

AMERICAN BAR ASSOCIATION

PROPERTY INSURANCE LAW COMMITTEE ANNUAL SPRING CLE MEETING



SHOW ME THE MONEY!!

APRIL 6-8, 2017 | JW Marriott Orlando Grande Lakes
Orlando, FL

FEATURING INDUSTRY PROFESSIONALS FROM:

PROCOR SOLUTIONS
QUANTUM GLOBAL ADVISORS
J.S. HELD LLC
MATSON DRISCOLL & DAMICO

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

TORT TRIAL & INSURANCE PRACTICE SECTION





WELCOME

Dear Colleagues:

Welcome to the 2017 Spring Meeting for the ABA Tort Trial & Insurance Practice Section's Property Insurance Law Committee! This year's Meeting will be held at the prestigious JW Marriott Orlando, Grande Lakes in Florida. The resort is home to over 500 acres of the most enchanting natural surroundings in Florida. A golf tournament is scheduled for Friday afternoon at the esteemed Waldorf Astoria Golf Club and participants will be able to play this amazing 18-hole masterpiece course designed by acclaimed golf course architect Rees Jones for \$160. Meeting attendees will also be able to take advantage of the discounted rate at \$265/\$289 single/double per night, plus \$30.00 resort fee.

The 2017 Meeting entitled "Show Me the Money" focuses on a wide variety of issues related to payment under an insurance policy. A fantastic group of legal presenters will discuss issues related to insurable interest, timing triggers of an insurer's obligation to issue payment for a covered loss, undisputed and partial payments, proof of loss and many more! Insurance experts from JS Held, LLC, ProCor Solutions, Quantum Global Advisors and Matson Driscoll & Damico will also be presenting on issues related to calculating actual cash and replacement cost values.

The Meeting begins on Thursday evening with a Welcome Reception sponsored by the Merlin Law Group. The CLE program will begin Friday morning and continue through Saturday afternoon. This year's program will offer a total of 11.5 hours of CLE including one hour of ethics focused on ethical considerations related to payment of claims. As always, the Meeting will offer numerous opportunities to network including a group Dutch-style dinner Thursday evening and a ticketed dinner event Friday night. Following Saturday's programming, all attendees are encouraged and welcome to join the Committee's business lunch meeting.

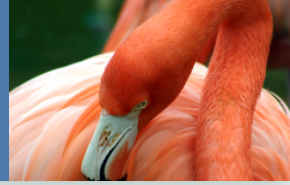
We look forward to seeing you in Orlando and making our Meeting great! See you soon!

Christina M. Phillips
Property Insurance Law
Committee Chair
Merlin Law Group
Chicago, IL

Adina Bergstrom
Program Co-Chair
Sauro & Bergstrom PLLC
Oakdale, MN

Matthew Fortin
Program Co-Chair
Foran Glennon Palendech
Ponzi & Rudloff
Chicago, IL

PROGRAM AGENDA



THURSDAY, APRIL 6, 2017

- 12:00 P.M. – 6:00 P.M. **REGISTRATION**
- 7:00 P.M. – 8:30 P.M. **WELCOME RECEPTION**
***ALL ARE WELCOME TO ATTEND.**

FRIDAY, APRIL 7, 2017

- 7:00 A.M. – 12:00 P.M. **REGISTRATION**
- 7:00 A.M. – 7:30 A.M. **CONTINENTAL BREAKFAST**
- 7:30 A.M. – 7:35 A.M. **WELCOME AND ANNOUNCEMENTS**

- Speakers:** **Christina Phillips**, Property Insurance Law Committee Chair,
Merlin Law Group, Chicago, IL
Matthew Fortin, Program Co-Chair, *Foran Glennon Palendech Ponzi & Rudloff, Chicago, IL*
Adina Bergstrom, Program Co-Chair, *Sauro & Bergstrom PLLC, Oakdale, MN*

WHO GETS PAID?

- 7:35 A.M. – 8:35 A.M. **SESSION 1: WHOSE MONEY IS IT? RECOGNIZING INSURABLE INTERESTS, LIENHOLDERS, AND OTHERS**
This session will ask and help to answer the very practical question of who – along with, or in lieu of, the named insured – is a rightful payee when an insurer cuts the check for payment of a loss.

