

PROPERTY INSURANCE LAW COMMITTEE
ANNUAL SPRING CLE MEETING
**BUSINESS INTERRUPTION
ISSUES IN CATASTROPHIC
CLAIMS**

APRIL 26-28, 2012
ESTANCIA LA JOLLA HOTEL & SPA
LA JOLLA, CA

REGISTRATION DEADLINE:

APRIL 5, 2012

HOTEL DEADLINE:

APRIL 5, 2012

REGISTER ONLINE AT

www.americanbar.org/tips

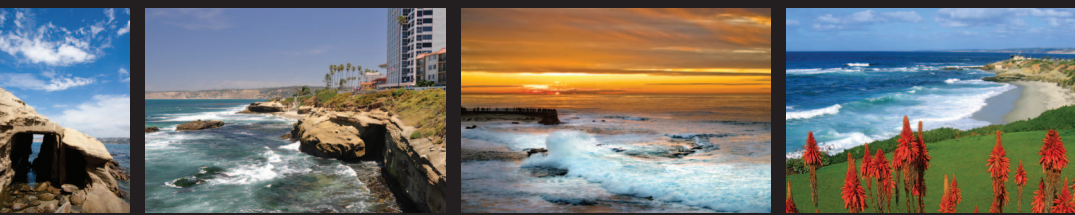


AMERICAN BAR ASSOCIATION
Tort Trial & Insurance Practice Section
321 North Clark Street
Chicago, Illinois 60654

A M E R I C A N B A R A S S O C I A T I O N

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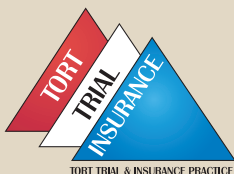
SPONSORED BY
TORT TRIAL & INSURANCE PRACTICE SECTION
PROPERTY INSURANCE LAW COMMITTEE



APRIL 26-28, 2012
ESTANCIA LA JOLLA
HOTEL & SPA
LA JOLLA, CA

UNITING
PLAINTIFF, DEFENSE,
INSURANCE, AND
CORPORATE COUNSEL
TO ADVANCE
THE CIVIL
JUSTICE SYSTEM

ABA
Defending Liberty
Pursuing Justice



WELCOME

DEAR COLLEAGUES:

We are excited to invite you to the 2012 Spring Meeting for the ABA Tort Trial & Insurance Practice Section's Property Insurance Law Committee. The topic of this year's program is "Business Interruption Issues in Catastrophic Claims." Business interruption claims have become increasingly complex, owing in part to the many catastrophic losses that have occurred over the past several years. Catastrophes on the other side of the world can cause business interruption losses in the United States, and there are now a number of relatively new insurance products to address those losses.

Our distinguished group of speakers will lead an in-depth discussion about business interruption terminology, the various types of business interruption coverage, how coverage is triggered, how business interruption losses are measured and more. Our speakers will provide insight from the varying perspectives of the policyholder, insurer, accountant, broker and industry, ensuring that you get a comprehensive dialogue on these topics.

The 2012 Spring Meeting will be held at the lovely Estancia La Jolla Hotel and Spa in La Jolla, California. This coveted vacation destination is minutes from world class attractions, beaches, and shopping, not to mention Torrey Pines Golf Course, home to the 2008 U.S. Open. A phenomenal discounted rate of \$209 per night is available to meeting attendees.

Additionally, as was the case at last year's Spring CLE program, we have selected an organization that could benefit from the generosity of those attending the Spring CLE program. This year, we have selected the San Diego chapter of Habitat for Humanity (SDHFH) as the beneficiary of our public service efforts during the Spring CLE program. SDHFH is the local affiliate of Habitat for Humanity International and serves the County of San Diego. It is governed locally, raises funds locally, and builds locally. SDHFH builds simple, decent, affordable homes for ownership by low-income families. A display table will be available onsite for monetary donations to SDHFH.

Please feel free to contact any of us for more information about the program. We look forward to seeing you there.

