



**LIFE, HEALTH AND DISABILITY SERIES PART 1**

## ERISA or Not?—What Difference Does It Make?

PRESENTED BY THE DRI LIFE, HEALTH AND DISABILITY COMMITTEE

When a life, health or disability insurance dispute lands on your desk, it is critical to know immediately whether ERISA governs the case. Using a series of fact patterns representing both typical and atypical cases, a panel of experts will discuss which types of cases ERISA does and does not govern. They will explain how the differences in governing law and procedure can make the answer to the ERISA question outcome-determinative and how that influences litigation tactics. For instance, they will address self-insured plans, various forms of worksite-marketed plans, government plans, and church plans.

### Who Should Attend

- Litigators who handle life, health and disability cases, both in-house and outside
- Corporate counsel who supervise litigators in these areas
- Employment and employee benefit lawyers

### What You Will Learn

- How to determine whether ERISA governs a life, health or disability case
- Why it is important to know whether a lawsuit is governed by ERISA
- How to put an ERISA case in the best procedural posture
- What the potential differences are in governing law, rules and procedures

The State Bar of California has approved this webcast for CLE credit. Please visit [www.dri.org](http://www.dri.org) for accreditation in your state and links to all state bar associations.

### LIFE, HEALTH AND DISABILITY WEBCAST SERIES

- 10/4/11 Part 1: ERISA or Not?—*What Difference Does It Make?*  
11/9/11 Part 2: "What Is Our Exposure?"—*Offering Practical Advice to Life, Health and Disability Insurers About Punitive Damages*  
12/6/11 Part 3: *What Do Health Insurance Litigators Face in 2012 and Beyond?*

**TUESDAY, OCTOBER 4, 2011**

- 2:00 p.m. – 3:30 p.m. Eastern  
1:00 p.m. – 2:30 p.m. Central  
12:00 p.m. – 1:30 p.m. Mountain  
11:00 a.m. – 12:30 p.m. Pacific

**Webcast Program Chair:** Sheila J. Carpenter, Jorden Burt LLP, Washington, D.C.



**Jessica Carpenter** serves as in-house litigation counsel in Standard Insurance Company's legal department in Portland, Oregon. She oversees litigation from Standard's group disability and life insurance products. Ms. Carpenter also provides advice to Standard's benefits personnel regarding claim-handling practices and procedures.



**Andrew I. Hamelsky**, a partner in White and Williams LLP's New York City office, represents life, health and disability insurers, as well as third-party administrators, statewide and regionally, in both ERISA and non-ERISA matters. These include contract interpretation, rescission, insurance fraud, institutional pattern and practice bad faith cases, benefit denial, fiduciary liability and related issues. Mr. Hamelsky is active in DRI as a member of the Life, Health and Disability Committee, currently serving as webcast co-vice chair.



**Mark E. Schmidtke** is a shareholder of Ogletree Deakins Nash Smoak & Stewart PC in Valparaiso, Indiana, and Chicago, Illinois. He represents insurance and other clients in life, health and disability litigation in state and federal courts throughout the United States. Mr. Schmidtke serves as a national director on the DRI Board of Directors and is a past chair of the DRI Life, Health and Disability Committee. He has authored many books and articles about employee benefit issues and frequently speaks about employment law topics at national seminars.

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