

# Insurance Coverage **LITIGATION**



**MARCH 6 – 8, 2003**

The Westin La Paloma  
Tucson, Arizona

**15TH ANNIVERSARY CELEBRATION**

## **CLE SEMINAR**



SECTION OF LITIGATION  
American Bar Association

arizona



Celebrating 15 Years of the Section of Litigation Insurance  
Coverage Litigation Committee

The ABA Section of Litigation Insurance Coverage Litigation Committee is proud to present our Fifteenth Annual Mid-Year meeting (now to be called CLE Seminar) in Tucson, Arizona. Once again, more than 200 of the leading practitioners of insurance coverage litigation will gather from across the United States and United Kingdom to share their expertise and experience from policyholder and insurer, outside and in-house counsel perspectives. This year, we will look back at the developments that have shaped coverage litigation over the past fifteen years and discuss the current (and future) issues in insurance coverage. In addition to retrospective panels and discussions, our programs will focus on the latest developments in cutting-edge areas of insurance coverage law such as the impact of Sarbanes-Oxley, landmark decisions in bad faith, and the litigation arising out of claims from the 9/11 attacks, just to name a few. We are also especially excited this year to welcome four distinguished judges including Hon. Randy J. Holland, Hon. R. Brooke Jackson, Hon. Bonnie Wheaton, and Hon. Rya Zobel.

The Insurance Coverage Litigation Committee is one of the ABA's largest and for fifteen years this CLE seminar has been the premier conference of its kind. This year, as always, we will offer, along with our substantive programs, unique opportunities for coverage litigators and risk management and claims personnel to network and socialize at the spectacular Westin La Paloma Resort. In addition to the breathtaking scenery, this setting features championship golf, gourmet dining and exciting options for poolside fun, horseback riding, Biosphere 2 and the popular tour of Sabino Canyon. On Friday night there will be a special dinner honoring the contributions of participants and past chairs of the Committee

We hope you will join us in celebrating the first fifteen years of the Insurance Coverage Litigation Committee. Whether you are a veteran of the seminar or a first-time attendee, we are confident that the combination of education and entertainment will make this conference worthwhile for you. *See you in Tucson!*

# DEAR Colleagues

## SEMINAR CO-CHAIRS



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Washington, DC

# 2003 CLE SEMINAR

## Program Information

### THURSDAY, MARCH 6, 2003

**1:00 – 6:00PM** Registration

**2:15 – 4:15PM**

Breakout Section A – **Insurance Coverage 101**

**SUMMARY:** A traditional course at the Tucson Meeting, this program will offer a comprehensive overview of the fundamentals of insurance coverage law. Whether you are a neophyte coverage practitioner, or a seasoned practitioner, this course always proves to be informative and interesting.

**SPEAKERS:** Traci M. Braun, Jenner & Block, LLC, Chicago, IL; Michele Gallagher, Anderson Kill & Olick, LLP, Washington, DC; Robert Lawrence, Shaw Pittman LLP, McLean, VA; Marc Pearlman, Kerns, Pitrof, Frost & Pearlman, Chicago, IL

Breakout Section B – **Lloyd's of London & European Update**

**SUMMARY:** This unique and diverse panel is comprised of US and UK insurance counsel, an English consultant on international insurance and reinsurance and practiced as a Lloyd's-approved broker, and a US specialist on negotiating and executing settlements with Equitas. Together, the panel will explain the fundamentals of the London insurance markets, discuss recent developments relevant to the American coverage lawyer and provide insights into negotiating settlements with Equitas.

**MODERATOR:** Charlotte L. Wager, Jenner & Block, LLC, Chicago, IL

**SPEAKERS:** David M. Greenwald, Jenner & Block, LLC, Chicago, IL; Michael C. Howard, M.C. Howard & Co. Ltd., London, England; Michael G. Swainston, QC, Brick Court Chambers, London, England; Michelle L. Uddin, Principal, LECG, Chicago, IL

**4:30 – 5:30PM**

**Subcommittee Business Meetings**

**SUMMARY:** An opportunity for subcommittee members to meet and coordinate their activities for the upcoming year. In addition, a substantive presentation will take place:

**Emerging Issues Subcommittee**

A lively discussion about the new theories being tested in asbestos direct action suits in West Virginia

and elsewhere, including conspiracy allegations against insurers, will be led by Robert Cusumano of Simpson Thacher & Bartlett, New York, NY and David Elkind of Dickstein Shapiro Morin & Oshinsky LLP, Washington, DC.

