

AMERICAN BAR ASSOCIATION

THE FIDELITY AND SURETY LAW COMMITTEE'S 2017 MIDWINTER MEETING



JANUARY 18-20, 2017 | The Roosevelt New Orleans ~ A Waldorf Astoria Hotel
New Orleans, LA

OTC ES MidWinter Meeting 17

UNITING PLAINTIFF,
DEFENSE,
INSURANCE, AND
CORPORATE COUNSEL
TO ADVANCE THE
CIVIL JUSTICE SYSTEM

TORT TRIAL & INSURANCE PRACTICE SECTION



WELCOME FROM THE FSLC CHAIR

I am pleased to invite you to the 2017 Mid-Winter Meeting of the ABA TIPS Fidelity and Surety Law Committee. The FSLC heard all of the comments about recent winters in New York. This year's meeting will be at the stately Roosevelt Hotel in New Orleans, Louisiana, a sister hotel to our usual host, the Waldorf-Astoria in New York (and that's only because we could not get a favorable room rate in Bora Bora).

All kidding aside, I am so excited for New Orleans to host MWM 2017. New Orleans is one of America's most culturally and historically-rich cities, and is home to a truly unique melting pot of culture, food and music. The City promises to offer all attendees a memorable experience.

MWM 2017 will, as usual, feature three national CLE programs involving fidelity, construction, and surety, beginning on Thursday, January 19, and extending to Friday, January 20. There will be one and one-half days of fidelity programming, and one day each of surety and construction.

CONSTRUCTION – FROM THE FAR TO FALSE CLAIMS: A GUIDE TO FEDERAL CONTRACTING FOR CONSTRUCTION & SURETY PRACTITIONERS

Performing federal construction contracts means complying with laws and regulations unique to doing business with the United States government. In turn, representing the interests of entities involved in federal contracting presents the legal practitioner with an array of challenges in addition to and distinct from those customarily encountered on private, state, and local projects. The MWM 2017 Construction Program, co-chaired by **Stacy Hipsak Goetz**, **John Gillum**, and **Matthew Bouchard**, offers attendees a far-ranging exploration of the federal contracting universe and its peculiarities. The segments have been designed to cover both the fundamentals and the finer points to consider when advising project stakeholders during the procurement, performance, and claim resolution stages of a federal project. The focus of the presentations will be on issues typically encountered in connection with federal construction projects and on strategies for avoiding traps for the unwary. The written materials will provide attendees with comprehensive coverage of the legal authorities governing construction contracts between private entities and Uncle Sam.

FIDELITY – MASTER CLASS: ENHANCING THE FIDELITY BOND PROFESSIONAL'S TOOLBOX

This year's Fidelity Program may be best described as a "prequel" to last year's presentation about the mediation of a fidelity claim, which was extremely well-received (and not solely due to the award-winning acting). The MWM 2017 Fidelity Program, chaired by **John Cullen** and **Melissa Gardner**, will take the fact pattern from last year's presentation back to claim inception, and the claims professionals and attorneys on the faculty will take the audience through the handling of the numerous notable milestone occurrences in the claim-handling process all the way through litigation. And to bring the claim to a head, we are honored to have joining us the Honorable Jane Triche Milazzo, United States District Judge for the Eastern District of Louisiana, who will preside over oral argument of the competing summary judgment motions of insured and insurer.

SURETY – BONDING WITHOUT BORDERS: SURETYSHIP IN THE GLOBAL ECONOMY OF THE 21ST CENTURY

Since we're in a new location, and the modern business world continues to present new challenges to sureties, the surety program presents something new. Suretyship in the 21st century is not simply bonding a local contractor

performing a local project. American contractors are performing work overseas, either for international entities or for the United States federal government, for which bonding is required. As a result, many sureties are writing bonds for work in other countries. Contractors in the United States are now subsidiaries or affiliates of multinational entities, and these multinational entities are now indemnitors. Thus, even if you are a surety that does not write bonds overseas, the global nature of modern suretyship still implicates your business significantly. This program, chaired by **Sharon Edwards, David Kash,** and **Ty Thompson,** provides a broad overview of the numerous concerns that doing business in other countries, and with international entities presents to sureties. We also are honored to be joined by Professor Juan Alejandro Triana Barros, an economist with the Center for the Studies of the Cuban Economy and the University of Havana, who will discuss the fascinating opening of Cuba and what that may mean for American sureties and businesses in general. And finally, we also will have several familiar faces who will regale you with first-hand stories of some of the "challenges" of global suretyship.

MWM 2017 begins Wednesday, January 18, with the FSLC's annual business and leadership meetings. Anyone who is interested in becoming more involved in the FSLC – and I encourage you to do so – should plan on attending these meetings. On Wednesday evening, the Young Professionals Subcommittee invites all for their "Dutch Treat" dinner, followed by the Annual Poker Tournament. Thursday's activities will include our usual welcome reception, but we have been careful not to tie everyone down to the hotel to allow you and your guests to explore and enjoy everything New Orleans has to offer.

We are fortunate to have a number of sponsors exhibiting their services during the meeting. I encourage you to take a few moments to visit our exhibitors and see how their services can benefit you.

We also want to continue the committee's efforts on community service at MWM 2017. This year's charitable focus is the Muscular Dystrophy Association. MDA is committed to helping families living with muscle disease and related disorders, including ALS (Lou Gehrig's disease). While in the past the FSLC's independent fundraising for the many varied, worthwhile causes we have supported has been successful, I am hoping that our efforts might be even more successful by teaming our charitable drive with one of the FSLC's largest supporting company members, Liberty Mutual, which is and has been a proud sponsor and member of the MDA team. Liberty Mutual has partnered with MDA to help raise money for summer camp, clinical care, and potential research for cures and treatments. You may be surprised by how many of our FSLC members have a loved one who struggles with the effects of a disease that the MDA is working to combat. Please join Liberty Mutual, the FSLC, and me in supporting the MDA.

Please make sure to register as soon as possible. We have procured a very favorable room rate, and you don't want to be shut out of our room block. I look forward to seeing you in New Orleans!

Sincerely,



Adam P. Friedman
FSLC Committee Chair
Chiesa Shahinian & Giantomasi PC
West Orange, NJ

FACULTY CONSTRUCTION PROGRAM



CONSTRUCTION—From The FAR to False Claims: A Guide to Federal Contracting for Construction & Surety Practitioners

Ali Adams

Mills Paskert Divers
Tampa, FL

Cody C. Bailey

Brunini, Grantham, Grower & Hewes PLLC
Jackson, MS

Dr. Gary Brierley

Doctor Mole Incorporated
Denver, CO

Christopher J. Brasco

Watt, Tieder, Hoffar & Fitzgerald
McLean, VA

Matthew Bouchard, Program Chair

Lewis & Roberts PLLC
Raleigh, NC

Jonathan P. Cohen

Jonathan P. Cohen, P.A.
Fort Lauderdale, FL

Jason T. (Jay) Farley

Merchants Bonding Company
West Des Moines, IA

Seth Firmender

The Lane Construction Corporation
Cheshire, CT

Stephanie Geer

Liberty Mutual Insurance Company
Atlanta, GA

Stacy Hipsak Goetz, Program Chair

Liberty Mutual Group
Hoffman Estates, IL

John M. Gillum, Program Chair

Manier & Herod
Nashville, TN

Jim Hamel

Zurich American Insurance Company
Dallas, TX

Lin Heath

Nicholson Professional Consulting
Roswell, GA

Cathleen M. Jareczek

CNA Surety
Chicago, IL

Brian Kantar

Chiesa Shahinian & Giantomasi PC
West Orange, NJ

Kevin Lybeck

Travelers
Hartford, CT

Shannah J. Morris

Frost Brown Todd
West Chester, OH

Hon. Carol N. Park-Conroy (Ret.)