- Speakers:** **Rabih Hamawi**, *Law Office of Rabih Hamawi, Farmington Hills, MI*
John Garaffa, *Butler Weihmuller Katz Craig, Tampa, FL*

- 8:35 A.M. – 9:35 A.M. **SESSION 2: THE NAME GAME: ENSURING INTERESTED PARTIES ARE PROTECTED**
This session will address the policyholder's and insurer's obligations with respect to ensuring that all proper and necessary parties are included as payees on settlement drafts. The panel will also discuss how policyholders and insurers can protect themselves when a third party asserts an interest in a loss payment.

- Speakers:** **Celeste Hill**, *Clausen Miller PC., Chicago, IL*
Jennifer Gibbs, *Zelle LLP, Dallas, TX*
Kyle Sturm, *Ball Janik, LLP, Portland, OR*

WHEN DO THEY GET PAID?

- 9:35 A.M. – 10:35 A.M. **SESSION 3: TIMING TRIGGERS: THE WRITTEN AND UNWRITTEN RULES**
This session will address the timing of an insurer's obligation to issue payment for a covered loss and the conditions necessary to trigger that obligation. The discussion will encompass policy provisions and other sources of authority regarding the timing of loss payments.

- Speakers:** **Meghan Moore**, *Ver Ploeg & Lumpkin, Orlando, FL*
Sean McAloon, *Rivkin Radler, Uniondale, NY*

- 10:35 A.M. – 10:45 A.M. **BREAK**



10:45 A.M. – 11:30 A.M.

SESSION 4: LET'S AGREE TO AGREE: UNDISPUTED AMOUNTS AND PARTIAL PAYMENTS

This session will focus on the largely undefined standards for when, and under what circumstances, a policyholder is entitled to interim payment of undisputed amounts during an ongoing claim adjustment. The panel will also discuss the considerations that factor into an insurers' decision whether to issue such payments.

Speakers: **Stephen O. Clancy**, *Robinson and Cole LLP*, Hartford, CT
Dan Sullivan, *Robinson and Cole LLP*, Hartford, CT

11:30 A.M. – 12:30 P.M.

SESSION 5: THE POWER OF THE PROOF OF LOSS

This session will provide perspectives on the role of a sworn statement in proof of loss in moving a claim toward resolution and payment. The panel will also discuss the considerations, including weighing of pros and cons, that go into an insurer's decision to request proof of loss as well as a policyholder's decision to submit proof of loss in the absence of a request by the insurer.

Speakers: **Frank Winston**, *Lerner, Arnold & Winston LLP*, New York, NY
Matthew B. Weaver, *Ver Ploeg & Lumpkin, P.A.*, Miami, FL

12:30 P.M. – 1:30 P.M.

SESSION 6: WHAT'S AT STAKE? THE REWARDS AND REPERCUSSIONS OF (UN)TIMELY PAYMENT

This session will address the consequences of timely and untimely payment of policy benefits for the policyholder and insurer in the event of litigation. The panel will discuss the potential for the policyholder to recover additional damages and assert causes of action for breach of contract and/or bad faith predicated in whole or in part on late payment.

Speakers: **Brenda Sauro**, *Sauro & Bergstrom PLLC*, Oakdale, MN
Dan Millea, *Zelle LLP*, Minneapolis, MN

1:30 P.M.

GOLF TOURNAMENT (TICKETED EVENT)

7:30 P.M. – 10:00 P.M.

DINNER (TICKETED EVENT)

SATURDAY, APRIL 8, 2017

7:00 A.M. – 12:00 P.M.

REGISTRATION

7:00 A.M. – 7:30 A.M.

CONTINENTAL BREAKFAST

HOW MUCH DO THEY GET PAID?

7:30 A.M. – 8:30 A.M.

SESSION 7: MATH OR MYTH: CALCULATING ACTUAL CASH AND REPLACEMENT COST VALUES

This session will address the nuts and bolts of actual cash value and replacement cost calculations, including issues related to depreciation of labor, overhead, and profit.

