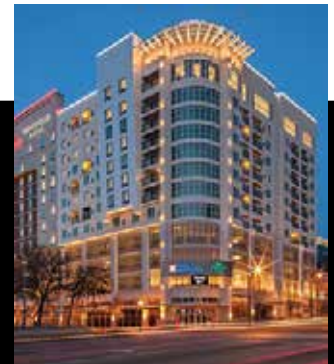


# Insurance *in the* Construction Industry



MARCH 22 & 23,  
2018

HILTON GARDEN  
INN MIDTOWN

Atlanta, GA

## ACCREDITATION

### GA CLE

9.5 Hours, incl. 1.0 Ethics

### TN CLE

9.75 Hours,  
incl. 1.0 Dual Hours

### GA Insurance

11.0 Hours

### IRMI

7.0 Hours of CRIS  
Reaccreditation Credits

### Contractors & Engineers

May Qualify

## WHO SHOULD ATTEND

Attorneys/Legal Staff  
Insurance Professionals  
Architects  
Contractors  
Engineers  
Planners  
State and Municipal  
Officials  
Utility Managers  
Anyone Involved in the  
Construction Industry

## Why You Should Attend:

*Given the fast pace of today's business world and the ever-changing world of construction growth, understanding the legal and regulatory framework within the insurance industry has become paramount for individuals and businesses alike. Insurance for Construction Claims impacts all demographics, all organizations, and all businesses whether public or private. Understanding the present state of the insurance industry is important not only for insurance professionals, but for anyone who owns property, conducts business, or operates in a public setting. This program will give you the tools you need to understand the evolving Construction Insurance Industry, from Case Law Updates to current complex issues such as Duty to Defend, Duty to Settle, Coverage for Continuing Damage, Commercial General Liability Insurance, Additional Insured Endorsements, and OCIPs, CCIPs, WRAPs and Non-Traditional Insurance. We will also address Ethical Considerations: The Cumis Doctrine, Single Versus Multiple Occurrences Under a CGL Insurance Policy, Builders Risk Insurance, and Effective Mediation Strategies. Please plan to join our outstanding faculty as we address these issues at the Insurance in the Construction Industry Conference.*

**Georgia's  
Premier  
Construction  
Insurance  
Conference**

### Program Chair:

J. Stephen Berry  
Dentons US



ACCREDITED  
BUSINESS

**5 EASY  
WAYS TO  
REGISTER**

- 1 ONLINE: [www.TheSeminarGroup.net](http://www.TheSeminarGroup.net)
- 2 FAX: 866-435-3444
- 3 EMAIL: [info@TheSeminarGroup.net](mailto:info@TheSeminarGroup.net)
- 4 PHONE: 206-463-4400 / 800-574-4852
- 5 MAIL: PO Box 523, Vashon, WA 98070

**9:00 Introduction and Overview**

**J. Stephen Berry**, *Program Chair*  
*Dentons US*

**9:10 Recent Case Law Update**

- Waiver and Estoppel
- Notice as a Condition Precedent to Coverage
- Real Property and the "Your Work" Exclusion
- General Contractor/Subcontractor Issues
- Declaratory Judgement Actions
- Rescission

**Stephen J. Rapp**  
*Weinberg Wheeler Hudgins Gunn & Dial LLC*

**10:15 Break****10:30 Commercial General Liability Insurance**

- What is Covered Under Commercial General Liability Insurance?
- What Constitutes an "Occurrence"?
- Most Commonly Encountered Business Risk Exclusions
- Is Defective Workmanship an "Occurrence"?
- Subcontractor Exception to the "Your Work" Exclusion
- CGL Coverage Litigation

**Stephen M. Phillips**  
*Hendrick Phillips Salzman & Siegel PC*

**11:15 Duty to Defend**

- Standard Under CGL Policy
- Scope of Duty
- Duty to Defend and Reservation of Rights Letters
- Effect of Insurer Refusing to Defend

**Seth M. Friedman**  
*Lewis Brisbois Bisgaard & Smith LLP*

**12:15 Midday Break****1:30 Duty to Settle**

- General Requirements
- Is an Excess Judgment Required?
- Does an Excess Carrier have a Claim Against Primary Carrier that Fails to Settle?