JAMS
Washington, D.C.

Kelly C. Perry

Philadelphia Insurance Company
Alpharetta, GA

Daniel D. Pentecost

Westfield Group
Westfield Center, OH

Jarrod W. Stone

Manier & Herod
Nashville, TN

Michael Sugar, III

Forcon International Corp.
Tampa, FL

Alec Taylor

Krebs Farley PLLC
Jackson, MS

Adam M. Tuckman

Watt, Tieder, Hoffar & Fitzgerald
McLean, VA

Rachel Walsh

Liberty Mutual Insurance Company
Philadelphia, PA

Gregory W. Weinstein

Weinstein Radcliff Pipkin LLP
Dallas, TX

James G. Zack, Jr.

Navigant Construction Forum
Irvine, CA

AGENDA

CONSTRUCTION PROGRAM

THURSDAY, JANUARY 19, 2017

8:00 A.M. – 8:15 A.M. **FSLC MIDWINTER MEETING WELCOMING REMARKS AND INTRODUCTION TO PROGRAMS**

Adam P. Friedman, FSLC Chair, *Chiesa Shahinian & Giantomasi PC*, West Orange, NJ

Sam H. Poteet, Jr., TIPS Section Chair, *Manier & Herod*, Nashville, TN

8:15 A.M. – 8:20 A.M. **BREAK FOR CONSTRUCTION AND FIDELITY PROGRAM TRANSITION**

8:20 A.M. – 8:30 A.M. **CONSTRUCTION PROGRAM WELCOMING REMARKS AND INTRODUCTION**

Stacy Hipsak Goetz, Program Chair, *Liberty Mutual Group*, Hoffman Estates, IL

Matthew Bouchard, Program Chair, *Lewis & Roberts PLLC*, Raleigh, NC

John M. Gillum, Program Chair, *Manier & Herod*, Nashville, TN

8:30 A.M. – 9:20 A.M. **COMMON ISSUES ARISING FROM COMPETITIVE BID STATUTES**

Our opening panel will discuss the legal issues arising from federal procurement policies and procedures. The focus will be on real-world bid troubleshooting, from receipt of bid package to award, as well as on contesting the results through bid protests.

Stephanie Geer, *Liberty Mutual Insurance Company*, Atlanta, GA

Alec Taylor, *Krebs Farley, PLLC*, Jackson, MS

Cody C. Bailey, *Brunini, Grantham, Grower & Hewes PLLC*, Jackson, MS

Michael Sugar, III, *Forcon International Corp.*, Tampa, FL

AGENDA

CONSTRUCTION PROGRAM

continued

9:20 A.M. – 10:10 A.M. **ALTERNATIVE PROJECT DELIVERY IN FEDERAL CONTRACTING**

A discussion of alternative project delivery methods available to the federal government, with an emphasis on the bidding issues, contractual considerations and professional liability implications of moving beyond traditional design-bid-build.

Jim Hamel, *Zurich American Insurance Company*,
Dallas, TX

Ali Adams, *Mills Paskert Divers*, Tampa, FL

Lin Heath, *Nicholson Professional Consulting*,
Roswell, GA

10:10 A.M. – 10:25 A.M. **BREAK**

10:25 A.M. – 11:15 A.M. **FEDERAL ACQUISITION REGULATIONS 101**

A crash course on the FAR, focusing on its treatment of key construction contract clauses governing project changes, delays, terminations, and disputes, among others.

Daniel D. Pentecost, *Westfield Group*, Westfield
Center, OH

Jarrod W. Stone, *Manier & Herod*, Nashville, TN

11:15 A.M. – 12:05 P.M. **DIVERSITY AND SUPPORT FOR SMALL BUSINESS IN FEDERAL CONTRACTING**

A presentation on how the U.S. government supports small and/or diverse businesses engaged in federal construction contracts, with a particular emphasis placed on compliance, enforcement, and the consequences of fraud and abuse.

Cathleen M. Jareczek, *CNA Surety*, Chicago, IL

Shannah J. Morris, *Frost Brown Todd*, West Chester, OH

12:05 P.M. – 1:30 P.M. **LUNCH (ON YOUR OWN)**

AGENDA

CONSTRUCTION PROGRAM

continued

1:30 P.M. – 2:20 P.M.

THE FALSE CLAIMS ACT: AVOIDING TRAPS FOR THE UNWARY

This panel will offer a comprehensive review of the False Claims Act, focusing on its origins, purpose, and requirements. Special attention will be paid to important recent developments in the case law interpreting the Act.

Kelly C. Perry, *Philadelphia Insurance Company*,
Alpharetta, GA

Jason T. (Jay) Farley, *Merchants Bonding Company*,
West Des Moines, IA

Gregory W. Weinstein, *Weinstein Radcliff Pipkin LLP*,
Dallas, TX

2:20 P.M. – 3:10 P.M.

WAGE AND PAYMENT ISSUES ON FEDERAL PROJECTS

An in-depth treatment of the Miller Act, Davis-Bacon Act, Prompt Payment Act, and other authorities governing wages and payment procedures on federal construction projects.

Rachel Walsh, *Liberty Mutual Insurance Company*,
Philadelphia, PA

Brian Kantar, *Chiesa Shahinian & Giantomasi PC*,
West Orange, NJ

3:10 P.M. – 3:25 P.M.

BREAK

3:25 P.M. – 4:15 P.M.

DIFFERING SITE CONDITIONS ON FEDERAL DESIGN-BUILD PROJECTS

An in-depth discussion of *Metcalf Construction Co. v. United States* and its progeny, focusing on the decision's history, holding, and legacy on federal design-build projects. The presentation will highlight both the legal and real-world implications of this important case.

Adam M. Tuckman, *Watt, Tieder, Hoffar & Fitzgerald*,
McLean, VA

Seth Firmender, *The Lane Construction Corporation*,
Cheshire, CT

Dr. Gary Brierley, *Doctor Mole Incorporated*, Denver, CO

AGENDA

CONSTRUCTION PROGRAM

continued

4:15 P.M. – 5:05 P.M.

