

21st Annual Insurance Law Institute
November 10-11, 2016 • Hotel Derek • Houston, TX

Thursday Morning, Nov. 10, 2016

Presiding Officer:

Stephen A. Melendi, Tollefson Bradley Mitchell & Melendi, LLP - Dallas, TX

7:30 am	Registration Opens Includes continental breakfast.
8:20 am	Welcoming Remarks
8:30 am 0.50 hr	The 'Unauthorized Insurance' Provisions of the Texas Insurance Code: The Good, The Bad, and the Really Ugly or The Consequences of Not Quite Getting It Right Explore the scope and breadth of the unauthorized insurance provisions of the Texas Insurance Code and the consequences of being declared subject to those provisions. <i>This session has moved to 3:45 PM Friday</i> Bogdan Rentea, Rentea & Associates - Austin, TX
9:00 am 0.75 hr	When One is Many: Occurrences, Insurance Towers, and Exhaustion The lack of clarity (actual or perceived) in commercial liability policies leads to many arguments as to the number of occurrences involved in a claim, particularly those that may span multiple policy years. Explore how malleability of the concept renders it fertile ground for insureds, primary insurers, and umbrella insurers in settling or litigating these claims. R. Brent Cooper, Cooper & Scully, P.C. - Dallas, TX Patrick J. Wielinski, Cokinos, Bosien & Young, P.C. - Irving, TX
9:45 am 0.50 hr	Social Media and Homeowners Insurance: Are Your Facebook Posts Covered? Litigation stemming from social media activities has exploded in recent years. While the defendants in these cases often look to their homeowners insurance for protection, the typical policy gives insurers multiple ways out. Clayton N. Matheson, Akin Gump Strauss Hauer & Feld LLP - San Antonio, TX
10:15 am	Break

10:30 am 1.00 hr	<p>Insights from Risk Managers: What They Want and Need from Their Lawyers</p> <p>A panel of Risk Managers and other insurance professionals discuss things you should know to effectively serve your Risk Manager clients. Learn about providing timely guidance on improving policy terms, providing timely notice, analyzing and responding to reservation of rights or denial letters, and developing effective litigation and negotiation strategies against insurers.</p> <p>Moderator: Stephen L. Moll, Reed Smith LLP - Houston, TX</p> <p>Panelists: Ginny S. Penzell, EOG Resources, Inc. - Houston, TX Robert J. Ryan, Stallion Oilfield Services - Houston, TX Joe Williams, Pozmantier Williams Insurance Consultants - Houston, TX</p>
11:30 am 0.50 hr	<p>The Independent Injury Rule: A View from Both Sides of the Aisle</p> <p>Examine the independent injury rule and the debate regarding its existence.</p> <p>Jason Christopher McLaurin, Strong Pipkin Bissell & Ledyard - Houston, TX</p>
12:00 pm	<p>Presentation of the Legends of Texas Insurance Law Award</p> <p>MARK L. KINCAID (1959-2016)</p> <p>The Insurance Law Section of the State Bar of Texas is honored to award Mark L. Kincaid the Legend of Texas Insurance Law award for his distinguished legal career and tireless service to others.</p>
12:15 pm	<p>Pick Up Lunch</p> <p>Included in registration.</p>

Thursday Afternoon, Nov. 10, 2016

Presiding Officer:

Rebecca DiMasi, Buchanan DiMasi Dancy & Grabouski LLP - Austin, TX

LUNCHEON PRESENTATION

12:35 pm 1.00 hr 0.25 hr ethics	<p>Insurance Through the Lens of Pop Culture</p> <p>An entertaining look at key concepts of insurance law through the lens of TV and Film.</p> <p>Beth D. Bradley, Tollefson Bradley Mitchell & Melendi, LLP - Dallas, TX Vincent E. Morgan, Pillsbury Winthrop Shaw Pittman LLP - Houston, TX</p>
1:35 pm	<p>Break</p>

1:50 pm 0.75 hr	<p>Hail and Windstorm First Party Property Claims</p> <p>Explore current trends in weather-related first party property claims and litigation from insurer and policyholder perspectives. Examine developments in the law on concurrent causation, appraisal, prompt notice, and other coverage topics.</p> <p>Daniel Buechler, Thompson Coe - Dallas, TX Robert D. Green, Green Trial Law - Houston, TX</p>
2:35 pm 0.75 hr	<p>Appraisals: If, When, and How</p> <p>Learn whether appraisal is appropriate, when it is appropriate, and how it should be conducted as presented from the carrier and policyholder's perspectives.</p> <p>Laura Grabouski, Buchanan DiMasi Dancy & Grabouski LLP - Austin, TX Shannon E. Loyd, The Loyd Law Firm, PLLC - San Antonio, TX</p>
3:20 pm	<p>Break</p>
3:30 pm 1.00 hr 0.25 hr ethics	<p>Decades of Unexpected, Accidental, and Wild Changes in Insurance Law Practice</p> <p>J. Mark Lawless, McGuireWoods LLP - Austin, TX Brian S. Martin, Thompson Coe - Houston, TX Michael Sean Quinn, Attorney at Law - Austin, TX</p>
4:30 pm 0.50 hr	<p>What I Had to Learn (and What I Wish I'd Been Taught)</p> <p>Hear a panel discussion among insurance litigation associates regarding their early years of practice.</p> <p>Moderator: Cyrus W. Haralson, Thompson Coe - Houston, TX Panelists: Donnie M. Apodaca II, Tollefson Bradley Mitchell & Melendi, LLP - Dallas, TX Michael M. Gavito, Gravely & Pearson - San Antonio, TX</p>
5:00 pm	<p>Adjourn</p>
	<p>Networking Reception (5:00 p.m. - 6:00 p.m.)</p> <p>Join us for drinks and hors d'oeuvres with program faculty and attendees.</p> <p>Thank You to Our Exclusive Sponsor Nelson Forensics, LLC</p>