Renee Callantine
Property Insurance Law
Committee Chair
Chapman Popik & White LLP
San Francisco, CA
rcallantine@chapop.com

Christina Phillips
Program Co-Chair
Childress Duffy et al
Chicago, IL
cphillips@childresslawyers.com

Heidi Raschke
Program Co-Chair
Butler Pappas Wehmuller
Katz & Craig LLP
Tampa, FL
hraschke@butlerpappas.com

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REGISTRATION FORM

ABA TORT TRIAL & INSURANCE PRACTICE SECTION (TIPS) BUSINESS INTERRUPTION ISSUES IN CATASTROPHIC CLAIMS PROPERTY INSURANCE LAW COMMITTEE ANNUAL SPRING CLE MEETING

APRIL 26-28, 2012 · ESTANCIA LA JOLLA HOTEL & SPA · LA JOLLA, CA

1. 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		

Spouse or Guest (Print as you wish name to appear on name badge)

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 <u>4/05/12</u>	After <u>4/05/12</u>	QTY	TOTAL
Registration Fee per TIPS Member	\$525	\$550	_____	_____
General Attendee	\$600	\$625	_____	_____
Insurance Company/ Government Employee	\$400	\$425	_____	_____
Law Student	\$200	\$200	_____	_____

2. SOCIAL EVENTS

			QTY	TOTAL
Thursday Opening Reception	Included	Included	_____	_____
Friday Casino Night Reception	\$100	\$100	_____	_____
Friday Golf Tournament	\$244	\$244	_____	_____

(Includes green fees and cart rental)

3. MATERIALS

I will not be able to attend the 2012 ABA PILC Spring Meeting, but wish to order a copy of the materials \$125 _____

4. TOTAL PAYMENT

TOTAL _____

5. PAYMENT INFORMATION

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

CREDIT CARD NUMBER _____ EXPIRATION DATE _____

SIGNATURE _____

THREE WAYS TO REGISTER

1. ONLINE: www.americanbar.org/tips

2. MAIL: **Business Interruption Issues in Catastrophic Claims**
American Bar Association
321 North Clark Street
18th Floor
Chicago, IL 60654

3. FAX: 312/988-6230

PROGRAM AGENDA

THURSDAY, APRIL 26, 2012

- 4:00 p.m. – 6:00 p.m. **REGISTRATION**
- 6:00 p.m. – 7:30 p.m. **WELCOME RECEPTION**
ALL ARE WELCOME TO ATTEND

DAY ONE—FRIDAY, APRIL 27, 2012

- 7:00 a.m. – 12:00 p.m. **REGISTRATION & CONTINENTAL BREAKFAST**
- 7:30 a.m. – 7:35 a.m. **WELCOME AND ANNOUNCEMENTS**

Renee Callantine
*Chair, Property Insurance
Law Committee*
Chapman Popik & White LLP
San Francisco, CA

Randy J. Aliment
*Chair, Tort Trial & Insurance
Practice Section (TIPS)*
Williams Kastner
Seattle, WA

Christina Phillips
Program Co-Chair
Childress Duff, Ltd
Chicago, IL

Heidi Raschke
Program Co-Chair
*Butler Pappas Weibmuller Katz
& Craig LLP*
Tampa, FL

- 7:35 a.m. – 8:05 a.m. **OVERVIEW OF BUSINESS INTERRUPTION
COVERAGE**

This session will introduce the program's topic of business interruption issues in catastrophic claims handling by providing an overview and explanation of what business interruption insurance is intended to compensate. The discussion will include a general introduction of concepts such as period of restoration, suspension of operations and due diligence.

Jonathan MacBride
The Chartwell Law Offices LLP
Philadelphia, PA

James Tortorella
Aon Global Risk Consulting
New York, NY

- 8:05 a.m. – 8:35 a.m. **VARIATIONS IN BUSINESS INTERRUPTION
COVERAGE**

When purchasing business interruption insurance coverage what types of products are available and how does the coverage provided by each differ? The speakers will discuss the different types of coverage and products available, including discussion of manuscript forms and language. The discussion will include explanations of Gross Earnings, Profit Form, Extra Expense, Contingent Business Interruption, Blanket Property Policies and Statement of Values Endorsements.

Curtis de Vera
Marsh USA, Inc
Los Angeles, CA

Joffre Mishall
Zurich North America
Schaumburg, IL

- 8:35 a.m. – 9:30 a.m. **COVERAGE TRIGGERS**

In the event of a nuclear release in Japan, under what circumstances would a loss of tourism in Hawaii be covered? Or would such loss be completely excluded as radiation or

pollution? This panel will address these types of hypothetical questions, as they explain how business interruption coverage is triggered and issues that depend on whether the insured experienced a total or partial cessation of business operations.

Andrew Downs
Bullivant Houser Bailey, PC
San Francisco, CA

Richard Gable
Gibbons P.C.
Philadelphia, PA

Lawrence Hobel
Covington & Burling LLP
San Francisco, CA

Johnathan Lerner
Lerner Arnold & Winston, LLP
New York, NY

9:30 a.m. – 9:45 a.m.

