

White and Williams LLP
presents



Pennsylvania Convention Center

1101 Arch Street

Philadelphia, PA 19107

Wednesday, October 7, 2009

Approved for 4.5 hours of Pennsylvania Continuing Legal Education



Insurance coverage is complex, the topics are diverse and the law is constantly changing. It is a potential minefield, even for those with years of experience.

The White and Williams Coverage College® provides an opportunity for insurance claim professionals to engage in intensive study of a diverse insurance coverage curriculum. Students can choose from 16 Masters Classes taught by over 30 experienced White and Williams attorneys. These advanced classes are structured to encourage students to interact with the faculty and fellow students while tackling a variety of complex insurance issues, such as construction defect, coverage litigation, “green” issues, claim investigation, the subprime mortgage meltdown, underwriting in the claims process, long-tail claims, personal and advertising injury and settlements, releases and liens. In addition, general sessions will address coverage issues generating buzz and provide a primer in the use of today’s animations and simulations at trial.

Students at last year’s Coverage College® had this to say about their day on campus: “I walked away with a unique/new perspective on several relevant coverage issues,” “I love the diversity in topics,” “The material was well presented and informative,” and “Everything was exceptional from presentation to preparedness.”

The White and Williams Coverage College® provides a unique opportunity for insurance professionals to get answers to the hard questions that confront them. In addition, the day includes breakfast, lunch, two breaks and a cocktail reception, providing many opportunities for networking during a day of education.

Space is limited. Last year’s Coverage College® sold out! Register today!

CURRICULUM

8:00 AM

REGISTRATION AND BREAKFAST

9:00 AM

WELCOME AND INTRODUCTIONS

Gale White, Dean of the College

9:10 AM

GENERAL SESSION

Insurance Coverage: What Has People Talking

Randy J. Maniloff

Insurance coverage case law is constantly changing—new exposures lead to new coverage issues and traditional issues never stay static. This General Session addresses the latest buzz in insurance coverage, including Pennsylvania’s “Gambone” issue; numerous recent decisions addressing “Montrose” and “First Manifestation” Endorsements; increased focus from New Jersey courts on their unique duty to defend rules; and coverage for the ever-increasing number of suits being filed against bloggers for defamation and intellectual property violations.

10:00 AM

MASTERS CLASS I (Choose one)

I. A. Alphabet Soup of Employment Issues and Is There Coverage from A-Z?

Debbie R. Sandler and David E. Edwards

An overview of Employment Practices Liability (EPL) coverage in light of emerging issues for employers. New statutory and compliance issues will be examined, including the Genetic Information Nondiscrimination Act (GINA), the Employee Free Choice Act (EFCA), the new components of the Americans with Disabilities Act (ADA) and the Family and Medical Leave Act (FMLA).

I. B. A Year in the Life of Litigating Coverage for Long-Tail Claims: Update Regarding Asbestos/LTE/Environmental Liability and Coverage

Patricia B. Santelle and Shane R. Heskin

Coverage litigation continues over “long-tail” claims (*i.e.*, claims which involve latent manifestation of injury or damage). While, over the past two-to-three decades, such litigation has ebbed and flowed, on the whole, such litigation shows very little sign of slowing down, particularly as new underlying claims emerge. Last year, this program covered the significant issues in the post-2000 litigation environment—namely, “trigger,” allocation, the number of occurrences, the applicability of aggregate limits, and the application of different forms of pollution exclusions. This year’s program will highlight key decisions over the past year on these and other critical issues in the long-tail context.

I. C. Who Really Pays for Construction Defect Claims: An Update on Additional Insured and Contractual Indemnity Issues

Anthony L. Miscioscia and Taryn B. Kindred

We will examine additional insured endorsements, certificates of insurance, and contracts between the insured and other parties (such as subcontractors). Topics to be addressed include the scope of coverage provided by additional insured endorsements, the effect of a certificate of insurance and the broker’s actual or apparent authority in issuing a certificate, and possible claims against a broker for improperly issuing a certificate of insurance. We will also discuss the scope of contractual indemnity (in contracts between the insured and third parties), the extent of insurance coverage for insured contracts, and the interplay between additional insured endorsements/agreements to insure and contractual indemnity.

