



Anderson Kill's 20th Annual Policyholder Advisor Conference

'Maximizing Your Insurance Recovery'

Friday, November 11, 2016
8:30 – 9:00 am – Registration/Breakfast
9:00 – 5:00 pm – Conference

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

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 Anderson Kill will be celebrating its 20th 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, arbitration, environmental law and real estate & construction.

This conference will provide practical, timely and invaluable advice.

Who Should Attend?

In-House Counsel, Risk Managers and Senior Management

REGISTRATION: 8:30 a.m. - 9:00 a.m.

**CONFERENCE: 9:00 a.m. - 5:00 p.m.
(breakfast/lunch will be served)**

COST: \$50.00

**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**

Summary of Program Topics

9:00–9:15 am – Opening Remarks

Robert M. Horkovich, *Conference Chair*
Chair, Insurance Recovery Group
Anderson Kill Shareholder

9:15–10:00 am

Final Adjudication: The Insurance Industry’s Disgorgement Defense Hits a Wall

Ever since the publication of Judge Posner’s 2001 decision in *Level 3 Communications v. Federal Ins. Co.*, insurance industry lawyers consistently have sought to expand the reach of their beloved “disgorgement” defense – with palpable success that cost policyholders hundreds of millions of dollars in coverage. Ironically, over the same time period, insurance industry underwriters were broadening policy wordings designed to cover underlying claims involving allegations of ill-gotten gains. At long last, these conflicting trends have reached a tipping point, and courts finally have recognized that the “disgorgement” defense does not apply to claims covered under liability insurance policy forms that use “final adjudication” language as part of the wrongful acts exclusion. Join an expert panel of attorneys and risk managers as they discuss both sides of the “disgorgement” battlefield, including several important cases, decided over the past few years, that effectively have turned the tide on the “disgorgement” defense.

William G. Passannante, Co-Chair, Insurance Recovery Group, Anderson Kill Shareholder
Marshall Gilinsky, Anderson Kill Shareholder
Robert A. Johnson, Partner, Akin Gump Strauss Hauer & Feld LLP
Ty Sagalow, President, Innovation Insurance Group, LLC

10:00–10:45 am

Coverage For Contractual Liability

This area of coverage is not well understood and gives rise to issues in a variety of contexts including construction accidents, long tail CGL liabilities such as environmental claims, and product liability claims.

Finley Harckham, Anderson Kill Shareholder
Dennis J. Artese, Anderson Kill Shareholder

10:45–11:00 am – Break

11:00–12:00 pm

Wrongs and Rights: How to Protect Your Client And Yourself When Errors or Omissions Emerge

When lawyers make mistakes, there may be repercussions for clients and for the lawyers and their firm or employer. This session will explore lawyers' ethical obligations to clients arising from discovery of potential errors or omissions, options for seeking assistance, and steps that lawyers (and other professionals) should consider to preserve liability insurance coverage.

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

12:00–12:45

Ten Tips for Getting Your Claim Paid

Getting claims paid is often difficult. Unfortunately, the larger the claim, the more difficult it is to get the claim paid. This session will provide risk managers and in-house counsel with a host of practical tips for keeping the claims process moving, minimizing resistance, and maximizing coverage. These are not your father's insurance tips. They include factoring such considerations as the solvency of your various insurers, the value of getting paid fast, forum sensitivity, and getting the right people on the other side of the negotiating table.

Robert M. Horkovich, Anderson Kill Shareholder
Rhonda D. Orin, Anderson Kill Partner

12:45–1:45 – Networking Lunch

1:45–2:30 pm – Breakout Sessions: Important Issues Affecting Key Industries

Financial Services

At The Intersection of Bankruptcy and Insurance

Insurance policies (and the proceeds thereof), oftentimes the most valuable asset an insolvent policyholder possesses, are increasingly becoming more critical to a debtor's estate. Coverage issues are arising more frequently, and navigating through the intersection of bankruptcy and insurance can be hazardous to a company seeking to utilize those proceeds to satisfy claims against it. This presentation offers a road-map to both policyholder debtors and estate creditors and their counsel. Some of the topics discussed include: noticing the insurance claim; policies vs. proceeds as "property of the estate" with respect to liability, D&O and E&O policies; the impact of self-insured retentions and gaps in coverage; and common coverage exclusions.

