits or retention/deductible obligations, the number of occurrences often becomes a critical consideration for both policyholders and insurers. It may mean the difference between no or minimal coverage and abundant coverage. A focus on various policy language and case law with the goal of unlocking the mystery of this important issue.</p> <p><i>This session will be presented at 2:45 p.m.</i></p> <p>Ernest Martin Jr., Haynes and Boone, LLP - Dallas, TX</p> |
| 12:15 pm            | <p><b>Pick Up Lunch</b></p> <p>Included in conference registration.</p>   |

## Thursday Afternoon, Oct. 18, 2012

### Presiding Officer:

**Jamie Penton Cooper**, Martin, Disiere, Jefferson & Wisdom, L.L.P. - Houston, TX

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|                                      | <p><b>Luncheon Presentation</b></p> <p>Sponsored by Martin, Disiere, Jefferson &amp; Wisdom, L.L.P.</p>  |
| 12:30 pm<br>0.50 hr ethics           | <p><b>The Art of the Apology in Insurance Litigation</b></p> <p><i>This session will be presented on Friday at 12:00 p.m.</i></p> <p>Christopher W. Martin, Martin, Disiere, Jefferson &amp; Wisdom, L.L.P. - Houston, TX</p>  |
| 1:00 pm                              | <p><b>Break</b></p>  |
| 1:15 pm<br>0.75 hr<br>0.50 hr ethics | <p><b>Documenting Your Business Interruption Loss</b></p> <p>This segment explores key issues associated with business interruption and other time element coverages, including the process of analyzing, investigating and documenting a business interruption loss through the eyes of a forensic accountant.</p> <p>Moderators:<br/>Thomas H. Cook Jr., Zelle Hofmann Voelbel &amp; Mason LLP - Dallas, TX<br/>Moderators:<br/>Vincent E. Morgan, Pillsbury Winthrop Shaw Pittman LLP - Houston, TX<br/>Panelists:<br/>Ryan D. Pratt, Ernst &amp; Young LLP - Houston, TX<br/>Panelists:<br/>Susan Sessler, Matson Driscoll &amp; Damico - Richardson, TX</p> |

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| 2:00 pm<br>0.75 hr | <p><b>Top Ten Mistakes to Avoid as a Risk Manager</b></p> <p>Seasoned Risk Managers address the top ten mistakes to avoid in the risk management field and convey the most important actions a risk manager can take to minimize and mitigate risk, as well as maximize insurance recovery for a loss.</p> <p>Moderator:<br/>Rachelle H. Glazer, Thompson &amp; Knight LLP - Dallas, TX</p> <p>Panelists:<br/>Dorina Hertner, G6 Hospitality LLC - Carrollton, TX</p> <p>Panelists:<br/>Jennifer Kikta, Behringer Harvard - Dallas, TX</p> |
| 2:45 pm<br>0.50 hr | <p><b>What the Frack? Insurance Issues Involving Fracking</b></p> <p><i>This session will be presented at 11:45 a.m.</i></p> <p>Brian Scott Martin, Thompson, Coe, Cousins &amp; Irons, L.L.P. - Houston, TX</p>   |
| 3:15 pm            | <b>Break</b>   |
| 3:30 pm<br>0.50 hr | <p><b><i>Escabedo</i> Decision: Navigating the Recovery of Medical Damages in a Personal Injury Case</b></p> <p>Examining the practical implications of recovery of past medical expenses in light of Texas Supreme Court's ruling.</p> <p>Meloney Perry, Meckler Bulger Tilson Marick &amp; Pearson LLP - Dallas, TX<br/>Kirk L. Pittard, Kelly, Durham &amp; Pittard, LLP - Dallas, TX</p>   |
| 4:00 pm<br>0.75 hr | <p><b>Suing and Defending the Binding Authority Agent/Broker</b></p> <p>The New Texas Two-Step</p> <p>Rick Lee Oldenettel, Oldenettel &amp; McCabe - Houston, TX<br/>Lennon C. Wright, Attorney at Law - Houston, TX</p>   |
| 4:45 pm<br>0.75 hr | <p><b>Subrogation Ins and Outs</b></p> <p>Judy Kostura, Judge, Kostura &amp; Putman P.C. - Austin, TX</p>  |
| 5:30 pm            | <p><b>Adjourn to Sponsored Reception</b></p> <p>Sponsored by Shidlofsky Law Firm and Cooper &amp; Scully, P.C.</p>   |

