

# BAD FAITH LITIGATION

The essential forum that shapes the future of bad faith litigation strategies for leading outside counsel, in-house counsel and claims professionals in the insurance industry

July 30-31, 2013 | Sheraton Fisherman's Wharf Hotel | San Francisco, CA

#### Learn from & network with:

*Lewis Harper*  
Carolina Casualty Insurance Group

*Lance Albright*  
QBE North America

*Krista Horn-Watkins*  
Travelers Insurance

*Danlias Howe*  
Universal American

*Marjorie J. Thompson*  
Allied World National Assurance Company

*E. F. Mincey CPCU ARM*  
MetLife Property and Casualty

*Deanna L. Johnston*  
Fireman's Fund Insurance Company

*William J. Kobokovich, Jr.*  
Travelers Insurance

*Paul C. Garrison*  
Infinity Insurance Company

*Tony Stompanato*  
AIG

*Elizabeth A. Robertson*  
Crawford & Company

*Jerry Iwler*  
The Progressive Group of Insurance Companies

*Russell Fuller*  
ICW Group

*Cari K. Ellenberger, JD*  
AGCS Marine Insurance

*Sarannah L. McMurtry, Esq.*  
Acceptance Insurance

*Robert P. Morgan*  
AIG

#### Featuring an Exceptional Faculty of Judges, Including:

*Hon. Michael R. Murphy*  
U.S. Ct. Appeals, Tenth Cir.

*Hon. Wiley Daniel*  
U.S. Dist. Ct., D. Colo.

*Hon. Patrick J. Walsh*  
U.S. Dist. Ct., C.D. Calif.

*Hon. Suzanne H. Segal*  
U.S. Dist. Ct., C.D. Calif.

*Hon. Richard Mills*  
U.S. Dist. Ct., C.D. Ill.

*Hon. Anthony Mohr*  
Super. Ct. California

*Hon. Fernando J. Gaitan, Jr.*  
U.S. Dist. Ct., W.D. Mo.

*Hon. Lee Yeakel*  
U.S. Dist. Ct., W.D. Tex.

*Hon. Michael J. Davis*  
U.S. Dist. Ct., D. Minn.

*Hon. Manuel Real*  
U.S. Dist. Ct., C.D. Calif.

*Hon. John M. Younge*  
Phila. Ct. Common Pleas

*Hon. Bernard Zimmerman (ret.)*  
U.S. Dist. Ct., N.D. Calif.

#### Sessions include:

- The latest on how **policyholders and insurers assert/defend bad faith claims and punitive damages**
- Pivotal bad faith issues on the horizon (**including from the U.S. Supreme Court**) and examining key state nuances and developments in hotbed jurisdictions such as **California, Washington and Florida**
- Proven methods to **avoid "wasting" a policy** when there are **multiple investigations and competing demands**
- Avoiding bad faith traps and set ups and litigating questionable coverage
- **Claims management: properly training claims handlers, and implementing best practices to minimize institutional bad faith claims**
- Responding to the **time limits and demand letters** to avoid bad faith set ups: **conducting the investigation, effectively communicating with the insured, and training adjusters** to read between the lines and subtle context
- **Claims handling**, dealing with multiple coverages that overlap, **properly handling investigations**, and beyond
- Understanding the scope and limits of **duty to defend, duty to settle, and initiating settlement negotiations**
- **Reservation of rights and using consent judgments**: assigning rights to the plaintiff and determining whether the settlement could result in a bad faith suit
- Invoking the **appraisal provision**, setting up the appraisal process, and avoiding common pitfalls
- **Discovery requests**: defining permissible limits within the scope of discovery

Register Now • 888-224-2480 • [AmericanConference.com/BadFaithSNF](http://AmericanConference.com/BadFaithSNF)



---

## The 25th installment of ACI's Bad Faith Litigation series returns to the west coast with a revamped faculty of leading in-house counsel and claims professionals, prestigious jurists from different jurisdictions, and premier outside counsel from across the nation.