Speakers: **Jonathon Held**, *JS Held, LLC*, Jericho, NY
Arnie Mascali, *ProCor Solutions*, Princeton, NJ
Ken Ritter, *Quantum Global Advisors*, Chicago, IL
Shannon O'Malley, *Zelle, LLP*, Dallas, TX
Kristine Elkind, *Matson Driscoll & Damico*, Orlando, FL



8:30 A.M. – 9:30 A.M.

SESSION 8: POLICY LOSS PAYMENT PROVISIONS: OPTIONS AND OPPORTUNITIES

This session will consider the insureds' options regarding settlement of covered losses under a typical loss payment provision, including the option to pay the value of damaged property, pay the cost of repair or replacement, take all or any part of the property at an agreed or appraised value, or to actually undertake the repair or replacement.

Speakers: **Brian Devilling**, *Foran Glennon Palandech Ponzi & Rudloff*, Denver, CO
Anthony Smith, *Roeder Smith Jadin, PLLC*, Bloomington, MN

9:30 A.M. – 10:30 A.M.

SESSION 9: REPLACEMENT COST COVERAGE: NOT MORE THAN THE LEAST OF...

This session will focus on loss settlement provisions limiting the insurer's liability on a replacement cost basis to the least of multiple alternative measures of value, such as the amount actually spent to repair or replace damaged property.

Speakers: **Ed Eshoo**, *Merlin Law Group*, Chicago, IL
Troy Seibert, *Butler Weihmuller Katz Craig*, Tampa, FL

10:30 A.M. – 10:45 A.M.

BREAK

10:45 A.M. – 11:45 A.M.

SESSION 10: EFFICIENT USE OF COVERAGE EXTENSIONS AND ADDITIONAL COVERAGES

This session will consider how policyholders can effectively use coverage extensions, additional coverages, and sub-limits to maximize their recovery.

Speakers: **Jonathan Lerner**, *Lerner, Arnold & Winston*, New York, NY
Jonathan MacBride, *Zelle, LLP*, Plymouth Meeting, PA

THE ETHICS OF PAYING AND GETTING PAID

11:45 A.M. – 12:30 P.M.

SESSION 11: PAYBACK: WHEN IS THE INSURER ENTITLED TO REPAYMENT?

This session will discuss the circumstances in which an insurer can claw back some or all of the amount paid to a policyholder in the event of fraud, overpayment, or a determination of no coverage after payment has been made.

Speakers: **Jay Levin**, *Offit Kurman*, Philadelphia, PA
Daniel Berglund, *Grotefeld Hoffmann*, Minneapolis, MN

12:30 P.M. – 1:30 P.M.

SESSION 12: ETHICAL CONSIDERATIONS AND CONUNDRUMS IN PAYING AND GETTING PAID

The ethics panel will discuss ethical consideration for insurers, policyholders, and their representatives in the valuation and submission of claims. The session will include discussion of industry expectations and the boundaries of ethical advocacy by adjusters, estimators, and third parties on behalf of their client.

Speakers: **Joyce Wang**, *Carlson, Calladine & Peterson LLP*, San Francisco, CA
Meredith Murphy, *FM Global*, Johnston, RI

1:30 P.M. – 2:30 P.M.

PROPERTY INSURANCE LAW COMMITTEE BUSINESS LUNCH MEETING



FACULTY

Christina Phillips
Property Insurance Law Committee Chair
Merlin Law Group
Chicago, IL

Matthew Fortin
Program Co-Chair
Foran Glennon Palandech Ponzi & Rudloff
Chicago, IL