BREAK

9:45 a.m. – 10:40 a.m.

EXTENSIONS TO BUSINESS INTERRUPTION COVERAGE

This session will consider different types of extensions available to business interruption coverage and the associated legal issues that may arise. The discussion will address extensions of coverage such as Ingress/Egress, Civil Authority, Service Interruption/Power Outage, Walked Guest Expense, Loss of Attraction, Finished Goods Inventory Selling Price, Expediting Expenses, Ordinary Payroll Coverage, and Claim Preparation Fee Coverage.

Richard Mackowsky
Cozen O'Connor
Philadelphia, PA

Doug Widen
Reed Smith LLP
Philadelphia, PA

James E. Podesva
YORK SLA (Specialized Loss Adjusting)
Saratoga Springs, NY

10:40 a.m. – 11:20 a.m.

CONTINGENT BUSINESS INTERRUPTION

This panel will provide an in-depth explanation of what Contingent Business Interruption Coverage is and how it works. The session will include a discussion of legal issues that arise in the context of contingent business interruption claims, as well as recent developments in this complex and challenging area.

Erika Blomquist
Haynes and Boone, LLP
Dallas, TX

William Webster
Robins, Kaplan, Miller & Ciresi L.L.P.
Los Angeles, CA

11:20 a.m. – 12:00 p.m.

EXCESS POLICY ISSUES

This knowledgeable panel consisting of a policyholder attorney and insurer attorney will discuss what happens when a business interruption claim exceeds the primary coverage policy limits. The panel will specifically discuss the issue of what happens when the primary and excess coverage have conflicting provisions and how a conflict relates to calculation. The presenters will also discuss issues related to multiple insured locations and statements of values.

Stephen Goldman
Robinson & Cole, LLP
Hartford, CT

Joshua Mallin
Weg and Myers, P.C.
New York, NY

1:00 p.m.

GOLF TOURNAMENT

7:30 p.m. – 10:00 p.m. **DINNER (Ticketed Event)**

DAY TWO—SATURDAY, APRIL 28, 2012

7:00 a.m. - 7:30 a.m. **REGISTRATION & CONTINENTAL BREAKFAST**

7:30 a.m. – 8:10 a.m. **PERIOD OF RESTORATION**

Before a business interruption loss can be measured, there must be an understanding of the relevant period of time during which the loss is covered. These experienced speakers will explain how the period of indemnity or restoration is defined, as well as how to determine when the period ends. The discussion will also explain extended period of indemnity coverage and how to calculate it.

Edward Eshoo, Jr.
Childress Duffy, Ltd
Chicago, IL

Christina Fears
*Butler Pappas Weihmuller Katz &
Craig LLP*
Tampa, FL

8:10 a.m. – 9:10 a.m. **MEASUREMENT OF LOSS**

This unique panel will discuss the various issues that often arise in evaluating and determining how to measure a loss in business interruption claims. The panel will discuss issues such as partial versus complete suspension of operations and how to measure a loss when historical financial data is unavailable or is inappropriate to use to measure the loss. Policyholder and insurer attorneys will also address recent legal developments.

Mark Katz
*Mound Cotton Wollan
& Greengrass*
New York, NY

Philip Pillsbury
Pillsbury & Levinson, LLP
Los Angeles, CA

Shannon Rusnick
Matson Driscoll & Damico
Houston, TX

Eric Sullivan
Dempsey Partners
San Francisco, CA

9:10 a.m. – 10:10 a.m. **EXCLUSIONS AND LIMITATIONS TO BUSINESS INTERRUPTION COVERAGE**

A panel consisting of policyholder and insurer attorneys will discuss the various exclusions and limitations to business interruption coverage. The panel will discuss the legal issues that arise from such exclusions as those involving law or ordinances, consequential losses and code upgrades. The panel will also review recent legal developments concerning exclusions and limitations to business interruption coverage.

Jason Mazer
Ver Ploeg & Lumpkin, P.A.
Miami, FL

Tony Parsons
*Colliau Elenius, in-house Continental
Casualty Company*
Dallas, TX

Peter Rosen
Latham & Watkins, LLP
Los Angeles, CA

Stacy Stracener
Carroll, Warren & Parker, PLLC
Jackson, MS

10:10 a.m. – 10:25 a.m. **BREAK**

10:25 a.m. - 11:05 a.m. **ADJUSTING AND APPRAISAL OF THE BUSINESS INTERRUPTION CLAIM**

This varied panel will discuss the adjustment and appraisal of business interruption claims. The panelists will share their perspectives on tricks of the trade to successfully adjust and appraise business interruption claims, as well as practices to avoid.

