

19th

ANNUAL POLICYHOLDER ADVISOR CONFERENCE

ANDERSON KILL Maximizing YOUR INSURANCE RECOVERY



The Annual Anderson Kill Policyholder Advisor Conference is a must-attend event for any professional or business person concerned with his/her company's insurance investment.

This year the conference will feature everything from "Directors & Officers' Liability Insurance," and "Ethics," to "Data Security," and a "State of the Market" broker panel discussion. Important issues affecting key industries will be discussed in the following breakout sessions: financial services, captives/self-funding, environmental insurance and real estate & construction.

This conference will provide practical, timely and invaluable advice.

Thursday, October 29, 2015

The Convene Centers
730 Third Avenue, 17th Floor
New York, NY

Who Should Attend?

In-House Counsel, Risk Managers
and Senior Management

NY 7.0, PA 6.0 and CA 6.25 CLE Approved
(includes 1 hour of ethics)
NJ credits presumptively approved
Transitional and Non-Transitional



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8:30 – 9:00am**Registration/
Continental Breakfast****9:00 – 9:15am****Opening Remarks**

Robert M. Horkovich
Conference Chair
Co-Chair,
Insurance Recovery Group
Anderson Kill Managing Partner

9:15 – 10:00am**2015 Top Ten Issues
in D&O Liability and
Insurance**

Times change, liabilities change, but disputes over coverage under D&O insurance policies spring eternal. This session will examine emerging liabilities for which D&O policyholders need protection and major flashpoints in disputes over coverage. We will address coverage for suits against directors and officers stemming from cyber liabilities, mergers and acquisitions, environmental liabilities, FCPA investigations and Dodd-Frank requirements, as well as changes in pricing and underwriting of this important insurance product and coverage disputes over various coverage provisions, exclusions, and outside-the-policy defenses. Discussion will focus on the liabilities demanding coverage and strategies to counter common coverage arguments.

William G. Passannante,
Moderator
Co-Chair,
Insurance Recovery Group
Anderson Kill Shareholder

Carrie DiCanio
Anderson Kill Attorney

Michael J. White
Managing Director,
Marsh FINPRO

Phil Norton
Vice Chairman, Midwest Region
Arthur J. Gallagher

10:00 – 10:45am**Can I Sue? Your Policy
May Not Allow It!**

When purchasing insurance coverage, insurance professionals look for many things including the amount of coverage, the type of coverage, and the amount of premium. Often times, as with many commercial contracts, the dispute resolution mechanisms, as well as choice of law provisions, are an afterthought. This, of course, makes sense – it is hard for those seeking coverage to think about what is going to happen if the purchased coverage is not provided when things go wrong. However, things can and do go wrong and a sophisticated purchaser of insurance needs to understand and be prepared for all eventualities. On this panel we review some of the pertinent dispute resolution mechanisms including negotiation, mediation, (domestic and international) arbitration, litigation, and multi-step mechanisms, as well as choice of law provisions. Insurance professionals will learn about the various dispute resolution mechanisms and how to get the most out of each one.

Finley Harckham
Anderson Kill Shareholder

Peter A. Halprin
Anderson Kill Attorney

Noah Hanft
President & CEO,
CPR: International Institute
for Conflict Prevention and
Resolution

10:45 – 11:00am**Break****11:00 – 12:00pm****Attorney Ethics and
Privilege Concerns in the
Electronic Age**

Electronic communications and media are here to stay, yet constantly evolving, presenting a new array of ethical issues for practicing attorneys. This presentation will focus on

recognizing and responding to the new challenges, such as preserving privilege and confidentiality in electronic communications and cloud-based computing solutions; acceptable use of online resources and communications in researching adversaries, jurors, and witnesses; cybersecurity for law firms and law departments; preservation of electronic evidence; and preventing or responding to inadvertent disclosure of metadata.

