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Tort Trial & Insurance Practice Section
Uniting Plaintiff, Defense, Insurance, and Corporate
Counsel to Advance the Civil Justice System



*42nd Annual TIPS Midwinter Symposium on Insurance
and Employee Benefits*

*EMERGING ISSUES AND LITIGATION
RELATING TO LIFE, HEALTH,
DISABILITY AND ERISA*

JANUARY 14-16, 2016

*HYATT REGENCY CLEARWATER
BEACH RESORT & SPA*

CLEARWATER BEACH, FL



AMERICAN BAR ASSOCIATION

GREETINGS



Dear Colleague:

We are delighted to invite you to the 42nd Annual TIPS Mid-Winter Symposium on Issues and Litigation Relating to Life, Health & Disability Insurance, Insurance Regulation, and Employee Benefits. After two years in the West, the Mid-Winter Meeting returns to Florida, specifically the beautiful Hyatt Regency Clearwater Beach Resort & Spa. Please join us for a great opportunity to learn and mingle with colleagues in the industry on one of the spectacular beaches of the Gulf of Mexico.

This year's program maintains its focus on the latest issues in the life, health, disability insurance and ERISA arenas. Topics include prosecuting and defending individual disability litigation matters, tactics and ethics in insurance fraud investigations, regulatory challenges and litigation issues facing life insurance agents, interference and discrimination claims under the Affordable Care Act, and class actions involving life and disability insurance.

We also will devote programs to related litigation skills, including a much anticipated panel program on appellate advocacy, featuring judges from federal circuit courts of appeals, as well as a program on ethics in mediation. And, the program will include the annual roundtable discussion by a number of former state insurance commissioners, featuring the latest insight on challenges and controversies in insurance regulation. We anticipate that two hours of ethics credits will be available in this year's program.

The program begins with a reception on Thursday evening, a great opportunity for networking and renewing acquaintances. The substantive programming begins in earnest on Friday morning, with another reception and dine-around opportunities on Friday evening. The meeting concludes early enough on Saturday to allow for plenty of time to take advantage of the beach locale for the remaining weekend. Bring your family or friends. There is so much to do in the Tampa Bay area!

Anyone interested in outstanding CLE programming, opportunities for networking in a collegial and beautiful setting, not to mention a January break in the Florida sun, will not want to miss this meeting. We look forward to seeing you there!

Kenton J. Coppage

Chair, Life Insurance
Law Committee

Robert F. Schwartz

Chair, Employee
Benefits Committee

Daniel W. Maguire

Chair, Health and Disability
Insurance Law Committee

Mary Cannon Veed

Chair, Insurance Regulation
Committee



SPONSORING COMMITTEES

EMPLOYEE BENEFITS

The Employee Benefits Committee concentrates on developments in the constantly evolving practice area of employee benefits, with particular emphasis on litigation and regulatory compliance issues.

HEALTH AND DISABILITY INSURANCE LAW

The Health and Disability Insurance Law Committee concentrates on matters relating to health, disability, long-term care, accident, medical and hospital expense insurance contracts by examining laws and regulations governing the health and disability areas, including state insurance laws; ERISA, the Affordable Care Act, ADA and COBRA; and the interplay between state and federal law. In addition, the Committee focuses on relationships among insurers; third-party administrators; health care providers; plan sponsors and fiduciaries; and managed care entities.

INSURANCE REGULATION

The membership of the Insurance Regulation Committee includes attorneys from insurance companies, private practice and insurance trade associations and former regulators. The committee addresses insurance regulatory matters at the state and federal levels, while focusing on legislative initiatives, regulatory reform, solvency, reinsurance, market regulation, consumer protection, international issues, and the work of the National Association of Insurance Commissioners.

LIFE INSURANCE LAW

The focus of the Life Insurance Law Committee is placed on the existing and changing relationships among insureds, annuitants, contract owners, beneficiaries, agents, brokers and life insurance companies. This committee examines the contracts and law affecting those relationships as well as the external developments which impact them.