I. D. Underwriting Under the Microscope in Claim Handling and Rescission

Lawrence J. Bistany and Celestine M. Montague

The written policy is not always the last word on whether a claim is covered. In some cases, the coverage evaluation calls for an examination of the circumstances surrounding the underwriting of a policy. This class will identify instances in which an examination of policy underwriting materials is appropriate, and will consider the type of materials that should be examined and to what end. We will also discuss whether rescission is proper, including the necessary preceding investigation and other prerequisites, and how to handle asserting this affirmative defense.

10:40 AM

BREAK

11:00 AM

MASTERS CLASS II (Choose one)

II. A. The Role of Courts in the Arbitration Process

Michael S. Olsan and Christine G. Russell

When a reinsurance treaty contains a mandatory arbitration clause, what is the role of the courts? This course will address the role courts play both before and after arbitration and the court’s power to determine: (1) the arbitrability of the dispute; (2) whether multiple arbitrations can and should be consolidated; (3) whether arbitrators meet the qualification requirements of the contract; (4) privilege issues that arise during discovery; and (5) whether confidentiality should be maintained. We will also explore the status of motions to confirm and vacate final arbitration awards in the wake of the Supreme Court *Hall Street* decision.

CURRICULUM

II. B. Beyond the Contractor's CGL: What Claims Are Covered by the Project's Surety Bonds?

Robert T. Carlton and William J. Taylor

An in-depth review of the types of claims covered by the typical surety bonds issued for a construction project, including what claims are covered under payment bonds, performance bonds, and bid bonds, as well as a comparison of the coverage offered by a contractor's CGL policy. Finally, the course will describe the possible bad faith implications involved in the denial of coverage of a claim under a bond and how bad faith liability is sometimes different for sureties.

II. C. Lightning Round: 30 Tips in 30 Minutes

Gale White, Randy J. Maniloff, Jennifer L. Wojciechowski and a Panel of Other Experts

A panel of experts will share some of the most important things they have learned in their collective experience of over 100 years representing insurance companies—in a “lightning round” format. Time is reserved for tips from students.

II. D. Disputes Between Businesses—They May be Personal (...or Advertising Injury)

Michael O. Kassak and Michael N. Onufrak

Insurance carriers are often faced with claims involving complex business disputes where coverage is sought under the Personal and Advertising Injury part of a General Liability policy and other specialty products. We will focus on the issues these claims present, including coverage, strategies in defending such claims, defenses to claims, and practical strategies for resolving disputes. The types of claims that will be discussed include libel, slander, misappropriation of trade secrets, violation of the right of privacy, unfair competition and other emerging theories that may impact coverage.

11:45 AM

LUNCH (will be provided)

1:15 PM

MASTERS CLASS III (Choose one)

III. A. The Subprime Mortgage Meltdown: Will You Be Burned?

David J. Creagan

The subprime lending crisis has had ripple effects throughout the economy. Lenders, insurers, investors, communities and individuals are all at risk. In some cases, they already have suffered crippling losses. We will look at the origins of the crisis and the litigation it has spawned. In particular, we will examine how the securitization of subprime and non-prime loans into residential mortgage-backed securities has exposed mortgage and financial

guaranty insurers to potentially massive losses. We also will assess the exposure of lenders, investment banks and rating agencies, and their insurers to shareholder and investor suits stemming from the unprecedented rates of default of subprime and non-prime mortgage loans.

III. B. The Claim Representative as Sleuth

Elizabeth A. Venditta, Andrew I. Hamelsky and Robert T. Pindulic

What's out there to be found and what can a claim representative do to legally “spy” on claimants, opposing counsel, jurors or insureds? We will address issues such as when you can use surveillance, when you can contact the insured or claimant directly, and what information to seek.