Adina Bergstrom
Program Co-Chair
Sauro & Bergstrom PLLC
Oakdale, MN

Daniel Berglund
Grotefeld Hoffmann
Minneapolis, MN

Stephen O. Clancy
Robinson and Cole LLP
Hartford, CT

Brian Devilling
Foran Glennon Palandech Ponzi & Rudloff
Denver, CO

Kristine Elkind
Matson, Driscoll & Damico
Orlando, FL

Ed Eshoo
Merlin Law Group
Chicago, IL

Matthew Fortin
Ver Ploeg & Lumpkin
Miami, IL

John Garaffa
Butler Weihmuller Katz Craig
Tampa, FL

Jennifer Gibbs
Zelle LLP
Dallas, TX

Rabih Hamawi
Fabian Sklar & King
Farmington Hills, MI

Jonathan Held
JS Held, LLC
Jericho, NY

Celeste Hill
Clausen Miller PC
Chicago, IL

Jonathan Lerner
Lerner, Arnold & Winston
New York, NY

Jay Levin
Offit Kurman
Philadelphia, PA

Jonathan MacBride
Zelle, LLP
Plymouth Meeting, PA

Arnie Mascali
ProCor Solutions
Princeton, NJ

Sean McAloon
Rivkin Radler
Uniondale, NY

Dan Millea
Zelle LLP
Minneapolis, MN

Meghan Moore
Ver Ploeg & Lumpkin
Orlando, FL

Meredith Murphy
FM Global
Johnston, RI

Shannon O'Malley
Zelle LLP
Dallas, TX

Ken Ritter
Quantum Global Advisors
Chicago, IL

Brenda Sauro
Sauro & Bergstrom PLLC
Oakdale, MN

Troy Seibert
Butler Weihmuller Katz Craig
Tampa, FL

Anthony Smith
Roeder Smith Jadin, PLLC
Bloomington, MN

Kyle Sturm
Ball Janik, LLP
Portland, OR

Dan Sullivan
Robinson and Cole LLP
Hartford, CT

Joyce Wang
Carlson Calladine & Peterson LLP
San Francisco, CA

Matthew Weaver
Ver Ploeg & Lumpkin
Miami, FL

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

REGISTRATION FORM

ABA Tort Trial & Insurance Practice Section

SHOW ME THE MONEY!!

PROPERTY INSURANCE LAW COMMITTEE ANNUAL SPRING CLE MEETING

April 6–8, 2017 — JW Marriott, Orlando Grande Lakes, Orlando, FL

HOTEL DEADLINE: MARCH 16, 2017

EARLY REGISTRATION DEADLINE: MARCH 16, 2017

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

Are you attending your first TIPS National Program? Yes No

I am a member of the ABA and wish to join the Tort Trial & Insurance Practice Section (TIPS).
I have enclosed a separate check for \$50 made payable to the American Bar Association.

2. REGISTRATION FEES:

	On or Before	After	QTY	TOTAL
	<u>3/16/17</u>	<u>3/16/17</u>		
Registration Fee per TIPS Member	\$550	\$575	___	\$ _____
ABA Member	\$650	\$675	___	\$ _____
General Attendee	\$700	\$725	___	\$ _____
Insurance Company/ Government Employee	\$300	\$325	___	\$ _____
Law Student	\$200	\$200	___	\$ _____

3. SOCIAL EVENT TICKETS:

	FEE	FEE	QTY	TOTAL
Thursday Opening Reception	Included	Included	___	\$ _____
Friday Dinner Event	\$100	\$100	___	\$ _____
Friday Golf Tournament <i>(Includes green fees and cart rental)</i>	\$160	\$160	___	\$ _____

4. MATERIALS

I will not be able to attend the 2017 ABA PILC Spring Meeting, but wish to order a copy of the materials \$125.00

TOTAL \$ _____

5. TOTAL PAYMENT

6. 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:
American Bar Association
Attn: Service Center-Meeting/Events Registrations
Code IL1704PILC
321 North Clark Street
18th Floor
Chicago, IL 60654

3. SECURE FAX
(312) 988-5850

GENERAL INFORMATION

Early Registration Deadline: Wednesday, March 16, 2017

Hotel Deadline: Wednesday, March 16, 2017

ADVANCE REGISTRATION

Visit the TIPS Property Insurance Law Committee Annual Spring CLE Meeting entitled “**Show Me the Money!**” 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 March 16, 2017. 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 **March 16, 2017**. In order to receive a refund (less a \$50 administrative fee), the ABA must receive written cancellation by **March 16, 2017**. 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 407/393-4000

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 JW Marriott, Orlando Grande Lakes, 4040 Central Florida Parkway, Orlando, FL 32827 for a hotel room rate of \$265.00 single/\$289.00 double plus 12.5% tax and \$30.00 resort fee. For reservations, please call the hotel directly at 407/393-4000. The room block will be held until exhausted or until **Thursday, March 16, 2017 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 11:00 a.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 5 DAYS prior to the scheduled day of arrival to avoid a one-night cancellation charge.**

AIRLINE INFORMATION

ABA NEGOTIATED AIRFARE DISCOUNTS – AVAILABLE ONLINE!