PROGRAM AGENDA

DAY ONE—THURSDAY, JANUARY 14, 2016

4:00 p.m. – 5:30 p.m. **REGISTRATION**

5:30 p.m. – 7:30 p.m. **WELCOME RECEPTION**

DAY TWO—FRIDAY, JANUARY 15, 2016

7:00 a.m. – 4:00 p.m. **REGISTRATION**

7:30 a.m. – 9:00 a.m. **CONTINENTAL BREAKFAST**

8:00 a.m. – 8:15 a.m. **WELCOME & OPENING REMARKS**

Kenton J. Coppage, Chair, *Life Insurance Law Committee*
Smith Moore Leatherwood LLP, Atlanta, GA

G. Glennon Troublefield, Chair, *ABA Tort Trial & Insurance Practice*
Section (TIPS), Carella, Byrne, Cecchi, Olstein, Brody & Agnello, P.C.,
Roseland, NJ

8:15 a.m. – 9:15 a.m. **PLENARY SESSION NO. 1: ERISA HOT TOPICS**

Update on the most important Supreme Court and Circuit court cases and legislative developments in the past year and their impact – thoughts from the defense side, the plaintiff's side, and in-house.

SPONSOR:

Employee Benefits Committee

MODERATOR:

Robert F. Schwartz, *Trucker Huss APC, San Francisco, CA*

PANELISTS:

Stephen Broer, Senior Counsel, *The Guardian Life Insurance Company of*
America, New York, NY

Elizabeth W. Vaughan, *Alston & Bird LLP, Atlanta, GA*

Catha Worthman, *Lewis, Feinberg, Lee & Jackson, P.C., Oakland, CA*

9:15 a.m. – 9:30 a.m. **BREAK**

9:30 a.m. – 10:30 a.m. **PLENARY SESSION NO. 2: THE PAPERLESS CHASE-
EVOLUTION TO A PAPERLESS LAW PRACTICE**

Eliminating and reducing paper in your practice is no longer a luxury—it is a necessity. Come learn useful and efficient strategies to develop a practice which greatly minimizes, or even eliminates, the use of paper.

SPONSOR:

Health and Disability Insurance Law Committee

MODERATOR:

Daniel W. Maguire, *Burke, Williams & Sorensen, LLP, Palm Desert, CA*

PANELISTS:

Adriana Linares, *Law Tech Partners, Orlando, FL*

Ramón A. Abadin, President, *Florida State Bar, Miami, FL*

10:30 a.m. – 11:30 a.m.

PLENARY SESSION NO. 3: ROUNDTABLE OF FORMER INSURANCE COMMISSIONERS

A panel of former insurance commissioners will provide up-to-the minute insight into current challenges and controversies at the state and federal levels dealing with insurance regulation issues, including SIFI designations; global challenges to the insurance industry; Price Optimization; Reinsurance and Captive Challenges regarding XXX and AXXX; growing presence of the FIO; and advice to in-house counsel on compliance and corporate governance issues.

SPONSOR:

Insurance Regulation Committee

MODERATOR:

Francine L. Semaya, Middletown, NJ

PANELISTS INVITED:

Thomas Leonardi, *Former Connecticut Insurance Commissioner*, Hartford, CT

Kenneth Kobylowski, *Former Commissioner of New Jersey Department of Banking and Insurance*, Trenton, NJ

Jose Montemayor, *Former Texas Insurance Commissioner*, Austin, TX

James Wrynn, *Former New York Superintendent of Insurance*, New York, NY

Michael Consedine, *Former Pennsylvania Insurance Commissioner*, Harrisburg, PA

11:30 a.m. – 1:00 p.m.

LUNCH

1:00 p.m. – 2:00 p.m.

PLENARY SESSION NO. 4: INDIVIDUAL DISABILITY INSURANCE: INSIDE, OUTSIDE, UPSIDE DOWN

Join this experienced panel to explore the issues and strategies employed in prosecuting and defending individual disability insurance litigation matters, from an in-house and outside counsel perspective. Issues contemplated at time of publication include total vs. residual disability, concurrent causation issues and handling claims during litigation.

SPONSOR:

Health & Disability Insurance Law Committee

MODERATOR:

Daniel W. Maguire, *Burke, Williams & Sorensen, LLP*, Palm Desert, CA

PANELISTS:

Gregory M. Dell, *Dell & Schaefer*, Hollywood, FL

Kristina H. Allaire, *Unum Group*, Worcester, MA

Melissa M. Cowan, *Burke, Williams & Sorensen, LLP*, Los Angeles, CA

2:00 p.m. – 3:00 p.m.