---

Bad faith litigation shows no signs of slowing down as more claims are filed in hotbed jurisdictions like Washington, California, Florida, and other states. The claims are costly, huge verdicts are being handed down every day, and more states are passing statutory bad faith laws. It is now more important than ever for insurers and policyholders to stay current on all that is happening in the bad faith litigation arena. Practitioners must stay ahead of the curve and create the best strategies for resolving coverage disputes, responding to demand letters, negotiating settlement demands, and managing discovery disputes.

In response, **American Conference Institute** brings you its 25th installment (*back on the west coast*) of its acclaimed **Bad Faith Litigation** forum for all the critical updates on case law, proposed legislation and strategies. Get effective tips on how you can ensure the best result for your case and client. This installment will feature:

- ***Insurers In-house roundtable:*** This specialized in-house panel will focus on 1) best practices in claims investigation and litigation decisions; 2) settling bad faith claims and working with outside counsel; 3) dealing with the insured; and much more
- ***Point/counterpoint panel session with policyholders and insurers and how they assert/defend bad faith claims and punitive damages:*** Adapt your strategies to the new wave of claims being asserted and hear what key actions (or inactions) could lead your client into litigation.
- ***Discussions with distinguished jurists:*** Get valuable insight on effective theories and evidentiary issues, from state and federal judges that have presided over bad faith suits.
- ***Narrowly tailored panel sessions:*** Our narrowly tailored, comprehensive panels will shed light on the most effective ways to recognize bad faith set-ups, properly investigate a claim, litigate questionable coverage, manage discovery, respond to punitive damage claims and much, much more.

Register now by calling 888-224-2480 or faxing your registration form to 877-927-1563. You can also register online at [www.AmericanConference.com/BadFaithSNF](http://www.AmericanConference.com/BadFaithSNF)

---

### WHO YOU WILL MEET

#### Plaintiff and Defense Attorneys Specializing in:

Insurance Bad Faith  
Extra-Contractual Damages  
Insurance Defense  
Litigation  
Personal Injury  
Worker's Compensation  
Appellate Practice  
Mold, Asbestos and Other Toxic Torts  
Life, Health and Disability Claims

#### Insurance Industry Professionals, Including:

Corporate Counsel  
Defense Counsel  
Claims Managers  
Adjusters  
Compliance Office  
Risk Managers

## Day One – Tuesday, July 30, 2013

- 7:15 **Registration and Continental Breakfast**
- 8:00 **Co-Chairs' Welcoming Remarks**  

---

*Julia A. Molander*  
Partner  
Meckler Bulger Tilson Marick & Pearson LLP  
*Jacquelyn A. Beatty, Esq.*  
Shareholder  
Karr Tuttle Campbell
- 8:05 **Point/Counterpoint: The Latest on How Policyholders and Insurers Are Asserting/Defending Bad Faith Claims & Punitive Damages**  

---

*Kristi Singleton*  
Counsel  
Dickstein Shapiro LLP  
*Thomas O. Farrish*  
Partner  
Day Pitney LLP
- Reviewing common bad faith claims
  - Facts supporting bad faith awards
  - Current bad faith trends
  - Trends in punitive damages
  - Using mediation as a tool to illustrate bad faith exposure
  - First party v. third party bad faith suits
  - Exploring statutory and common law bad faith
- 9:00 **Insurers In-House Roundtable: Counsel and Claims Professionals Speak Out on New & Emerging Issues in Bad Faith Claims**  

---

*Lewis Harper*  
Claims Director  
Carolina Casualty Insurance Group  
*Lance Albright*  
Vice President  
Program Claims  
QBE North America  
*Krista Horn-Watkins*  
Claim Legal EC  
Travelers Insurance  
*Danlias F. Howe*  
Vice President  
Assistant General Counsel  
Universal American Corp.  
*Marjorie J. Thompson*  
Vice President, Claims  
Allied World National Assurance Company  
*E. F. Mincey CPCU ARM*  
Manager, Home Office Claims  
MetLife Property and Casualty  
*Sarannah L. McMurtry, Esq.*  
Claims Counsel  
Acceptance Insurance