With ABA Egcencia*, you can automatically obtain ABA negotiated airfare discounts for travel to the ABA Meetings. ABA Egcencia enables you to purchase the best airfare at the time of booking, by providing you with the ability to search for and compare fares from virtually every airline serving the destination. Reservations with ABA Egcencia can be made online or offline. For offline reservations, call (877) 833-6285. ABA Egcencia is available online via ABA Travel Services*. ABA airfare discounts on some carriers may also be obtained by purchasing your

tickets under the ABA Discount Codes directly from the airline or through your travel agent.

American Airlines ABA Discount only available at ABA Egcencia

UNITED AIRLINES:

800-426-1122

For ABA Meetings Only

Agreement Code: **621691** / Z Code: **ZXDR**

Discount available at www.united.com

Online Discount Code: **ZXDR621691**

Not for Leisure Travel

DELTA AIRLINES

800-328-1111

ABA File Global Meeting Code: **NMP56**

Discount available at www.delta.com

Online Meeting Event Code: **NMP56**

***A Travel Profile is required when booking airline reservations with ABA Egcencia.**

CLE INFORMATION

The ABA directly applies for and ordinarily receives CLE credit for ABA programs in AK, AL, AR, AZ, CA, CO, DE, GA, GU, HI, IA, IL, IN, KS, KY, LA, MN, MS, MO, MT, NH, NM, NV, NY, NC, ND, OH, OK, OR, PA, PR, SC, TN, TX, UT, VT, VA, VI, WA, WI, and WV. These states sometimes do not approve a program for credit before the program occurs. This course is expected to qualify for 11.5 CLE credit hours (including 1.0 ethics hours) in 60-minute states, and 13.8 credit hours (including 1.2 ethics hours) in 50-minute states. This transitional program is approved for both newly admitted and experienced attorneys in NY. Attorneys may be eligible to receive CLE credit through reciprocity or attorney self-submission in other states. For more information about CLE accreditation in your state, visit <http://www.americanbar.org/tips> or contact *Ninah Moore* ninah.moore@americanbar.org or 312.988.5498

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. For programs tuition cost over \$500, qualifying attorneys will receive at least a 50% reduction in the course fee(s). To request an application or receive additional information, visit www.abanet.org/tips/scholarship.html or contact Daniel Chavez at 312-988-5561



SPONSORS

**A SPECIAL THANKS TO OUR SPONSORS FOR
THEIR GENEROUS SUPPORT!!**

SECTION SPONSOR



COMMITTEE SPONSORS



MEETING SPONSORS

BUTLER WEIHMJULLER KATZ CRAIG, LLP

CARLTON FIELDS JORDEN BURT

CLAUSEN MILLER P.C.

J.S. HELD

LERNER ARNOLD AND WINSTON

OFFIT KURMAN

PROCOR SOLUTIONS & CONSULTING

RIVKIN RADLER LLP

SAURO & BERGSTROM

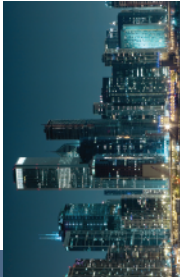
VER PLOEG & LUMPKIN, P.A.

ZELLE LLP

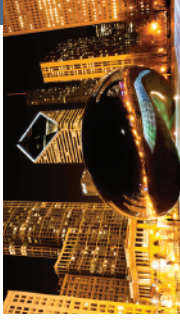
AMERICAN BAR ASSOCIATION
Tort Trial & Insurance Practice Section
321 North Clark Street
Chicago, Illinois 60654



★ ★ ★ ★ ★
SAVE THE DATE ★ ★ ★



THE
TIPS
SECTION
CONFERENCE
APRIL 26-30 2017
CHICAGO, ILLINOIS



THE TIPS SECTION CONFERENCE

Join your colleagues for the premier CLE conference for insurance, defense, corporate, and plaintiffs attorneys.
APRIL 26-30, 2017 | JW MARRIOTT | CHICAGO, IL