## Friday Morning, Oct. 19, 2012

### Presiding Officer:

**Lee H. Shidlofsky**, Attorney at Law - Austin, TX

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| 8:00 am | <p><b>Conference Room Opens</b></p> <p>Includes continental breakfast.</p> <p><b>THANK YOU TO OUR BREAKFAST SPONSOR<br/>SHANNON, GRACEY, RATLIFF &amp; MILLER LLP</b></p> |
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| 9:00 am<br>0.50 hr  | <b>So You Think You Know What a CGL Says</b><br><br>What is new and what is the same - Commercial General Liability explained<br><br>Charles E. Comiskey, Brady Chapman, Holland & Associates - Houston, TX   |
| 9:30 am<br>0.50 hr  | <b>The 8 Corners Rule under Attack: The "New" Rules for the Duty to Defend</b><br><br>When does the eight corners rule still apply? When courts and insurance contracts erode or abandon this rule, what's next?<br><br>J. James Cooper, Gardere Wynne Sewell LLP - Houston, TX<br>Materials By:<br>Jordan Jenel La Raia, Gardere Wynne Sewell - Houston, TX<br>Stephen E. Walraven, Langley & Banack, Inc. - San Antonio, TX |
| 10:00 am<br>0.50 hr | <b>Taking an Adjuster's Deposition</b><br><br>A discussion of the legal and practical implications of deposing insurance representatives in insurance coverage and bad faith cases.<br><br>Tarron L. Gartner, Cooper Scully, P.C. - Dallas, TX<br>Henry L. Moore, Attorney at Law - Austin, TX  |
| 10:30 am            | <b>Break</b>  |
| 10:45 am<br>0.50 hr | <b>Bad Faith—Can an Insurance Company Go Too Far?</b><br><br>Shannon E. Loyd, Gravely & Pearson LLP - San Antonio, TX   |
| 11:15 am<br>0.50 hr | <b>Trucking Insurance Update</b><br><br>MCS-90<br><br>David J. Schubert, Schubert & Evans PC - Dallas, TX   |
| 11:45 am            | <b>Pick Up Lunch</b><br><br>Included in conference registration.  |

## Friday Afternoon, Oct. 19, 2012

### Presiding Officer:

**Lee H. Shidlofsky**, Attorney at Law - Austin, TX

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|  | <b>Luncheon Presentation</b><br><br>Sponsored by Haynes and Boone, LLP |
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| 12:00 pm<br>0.75 hr       | <p><b>Jury Speak: What Matters to Jurors in Insurance Cases?</b></p> <p>A discussion of the challenges litigators face when arguing matters of law and presenting factual issues to jurors. Strategic suggestions for meeting judge vs. juror needs are also addressed.</p> <p><b>This session will be presented on Thursday at 12:30 p.m.</b></p> <p>Kacy Miller, CourtroomLogic Consulting - Dallas, TX<br/>Amy Elizabeth Stewart, Attorney at Law - Dallas, TX</p>   |
| 12:45 pm                  | <b>Break</b>  |
| 1:00 pm<br>0.75 hr        | <p><b>Litigating Appraisal—Beyond Hurricane Ike, Appraisal Has a Life of Its Own Post-Johnson</b></p> <p>Litigation of appraisals is on the rise as policyholders and insurers increasingly litigate umpire agreements, impartiality and qualifications of appraisers and umpires, and scope of appraisal in the post-Johnson world. This presentation examines the current issues, trends and tactics in appraisal dispute litigation.</p> <p>Moderator:<br/>Veronica Carmona Czuchna, Duggins Wren Mann &amp; Romero, LLP - Austin, TX<br/>Panelists:<br/>L. Kimberly Steele, Sedgwick, LLP - Dallas, TX<br/>Panelists:<br/>Mark A. Ticer, Attorney at Law - Dallas, TX</p> |
| 1:45 pm<br>0.50 hr        | <p><b>What Is "Property Damage"?</b></p> <p>Lee H. Shidlofsky, Attorney at Law - Austin, TX</p>   |
| 2:15 pm<br>0.75 hr ethics | <p><b>Stowers Panel: Complex Claims and the Policy Limits Demand</b></p> <p>Panelists:<br/>William J. Chriss, Gravely &amp; Pearson, L.L.P. - Austin, TX<br/>Panelists:<br/>R. Brent Cooper, Cooper &amp; Scully, P.C. - Dallas, TX<br/>Panelists:<br/>Michael W. Huddleston, Shannon, Gracey, Ratliff &amp; Miller LLP - Dallas, TX</p>  |
| 3:00 pm                   | <b>Adjourn</b>  |