PLENARY SESSION NO. 5: APPELLATE ADVOCACY – BEST PRACTICES FROM BENCH AND BAR

The art of persuasion at the appellate level is a core skill often overlooked or neglected early in our careers. Judges have the right to expect our best. Learn from this distinguished panel how to deliver the highest quality written and oral advocacy and avoid common pitfalls.

SPONSOR:

Health & Disability Insurance Law Committee

MODERATOR:

Daniel F. Polsenberg, *Lewis Roca Rothgerber*, Las Vegas, NV

PANELISTS:

Honorable Norman H. Stahl, *United States Court of Appeals for the First Circuit*, Boston, MA

Honorable Stephen A. Higginson, *United States Court of Appeals for the Fifth Circuit*, New Orleans, LA

3:00 p.m. – 3:15 p.m.

BREAK

3:15 p.m. – 4:15 p.m.

BREAKOUT SESSIONS: (CHOOSE ONE SESSION)

A. CLASS ACTION ISSUES IN LIFE AND DISABILITY INSURANCE

The panel will provide both plaintiff and defense perspectives on issues arising in class action litigation over life and disability insurance policies.

SPONSOR:

Life Insurance Law Committee/Health & Disability Insurance Law Committee

MODERATOR:

Stephanie A. Fichera, *Carlton Fields Jordan Burt*, Miami, FL

PANELISTS:

Dawn B. Williams, *Carlton Fields Jordan Burt*, Washington, DC

Edith Sanchez Shea, *Burke Williams & Sorensen LLP*, Los Angeles, CA

R. Joseph Barton, *Cohen Milstein Sellers & Toll, PLLC*, Washington, DC

**B. THE CURRENT RETIREMENT PLAN LANDSCAPE:
WHO'S ON FIRST**

With all of the attention focused on who is an investment fiduciary, the underlying question remains – who is a fiduciary to the plan and what are the fiduciary's obligations and exposures. This session will focus on the current "real world" landscape and potential future changes, as well as the recently issued fiduciary regulations.

SPONSOR:

Employee Benefits Law Committee

MODERATOR:

R. Bradford Huss, *Trucker Huss APC*, San Francisco, CA

PANELISTS:

David A. Cohen, *Evercore Trust Company*, Washington, DC

David N. Levine, *Groom Law Group*, Washington, DC

4:15 p.m. – 5:15 p.m.

**PLENARY SESSION NO. 6: TACTICS AND ETHICS IN
INSURANCE FRAUD INVESTIGATION**

Whether you represent the investigator or the target, investigation of claimed insurance fraud presents strategic and ethical challenges. Learn some of the hallmarks of insurance fraud, and where the real world confronts the legal and ethical rules for pursuing and defending claims of fraud.

SPONSOR:

Insurance Regulation Committee

MODERATOR:

Mary Cannon Veed, *Mary Cannon Veed & Associates*, Hinsdale, IL

PANELISTS:

Richard J. Fidei, *Greenberg Traurig*, Fort Lauderdale, FL

Fred E. Karlinsky, *Greenberg Traurig*, Fort Lauderdale, FL

5:15 p.m. – 6:00 p.m.

COMMITTEE MEETINGS

Life Insurance Law

Insurance Regulation

6:00 p.m. – 7:30 p.m.

RECEPTION—ALL ATTENDEES ARE WELCOME TO ATTEND

7:30 p.m. – 9:00 p.m.

DINE AROUNDS

DAY THREE—SATURDAY, JANUARY 16, 2016

7:00 a.m. – 12:00 p.m.

REGISTRATION

7:00 a.m. – 8:30 a.m.

CONTINENTAL BREAKFAST

7:15 a.m. – 8:00 a.m.

COMMITTEE MEETINGS

Health & Disability Law
Employee Benefits

8:00 a.m. – 9:00 a.m.

PLENARY SESSION NO. 7: HOT TOPICS IN LIFE INSURANCE AND ACCIDENTAL DEATH INSURANCE LITIGATION

This program will cover the latest trends and hot topics in life insurance and accidental death insurance litigation. Participants include experienced in-house counsel and plaintiffs and defense counsel.