### Co-Moderators:

*Anthony Zelle*  
Partner  
Zelle McDonough & Cohen LLP

*Alex Potente*  
Partner  
Sedgwick LLP

### Settling Bad Faith Claims and Working with Outside Counsel

- Recognizing when and why to settle
- How to negotiate best outcome settlements
- Best practices for reducing the settlement amount
- Managing the high risk cases and litigation
  - “must win cases”; what are they and how best to manage them
- Selecting, supporting and working with outside counsel
  - When to use outside counsel
  - Selecting outside counsel; the “best fit” method.
  - How to handle policyholders objections to selection of outside counsel
  - How to negotiate outside counsel rates

### Dealing with the Insured

- Best practices for dealing with your insured after the court determines coverage exists
- How to encourage and negotiate mutually agreeable settlements
- What to do when your insured won't agree to a settlement
  - Risks of settling without the insured's consent, especially in the case of a large deductible or SIR

### Handling Medicare Issues in Liability Cases

- Exposure to Medicare in large claims
- Medicare liens and set aside agreements
  - Complications that arise in Florida and other time demand states

### 10:20 **Morning Coffee Break**

### 10:30 **Pivotal Bad Faith Issues on the Horizon (including from the U.S. Supreme Court) and Examining Key State Nuances and Developments in Hotbed Jurisdictions Such as California, Washington and Florida**

---

*Deanna L. Johnston*  
Vice President Litigation & Coverage Counsel  
Fireman's Fund Insurance Company

*Matthew J. Sekits*  
Shareholder  
Bullivant Houser Bailey PC

*Jacquelyn A. Beatty, Esq.*  
Shareholder  
Karr Tuttle Campbell

### What Some Recent Cases May Tell Us About What's Next

- Other parallel extra-contractual matters
- Additional available causes of action, remedies or damages
- Validity of arbitration clauses
- The independence of the “bad faith” action vis-a-vis coverage
- The attorney-client privilege
- Measure of a reasonable “attorney fee”

- *Standard Fire v. Knowles* – determining right of removal under CAFA
- Reviewing recent legislation which provides safe harbor to carriers as a shield against bad faith cases
- Determining whether the insured refusing to submit to an examination under oath constitutes breach to policy
  - Assessing whether the insurer has to show prejudice
- What are the defenses to bad faith?
  - timely notice of claim by the insured; estoppel
- Interplay between common law and statutory law
  - How do courts handle bad faith claims where there are gaps in the statute and legislature hasn't overruled common law?

#### California

- *Wilson v. Superior Court* – determining whether to take a case away from a jury or leave it for summary judgment
- *Henderson v. Farmers Group, Inc.* – denying claims for either (1) no proof of loss or untimely proof of loss; and, (2) untimely notice
- *Robert Lee v. West Coast Life Insurance Company* – special nuances in interpleader protection
- *Du v. Allstate* – how insurers can be liable for bad faith without demands for policy limits
- Understanding the California distinction of joint and several liability
  - Whether carriers owe a duty because other insurers should have participated
- Interpreting California's independent counsel rule related to a reservation of rights situation
  - What are the conflicts?
  - Including language that allow for insured to retain counsel
  - Understanding California's CUMIS statute
  - What are the ethical issues for the counsel retained by the insurer?
  - Determining whether the insurer can assess the hourly rate
- Attorney/client privilege issues in bad faith disputes
- Understanding California's statute on institutional discovery requests on claimant's files that are not specific to claimant being litigated
  - What is the pattern of practice to show bad faith?

#### Washington

- Examining recent litigation related to consent judgments and set ups for bad faith claims
- Attorney/client privilege issues in bad faith disputes; *Cedell v. Farmers*
- How the decision to not defend a claim because of the determination of no coverage can lead to bad faith claims
  - What are the constitutional challenges and emerging issue that require more consideration? *Bird v. Best Plumbing*
- Attorney/client privilege issues in bad faith disputes; *National Surety v. Immunex* – serious claim handling implications
- Assessing when the statute of limitations runs after the *Moratti* decision
- *James River* – arbitration agreements void because insureds are denied their day in court
- *Staples v. Allstate* – insurer cannot compel an EUO
- *Immunex* – no right to recover defense costs even if no coverage, and other implications for insurers on the duty to defend

#### Florida

- Insurer's liability in the third party context
- Effective communication between insurer and insured over settlement negotiations
  - What happens when the insurer is less than forthcoming?
- Improper claims handling
- What are duties, if any, owed to non insured and claimant?
- Splitting defenses of co-insureds and possible bad faith claims

#### 11:40 **Proven Methods to Avoid “Wasting” a Policy When There Are Multiple Investigations and Competing Demands**

*William J. Kobokovich, Jr.*

Vice President & Associate Group General Counsel  
Travelers Insurance

*Paul C. Garrison*

Corporate Counsel  
Infinity Insurance Company

*Peter Klee*

Partner  
McKenna Long & Aldridge LLP

*W. Edward Carlton*

Shareholder  
Quilling, Selander, Lownds, Winslett & Moser P.C.