Edward J. Stein
Anderson Kill Shareholder
Diana Shafter Gliedman
Anderson Kill Shareholder

12:00 – 12:45pm**Bad Faith Recovery for
Insurance Denials**

When is a wrongful coverage denial just a breach of contract – and when is it an act of bad faith? This question is asked by almost every policyholder whose claim is denied. The answer lies in the facts of the case, applicable state statutes and precedential court rulings. To make matters even more exciting, these laws change frequently. This session will review the bad-faith law in New York, which is a work in progress due to a key decision of New York's highest court called Bi-Economy. Because the changes in New York are being watched by courts around the country, this session is a must for anyone who may ever need to know about coverage denials.

Daniel J. Healy
Anderson Kill Partner

Vivian C. Michael
Anderson Kill Attorney

Robert Glasser, CPA, CFE,
CIRA, CFF
Managing Director,
Business Insurance Claims
FTI Consulting

12:45 – 1:45pm**Networking Lunch**

 FINANCIAL SERVICES**Insurance for Regulatory Investigations and Settlements**

Financial institutions regularly are faced with high-profile investigations by their various regulators, some of which have resulted in very large consent decrees. Many times, the financial institution is given only limited time or options on how to handle those matters, which makes communications with insurance companies and claims processing even more challenging than usual. There have also been challenges by insurance companies as to whether consent decrees are covered under insurance policies, including those with personal profit exclusions that are subject to final adjudication. This breakout session will involve discussions of these and other important issues for financial institutions who are concerned with maximizing insurance coverage for regulatory investigations and resulting settlements.

Marshall Gilinsky
Anderson Kill Shareholder

Diana Shaffer Gliedman
Anderson Kill Shareholder

 CAPTIVES/SELF-FUNDING**Alternatives to Traditional Insurance Policies**

This session will review the principal differences, along with the practical, financial and legal advantages and disadvantages of each alternative. This session will also focus on the basics of captive insurance companies; the reasons for formation, the feasibility process and key issues in putting a successful captive program together.

Phillip England
Anderson Kill Shareholder

Andrew M. Walsh
Anderson Kill Attorney

 ENVIRONMENTAL INSURANCE TODAY**Getting the Most Out of Your Environmental Coverage**

Like most liability insurance, environmental coverage is crucial when you get sued. Clean-up and financial assurance, however, are generally never that simple. Companies must tailor coverage to meet these risks both anticipated and unanticipated against the backdrop of an array of authorities such as voluntary clean-up, contractual obligations, threatening letters, bonding requirements and climate change. This experienced panel will sort through pros, cons and pitfalls by using real examples to show you how to get the cost out of your environmental insurance.

John G. Nevius
Anderson Kill Shareholder

Pamela D. Hans
Anderson Kill Shareholder

Robert D. Chesler
Anderson Kill Shareholder

Chip D'Angelo
President & CEO
WCD Group

 REAL ESTATE & CONSTRUCTION**What to Do When Things Go Wrong: Common Problems in Construction Projects and Ways to Deal With Them**

Construction is risky, both operationally and from a business perspective. Construction contracting and insurance procurement should properly address risk allocation. But how do parties evaluate risks before issues arise and effectively mitigate losses after they arise? What risks are insurable? In this session, we will examine things that often go wrong on a construction project and the role that insurance can play to mitigate losses. The panel will share their experiences and discuss the assistance offered by insurance coverage counsel, forensic claims consultants, and construction consultants. We will consider the following:

- Construction Defects
- Scope of Work/Change Orders
- Delay in Completion
- Additional Soft Costs
- Cost/Liens
- Other Liabilities

Lawrence J. Bartelemucci
Anderson Kill Shareholder

Allen R. Wolff
Anderson Kill Shareholder

Christopher M. Brophy
Managing Director,
FTI Consulting, Inc.

2:30 – 2:45pm

Break

2:45 – 3:30pm

**Keynote Address:
Cyber Risks**Neal A. Pollard
Director | Cyber
PwC

Neal Pollard is a director in the forensics technology practice at PricewaterhouseCoopers, where he focuses on forensic investigations of cyber crime, economic espionage, and insider threats. He is also adjunct professor at Georgetown University. Previously, as a senior officer in the intelligence community, he served multiple managerial and operational counterterrorism assignments in the National Counterterrorism Center, the Office of the Director of National Intelligence, and the Central Intelligence Agency. He was director for counterterrorism on the staff of the U.S. Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism and was a member of the United Nations Expert Working Group on use of the Internet for terrorist purposes.