SPONSOR:

Life Insurance Law Committee

MODERATOR:

Sigismund L. Sapinski, Jr., Assistant Vice President and Senior Counsel,
Sun Life Financial, Inc., Windsor, CT

PANELISTS:

Gerardo Puig, Senior Counsel for Litigation, *Transamerica*, Baltimore, MD
Heather J. Austin, *Wilson Elser Moskowitz Edelman & Dicker*, Philadelphia, PA
Heather K. Karrh, *Rogers, Hofrichter & Karrh*, Atlanta, GA

9:00 a.m. – 10:00 a.m.

PLENARY SESSION NO. 8: DEATH OF A SALESMAN? THE REGULATORY AND LITIGATION RISKS FACING AGENTS AND LIFE INSURERS

A discussion regarding regulatory challenges and litigation issues facing life insurance agents and insurers, including the Department of Labor's proposed fiduciary regulations, suitability issues, and vicarious liability for agents.

SPONSOR:

Life Insurance Law Committee

MODERATOR:

Mala M. Rafik, *Rosenfeld Rafik & Sullivan, P.C.*, Boston, MA

PANELISTS:

Robert M. Rosh, Vice President and Deputy General Counsel, *New York Life Insurance Company*, New York, NY
William F. Ray, *Watkins & Eager*, Jackson, MS

10:00 a.m. – 10:15 a.m.

BREAK

10:15 a.m. – 11:15 a.m.

PLENARY SESSION NO. 9: COMMON MISTAKES IN MEDIATION

A former judge (and current mediator) will discuss issues arising in the context of mediation. This ethics presentation focuses on common mistakes made by counsel and litigants in mediation regardless of legal subject matter.

SPONSOR:

Life Insurance Law Committee

MODERATOR:

Andrea K. Cataland, *Smith Moore Leatherwood LLP*, Atlanta, GA

PANELIST:

Honorable Gino M. Brogdon, Sr., *Henning Mediation*, Atlanta, GA

11:15 a.m. – 11:30 a.m.

BREAK

11:30 a.m. – 12:30 p.m.

PLENARY SESSION NO. 10: SURF'S UP! NEW WAVES OF LITIGATION REGARDING HEALTHCARE PROVIDER FRAUD AND ACA INTERFERENCE AND DISCRIMINATION CLAIMS

This panel will discuss new trends in litigation regarding healthcare provider fraud and Affordable Care Act interference and discrimination claims.

SPONSOR:

Employee Benefits Committee

PANELISTS:

Emily S. Costin, *Alston & Bird, LLP*, Washington, DC
Kirsten Scott, *Renaker Hasselman, LLP*, San Francisco, CA
Jonathan A. Braunstein, *Seyfarth Shaw, LLP*, San Francisco, CA

12:45 p.m. – 1:15 p.m.

COMMITTEE CHAIRS/CHAIR-ELECTS MEETING

GENERAL INFORMATION

Registration Deadline: December 18, 2015

Hotel Deadline: December 18, 2015

ADVANCE REGISTRATION

Visit the TIPS website to register at www.americanbar.org/tips or complete the registration form included in this brochure for the "42nd Annual Mid-Winter Symposium on Insurance & Employee Benefits" to be held at the beautiful Hyatt Regency Clearwater Beach Resort & Spa in Clearwater Beach, FL.

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 December 18, 2015. 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 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 **December 18, 2015**. In order to receive a refund (less a \$50 administrative fee), the ABA must receive written cancellation by **December 18, 2015**. 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 (888) 421-1442

A limited number of rooms have been blocked for program registrants of the 42nd Annual LHPR Mid-Winter Meeting at the Hyatt Regency Clearwater Beach Resort & Spa, 301 South Gulfview Blvd, Clearwater Beach, FL 33767 for a hotel room rate of \$209.00 single/double plus 12% tax. For reservations, please call the hotel directly at 888/421-1442. The room block will be held until exhausted or until **Friday, December 18, 2015 at 5:00 p.m. (CST)**. After the meeting specified hotel deadline, reservations will be confirmed based on availability. Please refer to the ABA TIPS 42nd Annual LHPR Mid-Winter 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 72 hours prior to the scheduled day of arrival to avoid a one-night cancellation charge.

