**45TH ANNUAL TIPS MIDWINTER SYMPOSIUM ON INSURANCE AND EMPLOYEE BENEFITS - LIFE, HEALTH AND DISABILITY AND ERISA: EMERGING ISSUES AND LITIGATION**

**DAY ONE – THURSDAY, JANUARY 17, 2019**

4:00 pm – 5:30 pm  Registration

5:30 pm – 7:30 pm  Welcome Reception

7:30 pm – 9:30 pm  Dine-Arounds

**DAY TWO – FRIDAY, JANUARY 18, 2019**

8:00 am – 8:10 am  Welcome & Opening Remarks

8:10 a.m. – 9:00 a.m.  **ERISA Hot Topics**

Plaintiff, defense, and in-house counsel will discuss “hot topics” and recent developments in ERISA litigation, including recent trends in service provider/401(k) fee litigation and an update on recent Supreme Court decisions. The panel also will discuss recent developments regarding the use of ERISA Section 502(a)(3) to obtain remedies.

9:00 am – 9:50 am  **Update on the new regulations for disability claims – how are we faring since April 2018?**

A practical discussion from plaintiff, defense and in-house counsel perspectives regarding disclosures of consulting professionals, contractual limitations dates, de minimis procedural violations, and other emerging issues.

9:50 am – 10:05 am  Break

10:05 am – 10:55 am  **Life Happens: The impact of divorce, disinheritance and murder on life insurance proceeds**

This panel will address how these common life events can impact entitlement to life insurance proceeds and common mistakes and misunderstandings about how a divorce, disinheritance and murder may impact a beneficiary’s entitlement to life insurance proceeds.

10:55 am – 11:45 am  **Former Insurance Commissioners’ Panel**

The traditional panel of former insurance commissioners will address hot topics and recent developments in insurance regulation. This is always a popular panel that you don’t want to miss.

11:45 am- 1 pm  Lunch on your own

1:00 pm – 1:50 pm  **Fiduciary liability insurance and the Impact of ERISA Common Law on Insurance Coverage**
This panel will discuss a variety of considerations involving ERISA fiduciary liability insurances. Topics will include best practices for plan sponsors and plan fiduciaries, evolving trends in insurance products and how the industry is responding, and various governance actions that can reduce the risk of incurring a claim. The panel also will consider the potential impact of the recent decision in Saylers v. Metropolitan Life, 871 F.3d 934 (9th Cir. 2017), where the court imputed the policyholder-employer’s knowledge and conduct on the insurer, and other developing areas of ERISA common law.

1:50 pm – 2:40 pm  **Resolving life, health, & disability benefit claims**

In conjunction with ABA TIPS’ recent release of its “Resolving Insurance Claim Disputes before Trial” publication, the panel will address practical pointers and best strategies for valuing, mediating and resolving life, health, and disability benefit claims in advance of trial.

2:40 pm – 3:00 pm Break

3:00 pm – 4:00 pm  **Accidental Death & Dismemberment – an update on causation and other recent developments for AD&D claims**

Examination of facts, circumstances, policy provisions and interpretations in litigated cases involving “accidental” death insurance. What, Exactly, Constitutes an “Accident” for Accidental Death Insurance?

4:00 pm – 5:00 pm  **InsureTech and Big Data**

The insurance industry, along with the rest of the world is evolving, driven by technological advancements and socio-economic trends. Emerging technologies, like Big Data, are transforming the insurance industry, along with consumer expectations and preferences. This panel will discuss the increasing influence of Big Data on the provision of insurance coverage in Life, Health and other lines.

5:00 pm – 6:00 pm Committee Business Meetings

7:00 pm – 9:00 pm Dine Arounads

**DAY THREE – SATURDAY, JANUARY 19, 2013**

8:00 am – 8:50 am  **Representing the Client, and Keeping Your License: An Interactive Discussion of Typical Ethical Dilemmas**

Ethics hypotheticals illustrate rules practitioners, in-house, and defense and plaintiff attorneys should keep in the forefront of their minds in dictating their practice.

8:50 am – 9:40 am  **Washington DC Update: Life After the Midterms**

The midterms have come and gone. The Trump Administration is two years in. This panel will focus on the Washington regulatory and legislative landscape now that we know how control of Washington will look like for the next two years.
9:40 am – 9:50 am Break

9:40 am – 10:40 am Long Term Care

Fifteen years ago, over 100 companies were selling commercial long-term care policies in the United States, and now there are less than 20, many of which have solvency concerns. This panel will discuss the history of the long-term care market, the current period of upheaval, and examine the future of long-term care insurance. The panel will also provide insight into the future of long-term care products and discuss the role the private market could play in helping to mitigate the impact of long-term care costs.

10:40 am – 11:30 am Annuities 101 - Everything you don’t understand about annuities but always felt too embarrassed to ask

This panel will explain in plain English the key features, terminology, benefits and risks of annuities, including, e.g., timing of payments – immediate v. deferred, method of payment – fixed v. variable, surrender penalty provisions, consumer protection, predatory sales practices, and sales to seniors.

11:30 am – 12:30 am Association Health Plans

The panel will discuss both the new rule authorizing AHPs and the continuing evolution in the provision of health care services. The AHP rule went into effect in June 2018, with the stated intent of making it easier for small businesses to band together to buy health insurance without some of the regulatory requirements that individual states and the Affordable Care Act impose on smaller employers. Proponents say it will lower insurance costs and widen availability of health insurance, while opponents say the rule is an impermissible expansion of ERISA’s definition of “employer” and will result in people not being able to get healthcare when they need it. The panel will highlight competing points of views and share the latest developments in litigation, as well as developments from DC & the states.