- How competing demands from multiple interests can lead to bad faith litigation
- Dealing with numerous investigations, lawsuits and demands
- Treating all insureds fairly while paying out on the policy
- Multiple claims when the policy limits are insufficient
- How should competing claims be settled: On a “first come first serve” basis? Based on claim values? Some other approach?
- Keeping the insured fully informed and part of the process
- What should you do when the plaintiff/claimant will release some, but not all your insureds?

#### 12:50 **Networking Lunch for Delegates and Speakers**

#### 1:50 **Claims Management: Properly Training Claims Handlers, and Implementing Best Practices to Minimize Institutional Bad Faith Claims**

*Tony Stompanato*

Regional Vice President  
AIG

*Robert P Morgan*

Claims Regional Vice President  
AIG

*Elizabeth A. Robertson*

Chief Litigation Counsel  
Crawford & Company

*Jerry Iwler*

Corporate Claims Counsel  
The Progressive Group of Insurance Companies

*Russell Fuller*

Senior Surety Claims Counsel  
ICW Group

*Cari K. Ellenberger, JD*

Legal Specialist  
AGCS Marine Insurance

*Alicia G. Curran*  
Member  
Cozen O'Connor

#### Best Practices for Claims Investigations

- Analyzing and evaluating the insured's liability
  - Strategies for conducting a quality, efficient, and cost effective investigation
  - Addressing problems related to inadequate investigations before they escalate into bad faith issues
  - Fixing problems related to inadequate investigations before they become bad faith issues
- Challenges that arise in internal claims handling
  - How to recognize questionable claims in the early stages
  - Implementing effective in-house policies and training
  - Ensuring enforcement of and compliance with best practices
  - Implementing a well documented quality control process that supports the diligence of the carrier in ensuring compliance
  - Proper management escalation
  - Effectively handling mass quantities of claims
- Properly training claims handlers to understand how to handle a claim
  - Implementing effective claims handling guidelines
  - Understanding nuances in different areas of law
  - Minimizing mistakes to avoid cost to policyholders
  - Avoiding exposure for the carrier with best practices

#### Litigation Decisions

- Crafting a properly documented claims decision
- Allocation of covered and non-covered claims
- The role of the broker in bad faith claims in the D&O, EPLI and E&O areas
  - Involvement of the broker in the underlying policy coverage representation and a potential subsequent bad faith claim
- Splitting the case file
  - When to split a file when a coverage/bad faith issue arises
  - Ensuring an adjuster is making decisions in the best interest of the insured
  - Utilizing a conflict screen in the claims handling process
- How to handle an ongoing claim while in litigation
  - How to staff the claim versus the litigation
  - What information should a claim handler receive?
  - Communication and how to protect privilege
  - How to use early resolution to your advantage

#### Institutional Bad Faith Claims

- Policies, procedures, and best practices to avoid claims
- Automated claims filing – Does removing human judgment expose the insurer to increased risk?

### 3:20 **Afternoon Break**

### 3:30 **Responding to the Time Limits and Demand Letters to Avoid Bad Faith Set Ups: Conducting the Investigation, Effectively Communicating With the Insured, and Training Adjusters to Read Between the Lines and Subtle Context**

*Larry R. Levine*  
Vice President & Assistant General Counsel  
Corporate Litigation Department  
Infinity Insurance Company

*Asim K. Desai*  
Partner  
Carlson Calladine & Peterson LLC

*Steve Plitt*  
Shareholder  
Kunz, Plitt, Hyland, Demlong & Kleifeld

*Jennifer D. Eubanks*  
Of Counsel  
Gallivan, White & Boyd P.A.