**5:30 – 6:00PM**

Newcomers' Welcome Reception

**6:00 – 8:00PM** Welcome Reception

*Sponsored by PricewaterhouseCoopers*

### FRIDAY, MARCH 7, 2003

**7:00AM – NOON** Registration

**7:00 – 8:00AM**

Continental Networking Breakfast

*Sponsored by Luce, Forward, Hamilton & Scripps, LLP and McCarter & English, LLP*

**7:45 – 8:00AM**

Welcome Remarks & Announcements

**8:00 – 9:15AM** Plenary Session I

**Directors' and Officers' Liability Insurance Coverage for the New Frontier: From Enron to Sarbanes and Beyond**

**SUMMARY:** This session will analyze the insurance coverage issues arising out of the Sarbanes-Oxley Act and the recent mega-securities cases against corporations and their executives. The panel will identify trends in litigation, types of insurance policies that might apply, and critical coverage issues.

**SPEAKERS:** Dan A. Bailey, Arter & Hadden LLP, Columbus, OH; Carolyn H. Rosenberg, Sachnoff & Weaver, Ltd., Chicago, IL; Daniel J. Standish, Wiley Rein & Fielding LLP, Washington, DC; Carol Zacharias, CNA Global Specialty Lines Insurance, New York, NY

**9:30 – 10:40AM** Plenary Session II

**Bad Faith Litigation after Campbell v. State Farm Mutual Auto Insurance**

**SUMMARY:** Just how will the award of \$145 million in punitive damages against State Farm in a bad-faith case impact this type litigation across the country? A panel of insurer bad-faith experts debate the decision, its reasoning and its implications.

**SPEAKERS:** Sherilyn Pastor, McCarter & English, LLP, Newark, NJ; Professor Steven D. Prater, Santa Clara University School of Law, Santa Clara, CA; William E. Sheehan, Shea & Gardner Washington, DC

**10:45 – 11:30AM**

Breakout Section A – **Products/Non-Products Coverage**

**SUMMARY:** In decisions such as Wallace & Gale and Frontier courts have begun to decide "non-products" coverage issues. Most decisions involve asbestos claims, but these decisions could have broad implications in terms of how mixed cases – ones involving claims beyond strict products liability – get treated by courts. Prof. Green will moderate a debate over the application of these decisions and other non-product theories to other mass torts.

**MODERATOR:** Professor Eric D. Green, Dispute Resolutions, Inc., Boston University School of Law, Boston, MA

**SPEAKERS:** Anna Engh, Covington & Burling, Washington, DC; Sarah M. Shields, Carroll, Burdick & McDonough LLP, San Francisco, CA

Breakout Section B – **Construction Defects Coverage**

**SUMMARY:** This panel will address the most significant issues in litigation construction defect claims, as well as identify new trends and emerging theories.

**SPEAKERS:** Joanne Thomas Blackburn, Garvey Schubert Barer, Seattle, WA; Diane L. Polscer, Gordon & Polscer, LLP, Portland, OR; Bernard J. Turi, Utica Mutual Insurance Co., Utica, NY

Breakout Section C – **Highlights of Current Environmental Coverage Issues**

**SUMMARY:** This panel will review the top developments in environmental coverage law over the past year. The panelists will provide an update on the state of the law as well as trends and key issues that have appeared in environmental coverage cases.

**SPEAKERS:** Bernard P. Bell, Swidler Berlin Shereff Friedman, LLP, Washington, DC; Hallie Miller Fahey, Ross, Dixon & Bell, LLP, Washington, DC; William H. Howard, Cozen O'Connor, A Professional Corporation, Philadelphia, PA

**11:40AM – 12:30PM**

Breakout Section A – **Insuring Biotech Risks**

**SUMMARY:** Participants in the biotech panel will discuss the liabilities and risks currently facing the biotech industry, and the various coverage issues that have arisen and will arise due to these risks, along with the insurance industry's reaction to the emergence and growing importance of the biotech industry.