Friday Morning, Nov. 11, 2016

Presiding Officer:

Stephen A. Melendi, Tollefson Bradley Mitchell & Melendi, LLP - Dallas, TX

7:30 am	<p>Conference Room Opens</p> <p>Includes continental breakfast.</p>
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8:30 am 0.50 hr 0.25 hr ethics	<p>Attorney Fees in Insurance Litigation: What Works and What Doesn't</p> <p>One of the common threads in almost all coverage lawsuits is the potential for the policyholder, and sometimes the insurer, to recover their attorneys fees. Explore the legal, equitable, and evidentiary issues for recovering attorneys fees in insurance litigation.</p> <p>Robert D. Allen, Law Offices of Robert D. Allen, PLLC - Dallas, TX</p>
9:00 am 0.75 hr 0.25 hr ethics	<p>Tips for Trying an Insurance Case</p> <p>Two of the state's leading policyholder and carrier trial lawyers provide strategic insights on successful trial techniques and litigation strategies they have seen work in winning insurance bad faith cases.</p> <p>John Scott Black, Daly & Black, P.C. - Houston, TX Christopher W. Martin, Martin, Disiere, Jefferson & Wisdom, L.L.P. - Houston, TX</p>
9:45 am 0.50 hr 0.25 hr ethics	<p>Update on Removal, Diversity Jurisdiction, and Improper Joinder</p> <p>Examine recent case law developments relating to the removal of state court lawsuits to federal court based on diversity jurisdiction and improper joinder of parties. Discuss the approaches taken by different courts and jurisdictions with respect to whether the plaintiff can establish a cause of action against the non-diverse party in state court.</p> <p>Andrew R. Kunau, The Travelers Companies - San Antonio, TX</p>
10:15 am	Break
10:30 am 0.75 hr 0.50 hr ethics	<p>Insured's Right to Independent Counsel: Navigating Texas Case Law Since the <i>Davalos</i> Decision</p> <p>Review the development of the right to independent counsel in Texas since the seminal 2004 Texas Supreme Court decision in <i>Northern County Mutual Ins. Co. v. Davalos</i>, and take an in-depth look at the issues that remain unresolved.</p> <p>J. James Cooper, Reed Smith LLP - Houston, TX Candace A. Ourso, Hall Maines Lugin, P.C. - Houston, TX</p>
11:15 am 1.00 hr	<p>The View from the Appellate Bench</p> <p>State and federal appellate judges answer questions of real importance to lawyers and clients engaged in coverage litigation.</p> <p>Moderator: Robert M. (Randy) Roach Jr., Roach & Newton, L.L.P. - Houston, TX Panelists: Hon. J. Brett Busby, Fourteenth Court of Appeals - Houston, TX Hon. Tracy Christopher, Fourteenth Court of Appeals - Houston, TX Hon. Gregg Costa, U.S. Court of Appeals, Fifth Circuit - Houston, TX</p>
12:15 pm	<p>Pick Up Lunch</p> <p>Included in registration.</p>

Friday Afternoon, Nov. 11, 2016

Presiding Officer:

Rebecca DiMasi, Buchanan DiMasi Dancy & Grabowski LLP - Austin, TX

LUNCHEON PRESENTATION

12:35 pm 0.75 hr 0.25 hr ethics	Total Recall: The Ins and Outs of Coverage for Product Recalls and Chipotle-Like Incidents Explore potential losses and liability arising out of product recalls and similar incidents, such as the highly publicized outbreaks and closures at Chipotle restaurants. Discover potential coverages available for such incidents, including product recall insurance, D&O, CGL, E&O, and others. Jes Alexander, International Risk Management Institute, Inc. (IRMI) - Dallas, TX Tamara D. Bruno, Pillsbury Winthrop Shaw Pittman LLP - Houston, TX
1:20 pm	Break
1:35 pm 0.50 hr	Anatomy of an Insurance Claim in Bankruptcy Uncover what the insurance practitioner needs to know when an insured person asserting a first party claim or an insured person with third party coverage goes into bankruptcy. R. Glen Ayers Jr., Langley & Banack, Inc. - San Antonio, TX
2:05 pm 0.50 hr	Insurance Coverage for Construction Claims Update Listen to recent developments regarding insurance coverage for construction claims, including the potential impact of the <i>U.S. Metals</i> decision. Douglas P. Skelley, Shidlofsky Law Firm PLLC - Austin, TX
2:35 pm 0.50 hr ethics	In the Trenches: Litigation from the Insured's Perspective Get practical advice and tips for handling coverage litigation from the insured's perspective. Norton A. Colvin Jr., Colvin, Chaney, Saenz & Rodriguez, L.L.P. - Brownsville, TX
3:05 pm	Break
3:15 pm 0.50 hr	Managing Key Insurance Issues in Corporate and Finance Transactions Review the key insurance issues that must be considered in a variety of corporate and finance transactions: best practices in drafting insurance requirements for third-parties in service agreements; tail coverage and insurance due diligence in mergers, acquisitions, and other transactions; and ensuring adequate insurance protection for secured collateral. David Gresko, Noble Energy - Houston, TX Micah E. Skidmore, Haynes and Boone, LLP - Dallas, TX
3:45 pm 0.50 hr	My Big Fat Greek Insurance Policy Hear Dr. Chriss's now legendary presentation of the meaning of, and etymology behind, numerous terms of art commonly found in insurance policies. This session has moved to 8:30 AM Thursday William J. Chriss, Law Office of William J. Chriss, P.C. - Corpus Christi, TX
4:15 pm	Adjourn