Also, if you have been wondering what “social networking” is all about, we will show you what can be learned on sites like Facebook, MySpace, Legal OnRamp and LinkedIn. Is there such a thing as “internet stalking?”

III. C. Mediation and the Anatomy of Resolving a Complex Insurance Coverage Dispute

Guy A. Cellucci and John S. Anooshian

Insights and practical guidance as to the challenging process of settling complex insurance claims. This program will explore the advantages and disadvantages of mediation, timing issues, mediation styles, selecting a mediator, defining goals for the mediation and settlement process, avoiding mediation and settlement pitfalls, and strategic considerations for a successful mediation. Settlement agreements in the delayed manifestation coverage context will be discussed using examples of environmental pollution, asbestos and other “long-tail” settlement agreements.

III. D. When You are on the “Hot Seat”: Deposition of the Corporate Designee or Witness

Platte B. Moring, III

The “Do's and Don'ts” of testifying as the corporate representative of your company. The presentation will include a mock deposition as an instructional tool to avoid the pitfalls that await unwary deponents.

1:55 PM

BREAK

2:15 PM

MASTERS CLASS IV (Choose one)

IV. A. Have You “Noticed” a Change In New York Law?

Robert F. Walsh

Learn the essential principles and practices every claim representative needs to know to handle the New York claim. You will learn about New York law on late

notice and the duty to defend, including the latest legislative developments, as well as techniques for navigating the requirements of Insurance Law §3420(d) and case law to avoid the potential waiver of defenses when disclaiming coverage. Finally, you will hear the latest word on “bad faith” claims in New York.

IV. B. Settlements, Releases and Liens: Unlocking the Mystery and Avoiding the Traps

Edward M. Koch and Kevin C. Cottone

Discover the rationale behind the many varieties of releases, including general releases, *pro rata* and *pro tanto* joint tortfeasor releases, Griffin releases, and other hybrid releases. You will learn the common traps and misconceptions arising from settlements and releases. The effect of third-party liens, including the developing law of **Medicare and Medicaid liens**, also will be discussed, including the new reporting requirements and how to address the liens in the settlement and the release.

IV. C. What’s it Worth: Valuing a Loss

William J. Schmidt and Adam M. Share

Valuation in the first party property context, including the various methods of calculating payments following damage to or destruction by fire, flood or other casualties. We will explore the implications of different policy provisions which control valuation, as well as the law that has developed surrounding these issues. We will also discuss the appraisal process, calculation of the loss in the presence of multiple policy options and evidentiary issues.

IV. D. Going Green: Emerging Environmental Insurance Coverage Issues

Thomas M. Going and Gregory S. Capps

Explore emerging insurance coverage issues related to global warming claims and claims for defects arising from Chinese drywall. In addition, we will address insurers’ marketplace responses to such claims, including the insertion of additional endorsements/exclusions into policies, the emergence of “green building insurance” and the introduction into the marketplace of certain insurance for global warming claims.

3:10 PM

GENERAL SESSION

NOT TO BE MISSED

“Trial by Cartoon”: The Use of Computer–Generated Animations and Simulations at Trial

Thomas M. Goutman

How to ensure your trial counsel utilizes cutting-edge technology in presenting your case, and how to exclude your opponent’s computer-generated evidence. Numerous examples of effective and ineffective animations and simulations will be presented in this multi-media program.

3:50 PM

EVALUATIONS, DOOR PRIZES AND DIPLOMAS

4:00 PM

COCKTAIL RECEPTION

DEAN OF THE COLLEGE

Gale White

DEAN OF STUDENTS

Randy J. Maniloff

ASSOCIATE DEAN

Jennifer L. Wojciechowski

FACULTY

John S. Anooshian
Lawrence J. Bistany
Gregory S. Capps
Robert T. Carlton
Guy A. Cellucci
Kevin C. Cottone
David J. Creagan

David E. Edwards
Thomas M. Going
Thomas M. Goutman
Andrew I. Hamelsky
Shane R. Heskin
Michael O. Kassak
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Robert T. Pindulic

Christine G. Russell
Debbie R. Sandler
Patricia B. Santelle
William J. Schmidt
Adam M. Share
William M. Taylor
Elizabeth A. Venditta
Robert F. Walsh

PROGRAM INFORMATION AND REGISTRATION



There is no cost to attend Coverage College® for most students.* However, class size is limited. Please register early to ensure your seat at this year's Coverage College!