**SPEAKERS:** Lon A. Berk, Shaw Pittman LLP, McLean, VA; Marialuisa S. Gallozzi, Covington & Burling, Washington, DC; Christopher W. Poverman, St. Paul Insurance Cos., Baltimore, MD

#### Breakout Section B – Coverage for Product Recalls

**SUMMARY:** Last year, the Consumer Product Safety Commission and the National Highway Traffic Safety Administration combined to issue recalls of more than 400 products. Through a case study presentation, participants will sharpen both their knowledge of the law and their crisis management and litigation skills.

**SPEAKERS:** Katherine Cahill, Associate Professor of Law, Director, Product Recall Practice, PricewaterhouseCoopers; Wondie Russell, Heller Ehrman White & McAulliffe, LLP, San Francisco, CA

#### Breakout Section C – Legal Malpractice: Coverage and Claims Issues

**SUMMARY:** Lawyers now more than ever face the possibility of being sued for malpractice. This program will address the latest coverage and claim issues encountered in a legal malpractice case, as well as effective risk management techniques.

**MODERATORS:** Linda E. Klamm, Hanson, Bridgett, Marcus, Vlahos & Rudy, LLP, San Francisco, CA; Karen Painter Randall, Connell Foley LLP, Roseland, NJ

**SPEAKERS:** Alexander J. Berline, Hanson, Bridgett, Marcus, Vlahos & Rudy, LLP, San Francisco, CA; Donna Carolla, Zurich North America, Parsippany, NJ; George T. Rawding, Jr., Bertholon Rowland Corp., New York, NY

#### Breakout Section D – Reinsurance Issues in the London Market

**SUMMARY:** The program will also address the London reinsurance market, including an analysis of the Reinsurance Documentation Requirements applicable to some asbestos bodily injury claims and the effects of September 11.

**SPEAKERS:** Andrew S. Amer, Simpson Thacher & Bartlett, New York, NY; David A. Attisani, Choate, Hall & Stewart, Boston, MA; Mary Ann D'Amato, Mendes & Mount, New York, NY

#### 12:30 – 2:00PM Roundtable Luncheon

Sponsored by: Sachnoff & Weaver, Ltd.  
Shaw Pittman LLP  
Wiley Rein & Fielding, LLP

**SUMMARY:** This year's topics will include asbestos claims, World Trade Center property claims, litigation coverage issues in bankruptcy court, and coverage claims for food contamination/genetically modified food. To sign up for a specific topic, stop by the registration desk.

#### 2:00 – 6:00PM (Optional Activities)

Activities are open to all attendees and their families and include the annual golf tournament, horseback riding, Biosphere 2 and a tour through Sabino Canyon. For activity descriptions and fees, please see the Special Events Section.

#### 7:00 – 7:45PM

15th Anniversary Celebration Reception at the Westin La Paloma Country Club

Sponsored by Jenner & Block, LLC

#### 7:45 – 10:00PM

15th Anniversary Celebration Dinner

Sponsored in part by Merrill Corporation

See the Special Events Section for more information.

## SATURDAY, MARCH 8, 2003

#### 7:00AM – NOON Registration

#### 7:00 – 8:00AM

Continental Networking Breakfast

Sponsored by Meckler Bulger & Tilson and Varnum, Riddering, Schmidt & Howlett, LLP

#### 7:00 – 7:45AM Committee Business Meeting

#### 7:45 – 8:00AM

Introductory Remarks & Welcome

#### 8:00 – 9:30AM

Plenary Session III: A 15-Year Retrospective on Insurance Coverage Litigation

Sponsored by PricewaterhouseCoopers

**SUMMARY:** This all-star group of panelists will discuss how litigation of insurance coverage claims has evolved over the past 15 years and will debate the direction it will take in the future.