STRATEGIES FOR PROMPT AND EFFECTIVE RESOLUTION OF GOVERNMENT CLAIMS UTILIZING THE COURT OF FEDERAL CLAIMS AND BOARDS OF CONTRACT APPEALS

We end our program with a robust panel discussion on the jurisdiction, rules, and procedures of the Court of Federal Claims and Boards of Contract Appeals, with an emphasis on strategies for prompt and effective resolution when advocating in these venues.

Kevin Lybeck, *Travelers*, Hartford, CT

Jonathan P. Cohen, *Jonathan P. Cohen, P.A.*,
Fort Lauderdale, FL

Christopher J. Brasco, *Watt, Tieder, Hoffar &
Fitzgerald*, McLean, VA

Hon. Carol N. Park-Conroy (Ret.), *JAMS*,
Washington, D.C.

James G. Zack, Jr., *Navigant Construction Forum*,
Irvine, CA

5:05 P.M. – 5:10 P.M.

CLOSING REMARKS

FACULTY FIDELITY PROGRAM



FIDELITY—Master Class: Enhancing the Fidelity Bond Professional's Toolbox

Michael V. Branley

*Hartford Financial Products
New York, NY*

Lee M. Brewer

*Bryan & Brewer, LLC
Columbus, OH*

Curt Brookbank

*Liberty Mutual Surety
Cincinnati, OH*

Carla Crapster

*Strasburger & Price LLP
Dallas, TX*

John Cullen, Program Chair

*ABA Insurance Services
Mayfield Heights, OH*

Mike Davisson

*Sedgwick LLP
Los Angeles, CA*

Otto Elkins

*ABA Insurance Services
Mayfield Heights, OH*

Michael Feiler

*Quilling, Selander, Lownds, Winslett &
Moser, P.C.
Dallas, TX*

Robert Flowers

*Travelers Bond & Specialty Insurance
Hartford, CT*

Adam P. Friedman, FSLC Chair

*Chiesa Shahinian & Giantomasi PC
West Orange, NJ*

Melissa Gardner, Program Chair

*Weinstein Radcliff Pipkin LLP
Dallas, TX*

Brandon J. Held

*Mills Paskert Divers
Tampa, FL*

Barbara Leone

*AIG
New York, NY*

Scott W. Lichtenstein

*Chiesa Shahinian & Giantomasi PC
West Orange, NJ*

William J. Lutz

*Starr Adjustment Services, Inc.
Los Angeles, CA*

Amy S. Malish

*Pugh Accardo LLC
New Orleans, LA*

Megan Manogue

*Berkley FinSecure
Towson, MD*

Shane C. Mecham

*Levy Craig Law Firm, PC
Kansas City, MO*

Christopher McKibbin

*Blaney McMurtry LLP
Toronto, Ontario*

The Honorable Jane Triche Milazzo

*U.S. District Judge
Eastern District of Louisiana
New Orleans, LA*

Dolores Parr

*Zurich Insurance Company
Baltimore, MD*

Mike F. Pipkin

*Weinstein Radcliff Pipkin LLP
Dallas, TX*

Anthony Salvador

*Weinstein Radcliff Pipkin LLP
Dallas, TX*

Susan Sullivan

*Sedgwick LLP
Los Angeles, CA*

Gregory M. Weinstein

*Weinstein Radcliff Pipkin LLP
Dallas, TX*

Kenneth West

*Chubb North America
Ellington, CT*

AGENDA

FIDELITY PROGRAM

THURSDAY, JANUARY 19, 2017

8:00 A.M. – 8:15 A.M.

FSLC MIDWINTER MEETING WELCOMING REMARKS AND INTRODUCTION TO PROGRAMS

Adam P. Friedman, FSLC Chair, *Chiesa Shahinian & Giantomasi PC*, West Orange, NJ

Sam H. Poteet, Jr., TIPS Section Chair, *Manier & Herod*, Nashville, TN

8:15 A.M. – 8:20 A.M.

BREAK FOR CONSTRUCTION AND FIDELITY PROGRAM TRANSITION

8:20 A.M. – 8:30 A.M.

FIDELITY PROGRAM WELCOMING REMARKS AND INTRODUCTION

THE SYLLABUS – PART 1

John Cullen, Program Chair, *ABA Insurance Services*, Mayfield Heights, OH

Melissa Gardner, Program Chair, *Weinstein Radcliff Pipkin LLP*, Dallas, TX

8:30 A.M. – 9:20 AM

LAYING THE FOUNDATION: RISK MANAGER AND UNDERWRITING PERSPECTIVES

Because attorneys and claims professionals often do not get involved until after a claim has been submitted, they may not fully appreciate why a particular policy has been issued. Financial institutions, however, must consider which policies and how much coverage to purchase. Similarly, insurers must determine whether to issue the policy and at what price. In this session, Shane Mecham will facilitate a discussion with an underwriter and a risk manager who will examine the early stages of selecting and underwriting policies, which ultimately determine subsequent claims and coverages.

Shane C. Mecham, *Levy Craig Law Firm, PC*, Kansas City, MO

Anthony Salvador, *Weinstein Radcliff Pipkin LLP*, Dallas, TX

AGENDA

FIDELITY PROGRAM

continued

9:20 A.M. – 9:25 A.M.

THE SIMULATED FACT PATTERN

During last year's MidWinter meeting, we were introduced to a thought-provoking fact pattern and learned how to mediate the complex fidelity claim. This program expands on last year's fact pattern and explores the claims process from claim submission through litigation. In this segment, Adam Friedman will introduce the simulated fact pattern to the audience.

Adam P. Friedman, FSLC Chair, *Chiesa Shahinian & Giantomasi PC*, West Orange, NJ

9:25 A.M. – 9:55 A.M.

FOCUSING THE LENS: RESPONDING TO THE INSURED'S NOTICE OF CLAIM

The insured's initial notice of a claim usually generates more questions than it answers, giving the claims professional little guidance or insight into whether there will be coverage for the loss. Nevertheless, state-specific regulations and sound practice require that the insurer timely acknowledge the claim and, to the extent possible, commence investigating the loss. This presentation will discuss both the practical and strategic considerations involved in the insurer's initial receipt and acknowledgement of the notice of claim and commencement of the insurer's investigation.

Kenneth West, *Chubb North America*, Ellington, CT
Michael Feiler, *Quilling, Selander, Lownds, Winslett & Moser, P.C.*, Dallas, TX

9:55 A.M. – 10:10 A.M.

STUDY BREAK

10:10 A.M. – 10:40 A.M.

THE INTERVIEWS (1ST CARRIER): HOW TO ELICIT THE RELEVANT FACTS

The investigation begins. In this live simulation, the claims representative for the 1st carrier will conduct interviews of the insured and the broker-principal. This session will include practical tips and suggestions regarding who should be interviewed and the scope and timing of the interviews.