When: Wednesday, October 7, 2009

Where: Pennsylvania Convention Center
1101 Arch Street
Philadelphia, PA 19107

Ways to Register: Registration is easiest online at www.whiteandwilliams.com. Click on the Coverage College® link located in the "Events" section of the home page. You may also complete the attached form and fax it to 215.789.7523, attention Katie McDonald.

Ways to Get There: Located in the heart of Philadelphia at 1101 Arch Street, the Pennsylvania Convention Center is easy to reach by plane, train and car.

Philadelphia International Airport: The Pennsylvania Convention Center is located just 20 minutes from the Philadelphia International Airport. Taxi cabs are readily available at the airport. Alternatively, Septa's R1 Airport line provides an easy ride to Market East Station (at 8th and Market Streets), which is within walking distance of the Convention Center.

Septa Rail Line: The Pennsylvania Convention Center is within walking distance of Septa's Market East Station (at 8th and Market Streets).

Amtrak Rail Transportation: The Pennsylvania Convention Center is less than 10 minutes from Amtrak's 30th Street Station. Taxi cabs are readily available at 30th Street Station. Alternatively, many Septa rail lines at 30th Street Station provide a quick connection to Market East Station (at 8th and Market Streets), which is within walking distance of the Convention Center.

Parking: For detailed driving directions and a local parking information, please visit <http://www.paconvention.com/home2/attendees/directions>.

Hotel Special Rate: We have secured a limited number of rooms at a special rate of \$209 per night excluding tax at the Philadelphia Marriott Downtown (1201 Market Street - across the street from the Convention Center). Call 215.625.2900 or 800.228.9290 for reservations.

*There is no charge to attend Coverage College® except for attorneys in private practice and non-sponsor vendors for whom tuition is \$850.

REGISTRATION FORM

Register Online at www.whiteandwilliams.com

Registration is easiest online at www.whiteandwilliams.com. You may also fax this completed form to Katie McDonald at 215.789.7523. Questions? Email us at events@whiteandwilliams.com or call 215.864.6381. There is no charge to attend Coverage College® except for attorneys in private practice and non-sponsor vendors for whom tuition is \$850.

First Name _____ Last Name _____

Name as You Would Like it to Appear on Badge _____

Title _____

Company _____

Address _____

City _____ State _____ Zip _____

Email (required) _____ Phone _____

Number of Years Experience in Claims _____ Types of Claims Handled _____

Please pre-register for your Masters Classes by selecting one per session.

MASTERS CLASS I

- A. Alphabet Soup of Employment Issues and Is There Coverage from A-Z?**
Debbie R. Sandler and David E. Edwards
- B. A Year in the Life of Litigating Coverage for Long-Tail Claims: Update Regarding Asbestos/LTE/Environmental Liability and Coverage**
Patricia B. Santelle and Shane R. Heskin
- C. Who Really Pays for Construction Defect Claims: An Update on Additional Insured and Contractual Indemnity Issues**
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Your registration permits White and Williams to provide your contact information to the event sponsors. Photos may be taken at the event. Registration permits White and Williams LLP to use these photos for publicity or general information purposes.

Enrollment for the 2009

White and Williams

**Coverage College® is
officially open!**

2009

COVERAGE

COLLEGE

Wednesday, October 7, 2009

Pennsylvania Convention Center



White and Williams LLP

White and Williams LLP
1650 Market Street
One Liberty Place, Suite 1800
Philadelphia, PA 19103