**MODERATORS:** Robert N. Sayler, Covington & Burling, Washington, DC; Margaret H. Warner, McDermott, Will & Emery, Washington, DC

**SPEAKERS:** Hon. Randy J. Holland, Delaware Supreme Court, Dover, DE; Hon. R. Brooke Jackson, Jefferson City District Court, Golden, CO; Prof. George Priest, John M. Olin Professor of Law and Economics, Yale Law School, New Haven, CT; Hon. Bonnie Wheaton, 18th Judicial Circuit Court of Illinois, Wheaton, IL; Hon. Rya Zobel, United States District Court of Massachusetts, Boston, MA

#### 9:45 – 11:00AM

Plenary Session IV: Lessons Learned from 9/11

**SUMMARY:** Eighteen months after the world's largest insurance loss, insurers with the greatest exposures continue to increase their reserves while insureds press for claim payments. Principals involved in the most significant business interruption policy issues will

discuss their prospective on the issues with the largest dollar impact on current claims and future coverage.

**SPEAKERS:** J. Christopher Dineen, PricewaterhouseCoopers, Chicago, IL; Quentin Richardson, Vice President, Risk Management, Wyndham International, Dallas, TX; Gregory V. Serio, Superintendent of Insurance, New York Department of Insurance, New York, New York

#### 11:15AM – 12:15PM

#### Breakout Section A - Mold Coverage Issues

**SUMMARY:** This panel will address the increasing level of claims arising from mold claims, with a focus on property damage and indoor air quality claims. The viability and impact of novel and alternate theories of coverage used for these claims will be discussed.

**SPEAKERS:** Randy Hobbs, Senior Vice-President (Environmental), XL Insurance Co., Ltd., Hamilton, Bermuda; William Hoover, Assistant Vice President, Arthur J. Gallagher & Co., King of Prussia, PA; Clifford J. Shapiro, Sachnoff & Weaver, Ltd., Chicago, IL

#### Breakout Section B – Insured's Recovery of Declaratory Judgment Costs

**SUMMARY:** When are attorney fees recoverable by an insured that prevails in a coverage fight with its insurer? Does it matter whether the insured initiated the suit or was on the "receiving end"? How do the American Rule and its exceptions come into play? Panelists with both plaintiff and defense experience will discuss the subject of attorney fees in an informative and spirited debate.

**SPEAKERS:** Robert M. Baldwin, Baldwin & Brown, PC, Denver, CO; Stephen C. Choquette, Holland & Hart LLP, Denver, CO; John C. Hendricks, Stinson Morrison Hecker LLP, Phoenix, AZ; Daniel W. Patterson, Roberts, Levin & Patterson, PC, Denver, CO

#### Breakout Section C – Effective and Ethical Advocacy in Insurance Coverage ADR

**SUMMARY:** Learn how to use the mediation process for effective settlement advocacy in toxic tort and other insured claims recovery disputes. Panelists will provide varying perspectives and address emerging strategies that take into account the new model ABA rules (including the expanded duty of candor, etc.).

**MODERATOR:** Ann MacNaughton, Sustainable Resolutions, Inc., Houston, TX

**SPEAKERS:** John W. Allen, Varnum, Riddering, Schmidt & Howlett LLP, Kalamazoo, MI; Ken Giambagno, CPA, The CAPS Group, Marsh USA, Inc., New York, NY; D. Christopher Heckman, Exxon Mobil Corporation, Irving, TX

**1:00 – 4:00PM An Afternoon at the Ballpark**  
See the Special Events Section for more information.



# SPECIAL EVENTS

## 2003 CLE Seminar

To register for these events, please complete the ticketed event's portion of the registration form. All off-site tours are subject to cancellation if minimums noted are not met.

### THURSDAY, MARCH 6, 2003

#### **5:30 – 6:00PM Newcomers' Welcome**

If this is your first time attending the Insurance Coverage Litigation CLE Seminar, please join us for a newcomers' welcome reception. Take this opportunity to mingle with key Section of Litigation leaders and learn more about the Insurance Coverage Committee.

Complimentary for first time registrants, guests, and children.

#### **6:00 – 8:00PM Welcome Cocktail Reception**

Sponsored by PricewaterhouseCoopers

Complimentary for registrants, guests, and children.

