



FEDERATION OF DEFENSE & CORPORATE COUNSEL



# FDCC

DEFENSE LAWYERS. DEFENSE LEADERS.

## FDCC INSURANCE COVERAGE TRAINING ACADEMY: CGL BOOT CAMP

**March 3, 2020**

**JW Marriott Camelback Hotel  
Scottsdale, Arizona**

The FDCC is pleased to announce the launch of the exclusive Insurance Coverage Training Academy with its first installment – the CGL Boot Camp to be held in Scottsdale, Arizona, on March 3, 2020.

### What will be Covered

The immersion-learning program is built around a hypothetical fact pattern and places the attendees directly in the environment, identifying and working through the coverage issues faced most often in commercial liability claims. Some of the highlights of the program include:

- In depth, true-to-life training program with small breakout sessions led by leading coverage attorneys and senior insurance claim executives from around the country.
- Practical hands-on focus on issue spotting, duty to defend considerations, preparing coverage position letters, dissecting additional insured and contractual indemnity tenders, evaluating risk transfer opportunities, and responding to time limit demands.
- Students will be given exemplar coverage position and tender letters to use for future reference.

### Who Should Attend

The CGL Boot Camp is open to all FDCC members as well as others within their firms, companies and their clients who may not be members and is targeted to:

- associates who are defense coverage attorneys with one to five years of coverage experience
- insurance claims professionals who can benefit from hands-on training
- experienced defense trial attorneys who want to learn or sharpen their skill sets and learn CGL coverage protocols in the trenches.

## Breakfast

7:00 – 8:00 am

## Welcome & Introduction to the Program

8:00 – 8:05 am

Lauren S. Curtis, Esq.

Traub Lieberman Straus & Shrewsberry LLP

## Presentation of the Fact Pattern

8:05 – 8:15 am

Edward J. Currie, Esq.

Currie Johnson & Myers, PA

The program is built around a construction project fact pattern involving property damage and bodily injury, with multiple claimants, multiple insureds, competing time limit demands, and risk transfer issues among the defendants.

## Coverage 101 – Introduction to Coverage

8:15 – 9:05 am

April A. Elkovitch, Esq.

Assistant Vice President & Claim Counsel

Philadelphia Insurance Companies

Dan D. Kohane, Esq.

Hurwitz & Fine, PC

This presentation will discuss the fundamentals of commercial general liability policies and provide students with a roadmap on how to conduct a coverage analysis.

## Issue Spotting - Substantive Topics

9:05 – 10:05 am

Gena L. Sluga, Esq.

Christian, Dicther & Sluga, P.C.

Jeffrey M. Guillory, Esq.

Senior Litigation Attorney

Shelter Insurance Companies

This presentation will involve a deeper dive into coverage issues commonly encountered in general liability claims, including number of occurrences, property damage vs. economic harm, business risk exclusions, identifying the insureds, priority of coverage, and conditions defenses.

## BREAK

10:05 – 10:15 am

## Duty to Defend Considerations

10:15 – 11:00 am

David Leskauskas, Esq.

Executive Vice President & Chief Claims Officer

MSIG Holdings (Americas), Inc.

Lee Murray Hall, Esq.

Jenkins Fenstermaker, PLLC

This presentation will explore duty to defend considerations, including what triggers the duty to defend, when extrinsic evidence can be considered, allocating between covered and non-covered claims, tips for writing an effective reservation of rights letter, and the consequences of defending under a reservation of rights, including independent counsel implications and consent judgments.

## Delivery of Fact Pattern Update #1

11:00 – 11:05 am

Margaret Fonshell Ward, Esq.

Downs Ward Bender Hauptman & Herzog, PA

Students will be given a new factual development that will raise a potential conditions defense and implicate independent counsel issues.

## Breakout Session #1

11:05 – 11:50 am

Students and faculty members will meet in small groups for a more in-depth discussion of the critical coverage issues raised by the fact pattern and tips on writing the reservation of rights letter. Students will be given an exemplar reservation of rights letter prepared by one of the faculty members.

## Recap/Lessons Learned #1

11:50 – 12:00 pm

Faculty members will reflect on issues discussed during the first breakout session and will provide practical takeaways.

## LUNCH

12:00 – 1:00 pm

## Risk Transfer – Additional Insured and Contractual Indemnity Issues

1:00 – 1:50 pm

Christine Sheridan Celia, Esq.

Managing Counsel, Casualty Coverage Litigation, Global Legal Chubb Group

Meryl R. Lieberman, Esq.

Traub, Lieberman, Straus & Shrewsberry LLP

This presentation will address additional insured and contractual indemnity issues, including distinguishing between additional insured and contractual indemnitee status, recognizing the differences in the various additional insured endorsement forms, and understanding some of the practical implications of being an additional insured vs. a contractual indemnitee with respect to defense costs and priority of coverage.