Otto Elkins, *ABA Insurance Services*, Mayfield Heights, OH
Shane C. Mecham, *Levy Craig Law Firm, PC*,
Kansas City, MO
Gregory M. Weinstein, *Weinstein Radcliff Pipkin LLP*,
Dallas, TX

AGENDA

FIDELITY PROGRAM

continued

- 10:40 A.M. – 11:30 A.M. **MEASURE TWICE, CUT ONCE: THE 1ST CARRIER'S CLAIM HANDLER'S ANALYSIS**
Based on the facts elicited from the 1st Carrier's Claim Handler's initial investigation, this presentation will focus on potentially-applicable insuring agreements, as well as exclusions and conditions which may provide defenses to the 1st Carrier. If the Employee Fidelity insuring agreement applies, is there an argument that some of the loss is not direct loss? Might the Trading, Securities or Indirect Loss exclusions (or others) be applicable? Do the Discovery, Termination or Ownership conditions provide potential avenues of defense? The presenters will also comment on the use of outside professionals and denial letters.
Michael V. Branley, *Hartford Financial Products*,
New York, NY
Christopher McKibbin, *Blaney McMurtry LLP*, Toronto,
Ontario
- 11:30 A.M. – 12:00 P.M. **THE INTERVIEW (2ND CARRIER): ELICITING RELEVANT FACTS FROM WITHIN**
The investigation continues. In this live simulation, the claims representative for the 2nd carrier will conduct an interview of the underwriter. This session will also include practical tips and suggestions regarding ethical considerations during the interview and investigative process.
Shane C. Mecham, *Levy Craig Law Firm, PC*
Kansas City, MO
- 12:00 P.M. – 2:00 P.M. **LUNCH (ON YOUR OWN)**
- 2:00 P.M. – 2:50 P.M. **REINFORCING THE GROUNDWORK: THE POTENTIAL CONSEQUENCES OF NOT ISSUING A COVERAGE DETERMINATION**
Most insurers routinely issue coverage determinations relative to an insured's claim – but what would happen if an insurer never issued such a determination at all? This presentation will focus on the potential consequences to the insurer of never issuing a coverage determination, including: (a) potential exposure to extra-contractual liability; (b) potential violations of state claims-handling statutes and related regulations; (c) tolling the policy's limitations period, potentially *ad infinitum* until a coverage determination

AGENDA

FIDELITY PROGRAM

continued

is made; and (d) more generally, negatively affecting the insurer's ability to effectively and convincingly litigate and present its defenses.

Barbara Leone, *AIG*, New York, NY

Scott W. Lichtenstein, *Chiesa Shahinian & Giantomasi PC*, West Orange, NJ

2:50 P.M. – 3:20 P.M.

HINDSIGHT—WAS PRE-SUIT MEDIATION A GOOD IDEA?

The parties have failed to resolve their claims during mediation and the insured has filed suit against both carriers. Through a series of vignettes, the presenters will analyze the pros and cons of pre-suit mediation and the impact mediators may have on the parties' case.

Curt Brookbank, *Liberty Mutual Surety*, Cincinnati, OH

Lee M. Brewer, *Bryan & Brewer, LLC*, Columbus, OH

3:20 P.M. – 3:35 P.M.

STUDY BREAK

3:35 P.M. – 4:05 P.M.

DISCOVERY OF RELEVANT CLAIM INFORMATION: INVESTIGATIVE TOOLS AND LEGAL AND PRACTICAL PITFALLS

The claim has been submitted and now the work begins. What are the avenues for investigating the claim, what information is discoverable and what are the insured's and insurer's obligations to provide information to one another? This presentation will address discovery, both during the claim investigation and the coverage litigation, and will explore legal and practical issues that arise for both sides.

Mike Davisson, *Sedgwick LLP*, Los Angeles, CA

William J. Lutz, *Starr Adjustment Services, Inc.*, Los Angeles, CA

4:05 P.M. – 4:55 P.M.

THE ABCS OF AN SEC INVESTIGATION

The presentation will be a panel discussion including Trial Counsel from the SEC's Division of Enforcement who, together with distinguished defense counsel and insurance experts, will walk through the typical proceedings which are encountered commencing with an SEC investigation through to litigation, discussing implications for the insured target of the investigation, as well as impacts on a pending insurance investigation.

Susan Sullivan, *Sedgwick LLP*, Los Angeles, CA

AGENDA

FIDELITY PROGRAM

continued

4:55 P.M. – 5:00 P.M.

THE MIDTERM

Melissa Gardner, Program Co-Chair, *Weinstein Radcliff
Pipkin LLP*, Dallas, TX

John Cullen, Program Co-Chair, *ABA Insurance
Services*, Mayfield Heights, OH

FRIDAY, JANUARY 20, 2017

8:00 A.M. – 8:15 A.M.

FSLC MIDWINTER MEETING WELCOMING REMARKS AND INTRODUCTION TO PROGRAMS

Adam P. Friedman, FSLC Chair, *Chiesa Shahinian &
Giantomasi PC*, West Orange, NJ

Sam H. Poteet, Jr., TIPS Section Chair, *Manier &
Herod*, Nashville, TN

8:15 A.M. – 8:20 A.M.

BREAK FOR CONSTRUCTION AND FIDELITY PROGRAM TRANSITION

8:20 A.M. – 8:30 A.M.

FIDELITY PROGRAM WELCOMING REMARKS AND INTRODUCTION

THE SYLLABUS – PART 2

John Cullen, Program Chair, *ABA Insurance Services*,
Mayfield Heights, OH

Melissa Gardner, Program Chair, *Weinstein Radcliff
Pipkin LLP*, Dallas, TX

8:30 A.M. – 9:20 A.M.

MAKING THE CASE: THE INTERNAL ROUNDTABLE DISCUSSION

The interviews and depositions have been taken, documents have been exchanged, and the experts have proffered their respective opinions. This segment will provide a behind-the-scenes look at an internal discussion between the claims representative and upper management for the 1st carrier and the 1st carrier's outside counsel regarding the various considerations at play when deciding whether and when to resolve the claim or to proceed to trial.