David R. Elmore Jr.
MDD Forensic Accountants
Reston, VA

Leo John Jordan
Shannon, Gracey, Ratliff & Miller, L.L.P
Dallas, TX

William Kramer
William Kramer & Assoc
Avon, CT

John E. Shaw
Marsh Risk & Insurance Services
Los Angeles, CA

11:05 a.m. - 11:35 a.m. **BAD FAITH CONCERNS UNIQUE TO BUSINESS INTERRUPTION CLAIMS**

Business interruption claims present unique claim handling issues that can expose an insurer to liability for bad faith. This panel will discuss claim handling issues that may give rise to allegations of bad faith and ways to address and avoid such allegations.

Celeste Hill
Clausen Miller, P.C.
Chicago, IL

Charles Miller
Insurance Law Center
Berkeley, CA

Joyce Wang
Carlson, Calladine & Peterson LLP
San Francisco, CA

11:35 a.m. – 12:35 p.m. **ATTORNEY-CLIENT PRIVILEGES IN INSURANCE CLAIMS HANDLING**

This panel offering the perspectives of the attorney, judiciary and academia will explore issues that relate to attorney-client privileges in insurance claims handling.

Judge John Houston
*U.S. District Court for the
Southern District of California*
San Diego, CA

Prof. David McGowan
University of San Diego School of Law
San Diego, CA

Craig Simon
Berger Kahn
Irvine, CA

ADJOURN

12:35 p.m. - 2:00 p.m. **PROPERTY INSURANCE LAW COMMITTEE BUSINESS MEETING**
ALL ARE WELCOME TO ATTEND

GENERAL INFORMATION

REGISTRATION DEADLINE: APRIL 5, 2012

HOTEL DEADLINE: APRIL 5, 2012

ADVANCE REGISTRATION

Visit the TIPS Property Insurance Law Committee Annual Spring CLE Meeting entitled “**Business Interruption Issues in Catastrophic Claims**” 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 April 5, 2012. 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 **April 5, 2012**. In order to receive a refund (less a \$100 administrative fee), the ABA must receive written cancellation by **April 5, 2012**. 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 877/437-8262 OR 858/550-1000

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 Estancia La Jolla Hotel & Spa, 9700 N. Torrey Pines Rd, La Jolla, CA 92037 for a hotel room rate of \$209.00 single/double plus 7.75% tax. For reservations, please call the hotel directly at 877/437-8262 OR 858/550-1000. The room block will be held until exhausted or until **Thursday, April 5, 2012 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 4:00 p.m. and checkout is 12:00 p.m. 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 48 hours prior to the scheduled day of arrival to avoid a one-night cancellation charge.

AIRLINE INFORMATION

Discounted airfares are available from ABA Orbitz For Business including ABA negotiated discounts on American and United Airlines. To book online, go to www.abanet.org/travel > click under the Orbitz For Business logo at the top of the page > click on the appropriate link in the Self Paid Travel box. For assistance with online or offline reservations, call toll free 1-877-222-4185. Discounts can also be obtained directly from the carrier.

Following are the ABA discount codes for American and United Airlines under which your reservations need to be purchased in order to receive either the ABA percentage discount or zone fare.

AIRLINE DISCOUNT CODES FOR 2012

American Airlines - A7112TT (800) 433-1790

United Airlines - 578IG (800) 521-4041

Virgin Airlines - VXABA www.virginamerica.com

CLE INFORMATION

ABA programs ordinarily receive CLE credit in AK, AL, AR, AZ, CA, CO, DE, FL, GA, GU, HI, IA, ID, IL, IN, KS, KY, LA, ME, MN, MS, MO, MT, NH, NM, NV, NY, NC, ND, OH, OK, OR, PA, RI, SC, TN, TX, UT, VT, VA, VI, WA, WI, WV, and WY. These states sometimes do not approve a program for credit before the program occurs. This course is expected to qualify for 9.67 CLE credit hours (including 1.0 ethics hours) in 60-minute-hour states, and 11.6 credit hours (including 1.2 ethics hours) in 50-minute-hour states. This transitional program is approved for both newly admitted and experienced attorneys in NY. For more information about CLE accreditation in your state, visit www.americanbar.org/tips or contact Ninah Moore at 312/988-5498 two weeks prior to the conference for confirmation of the number of CLE credit hours requested by the ABA or credits approved by any particular state.

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.abanet.org/tips/scholarship.html or contact Linda Wiley at 312-988-5673.