### FRIDAY, MARCH 7, 2003

#### **7:00 – 8:00AM Continental Networking Breakfast**

Sponsored by Luce, Forward, Hamilton & Scripps, LLP and McCarter & English, LLP

Complimentary for registrants.

#### **12:30 – 2:00PM Roundtable Luncheon**

Sponsored by: Sachnoff & Weaver, Ltd.

Shaw Pittman LLP

Wiley Rein & Fielding, LLP

Join us for our roundtable luncheon format in which a top policyholder and insurance lawyer lead legal discussions at each table. This year's topics will include asbestos claims, World Trade Center property claims, litigation coverage issues in bankruptcy court, and coverage claims for food contamination/genetically modified food.

#### **2:15 – 5:15PM Golf Tournament**

Don't miss the opportunity to experience the annual 9-hole golf tournament and play this spectacular Jack Nicklaus-designed course. Players will start at the foothills of the Santa Catalina Mountains and continue on a course surrounded by Saguaro cacti and desert wildflowers. The \$100 fee includes 9 holes of golf, cart rental and tournament coordination fees. Prizes for the top two foursomes, winners of the longest drive and closest to the pin contests will be awarded at the Saturday morning session. Foursomes will be announced on-site.

Please note any particular pairing requests on the registration form.

#### **2:00 – 6:15PM Biosphere 2**

Located in the foothills of the Santa Catalina Mountains 30 minutes north of Tucson, Biosphere 2 is the largest man-made, self-sustaining ecosystem ever built. Included within this three-acre, domed complex of steel and glass are seven distinct biomes: desert, marsh, savannah, ocean, rainforest, intensive agriculture and human habitat. Group visitors to Biosphere 2 will partake in a two hour tour around the perimeter of the facility including the Orientation Theatre, Analog Biome Exhibit, "Meet the Biospherians" Interactive Exhibit, Biosphere 2 Test Module, Lab Exhibit and Ocean Biome Viewing Gallery, as well as, a 45-minute outside walking tour of Biosphere 2 itself.

#### **2:00 – 5:15PM Horseback Trail Ride**

You're in cowboy country! Do as the cowboys do – ride through desert foothills, cross washes, and get a whole new view of the Sonoran Desert. Wranglers will lead you along trails pointing out the wildlife and desert landscape. So don your jeans and take a trail ride, Arizona style. *Note: There is a 230 pound weight limit for this event and children under 7 are not permitted.*

#### **2:00 – 5:45PM Sabino Canyon – A Desert Oasis**

Twelve thousand years ago, a Columbian mammoth roamed here. About 1,200 A.D., irrigation dams were placed in the creek by Hohokam Indians. In the 1870's, pony soldiers from Fort Lowell enjoyed horseback excursions to the "ol' swimmin' hole" still in use today. In the 1930's, civilian

## SPECIAL EVENTS INFORMATION CONTINUED...

conservation groups built bridges and cut hiking trails 3.8 miles into the Santa Catalina Mountains. Enjoy an outdoor tram ride that gets you up close to the wildlife and fauna that flourish in this preserve. En route from Sabino Canyon, we will visit DeGrazia's Gallery in the Sun, designed by the artist himself!

### 7:00 – 7:45PM

#### Insurance Coverage Litigation Committee's 15th Anniversary Celebration Reception

Sponsored by Jenner & Block, LLC

### 7:45 – 10:00PM

#### Insurance Coverage Litigation Committee's 15th Anniversary Celebration Dinner

Sponsored in part by Merrill Corporation

Begin the evening by meeting old friends and making new ones at our networking reception to celebrate the Committee's 15 years of work furthering the practice of insurance coverage litigation. Continue the festivities by joining us for an evening of casual elegance as the Insurance Coverage Litigation Committee celebrates its 15-year anniversary.

Past chairs of the committee and other notables will be in attendance and will be recognized for their achievements. Please participate in celebrating the Committee's 15-year anniversary!

## SATURDAY, MARCH 8, 2003

### 7:00 – 8:00AM

#### Continental Networking Breakfast

Sponsored by Meckler Bulger & Tilson and Varnum, Riddering, Schmidt & Howlett, LLP

Complimentary for registrants.