## Delivery of Fact Pattern Update #2

1:50 – 1:55 pm

Bradford Box, Esq.

Rainey Kizer Reviere & Bell PLC

Students will be given a new factual development involving a tender from one defendant to another.

## Breakout Session #2

1:55 – 2:35 pm

Students and faculty members will meet in small groups for a more in-depth discussion of the additional insured/contractual indemnitee tender and will discuss other risk transfer opportunities. Students will be given an exemplar tender letter prepared by a faculty member.

## Recap/Lessons Learned #2

2:35 – 2:50 pm

Faculty members will reflect on issues discussed during the second breakout session and will provide practical takeaways.

## BREAK

2:50 – 3:00 pm

### Good Faith Claim Handling: Extra-contractual Considerations

3:00 – 3:50 pm

Debra Tedeschi Varner, Esq.  
Varner, Van Volkenburg, PLLC

Jeffrey V. Commisso, Esq.  
Divisional Vice President  
Great American Insurance Company

Terrence M. Ridley, Esq.  
Wheeler Trigg O'Donnell LLP

This presentation will discuss good faith claim handling considerations with respect to multiple claimants, multiple insureds, time limit demands, and duties owed to excess insurers.

### Considerations for Coverage Litigation Considerations

3:50 – 4:10 pm

Barbara A. O'Donnell, Esq.  
Sulloway & Hollis, PLLC

Stephen P. Pate, Esq.  
Cozen O'Connor

This presentation will touch on some of the considerations for coverage litigation, including choice of law and forum selection issues, selection of coverage counsel, timing of coverage litigation vis a vis the underlying liability case, and broader implications of a coverage decision.

## Delivery of Fact Pattern Update #3

4:10 – 4:15 pm

Sarannah L. McMurtry  
Vice President, Associate General Counsel  
Acceptance Insurance Company

Students will be given a new factual development involving competing time limit demands by two claimants directed to one insured.

## Breakout Session #3

4:15 – 5:00 pm

Students and faculty members will meet in small groups to dissect the competing time limit demands, including a more in-depth discussion of some of the challenges presented by claims involving multiple claimants and insufficient limits, how to handle vague demands, and best practices for keeping the insured adequately apprised.

## Recap/Lessons Learned #3

5:00 – 5:10 pm

Faculty members will reflect on issues discussed during the third breakout session and provide practical takeaways.

## Closing Remarks

5:10 – 5:15 pm

Lauren S. Curtis, Esq.  
Traub Lieberman Straus & Shrewsbury LLP

## Networking Reception

5:30 – 6:30 pm

# F A C U L T Y

**Bradford Box, Esq.**  
Rainey Kizer Reviere & Bell PLC  
Memphis, TN

**Christine Sheridan Celia**  
Managing Counsel, Casualty  
Coverage Litigation, Global Legal  
Chubb Group

**Jeffrey V. Commisso**  
Divisional Vice President  
Great American Insurance  
Company

**Edward J. Currie, Esq.**  
Currie Johnson & Myers, PA  
Jackson, MS

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Traub, Lieberman, Straus &  
Shrewsbury LLP  
St. Petersburg, FL

**April A. Elkovitch**  
Assistant Vice President  
& Claim Counsel  
Philadelphia Insurance  
Companies

**Jeffrey M. Guillory**  
Senior Litigation Attorney  
Shelter Insurance Companies

**Lee Murray Hall, Esq.**  
Jenkins Fenstermaker, PLLC  
Huntington, WV

**Dan D. Kohane, Esq.**  
Hurwitz & Fine, PC  
Buffalo, NY

**Jean Lawler, Esq.**  
Lawler ADR Services, LLC  
El Segundo, CA

**David Leskauskas**  
Executive Vice President &  
Chief Claims Officer  
MSIG Holdings (Americas), Inc.

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Providence, RI

**Stephen P. Pate, Esq.**  
Cozen O'Connor  
Houston, TX

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Denver, CO

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Phoenix, AZ

**John C. Trimble, Esq.**  
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Indianapolis, IN

**Debra Tedeschi Varner, Esq.**  
Varner, Van Volkenburg, PLLC  
Clarksburg, WV

**Margaret Fonshell Ward, Esq.**  
Downs Ward Bender Hauptman &  
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Baltimore, MD

**David W. Zizik, Esq.**  
Sulloway & Hollis, PLLC  
Providence, RI

# S P O N S O R S

**FDCC Foundation**

**Christian, Dicther & Sluga, P.C.**

**Christie Law Group, PLLC**

**Currie Johnson & Myers, PA**

**Goldberg Segalla LLP**

**Gordon Rees Scully Mansukhani, LLP**

**Hurwitz & Fine, PC**

**Jenkins Fenstermaker, PLLC**

**Sulloway & Hollis, PLLC**

**Traub, Lieberman, Straus  
& Shrewsbury LLP**

**Varner, Van Volkenburg, PLLC**