#### Time Limits

- Handling and responding to the set-up time demand letter
  - Identifying what the letter really says and does not say
  - Identifying the set-up/traps
  - How to find out what you don't know and need to know
  - Seeking clarification of the terms of the demand and how to do it without rejecting the demand or making a counter offer
  - How to respond to the set up time demand letter
- What is the time to respond?
  - Missing a deadline – what do you do?
  - Does this lead to potential bad faith claims?
- Inoculation by effective communication to the insured
  - Requesting documents
  - Advising on investigation
  - Seeking input
- Traps of time limit demands – Florida vs. rest of country
- Reviewing recent trend of Federal courts requiring plaintiffs to prove “good faith” in third party claims
  - Placing the onus on plaintiffs to show they pursued their claim in good faith and communicated with the insurer
- The limited liability release and time demands in the state of Georgia

#### Demand Letters

- Properly responding to demand letters
  - Responding to allegations that investigation was improper
  - Recognizing the cooperation of the insured to provide information so the insurer can respond to a claim
  - Appropriately training adjusters to read between the lines
- What are the gray areas?
  - What types of demand letters are unclear on how/when an insurer should respond?
  - Dealing with situations where the insurer has to respond/ make an offer without a demand letter
- How some courts are requiring plaintiffs to show good faith in the third party context
  - Plaintiffs must show communication with insurer and follow up for status of investigation
  - Using the plaintiff's failure to provide information to your advantage to negate the duty to defend
- Mixed coverage (property, bodily, and other types of coverage) for time limit demands

### 4:45 **Understanding the Scope and Limits of Duty to Defend, Duty to Settle, and Initiating Settlement Negotiations**

*Kevin Kieffer*  
Partner  
Troutman Sanders LLP

*Vivek Chopra*  
Partner  
Perkins Coie

*Timothy Strong*  
Partner  
Stephoe & Johnson LLP

*Arnold R. Levinson*  
Partner  
Pillsbury & Levinson, LLP

*Timothy E. Delahunt*  
 Managing Partner  
 Kenney Shelton Liptak Nowak LLP

- Duty to defend – *Post v. St. Paul Travelers* (3rd Cir.)
  - Denying coverage based on what is covered in policy
  - Reviewing exclusions in the policy
  - Assessing whether “dishonest purpose” is bad faith
  - What is the current scope of duty to defend?
  - What is the obligation of the insured?
  - What rights does the insured have to select counsel?
  - What are the conflicts, if any?; analysis of the dissent
- Duty to settle claims – *Du v. Allstate Insurance Company*
  - Genuine dispute doctrine to third-party claims
  - Insurer’s obligation to proactively initiate settlement
  - Determining whether this is an undue burden
- Liability for failure to settle within policy limits
  - Realizing potential bad faith claims for failing to settle
  - Hiring an independent law firm to review settlement
  - Establishing a defense to policyholder’s argument that settlement should have been occurred within policy limits
- *Johansen v. California State Auto Association*
  - Determining whether there is a duty to settle when there is valid coverage defense, exclusion
- *Howard v. American National Fire*
  - Duty to settle with multiple insurers; failure to defend
- Examining the potential consequences of a failure to defend (i.e. liability for defense costs and/or other damages such as the amount of a judgment against the insured)

6:00 **Conference Adjourns**

**Day Two | Wednesday, July 31, 2013**

7:30 **Continental Breakfast**

8:00 **View From the Bench: Judicial Insight on the Latest Claims, Theories and Discovery Issues**