**Shattuck "Tucker" Ely**  
*Fellows LaBriola LLP*

**2:15 Coverage for Continuing Damage**

- When is There an "Occurrence" Under a Policy of Commercial General Liability Insurance?
- Analysis of the Various "Triggers" of Liability Coverage
- Analysis of "Other Insurance" Clauses
- Analysis of Allocation of Respective Policy Limits Where Multiple Policies are at Risk

**Jeffrey D. Diamond**  
*Law Offices of Jeffrey D. Diamond*

**3:00 Break****3:15 Additional Insured Endorsements**

- Different Endorsement Forms Create Different Obligations
- Scope of Additional Insured Obligations
- Recent Case Law

**Erica L. Parsons**  
*Lueder Larkin & Hunter LLC*

**4:00 OCIPs, CCIPs, WRAPs and Non-Traditional Insurance**

- Difference Between OCIPs and CCIPs
- Deductible Contributions by Trade Contractors
- Pitfalls of OCIPs

**Mary Katherine Tinsley**  
*Carlton Fields Jordan Burt PA*

**5:00 Adjourn**

Friday, March 23, 2018

**9:00 Introduction and Overview**

**J. Stephen Berry**, *Program Chair*  
*Dentons US*

**9:05 Ethical Considerations: The Cumis Doctrine**

- In General
- Typical Reservations of Rights Triggering a Cumis Obligation
- Potential Claims Against Cumis Counsel
- Practical Considerations

**Julie A. Lierly**  
*Kilpatrick Townsend & Stockton LLP*

**10:05 Single Versus Multiple Occurrences Under a CGL Insurance Policy**

- In General
- Impact on Policy Deductibles, Self-Insured Retentions and Retained Limits
- Application to Construction Defect Claims
- Current Case Law

**Lawrence J. Bracken II**  
*Hunton & Williams LLP*

**10:45 Break****11:00 Builder's Risk Insurance**

- What is Builders Risk Insurance and How Does it Differ from CGL?
- What is Covered by Builders Risk Insurance?
- Who Purchases Builders Risk Insurance and Whom Does it Protect?
- Subrogation and Waiver Issues Relating to Builders Risk Insurance

**Stephen M. Phillips**  
*Hendrick Phillips Salzman & Siegel PC*

**11:45 Effective Mediation Strategies**

- Utilizing Good Faith to Change Your Adversary's Perspective
- Using Insurance Issues to Leverage Settlement
- Mediating with Multiple Defendants
- Special Considerations in Construction Mediations

**Jennifer B. Grippa**  
*Miles Mediation & Arbitration Services LLC*

**12:45 Adjourn**



**J. Stephen Berry**, Program Chair, is a partner with Dentons US, and he leads the insurance coverage and bad faith team in the Atlanta office. His practice focuses on general liability, construction defect, media and advertising liability and first-party property claims. His practice includes litigation, coverage advice, regulatory investigations, appellate and amicus briefing and policy drafting.

**Lawrence J. Bracken II**, partner with Hunton & Williams LLP, has more than 30 years of experience negotiating and litigating insurance matters. He also counsels clients regarding claims evaluation and strategy, policy placement and manuscripting issues, and recovery of insurance proceeds under third parties' insurance policies.



**Jeffrey D. Diamond**, principal of Law Offices of Jeffrey D. Diamond, specializes in insurance law, including expert witness and consultation services, and policy interpretation concerning property, liability, life, and disability claims, Examinations Under Oath, declaratory relief and civil litigation, "bad faith" litigation, appraisal, arbitration, trial and appellate proceedings, and general civil matters.

**Shattuck "Tucker" Ely**, partner with Fellows LaBriola LLP, is a trial lawyer focusing on the representation of policyholders in insurance coverage disputes. For nearly twenty years, he has represented policyholders in disputes with their insurance carriers. In addition to advising policyholder clients, he has extensive experience in insurance coverage litigation and has successfully tried coverage cases to verdict.