Dennis J. Nolan, Anderson Kill Shareholder
Mark D. Silverschotz, Anderson Kill Of Counsel

Trade Credit

Managing Credit Risk in an Uncertain Economic Climate

Given the international economic climate, companies engaged in international trade face significant risks. Political and economic uncertainty is having effects throughout the supply chain and commodities prices have been in flux. As such, issues with clients and suppliers can expose even diligent policyholders to great risks. Recognizing such issues, many policyholders utilize insurance as part of their risk management strategy to deal with credit exposures. Policyholders with such insurance claims, however, can face significant hurdles when trying to recover insurance proceeds even in the fact of a covered cause of loss. On this panel, we review some of the potential challenges for policyholders as well as strategies to help policyholders maximize their insurance recoveries.

Peter A. Halprin, MCI Arb, Anderson Kill Attorney (*Moderator*)

Vivian Costandy Michael, Anderson Kill Attorney

Thomas Raspanti, Willis Towers Watson - Financial Solutions

Environmental Law

Risks Faced and What To Do About Them: From Planning Construction Activity to Arbitrating Claims

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

Chip D'Angelo, President & CEO, WCD Group

Real Estate and Construction

Allen R. Wolff, Anderson Kill Shareholder

Bruce A. Cholst, Anderson Kill Shareholder

Al Nagelberg, ARMC President and Real Estate Leader

Albert Risk Management Consultants

2:30–2:45 pm - Break

2:45–3:30 pm

Keynote Address – Cyber Risks

Robert N. Sutton

Vice President | Cyber Security Advisory & Consulting Services, Global Digital Solutions

C|CISO, CISSP, CISM, CRISC, CGEIT, CBCP, CCSK, SSCP, CVIL, ITILv3

Virtusa | Polaris Corporation



3:30–4:15 pm

How to Build a Responsive Cyber Insurance Program and Get Claims Covered

The good news on the cyber insurance product 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 still lacks any semblance of uniformity and many policies are confusing to say the least. 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 granted covers actual risks. These include purchasing policies that cover evolving risks, time element losses, reputational damage, extortion and ransomware, PCI-related claims, breach of contract claims and data losses stemming from hacks on cloud and third-party vendor systems. The session will also touch on claims handling practices that maximize the likelihood of full recovery as well as syncing cyber coverage up with CGL, property insurance and crime insurance.

Joshua Gold, Anderson Kill Shareholder

Daniel J. Healy, Anderson Kill Partner

Adam Cottini, Managing Director, Cyber Liability Practice, Area Senior Vice President, Arthur J. Gallagher & Co.

4:15–5:00 pm

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.

Moderator: **Cort Malone**, Anderson Kill Shareholder

Jillian Menna, Esq.

General Counsel
SterlingRisk

Steve Levine, Esq.

First Vice President
Claims Attorney
Executive and Cyber Risk Practice
Alliant Insurance Services

Eric G. Seyfried

Senior Vice President/Team Leader/Financial Services Group/Professional Risk Solutions
A Division of Aon Risk Services Northeast, Inc.

About the Firm

Anderson Kill was founded in 1969 on the principles of integrity, excellence in the practice of law, and straightforward solutions to complex legal issues. The firm's attorneys approach engagements aggressively, and have earned a reputation for combining corporate polish with pugnacity. Based in New York City, the firm also has offices in Philadelphia, PA, Stamford, CT, Washington, DC and Newark, NJ, but the attorneys travel around the country and around the world to handle all types of matters. Anderson Kill attorneys work together, leveraging creativity and legal and business acumen to deliver cost-effective resolutions to clients' problems. Many of the firm's professionals are recognized experts in their practice areas, leaders and active participants in professional associations, and are frequently invited to speak to business organizations.

Anderson Kill clients include some of the nation's largest public and private entities, including companies in financial services, retail, oil/gas, telecommunications, construction, food supply, technology, pharmaceutical and life sciences, and utilities, municipalities and state governments, religious and not-for-profit organizations, small companies and individuals. Anderson Kill prides itself on attracting and retaining intelligent, personable and well-rounded attorneys. Smart attorneys with sharp skills, excellent client service, and a track record to prove it: that is the Anderson Kill difference.