Judges Panel 1 8:00-9:30 (break 9:30-9:40)	Judges Panel 2   9:40-11:15
<i>Hon. Manuel Real</i> U.S. Dist. Ct., C.D. Calif.	<i>Hon. Michael R. Murphy</i> U.S. Ct. App., Tenth Cir.
<i>Hon. Fernando J. Gaitan, Jr.</i> U.S. Dist. Ct., W.D. Mo.	<i>Hon. Patrick J. Walsh</i> U.S. Dist. Ct., C.D. Calif.
<i>Hon. Richard Mills</i> U.S. Dist. Ct., C.D. Ill.	<i>Hon. Michael J. Davis</i> U.S. Dist. Ct., D. Minn.
<i>Hon. Lee Yeakel</i> U.S. Dist. Ct., W.D. Tex.	<i>Hon. Suzanne H. Segal</i> U.S. Dist. Ct., C.D. Calif.
<i>Hon. Wiley Daniel</i> U.S. Dist. Ct., D. Colo.	<i>Hon. Anthony J. Mohr</i> Calif. Super. Ct., LA
<i>Hon. John M. Younge</i> Phila. Ct. Common Pleas	<i>Hon. Allen S. Goldberg</i> Cir. Ct. Cook Cty, Ill.
	<i>Hon. Bernard Zimmerman (ret.)</i> U.S. Dist. Ct., N.D. Calif.

Panel 1 and 2 Moderator:  
*Charles Haddick, Jr.*  
 Dickie, McCamey & Chilcote, P.C.

11:15 **Reservation of Rights and Using Consent Judgments: Assigning Rights to the Plaintiff and Determining Whether the Settlement Could Result in a Bad Faith Suit**

*Paul R. Koepff*  
 Partner  
 Clyde & Co

*Julia A. Molander*  
 Partner  
 Meckler Bulger Tilson Marick & Pearson LLP

Reservation of Rights

- Insured’s rejection of defense when offered under reservation of rights
- Settlement rights while being defended under a reservation of rights
- Notice and opportunity of insurer to participate in negotiations
- Withdrawal of reservation of rights
- Recoupment of defense costs by the insured
- Recoupment of defense costs by the insurer for uninsured claims

Settlements of Underlying Claims For An Amount In Excess of Limits, Where The Insurer Has Denied Coverage

- The insured and the plaintiff may enter into a kind of settlement agreement where the insurer has denied coverage and the plaintiff wishes to hold the insurer liable for amounts in excess of limits
- Before making any such agreement, the necessity and/or advisability of notifying the insurer of pendency of negotiations and/or making a within limits settlement demand
- Issues concerning when to enter into and/or sign the relevant agreements?
- Typical provisions for this kind of settlement include: the plaintiff and the insured stipulate to a judgment in an amount in excess of the insurance limits, the insured assigns all rights to coverage and all extracontractual claims to the plaintiff, the plaintiff agrees not to execute on the consent judgment but releases the insured from any further liability, and thereafter a judgment reflecting these terms is entered
- Who else should be included in this type of settlement? The agent/broker?
- Certain preconditions to the validity and enforceability of this kind of settlement: necessity of arm’s length negotiations, a hearing on whether the amount of the settlement reasonably reflects the potential liability of the insured for the amount of the settlement, and that there is no collusion
- Using expert review/opinion to establish prima facie reasonableness
- Need for court approval

Litigating the Consent Judgment/Assignment Case

- The existence of other insurance that defends unconditionally
- Other insurance: contribution
- Indemnity policies with no duty to defend
- Necessity of proving coverage
- *Prima facie* showing of reasonableness: shifting burden of proof to insurer
- Insurer’s defenses: lack of reasonableness, fraud, collusion and bad faith
- Where judgment amount exceeds policy limits – necessity of proving bad faith
- Factors to be considered in subsequent bad faith action

12:05 **Networking Luncheon for Speakers and Delegates**

1:05 **Invoking the Appraisal Provision, Setting Up the Appraisal Process, and Avoiding Common Pitfalls**

*Jonathan Gross*  
Shareholder  
Bishop Barry Drath

*Paul S. White*  
Partner  
Tressler LLP

- Setting up appraisals for success and avoiding common pitfalls
  - Effective demands and responses
  - Avoiding mistakes in selection of umpires and appraisers
  - Appraising what is appraisable: causation vs coverage
- The mechanics of appraisal and the regional differences in the process
  - Active participation vs “radio silence”
  - The “problem child” participant and how to avoid disruption
  - Appraisals Gone Wild and how to calm or cure
- Special challenges with catastrophe events
- Time: Watching the clock before, during and after appraisal
- Bad faith litigation arising out of the use of appraisal
  - Delay, fights in the process, ambiguous awards and more
  - Depositions and discovery about and from the appraisal panel
- Appraisal during bad faith litigation and how and whether it can be accomplished