### 1:00 – 4:00PM

#### Day at Spring Training

Join fellow attendees for a day at Tucson Electric Park. Watch the Arizona Diamondbacks take on the San Diego Padres. Space is limited. Tickets are \$12. Transportation to/from the game will not be provided. Taxis can be arranged through the hotel concierge.

## GENERAL INFORMATION

### REGISTRATION FEE & HOURS

The registration fee allows registrants to attend all CLE programs. In addition, the fee includes program materials, continental breakfasts, coffee breaks, and admission to the receptions held on Thursday and Friday evenings.

The deadline for advance registration is **Monday, February 3, 2003**. After this date, registration fees will increase by \$100.

*On-Site Registration will take place during the following hours:*

#### THURSDAY, MARCH 6, 2003

1:00 – 6:00 PM

#### FRIDAY, MARCH 7, 2003

7:00 AM – NOON

#### SATURDAY, MARCH 8, 2003

7:00 AM – NOON

For information regarding registration, please contact Beverly Henderson, Meetings Assistant, at (312) 988-5664.

To register on-line, visit the Committee's Web-site at [www.abanet.org/litigation/committee/insurance](http://www.abanet.org/litigation/committee/insurance).

### REGISTRATION CANCELLATIONS

Requests for refunds must be made in writing and received no later than **Monday, February 3, 2003**, in the ABA Section of Litigation office. Please fax or email your request to Beverly Henderson, Meetings Assistant, at (312) 988-6234 or [bhenderson2@staff.abanet.org](mailto:bhenderson2@staff.abanet.org). There will be a \$50 administrative fee deducted from the refund. **Cancellations received after February 3, 2003, will not be refunded;** however, the Section will gladly accept substitutions for those unable to attend.

### AIRLINE INFORMATION

The American Bar Association offers discounted coach airfares on American Airlines, Delta Airlines, and U.S. Airways. To make reservations, you may call the airline directly, your travel agent, or Tower Travel, the ABA's travel agency, at (800) 921-9190. Please provide the following ABA discount codes when making your reservation:

AIRLINE	PHONE	ACCT #/STAR FILE
American Airlines	(800) 433-1790	# 15794
Delta Air Lines	(800) 241-6760	# 189408A
U.S. Airways	(877) 874-7687	# 36632473

### AIRPORT TRANSFER & CAR RENTAL

Arizona Stagecoach Shuttle offers service between the Tucson Airport and the Westin La Paloma for \$26 each way or \$45 roundtrip. If traveling as a couple or with children, please inquire about special rates. For reservations, please call (520) 889-1000 or visit Arizona Stagecoach's Web-site at [www.arizonastagecoach.com](http://www.arizonastagecoach.com).

Most major car rental companies are located in the baggage claim area of the Tucson Airport. ABA members are entitled to special discounts by calling Hertz at (800) 654-2230 and referencing the ABA group discount number 13000.

### HOTEL INFORMATION

All programs will take place at The Westin La Paloma, nestled in the rugged beauty of the Santa Catalina Mountains and the lush high Sonora Desert. To make reservations, please call the hotel at (520) 742-6000 or central reservations at (800) Westin-1 by **Monday, February 3, 2003**. In order to receive the ABA discounted rate of \$270 single/double occupancy (excluding tax & \$10 resort fee per day), please refer to the ABA Section of Litigation Insurance Coverage Litigation Committee Seminar. After **Monday, February 3, 2003**, the ABA discounted rate cannot be guaranteed and will be subject to availability. Hotel reservations must be cancelled 3 days prior to the scheduled day of arrival to avoid a one-night cancellation charge.

### SERVICES FOR THE DISABLED

If special arrangements are required for an individual to attend this seminar, please contact Beverly Henderson at (312) 988-5664.

## GENERAL INFORMATION CONTINUED...

### MCLE CREDIT

Accreditation has been requested for this program from every state with mandatory continuing legal education requirements for attorneys. Please be aware that each state has its own rules and regulations, including its definition of "CLE." Certificates of attendance will be available at the conclusion of the program for both attendees and speakers. Please call the ABA Center for CLE at (312) 988-6217 two to three weeks prior to the seminar for questions pertaining to the number of credit hours requested.