3:30 – 4:15pm

**Ten Tips for Nailing
Down Responsive Cyber
Coverage**

The good news on the cyber insurance front is that insurance companies are eager to sell the protection, and favorable terms can be obtained if you know what to look for. The bad news is that the market lacks uniformity and many policies are confusing and densely written. This session will provide participants with the tools they need to purchase the coverage they need. After overviewing the most important coverages, presenters will deliver ten tips for avoiding coverage traps and increasing the chances that the coverage grant covers actual risks. These include purchasing policies that cover evolving risks, time element losses, breach of contract claims and data losses on cloud and third-party vendor systems. The session will also touch on claims handling practices that maximize the likelihood of full recovery.

Joshua Gold
Anderson Kill Shareholder

David E. Wood
Anderson Kill Shareholder

Meredith Schnur
Senior Vice President,
Professional Risk Practice,
Wells Fargo Insurance

4:15 – 5:00pm

**State of the Market,
The Brokers' Perspective**

This session will provide an in-depth explanation of the current market for D&O, first party property and comprehensive general liability, the historical perspective on changing market conditions and how brokers' roles have changed.

Darin J. McMullen, Moderator
Anderson Kill Shareholder

Janet B. Dreifuss
Associate General Counsel and
Senior Claims Counsel
ARC Excess & Surplus, LLC

Jennifer A. Wilson
Director Client Risk Services
HUB International New England

Scott Corzine
Managing Director/
Risk Management
FTI Consulting, Inc.

5:00 – 6:30pm

Cocktail Reception

ABOUT ANDERSON KILL'S INSURANCE RECOVERY GROUP

Anderson Kill practices law in the areas of Insurance Recovery, Commercial Litigation, Environmental Law, Estates, Trusts, and Tax Services, Corporate and Securities, Antitrust, Bankruptcy, Real Estate and Construction, Employment and Labor Law, Intellectual Property, Corporate Tax, Health Reform, Foreign Investment Recovery and Banking and Lending. Recognized nationwide by Chambers USA for Client Service and Commercial Awareness, and best-known for its work in insurance recovery, the firm represents policyholders only in insurance coverage disputes – with no ties to insurance companies and has no conflicts of interest. Clients include Fortune 1000 companies, small and medium-sized businesses, governmental entities, and nonprofits as well as personal estates. Based in New York City, the firm also has offices in Ventura, CA, Philadelphia, PA, Stamford, CT, Washington, DC, and Newark, NJ. For more information, please feel free to visit our website at www.andersonkill.com.

CONFERENCE CENTER INFORMATION

The Convene Centers
730 Third Avenue, 17th Floor
New York, NY
Telephone: (888) 730-7307

Convene is New York's largest dedicated conference center conveniently located just three blocks from Grand Central Terminal. With 22-foot floor-to-ceiling windows affording spectacular views and natural light, 730 Third Avenue offers over 25,000 square feet of dedicated meeting and event space to accommodate groups from one to 450. Convene's own onsite audio, visual, culinary and event planning teams ensure superior service is delivered every step of the way.

CHAMBERS USA 2015 RECOMMENDED ANDERSON KILL AS ONE OF THE NATION'S LEADING INSURANCE RECOVERY PRACTICES FOR NINE CONSECUTIVE YEARS, CITING THE FOLLOWING CLIENT COMMENTS:

“One said that within the insurance recovery space, Anderson Kill is **“historically a top firm and it remains so.”**”

Another noted, **“They have negotiated unique legal issues and can research and theorize cases as well as lead trial matters. I have sat through both arbitrations and trials with them and have been very impressed.”**”

(As reported in Chambers USA 2015)

REGISTER

Three easy ways to register!

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OCTOBER 26, 2015

Visit our website at www.andersonkill.com/events.asp
Telephone Sonia Smalls at **(212) 278-1400**
Email seminars@andersonkill.com