1:45 **Discovery Requests: Defining Permissible Limits Within the Scope of Discovery**

*Mary F. Licari*  
Partner  
Bates Carey Nicolaidis LLP

*Robert M. Forni, Jr.*  
Partner  
Ropers Majeski Kohn & Bentley PC

*Calvin Branton*  
Watson Law Group

- What is considered generally permissible “bad faith-related” discovery?
- Whether requests for other policyholder files and claim files spanning multiple years unrelated to the policy period at issue are overly broad and excessive
  - Protecting privileged information in claim files
- Filing protective orders to defend against overly broad and excessive discovery requests

2:45 **Conference Ends – Ethics Class Begins**

**Post-Conference Ethics Class**  
**Wednesday, July 31, 2013**  
**2:45 p.m. - 4:45 p.m.**

## Ensuring Confidentiality in the Litigation of Bad Faith Claims

*Check back for speakers at*  
*AmericanConference.com/BadFaithSNF*

This invaluable session, featuring 2 hours of CLE-ETHICS, is designed to hone the advocacy skills of both seasoned and up and coming bad faith practitioners. Gain insights and strategies on class member and ex-parte communications, and ensure your mastery of proper solicitation of clients and potential class members. Topics include:

- Class member communications
- Obtaining pre-certification information for the putative class
- Ex-parte communications
- Appropriate communication when attempting to convey information about claims to the class
- Proper Solicitation of Clients
- Remedies for ethical violations

## Continuing Legal Education Credits



Accreditation will be sought in those jurisdictions requested by the registrants which have continuing education requirements. This course is identified as nontransitional for the purposes of CLE accreditation.

ACI certifies that the activity has been approved for CLE credit by the New York State Continuing Legal Education Board in the amount of 13.0 hours. An additional 2.0 credit hours will apply to workshop participation, of which 2.0 is ethics.

ACI certifies that this activity has been approved for CLE credit by the State Bar of California in the amount of 11.0 hours. An additional 2.0 credit hours will apply to workshop participation, of which 2.0 is ethics.

You are required to bring your state bar number to complete the appropriate state forms during the conference. CLE credits are processed in 4-8 weeks after a conference is held.

ACI has a dedicated team which processes requests for state approval. Please note that event accreditation varies by state and ACI will make every effort to process your request.

Questions about CLE credits for your state? Visit our online CLE Help Center at [www.americanconference.com/CLE](http://www.americanconference.com/CLE)

## Global Sponsorship Opportunities

With more than 500 conferences in the United States, Europe, Asia Pacific, and Latin America, **American Conference Institute (ACI)** provides a diverse portfolio devoted to providing business intelligence to senior decision makers who need to respond to challenges spanning various industries in the US and around the world.

As a member of our sponsorship faculty, your organization will be deemed as a partner. We will work closely with your organization to create the perfect business development solution catered exclusively to the needs of your practice group, business line or corporation.

For more information about this program or our global portfolio of events, please contact:

**Wendy Tyler**  
Head of Sales, American Conference Institute  
Tel: 212-352-3220 x5242  
[w.tyler@AmericanConference.com](mailto:w.tyler@AmericanConference.com)

# BAD FAITH LITIGATION

The essential forum that shapes the future of bad faith litigation strategies for leading outside counsel, in-house counsel and claims professionals in the insurance industry

July 30-31, 2013 | Sheraton Fisherman's Wharf Hotel | San Francisco, CA

## Learn from and network with:

Carolina Casualty	Infinity Insurance
QBE North America	AIG
Travelers	Crawford & Co.
Universal American	Progressive
Allied World	ICW Group
MetLife, Inc	AGCS Marine Insurance
Fireman's Fund	Acceptance Insurance
Travelers Insurance	

Plus, learn from 13 federal and state judges who have presided over bad faith litigation suits

## REGISTRATION FORM

### PRIORITY SERVICE CODE

S

ATTENTION MAILROOM: If undeliverable to addressee, please forward to:  
Bad Faith or Extra Contractual Counsel/Claims Counsel or Claims Manager



Can be recycled

CONFERENCE CODE: 855113-SNF

YES! Please register the following delegate for BAD FAITH LITIGATION

### CONTACT DETAILS

NAME \_\_\_\_\_ POSITION \_\_\_\_\_

APPROVING MANAGER \_\_\_\_\_ POSITION \_\_\_\_\_

ORGANIZATION \_\_\_\_\_

ADDRESS \_\_\_\_\_

CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP CODE \_\_\_\_\_

TELEPHONE \_\_\_\_\_ FAX \_\_\_\_\_

EMAIL \_\_\_\_\_ TYPE OF BUSINESS \_\_\_\_\_

I would like to receive CLE accreditation for the following states: \_\_\_\_\_ . See CLE details inside.