### TAX DEDUCTION FOR EDUCATIONAL PURPOSES

In the United States, an income tax deduction may be allowed for educational expenses undertaken to maintain or improve professional skills. This includes registration fees, travel, meals, and lodging (see Treas. Reg. # 1.162.5) (*Coughlin vs. Commissioners*, 203 F.2d 307).

### CONFERENCE ATTIRE

Business casual is recommended for all attendees.

### REACH US THROUGH THE WEB

For more information on the ABA Insurance Coverage Litigation Committee or to register on-line, log on to the Committee's home page at [www.abanet.org/litigation/committee/insurance](http://www.abanet.org/litigation/committee/insurance).

The Insurance Coverage Litigation Committee extends its gratitude to the following sponsors:

Jenner & Block, LLC  
Luce, Forward, Hamilton & Scripps, LLP  
McCarter & English, LLP  
Meckler Bulger & Tilson  
Merrill Corporation  
PricewaterhouseCoopers  
Sachnoff & Weaver, Ltd.  
Shaw Pittman LLP  
Varnum, Riddering, Schmidt & Howlett, LLP  
Wiley Rein & Fielding, LLP

## PROGRAM HIGHLIGHTS

### THURSDAY, MARCH 6, 2003

#### 2:15 – 4:15PM

Breakout Sessions: Insurance Coverage 101 and Lloyd's of London & European Update

#### 4:30 – 5:30PM

Subcommittee Business Meetings

#### 5:30 – 6:00PM

Newcomers' Welcome

#### 6:00 – 8:00PM

Welcome Reception

Sponsored by PricewaterhouseCoopers

### FRIDAY, MARCH 7, 2003

#### 7:00 – 8:00AM

Continental Networking Breakfast  
Sponsored by Luce, Forward, Hamilton & Scripps, LLP and McCarter & English, LLP

#### 7:45 – 8:00AM

Welcome Remarks & Announcements

#### 8:00 – 9:15AM

Plenary Session I: Directors' and Officers' Liability Insurance Coverage for the New Frontier: From Enron to Sarbanes and Beyond

#### 9:30 – 10:40AM

Plenary Session II: Bad Faith Litigation after *Campbell v. State Farm Mutual Auto Insurance*

#### 10:45 – 11:30AM

Breakout Sessions: Products/Non-Products Coverage, Construction Defects Coverage, Highlights of Current Environmental Coverage Issues

#### 11:40 – 12:30PM

Breakout Sessions: Insuring Biotech Risks, Coverage for Product Recalls, Legal Malpractice: Coverage and Claims Issues, Reinsurance Issues in the London Market

#### 12:30 – 2:00PM

Roundtable Luncheon  
Sponsored by Sachnoff & Weaver, Ltd., Shaw Pittman LLP, and Wiley Rein & Fielding, LLP

#### 2:00 – 6:00PM

Optional Activities

#### 7:00 – 7:45PM

15th Anniversary Celebration Reception  
Sponsored by Jenner & Block, LLC

#### 7:45 – 10:00PM

15th Anniversary Celebration Dinner  
Sponsored in part by Merrill Corporation

### SATURDAY, MARCH 8, 2003

#### 7:00 – 8:00AM

Continental Networking Breakfast  
Sponsored by Meckler Bulger & Tilson and Varnum, Riddering, Schmidt & Howlett, LLP

#### 7:00 – 7:45AM

Committee Business Meeting

#### 7:45 – 8:00AM

Introductory Remarks & Welcome

#### 8:00 – 9:30AM

Plenary Session III: 15 Year Retrospective on Insurance Coverage Litigation

#### 9:45 – 11:00AM

Plenary Session IV: Lessons Learned from 9/11

#### 11:15 – 12:15PM

Breakout Sessions: Mold Coverage Issues, Insured's Recovery of Declaratory Judgment Costs, Effective and Ethical Advocacy in Insurance Coverage ADR

#### 1:00 – 4:00PM


An Afternoon at the Ballpark

The Section of Litigation extends a special thanks to our sponsors:

**PRICEWATERHOUSECOOPERS** 

PricewaterhouseCoopers LLP is pleased to be the Litigation Advisory Services sponsor of the ABA Section of Litigation.