AIRLINE INFORMATION

Discounted airfares are available from ABA Orbitz for Business including ABA negotiated meeting discounts on American, United, Delta and Virgin America Airlines. To book online, go to www.americanbar.org/travel > click on the Orbitz for Business logo at the top of the page > read the instructions under the **Travel Paid by Self** box. For assistance with online or offline reservations using the ABA Orbitz for Business website, call toll free 877-222-4185.

Discounts can also be obtained directly from the carrier.

Airline Discount Codes for 2015

American Airlines ABA Discount only available at ABA Orbitz for Business

United Airlines 800-426-1122 Agreement Code: **414489** / Z Code: **ZSZU**

Discount available at www.united.com Online Discount Code: **ZSZU414489**

Delta Airlines 800-328-1111 ABA File Meeting Code Domestic: **NMKEJ**

ABA File Meeting Code International: **NMJHL**

Discount available at www.delta.com Online Meeting Event Code DOM: **NMKEJ**

INTL: **NMJHL**

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, 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 CLE credit hours (including 2 ethics hours) in 60-minute states, and 13.2 credit hours (including 2.4 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 www.americanbar.org/tips or contact Ninah F. Moore, ninah.moore@americanbar.org 312/988-5498

ABA-TIPS has partnered with CEU Institute to provide CE Credit for licensed adjusters in all states with a CE requirement. Credit hours awarded are based on state review and approval. For more information about CE accreditation, please contact Ninah Moore at ninah.moore@americanbar.org, 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. To request an application or receive additional information, visit www.abanet.org/tips/scholarship.html or contact Michael McCarthy at 312-988-5585.

REGISTRATION FORM

ABA TORT TRIAL & INSURANCE PRACTICE SECTION (TIPS)

42ND ANNUAL TIPS MID-WINTER SYMPOSIUM ON INSURANCE & EMPLOYEE BENEFITS EMERGING ISSUES & LITIGATION RELATING TO LIFE, HEALTH, DISABILITY AND ERISA

January 14-16, 2016 • Hyatt Regency Clearwater Beach Resort & Spa • Clearwater Beach, FL

Registration Deadline: December 18, 2015

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		

SPOUSE OR GUEST (Print as you wish name to appear on name badge)

Are you attending your first TIPS Midwinter Program? Yes No

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

2. REGISTRATION FEES:

	On or Before 12/18/15	After 12/18/15	TOTAL
TIPS Member	\$500	\$525	\$ _____
ABA Member	\$550	\$575	\$ _____
General Attendee	\$695	\$720	\$ _____
TIPS Insurance Company/Government Employee	\$275	\$300	\$ _____
Insurance Company/Government Employee	\$400	\$425	\$ _____
Law Student	\$200	\$200	\$ _____

Break-Out Sessions: (Please indicate which break-out session you plan to attend)

Saturday, January 15, 2016 A B

3. MATERIALS

I will not be attending the meeting and wish to order program materials on CD-ROM for \$150.

4. TOTAL PAYMENT

TOTAL \$ _____

5. 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/Event
Registrations Department
Meeting Code: IL1601LHPR
321 North Clark Street, Floor 16
Chicago, IL 60654

3. SECURE FAX:
312/988-5850

THE
TIPS
SECTION
CONFERENCE

MAY 11 – 15 2016
INTERCONTINENTAL BUCKHEAD | ATLANTA, GA



FOR MORE INFORMATION VISIT
AMERICANBAR.ORG/TIPS

**THE SECOND ANNUAL TIPS
SECTION CONFERENCE
WILL FEATURE:**

- More than 25 hours of top-notch CLE programming, including ethics credit, to meet all of your educational needs
- Practice area-specific CLE tracks featuring premier speakers including judges and in-house counsel covering hot topics and the latest developments
- Numerous opportunities to network with insurance, defense, corporate and plaintiffs attorneys, judges and local lawyers
- Exclusive networking events for young lawyers
- Substantive business meetings for 31 practice-specific general committees
- Entertaining social events in contemporary Buckhead

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