FEE PER DELEGATE	Register & Pay by May 31, 2013	Register & Pay by Jun 28, 2013	Register after Jun 28, 2013
<input type="checkbox"/> Conference Only	\$1995	\$2095	\$2295
<input type="checkbox"/> Conference & Ethics Class	\$2195	\$2295	\$2495

I cannot attend but would like information on accessing the ACI publication library and archive

### PAYMENT

Please charge my  
 VISA  MasterCard  AMEX  Discover Card  Please invoice me  
 NUMBER \_\_\_\_\_ EXP. DATE \_\_\_\_\_  
 CARDHOLDER \_\_\_\_\_

I have enclosed my check for \$ \_\_\_\_\_ made payable to  
**American Conference Institute** (T.I.N.—98-0116207)

ACH Payment (\$USD)  
 Please quote the name of the attendee(s) and the event code 855113 as a reference.  
 For US registrants:  
 Bank Name: HSBC USA  
 Address: 800 6th Avenue, New York, NY 10001  
 Account Name: American Conference Institute  
 UPIC Routing and Transit Number: 021-05205-3  
 UPIC Account Number: 74952405  
 Non-US residents please contact Customer Service for Wire Payment information

### Registration Fee

The fee includes the conference, all program materials, continental breakfasts, lunches and refreshments.

### Payment Policy

Payment must be received in full by the conference date. All discounts will be applied to the Conference Only fee (excluding add-ons), cannot be combined with any other offer, and must be paid in full at time of order. Group discounts available to individuals employed by the same organization.

### Cancellation and Refund Policy

You must notify us by email at least 48 hrs in advance if you wish to send a substitute participant. Delegates may not "share" a pass between multiple attendees without prior authorization. If you are unable to find a substitute, please notify **American Conference Institute (ACI)** in writing up to 10 days prior to the conference date and a credit voucher valid for 1 year will be issued to you for the full amount paid, redeemable against any other ACI conference. If you prefer, you may request a refund of fees paid less a 25% service charge. No credits or refunds will be given for cancellations received after 10 days prior to the conference date. ACI reserves the right to cancel any conference it deems necessary and will not be responsible for airfare, hotel or other costs incurred by registrants. No liability is assumed by ACI for changes in program date, content, speakers, or venue.

### Hotel Information

**American Conference Institute** is pleased to offer our delegates a limited number of hotel rooms at a preferential rate. Please contact the hotel directly and mention the "ACI - BAD FAITH LITIGATION" conference to receive this rate.

Venue: Sheraton Fisherman's Wharf Hotel  
 Address: 2500 Mason Street, San Francisco, CA 94133  
 Reservations: 415-362-5500 or 888-627-7024

### Incorrect Mailing Information

If you would like us to change any of your details please fax the label on this brochure to our Database Administrator at 1-877-927-1563, or email data@AmericanConference.com.

## 5 Easy Ways to Register

- MAIL** **American Conference Institute**  
45 West 25th Street, 11th Floor  
New York, NY 10010
- PHONE** 888-224-2480
- FAX** 877-927-1563
- ONLINE**  
AmericanConference.com/BadFaithSNF
- EMAIL**  
CustomerService@AmericanConference.com

### CONFERENCE PUBLICATIONS

To reserve your copy or to receive a catalog of ACI titles go to [www.aciresources.com](http://www.aciresources.com) or call 1-888-224-2480.

### SPECIAL DISCOUNT

We offer special pricing for groups and government employees. Please email or call for details.  
 Promotional discounts may not be combined. ACI offers financial scholarships for government employees, judges, law students, non-profit entities and others. For more information, please email or call customer service.