

HeplerBroom, LLC
and the
Chicago, Chicago-Northwest, and West Suburban
CPCU Chapters

Present the First Annual
Insurance Law and Coverage Seminar

Casualty/Third-Party Coverage Track

7:30 a.m. – 8:15 a.m.
Continental Breakfast

8:15 a.m. – 8:30 a.m.
Welcome and Introductions - Moderator - Rick Hammond, HB

8:30 a.m. – 9:15 a.m.
Medical Fraud: Determining the Starting Point in Medical Insurance Investigation Claims – Eric Moch, HB/Christine Sullivan, CPCU

- Expose the methodology injury claimants and participating physicians use in pursuit of payment of illegitimate injury claims.
- Review actual redacted medical records and deposition transcripts from currently pending cases to illustrate what medical fraud looks like in real world practice.
- Reveal the most current trends in organized medical fraud, including coding abuse, unnecessary physician referrals and interventional pain management methodologies, and fraudulent use of durable medical equipment and prescription medications.

9:15 a.m. – 10:00 a.m.

Professional Liability – Linda Hay, HB/Anne Oldenburg, HB

- Become aware of what's trending: professional liability risk in a social media world.
- Explore issues that arise in the medical and long-term care arenas.
- Examine ethics and legal liability issues.
- Learn how to handle concerns that arise in preparing for and during the course of trials.

10:00 a.m. – 10:15 a.m.

Break

10:15 a.m. – 11:00 a.m.

Construction Coverage & Risk Transfer – Aleen Tiffany, HB/Jose A. Suarez, AINS, CRIS, CLCS

- Learn what you need to know about significant Construction Contract provisions. Includes discussion of Indemnity and Additional Insured requirements and the interplay with *Kotecki* waivers, Anti-Indemnity, and critical risk transfer issues.
- Explore common construction coverage dilemmas specific to the industry. Discuss common (but critical) coverage issues and limitations stemming from Anti-Indemnity statutes, *Kotecki* waivers, Additional Insured and Insured Contract coverages, and trends.
- Discover how these specific issues and dilemmas differ outside Illinois and outside the Construction arena. Includes brief introduction to considerations in different jurisdictions and GL matters outside the Construction arena.

11:00 a.m. – 11:45 a.m.

Employment Practices Liability Coverage: Addressing Employment-Based Claims – Jessica Galanos, HB/Michael Young, HB

- Discover what EPLI Coverage is; learn who is an “Insured” and what is a “Claim” under an EPLI Policy.
- Analyze the general differences between EPLI Coverage and Coverage Under D&O and CGL Policies that provide Coverage by Endorsement for employment-related claims.
- Learn about employee Letters and Demands, EEOC Charges, and their impact on coverage.
- Explore arguments for coverage for employment practices claims under CGL policies.
- Examine claims handling and defense of employment practices cases with liability coverage issues, as well as how to avoid bad faith and extra-contractual liability.

11:45 a.m. – 1:00 p.m.

Lunch

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Property/First-Party Coverage Track

1:00 p.m. – 1:45 p.m.

What the Hail! Issues Surrounding Assignment of Claim Benefits, Appraisals and Public Adjusters – James DuChateau, HB/Sherri King, State Auto Insurance

- Get real-life examples of assignments of benefits agreements, and discuss how these documents impact the insurer's rights and obligations.
- Analyze the rights and obligations of insurers, insureds, and public adjusters during the course of a property insurance claim investigation.
- Learn how to identify physical loss or damage from hail versus wear and tear or other causes, then how to establish necessary scope of repair, determine a date of loss, fix cost of repair, and handle other issues commonly arising in these claims.
- Explore how to properly manage the appraisal process.

1:45 p.m. – 2:30 p.m.

How Claims, Underwriting, and Agency Should Work Together to Avoid Bad Faith and Liability Exposures – Tony Tunney, HB

- Learn how the producer's conduct and the underwriting file impact a claims investigation and ultimate coverage decision.
- Discover best practices for documenting the claims and underwriting file to protect the insurer from a bad faith exposure.
- Analyze issues that cause a producer to be exposed to litigation.
- Understand the issues surrounding reservation of rights letters and non-waiver agreements; learn how to properly respond to Department of Insurance complaints.

2:30 p.m. – 2:45 p.m.

Break

2:45 p.m. – 3:30 p.m.

Whose Claim is it Anyway? Claims Involving Mortgagees, Foreclosures and Bankruptcies – Isaac Melton, HB/Roger Krupp, CPCU

- Consider the practical impact of foreclosure on insurance claims, with a discussion of both pre- and post-foreclosure losses.
- Examine issues involving insurable interest, full-credit bids, and deed-in-lieu of foreclosure situations and how each of them may impact potential recovery.
- Explore how to investigate claims involving foreclosure, bankruptcy, and other related issues.
- Discover how courts are applying the doctrines of judicial estoppel and standing in relation to bankruptcy filings and insurance claims.

3:30 p.m. – 4:15 p.m.

Panel Discussion: Cyber Liability and Data Breach – Glenn Davis, HB/ Robb Sands, HB/Zack Schmiesing, CPCU/Jarrett Kolthoff, Speartip/Jason Betke, Lockton

- Stay up to date on the landscape of information security trends, attack vectors, and challenges
- Examine the emerging intersection of insurance law and cyber issues, from traditional insurance policy provisions to specialty cyber insurance policies. Analyze typical policy provisions when applied to occurrences arising from data breaches, hacking, and other cyber issues.
- Get an overview of insurance coverage issues facing businesses as they struggle to protect themselves against the emerging—and quickly exploding—danger of cyber risk, including liability to the insured's customers, clients, and employees for breaches of their private information (which can be a major component of liability in the case of a data breach). Explore trends in exclusions for cyber risk coverage and sub limits.
- Review breach response and investigation strategies and costs, including investigating and quantifying theft or destruction of the insured's data and theft of the insured's funds.
- Explore trends in class action litigation, emerging cyber and privacy risks (including emerging threats such as cyber espionage and cyber terrorism) under "legacy" insurance policies, and the newest cutting-edge "cyber" insurance products.

4:15 p.m. – 4:30 p.m.

Closing Remarks

4:30 p.m. – 5:30 p.m.

Networking Reception