Otto Elkins, *ABA Insurance Services*, Mayfield Heights, OH

Megan Manogue, *Berkley FinSecure*, Towson, MD

Carla Crapster, *Strasburger & Price LLP*, Dallas, TX

AGENDA

FIDELITY PROGRAM

continued

- 9:20 A.M. – 10:10 A.M. **MULTIPLE CARRIERS: CAN WE ESTABLISH A WORKING RELATIONSHIP WHERE SOME—BUT NOT ALL—OF THE INTERESTS ALIGN?**
- This panel will discuss topics, concerns, and issues that arise when a fidelity insurer is litigating a claim as part of a tower of insurance where multiple carriers are potentially liable for the same or similar risk. This panel features industry leaders with extensive experience managing complex fidelity cases. The panelists will discuss numerous issues and practical matters to consider when some, but not all, of the carriers' interests are aligned. They will discuss defenses, strategy for pleadings when not all interests align (as to liability or damages), having one attorney represent multiple carriers in the tower, the effect of certain carriers settling with the claimant, and other settlement considerations when not all of the carriers' interests align.
- Dolores Parr**, *Zurich Insurance Company*, Baltimore, MD
Robert Flowers, *Travelers Bond & Specialty Insurance*, Hartford, CT
Brandon J. Held, *Mills Paskert Divers*, Tampa, FL
- 10:10 A.M. – 10:25 A.M. **STUDY BREAK**
- 10:25 A.M. – 11:45 A.M. **DISPOSITIVE MOTIONS: A LIVE ORAL ARGUMENT SIMULATION**
- With no resolution in sight, the insured and both carriers file cross-motions for summary judgment. This session will be a lively simulation of the oral argument of the summary judgment motions before The Honorable Jane Triche Milazzo. Judge Milazzo will interject questions and challenge counsel regarding the strengths and weaknesses of their respective positions.
- The Honorable Jane Triche Milazzo**, *U.S. District Judge, Eastern District of Louisiana*, New Orleans, LA
Carla Crapster, *Strasburger & Price LLP*, Dallas, TX
Amy S. Malish, *Pugh Accardo LLC*, New Orleans, LA
Mike F. Pipkin, *Weinstein Radcliff Pipkin LLP*, Dallas, TX
- 11:45 A.M. – 12:00 P.M. **THE FINAL EXAM**
- John Cullen**, *Program Co-Chair*, *ABA Insurance Services*, Mayfield Heights, OH
Melissa Gardner, *Program Co-Chair*, *Weinstein Radcliff Pipkin LLP*, Dallas, TX

FACULTY SURETY PROGRAM



SURETY—Bonding without Borders: Suretyship in the Global Economy of the 21st Century

**Professor Juan Alejandro
Triana Barros**

*Economist, Center for the Studies
of the Cuban Economy and The
University of Havana
Havana, Cuba*

Virginia C. Boyle

*International Counsel
Liberty Mutual Surety
Plymouth Meeting, PA*

Gerald N. Carozza, Jr.

*Assistant Vice President
Selective Insurance Company of
America
Branchville, NJ*

Bruce Corriveau

*2nd Vice President and Counsel
Travelers Casualty & Surety
Company
Hunt Valley, MD*

Julie Glick DePhillips

*Senior Counsel
Liberty Mutual Surety
Boston, MA*

**Sharon M. Edwards
Program Co-Chair**

*Vice President of Credit Surety
and Political Risk Claims
Swiss Reinsurance America
Washington, D.C.*

Frank Faieta

*National Vice President, Claims
The Guarantee Company of
North America
Toronto, ON*

Katherine L. Freeman

*Assistant Vice President and Bond
Counsel, Surety Underwriting
CNA Surety
Greenville, SC*

David D. Gilliss

*Founding Partner
Pike & Gilliss, LLC
Baltimore, MD*

Ivette Gualdrón

*Surety Claims Counsel
Zurich American Insurance Co.
Saint Rose, LA*

Tracey L. Haley

*Assistant Vice President/Director of
Surety and Fidelity Claims
Zurich American Insurance Company
Carrollton, TX*

**David W. Kash, Program Co-Chair
Partner**

*Koeller Nebeker Carlson Haluck LLP
Phoenix, AZ*

Nicholas Kim

*Liberty Mutual Surety
Plymouth Meeting, PA*

David A. Koziel

*Senior Vice President and Global
Head of Surety Claims
AIG
Jersey City, NJ*

David J. Krebs

*Krebs Farley, PLLC
New Orleans, LA*

Marc-Andre Lavigne

*Directeur Indemnisation
Cautionnements Québec
Surety-Bond Claims Manager
Intact Assurance
Saint-Hyacinthe, QC*

Melissa Jane Lee

*Manier & Herod
Nashville, TN*

James MacLellan

*Construction and Surety Law Group
Borden Ladner Gervais LLP
Toronto, ON*

Brian J. Mich

*Partner, Compliance, Forensics
and Intelligence
Control Risks
New York, NY*

Michael O'Connell, CPCU, AFSB

*Underwriting Director
CNA Surety
Jersey City, NJ*

David C. Olson

*Frost Brown Todd, LLC
Cincinnati, OH*

Mary Jean Pethick

*Vice President, Head of Surety
Risk Solutions
Zurich North America
Owings Mills, MD*

Sam H. Poteet, Jr.

TIPS Section Chair
*Manier & Herod
Nashville, TN*

John R. Riddle

*Partner
Strasburger & Price LLP
Dallas, TX*

Rick Shaban

*Senior Partner
Borden Ladner Gervais LLP
Toronto, ON*

Thomas J. R. Stadnik

*Assistant General Counsel,
Global Surety
AIG
New York, NY*

Ira Sussman

*Vice President for Surety and
Design Professional Claims
RLI Insurance Company
Chicago, IL*

**Ty G. Thompss, Program
Co-Chair**

*Shareholder
Mills Paskert Divers
Tampa, FL*

Dr. Patricia C. Till, L.L.M.

*Manier & Herod
Nashville, TN*

Richard E. Towle

*Vice President, Manager,
Surety Claims
Chubb Group of Insurance
Companies,
Warren, NJ*

Patrick F. Welch

*Partner
Jennings, Strouss & Salmon, PLC
Phoenix, AZ*

Douglas J. Willis

*Assistant Vice President, Senior
Surety Claims Counsel
Chubb Group of Insurance
Companies
Warren, NJ*

Michael Yang

*Senior Vice President
Chief Underwriting Officer – Surety
AIG
New York, NY*

Jamie Ziegler

*Regional Vice President
International Claims
Liberty Mutual Surety
Chicago, IL*

AGENDA

SURETY PROGRAM

FRIDAY, JANUARY 20, 2017

- 8:00 A.M. – 8:15 A.M. **FSLC MIDWINTER MEETING WELCOMING REMARKS AND INTRODUCTION TO PROGRAMS**
- Adam P. Friedman, FSLC Chair**, *Chiesa Shahinian & Giantomasi PC*, West Orange, NJ
Sam H. Poteet, Jr., TIPS Section Chair, *Manier & Herod*, Nashville, TN
- 8:15 A.M. – 8:20 A.M. **BREAK FOR FIDELITY AND SURETY PROGRAM TRANSITION**
- 8:25 A.M. – 8:45 A.M. **SURETY PROGRAM INTRODUCTION AND WELCOMING REMARKS**
- Sharon M. Edwards, Program Co-Chair**, Vice President of Credit, *Surety and Political Risk Claims, Swiss Reinsurance America*, Washington, D.C.
David W. Kash, Program Co-Chair, Partner, *Koeller Nebeker Carlson Haluck LLP*, Phoenix, AZ
Ty G. Thompson, Program Co-Chair, Shareholder, *Mills Paskert Divers*, Tampa, FL
- 8:45 A.M. – 9:35 A.M. **CONDUCTING BUSINESS AS A SURETY IN A GLOBAL ECONOMY**
- This panel will lay the groundwork for the program by putting the day's presentations into a business context. The panelists will discuss the challenges the American surety market faces as global factors impact underwriting, and as the American surety market expands into the global marketplace.
- Virginia C. Boyle**, International Counsel, *Liberty Mutual Surety*, Plymouth Meeting, PA
Nicholas Kim, *Liberty Mutual Surety*, Plymouth Meeting, PA
Michael O'Connell, CPCU, AFSB, Underwriting Director, *CNA Surety*, Jersey City, NJ
Michael Yang, Senior Vice President, Chief Underwriting Officer – Surety, *AIG New York*, NY