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### MARK YOUR CALENDAR

Section of Litigation CLE Conference  
April 9 – 12, 2003  
Hyatt Regency Houston  
Houston, TX

visit our website:

[www.abanet.org/litigation](http://www.abanet.org/litigation) for more details



# REGISTRATION FORM

## 2003 INSURANCE COVERAGE LITIGATION COMMITTEE CLE SEMINAR 15TH ANNIVERSARY CELEBRATION March 6 – 8, 2003 • The Westin La Paloma • Tucson, AZ

To register you may use one of the three options below:

**FAX:** (312) 988-6234

**ONLINE:**

[www.abanet.org/litigation/committee/insurance](http://www.abanet.org/litigation/committee/insurance)

OR **MAIL** this form to:

Beverly Henderson, Meetings Assistant  
ABA Section of Litigation  
750 N. Lake Shore Drive  
Chicago, IL 60611

NAME \_\_\_\_\_ ABA MEMBERSHIP ID # \_\_\_\_\_  
*(AS IT SHOULD APPEAR ON BADGE) (THE EIGHT DIGIT # IS ABOVE YOUR NAME ON THE MAILING LABEL)*

COMPANY/AFFILIATION \_\_\_\_\_

ADDRESS \_\_\_\_\_

CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_

TELEPHONE \_\_\_\_\_ FAX \_\_\_\_\_ EMAIL \_\_\_\_\_

ACCOMPANYING SPOUSE/GUEST \_\_\_\_\_  
*(AS IT SHOULD APPEAR ON BADGE)*

SPECIAL DIETARY NEEDS \_\_\_\_\_

IS THIS YOUR FIRST TIME ATTENDING THE INSURANCE COVERAGE LITIGATION CLE SEMINAR?

**REGISTRATION FEES** *(please check one)*

ABA Members – Check here to **join the Section of Litigation now** for \$45 and register at the section member fee

	BY FEB. 3	AFTER FEB. 3
Section of Litigation Member .....	<input type="checkbox"/> \$350	<input type="checkbox"/> \$450
Government/Academic/Public Service .....	<input type="checkbox"/> \$250	<input type="checkbox"/> \$350
Young Lawyers .....	<input type="checkbox"/> \$250	<input type="checkbox"/> \$350
<i>(age 35 or younger or in practice less than 5 years)</i>		
ABA Member Only .....	<input type="checkbox"/> \$495	<input type="checkbox"/> \$595
Non ABA Members .....	<input type="checkbox"/> \$550	<input type="checkbox"/> \$650
Law Students .....	COMPLIMENTARY	<input type="checkbox"/> \$75
<i>(must purchase program materials and function tickets)</i>		
Program Materials Only .....	<input type="checkbox"/> \$75	<input type="checkbox"/> \$75

\* Section members can access program materials on-line one month after the meeting.

**TICKETED EVENTS**

**THURSDAY, MARCH 6, 2003**

	EVENT FEE	QTY.	TOTAL
Welcome Reception (registrants, guests and children) .....	Free	_____	_____

**FRIDAY, MARCH 7, 2003**

Roundtable Luncheon .....	\$35	_____	_____
Golf Tournament (includes cart & coordination fee) .....	\$100	_____	_____
Foursome: _____; _____; _____; _____		_____	_____
Horseback Trail Ride .....	\$65	_____	_____
Sabino Canyon .....	\$37	_____	_____
Biosphere 2 .....	\$69	_____	_____
Cocktail Reception (registrants, guests and children) .....	Free	_____	_____
15th Anniversary Celebration .....	\$90 Adult	_____	_____
	\$25 Child (12 & under)	_____	_____

**SATURDAY, MARCH 8, 2003**

Spring Training Game (tickets only) .....	\$12	_____	_____
Total Amount Enclosed		_____	_____

**METHOD OF PAYMENT**

Charge to the Following Credit Card:

AMEX                       VISA  
 MC

Card # \_\_\_\_\_

Expiration Date \_\_\_\_\_

Signature \_\_\_\_\_

Enclosed is a check made payable to the American Bar Association, Section of Litigation for \$ \_\_\_\_\_

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