**Seth M. Friedman** is a partner in the Atlanta office of Lewis Brisbois Bisgaard & Smith LLP and a member of the Insurance Coverage and Bad Faith Litigation Practices. He has extensive experience claim counseling and litigating in a wide variety of insurance coverage areas. He also handles extra-contractual claims and suits.

**Jennifer B. Grippa** is a certified mediator with Miles Mediation & Arbitration Services LLC and is an experienced trial lawyer. She has mediated, litigated and/or arbitrated construction contract claims, construction defect disputes, surety bond claims, general liability cases, property damage claims, and business litigation matters.



**Julie A. Lierly** is a partner with Kilpatrick Townsend & Stockton LLP, and is the current Team Leader of the firm's Insurance Recovery team. She focuses her practice on commercial litigation with an emphasis on insurance coverage disputes on behalf of policyholders. She has more than 14 years of experience representing policyholders in insurance coverage matters, related indemnity matters, and other commercial disputes.

**Erica L. Parsons** is a partner in the Buckhead office of Lueder, Larkin & Hunter LLC. She has more than a decade of experience advising insurers in the management of risk through representation in complex coverage and bad faith litigation, involving both first party and third party insurance policies. She also maintains a successful litigation practice focused in the areas of general liability, products, and premises liability defense.



**Stephen M. Phillips** is a senior partner in the law firm of Hendrick Phillips Salzman & Siegel PC in Atlanta, Georgia. His law practice focuses upon legal issues pertaining to the construction industry, particularly the commercial roofing industry. For over 40 years, he has represented parties in commercial construction matters.

**Stephen J. Rapp** is a partner with Weinberg Wheeler Hudgins Gunn & Dial LLC. His civil litigation practice focuses on insurance coverage, business issues, and construction disputes. He regularly represents and advises insurance companies on a variety of issues, and has successfully tried several construction and business-related cases.



**Mary Katherine Tinsley** is an attorney with Carlton Fields Jordan Burt PA in their Construction Litigation Practice Group. She advises clients on matters related to construction defects, payment and performance bond claims, construction liens, and contract negotiation and drafting in the residential and commercial construction contexts.

## Upcoming Seminar Schedule

**AIA Contract Documents**  
March 21, 2018 ~ Atlanta, GA

## Conference Information

### Course Accreditation

This course has been approved by the Commission on Continuing Lawyer Competency of the State Bar of Georgia for mandatory continuing legal education credit in the amount of 9.5 hours, of which 1.0 hour will also apply in the area of ethics. This course has been approved by the Tennessee Commission on Continuing Legal Education for a maximum of 9.75 hours of credit including 1.0 dual hours. This course has been approved by the Georgia Dept. of Insurance Agents Licensing Division for 11.0 hours. This course has been approved by the IRMI for 7.0 hours of CRIS reaccreditation credits. Contractors and engineers may qualify for continuing education hours through the American Institute of Constructors or the Construction Management Association of America. For information or accreditation in other states, please call THE SEMINAR GROUP at (206) 463-4400 or (800) 574-4852.

### Substitution/Cancellation

You may substitute another person at any time. We will refund tuition, less a **\$50 cancellation charge**, if we receive your cancellation by **Friday, March 16, 2018**. No refunds will be given after this date. *Please note that if you do not cancel by the deadline and/or do not attend, you are still responsible for payment.*

### Seminar Location

The seminar will be held at the Hilton Garden Inn Midtown, 97 10th Street NW, Atlanta, GA, (404) 524-4006. Please call the hotel for directions/questions. A block of sleeping rooms has been reserved until 2/22/18. To make a reservation call reservations department at 800-445-8667 or 404-524-4076 between 7:30 AM and 7:30 PM and mention The Seminar Group.