AGENDA

SURETY PROGRAM

continued

9:35 A.M. – 10:30 A.M. **HANDLING SURETY CLAIMS IN A GLOBAL ECONOMY**

The past several years have seen a rise in sureties expanding their international footprint, as a greater number of domestic contractor accounts seek work in foreign jurisdictions, more foreign entities acquire interests in U.S.-based construction companies, and foreign-based entities increase their pursuit of work in the United States. These events have culminated in the rise of bond claims on a global basis. Whether you are a claim professional with a surety with foreign operations or a purely “domestic” surety, you can increasingly expect to confront claims with international implications. This panel will discuss the myriad of issues relating to the handling of bond claims in a “global economy”—a concept that is broad and often expands to those sureties that may want to avoid underwriting “international bonds”. The theme of the presentation is “presume nothing”, as the task of handling claims in a “global economy” does not always lend itself to following the traditional roadmap. The panelists nonetheless will provide helpful tools, insight, and examples to help surety professionals be prepared to think creatively, while pragmatically, when faced with a bond claim in a “global economy”.

Jamie Ziegler, Regional Vice President, *International Claims, Liberty Mutual Surety, Chicago, IL*

Bruce Corriveau, 2nd Vice President and Counsel, *Travelers Casualty & Surety Company, Hunt Valley, MD*

Ivette Gualdron, Surety Claims Counsel, *Zurich American Insurance Company, Saint Rose, LA*

Ira Sussman, Vice President for Surety and Design Professional Claims, *RLI Insurance Company, Chicago, IL*

Richard E. Towle, Vice President, Manager, *Surety Claims, Chubb Group of Insurance Companies, Warren, NJ*

Sam H. Poteet, Jr., TIPS Section Chair, *Manier & Herod, Nashville, TN*

James MacLellan, *Construction and Surety Law Group, Borden Ladner Gervais LLP, Toronto, ON*

Melissa Jane Lee, *Manier & Herod, Nashville, TN*

10:30 A.M. – 10:45 A.M. **BREAK**

AGENDA

SURETY PROGRAM

continued

10:45 A.M. – 10:55 A.M. **INTERLUDE #1: LOST IN TRANSLATION:
INTERNATIONAL SURETYSHIP NEGOTIATIONS**

David C. Olson, *Frost Brown Todd, LLC, Cincinnati, OH*

10:55 A.M. – 11:25 A.M. **THE CHALLENGES OF BONDING AMERICAN
CONTRACTORS ENGAGED IN CONSTRUCTION
OVERSEAS AND BONDING AMERICAN
PROJECTS ON FOREIGN SOIL**

In this session, the presenters will examine the laws, regulations, and practical requirements that are involved when an American surety is asked to support one of its customers who is contemplating performance of a project overseas. The presenters will review the special requirements of the Miller Act, the Federal Acquisitions Regulations, OFAC, and FCPA Regulations that apply to bonding a project funded by the U.S. government in another nation, including choice of law and venue. How this changes when the U.S. government is not involved as obligee is also covered. The presenters will look preliminarily at the issues of engaging in cross-border surety transactions, whether for an American customer choosing to work abroad or for a foreign customer bidding on a project within the United States or elsewhere.

David A. Koziel, Senior Vice President and Global Head of Surety Claims, *AIG*, Jersey City, NJ

Thomas J. R. Stadnik, Assistant General Counsel, Global Surety, *AIG*, New York, NY

David J. Krebs, *Krebs Farley, PLLC*, New Orleans, LA

11:25 A.M. – 11:35 A.M. **INTERLUDE #2: THE PERILS OF BONDING IN
HOSTILE LANDS**

David A. Koziel, Senior Vice President and Global Head of Surety Claims, *AIG*, Jersey City, NJ

AGENDA

SURETY PROGRAM

continued

THE CHALLENGES OF BONDING FOREIGN ENTITIES AND AMERICAN CONTRACTORS WITH FOREIGN PARENTS

11:35 A.M. – 12:05 P.M. **A. BONDING IN EUROPE / ASIA / THE MIDDLE EAST**

Europe, Asia, and the Middle East present an economically, culturally, and legally diverse panorama of surety bond and indemnity concerns. Each of these markets varies considerably from many foundational principles of North American suretyship. What legal and practical questions might arise when furnishing surety bonds in these regions? The following presentations will discuss the legal climate sureties face in Europe, Asia, and the Middle East, and will address in a practical sense the unique environments for surety underwriting, bond forms, and indemnity in these diverse and significant areas.

Katherine L. Freeman, Assistant Vice President and Bond Counsel, *Surety Underwriting, CNA Surety, Greenville, SC*

Dr. Patricia C. Till, L.L.M., *Manier & Herod, Nashville, TN*

12:05 P.M. – 12:35 P.M. **B. BONDING IN CANADA**

Canadian construction markets are experiencing a building boom, in part due to the significant increase in both private and public infrastructure spending in Canada. This makes Canada one of the more attractive construction and surety markets in the world, with a stable political and judicial system. As a result, many large American contractors and sureties are establishing or expanding their operations in Canada. This expanding American presence also increases the likelihood of claims with an American connection. While American surety professionals will find comfort in the similarities between the Canadian and American principles of suretyship, there are a number of important differences. This panel will provide an overview of the Canadian surety market and discuss some of the practical, legal, and cultural considerations in handling claims in Canada. The panel also will discuss the state of the development of suretyship under the common law in most Provinces and the civil law in the Province of Quebec. The experienced panel members also will provide valuable insight into the Canadian surety claims process.

AGENDA

SURETY PROGRAM

continued

Frank Faieta, National Vice President, Claims, *The Guarantee Company of North America*, Toronto, ON
Marc-Andre Lavigne, Directeur Indemnisation
Cautionnements Québec, Surety-Bond Claims
Manager, *Intact Assurance*, Saint-Hyacinthe, QC
James MacLellan, Construction and Surety Law Group,
Borden Ladner Gervais LLP, Toronto, ON
Rick Shaban, Senior Partner, *Borden Ladner Gervais
LLP*, Toronto, ON

12:35 P.M. – 2:00 P.M. **LUNCH (ON YOUR OWN)**

2:00 P.M. – 2:50 P.M. **THE CHALLENGES OF DOING BUSINESS WITH
LATIN AMERICAN ENTITIES AND THE EMERGING
CUBAN MARKET**

Latin America offers great potential for sureties, though the risks can be daunting. This presentation will provide a broad overview of conducting business as a surety in Latin America, with a focus upon Mexico. This presentation also will feature insight into the opportunities and challenges for contractors and sureties in Cuba as the United States and Cuba work towards restoring diplomatic and trade relations, including the Cuban perspective on Cuba's economic reforms, current requirements, and the future of American business and trade in Cuba.

Richard E. Towle, Vice President, Manager, Surety
Claims, *Chubb Group of Insurance Companies*,
Warren, NJ

Douglas J. Wills, Assistant Vice President, Senior
Surety Claims Counsel, *Chubb Group of Insurance
Companies*, Warren, NJ

Virginia C. Boyle, International Counsel, *Liberty
Mutual Surety*, Plymouth Meeting, PA

Gerald N. Carozza, Jr., Assistant Vice President,
Selective Insurance Company of America,
Branchville, NJ

Professor Juan Alejandro Triana Barros, Economist,
*Center for the Studies of the Cuban Economy and
the University of Havana*, Havana, Cuba

Patrick F. Welch, Partner, *Jennings, Strouss &
Salmon, PLC*, Phoenix, AZ

David D. Gilliss, Founding Partner, *Pike & Gilliss,
LLC*, Baltimore, MD

AGENDA

SURETY PROGRAM

continued

2:50 P.M. – 3:00 P.M.

INTERLUDE #3: THE PANAMA CANAL PROJECT

Tracey L. Haley, Assistant Vice President/Director of Surety and Fidelity Claims, *Zurich American Insurance Company*, Carrollton, TX

3:00 P.M. – 3:50 P.M.

THE CHALLENGES OF INTERNATIONAL INDEMNITY

When a new account with international ownership walks in the door, or when a large global entity buys your longtime domestic customer, where do you start? Our speakers—four in-house surety attorneys—provide hands-on surety underwriting support for global customers every day. They give a pragmatic overview of international indemnity approaches, terms, differences between countries, and potential enforcement and recovery hurdles. This presentation will furnish tools to recognize and respond to international indemnity questions and to develop an effective indemnity structure to support your bonded obligations.

Virginia C. Boyle, International Counsel, *Liberty Mutual Surety*, Plymouth Meeting, PA

Julie Glick DePhillips, Senior Counsel, *Liberty Mutual Surety*, Boston, MA

Katherine L. Freeman, Assistant Vice President and Bond Counsel Surety Underwriting, *CNA Surety*, Greenville, SC

Thomas J. R. Stadnik, Assistant General Counsel, *Global Surety*, *AIG*, New York, NY

3:50 P.M. – 4:05 P.M.

BREAK

AGENDA

SURETY PROGRAM

continued

4:05 P.M. – 4:55 P.M.

THE ETHICS AND RISKS OF PRACTICING LAW AND HANDLING CLAIMS IN MULTIPLE JURISDICTIONS

In-house counsel for sureties and insurance companies and their outside counsel face a myriad of ethical issues when handling claims outside their home jurisdiction, from questions about practicing law without the appropriate license to practical issues such as whether it's permissible to directly contact former employees. These issues are multiplied and can be considerably more complex and challenging when handling claims across borders, including decisions about whether noticing a deposition can land the lawyer in jail, to the treatment of bribes in countries where they're common place, and the interplay of the Foreign Corrupt Practices Act. This presentation will discuss these critical ethical issues, with real-life examples of situations in which these concerns arose and how they were addressed.

Mary Jean Pethick, Vice President, Head of Surety Risk Solutions, *Zurich North America*, Owings Mills, MD
Brian J. Mich, Partner, Compliance, Forensics and Intelligence, *Control Risks*, New York, NY
John R. Riddle, Partner, *Strasburger & Price LLP*, Dallas, TX

GENERAL INFORMATION

Registration Deadline: January 6, 2017

Hotel Deadline: December 21, 2016

ADVANCE REGISTRATION

Visit the TIPS Fidelity and Surety Law Committee Mid-Winter Meeting website to register at www.americanbar.org/tips or complete the registration form included in this brochure and fax it to us at 312/988-5850. The registration fee includes admission to the program, course materials, continental breakfast, breaks, and welcome reception. If you wish to have your name appear on the pre-registration list distributed at the program, we must receive your meeting reservation no later than the registration deadline of January 6, 2017. 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 Felisha Stewart at 312/988-5672 or email felisha.stewart@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 \$25.00 fee will be charged to individuals registering on-site.

CANCELLATION POLICY

No registration fee refunds will be granted for cancellations received after January 6, 2017. In order to receive a refund (less a \$100 administrative fee), the ABA must receive written notice of cancellation by January 6, 2017. Registrants who are unable to attend may send a substitute or will receive course materials in lieu of a refund.

HOTEL INFORMATION

The Roosevelt New Orleans

A limited number of rooms have been blocked for program registrants at The Roosevelt New Orleans Hotel, 130 Roosevelt Way, New Orleans, LA 70112. Hotel reservations can be made by calling the Hotel directly at 800/925-3673 or 504/648-1200. The room block will be held until Wednesday, December 21, 2016 or until exhausted. After that date, reservations will be confirmed based on availability. To receive our special group rate of \$253.00 single/double, identify yourself as attending the ABA Tort Trial & Insurance Practice Section Fidelity & Surety Law Committee Annual CLE Mid-Winter Meeting. All rooms are subject to a 13% state tax plus \$2.00 occupancy tax and 1.75% tourism assessment per night. Hotel check-in is 3:00 p.m. and checkout is 12:00 p.m. All reservations must be guaranteed by credit card or deposit check. 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

ABA NEGOTIATED AIRFARE DISCOUNTS – AVAILABLE ONLINE! With ABA Egencia, you can automatically obtain ABA negotiated discounts for travel to the ABA Meetings. ABA Egencia enables you to purchase the best airfare at the time of booking, by providing you with the ability to search for and compare fares from virtually every airline serving the destination.

Reservations with ABA Egencia can be made online at www.egencia.com/public/us/en/ or offline. For offline reservations, call 877/833-6285. ABA Egencia is available online at www.americanbar.org/membership/aba_advantage_discounts/travel.html. ABA airfare discounts on some carriers may also be obtained by purchasing your tickets under the ABA Discount Codes directly from the airline or through your travel agent.

AIRLINE DISCOUNT CODES FOR 2016

AMERICAN: ABA Discount only available at ABA Egencia at <https://www.egencia.com/public/us/en/>

UNITED: 800/426-1122 - For ABA Meetings Only Agreement Code **374477** / Z Code: **ZVWE**
Discount Available at www.united.com
Online Discount Code: **ZVWE374477**
Not for Leisure Travel

DELTA : 800/328-1111

ABA File Global Meeting Code: **NMN7K**
Discount available at www.delta.com
Online Meeting event Code: **NMN7**

AIRLINE DISCOUNT CODES FOR 2017

AMERICAN: ABA Discount only available at ABA Egencia at <https://www.egencia.com/public/us/en/>

UNITED: 800/426-1122 - For ABA Meetings Only Agreement Code **621691** / Z Code: **ZXDR**
Discount Available at www.united.com
Online Discount Code: **ZXDR621691**
Not for Leisure Travel

DELTA : 800/328-1111

ABA File Global Meeting Code: **NMP56**
Discount available at www.delta.com
Online Meeting event Code: **NMP56**

A Travel Profile is required when booking airline reservations with ABA Egencia.