**Insurance in the Construction Industry**

March 22 & 23, 2018 • Hilton Garden Inn Midtown • Atlanta, GA

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**Attendance Fees**

- Attorney \$659
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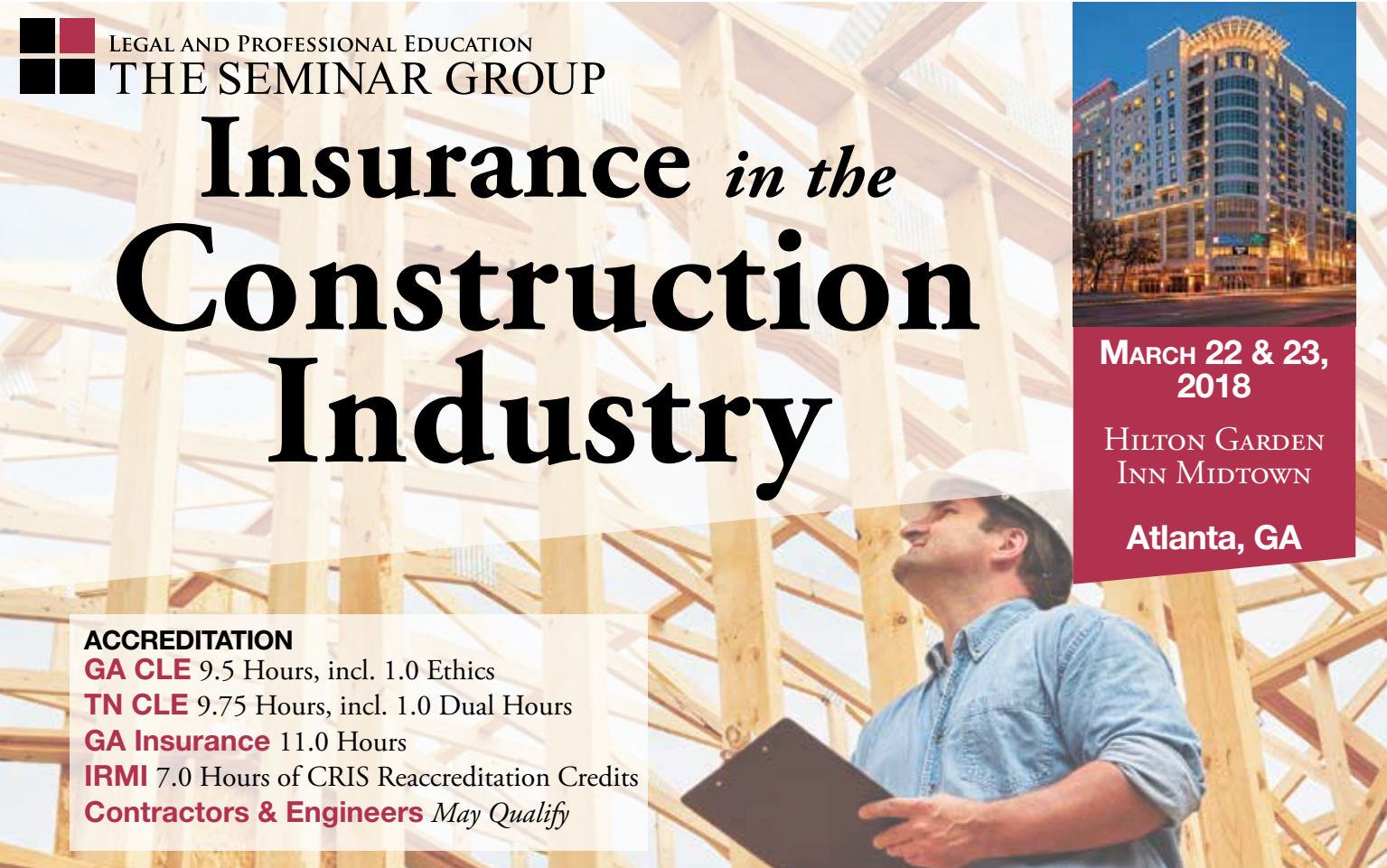
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- Contractors & Engineers** *May Qualify*