CE CREDIT

CE Credits have been applied for through SDC CPAs LLC and may be available in the respective states so don't miss this exciting educational opportunity. SDC CPAs LLC will be on-site to handle all applications and inquiries. Please contact Lisa Rodriguez at Lrodriguez@sdccpa.com or 630/820-5770 after January 2, 2017 for more information.

GENERAL INFORMATION

(CONTINUED)

CLE CREDIT

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, PR, 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 6.67 CLE credit hours for the Construction Program, 8.33 CLE credit hours for the Fidelity Program (both days combined) and 5.75 credit hours (including 1.0 ethics hour) for the Surety Program in 60-minute states, and 8.00 CLE credit hours for the Construction Program, 10.0 CLE credit hours for the Fidelity Program (both days combined) and 6.90 credit hours (including 1.0 ethics hour) for the Surety Program 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/groups/tort_trial_insurance_practice.html or contact Donald Quarles at donald.quarles@americanbar.org or 312/988-5708.

MEMBERSHIP INFORMATION

For more information about membership in the ABA or the Tort Trial & Insurance Practice Section (TIPS), please visit us online at www.abanet.org/tips/memberapp.html or call 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 Felisha Stewart at either 312/988-5672 or at Felisha.stewart@americanbar.org promptly.

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. For programs with tuition costs over \$500, qualifying attorneys

will receive at least a 50% reduction in the course fee(s). To request an application or receive additional information, visit www.abanet.org/tips/scholarship.html or contact Daniel Chavez at 312/988-5561.

ON-SITE MEETING REGISTRATION AND EXHIBITS

Registration:

Wednesday, Jan. 18, 2017
10:00 a.m. – 6:00 p.m.

Thursday, Jan. 19, 2017
7:30 a.m. – 5:00 p.m.

Friday, Jan. 20, 2017
7:00 a.m. – 5:00 p.m.

Exhibits:

Thursday, Jan. 19, 2017
7:30 a.m. – 5:00 p.m.

Friday, Jan. 20, 2017
7:00 a.m. – 3:00 p.m.

EXHIBITORS

For Companies or Vendors interested in exhibiting at this program, contact Donald Quarles at donald.quarles@americanbar.org or 312.988.5708.

FSLC BUSINESS MEETINGS

Business meetings of the various divisions and subcommittees of the FSLC will be scheduled throughout Wednesday, January 18, 2017, beginning as early as 9:00 a.m. EST. The day's meetings will conclude with a meeting of Past Chairs, Vice Chairs, and FSLC Leadership at 3:00 p.m. EST; all FSLC members are invited to attend. If you are interested in becoming more involved in the FSLC, be sure to schedule your arrival into New Orleans in time to attend. The Business Meeting schedule will be published in the weeks leading up to MWM 2017.

YOUNG PROFESSIONALS SUBCOMMITTEE EVENTS

FSLC members 40 years of age and younger are invited to attend not only the Young Professionals Subcommittee's annual business meeting on Wednesday afternoon, January 18, 2017, but should also plan on joining YPS at their "Dutch Treat" dinner, followed by the annual poker tournament. In addition, YPS members are invited to a reception with new members, program speakers, and FSLC Leadership on Thursday afternoon, January 19, 2017. More details regarding all YPS events will follow via email as MWM 2017 approaches.

WELCOME RECEPTION

The FSLC will hold its annual Welcome Reception on Thursday, January 19, 2017, from 6:00 p.m. to 7:00 p.m. MWM registrants may attend for free. Guests and others may purchase tickets in advance for \$75.00 (\$80.00 at the door).

REGISTRATION FORM

ABA TORT TRIAL & INSURANCE PRACTICE SECTION (TIPS)

THE FIDELITY AND SURETY LAW COMMITTEE'S 2017 MIDWINTER MEETING

The Roosevelt New Orleans • January 18-20, 2017
REGISTRATION DEADLINE: JANUARY 6, 2017

1. REGISTRANT: *(Please print or type one form per person; photocopy this form for additional registrants)*

LAST NAME	FIRST NAME	MI
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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
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E-MAIL ADDRESS

SPOUSE/GUEST

How many Fidelity and Surety Law Committee Programs have you attended?
(including this one) 3 or less 4 or more

I will attend the Construction Program.

I will attend the Fidelity Program.

I will attend the Surety Program.

I am a member of the ABA and wish to join the Tort Trial & Insurance Practice Section (TIPS).

I have enclosed a separate check for \$50 made payable to the American Bar Association.

Note: We encourage you to register using the online registration link on this form. If you are unable to register online, please use this form to register by mail or fax. In order to protect your credit card information, we do not accept credit card payments via email.

THREE WAYS TO REGISTER

1. ONLINE:

[www.americanbar.org/
groups/tort_trial_
insurance_practice.html](http://www.americanbar.org/groups/tort_trial_insurance_practice.html)

Meeting Code: IL0117

2. MAIL:

The Fidelity And Surety Law Committee
2017 Mid-Winter Meeting
American Bar Association
Attn: Service Center – Meeting/Event
Registrations Department
321 North Clark Street, Floor 16
Chicago, IL 60654

3. SECURE FAX

312/988-5850

On-site registrants must pay the program fee plus an additional \$25.00 by check or credit card

REGISTRATION FORM

ABA TORT TRIAL & INSURANCE PRACTICE SECTION (TIPS)

CONTINUED

2. REGISTRATION FEES:

	<u>On or Before</u> <u>1/2/17</u>	<u>After</u> <u>1/2/17</u>	<u>QTY</u>	<u>TOTAL</u>
Insurance Company Employees: TIPS Members	\$100	\$200	_____	\$ _____
Insurance Company Employees: Non-TIPS Members	\$250	\$350	_____	\$ _____
Government Employee TIPS Members	\$495 \$965	\$575 \$1020	_____ _____	\$ _____ \$ _____
Law Student	\$295	\$350	_____	\$ _____
General Attendee (all others)	\$1125	\$1225	_____	\$ _____

3. SOCIAL EVENT TICKETS:

		<u>QTY</u>	<u>TOTAL</u>
Welcome Reception (Thursday)	Included	_____	\$ _____
Spouse/Guest Reception Ticket	\$75 (\$80 at door)	_____	\$ _____

4. TOTAL PAYMENT:

TOTAL \$ _____

5. PAYMENT INFORMATION:

Check (made payable to the ABA) American Express MasterCard VISA

CREDIT CARD NUMBER

EXPIRATION DATE

SIGNATURE

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

★ ★ ★ **SAVE THE DATE** ★ ★ ★



THE
TIPS
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APRIL 26-30 2017
CHICAGO, ILLINOIS



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