

“Insurance Law for General Practitioners” 2016 South Texas Insurance Law CLE Seminar

*Sponsored by the Insurance Law Section of the State Bar of Texas,
in cooperation with the Texas Institute of CLE*

The DoubleTree Hotel, McAllen, Texas

February 26, 2016

Earn up to 7.50 hours MCLE credit, including 1.75 hrs. Ethics credit!

Official brochure and registration form coming soon.

Online registration is now open at www.clesolutions.com.

AGENDA: FRIDAY, FEBRUARY 26, 2016

- 8:00 a.m. – 8:15 a.m. **Welcome & Introductory Remarks:**
J. James Cooper, Chair of Insurance Law Section, ReedSmith (Houston)
- 8:15 a.m. – 9:00 a.m. **Overview of Standard Insurance Policies** (.75 Hours Credit)
Roger W. Hughes, Adams & Graham, LLP (Harlingen)
General overview of standard types of insurance, highlights of coverage they afford, and important issues concerning each. Includes CGL, homeowners, auto, excess / umbrella, life insurance. Also notes developments in ALI / Restatement working drafts, particularly areas that potentially conflict with current Texas law.
- 9:00 a.m. – 9:45 a.m. **Construction Insurance** (.75 Hours Credit)
Douglas P. Skelley, Shidlofsky Law Firm, PLLC (Austin)
Everything the general practitioner needs to know (almost!) about insurance coverage and issues in the construction context.
- 9:45 a.m. – 10:15 a.m. **Trucking Insurance** (.50 Hours Credit / .25 Hours Ethics)
James H. Hunter, Jr., Royston Rayzor Vickery & Williams LLP (Brownsville)
Overview of issues in trucking insurance affecting the general practitioner. Topics include when business auto or motor carrier coverage applies, who is an insured, significant exclusions, MCS-90 endorsement, driving without trailer, exhaustion through settlement with multiple insureds or claimants, primary - excess problems, and ethical issues.
- 10:15 a.m. – 10:30 a.m. **Morning Break**
- 10:30 a.m. – 11:15 a.m. **Duties and Liabilities of the Public Adjuster** (.75 Hours Credit / .50 Hours Ethics)
William J. Chriss, Gravely & Pearson, LLP (Corpus Christi)
Public Adjusters are regulated by the State of Texas and have substantial legal duties to the owners who employ them. Violations of these regulations or failure to properly discharge their responsibilities can result in substantial damage liability, including liability for negligence, deceptive practices, and breach of fiduciary duty. Lawyers must be aware of the professional and ethical implications of dealing with public adjusters before and after litigation.
- 11:15 a.m. – 12:00 p.m. **Hail, Wind and Flood Litigation** (.75 Hours Credit)
Rosemary Conrad-Sandoval, Roerig, Oliveira & Fisher, LLP (McAllen)
David M. Roerig, Roerig, Oliveira & Fisher, LLP (McAllen)
Victor V. Vicinaiz, Roerig, Oliveira & Fisher, LLP (McAllen)
Practical advice and observations from local lawyers active in the hailstorm insurance docket, including discussion of mediation, appraisal, settlement, important insurance policy provisions, critical issues of law, and the process of preparing for and trying the hail damage case.

- 12:00 p.m. – 1:15 p.m. **Luncheon Presentation (Ticketed Event – Tickets available for \$25)**
MDL Practice & Procedure: A View from the Bench (.75 Hours Credit / .25 Hours Ethics)
Moderator: Brandy Wingate Voss, Smith Law Group, LLLP (McAllen)
Honorable Judge Rose Guerra Reyna, 206th District Court (Edinburg)
Honorable Judge Elma Teresa Salinas Ender, 4th Administrative Region (Laredo)
Roberto “Bobby” Ramirez, The Ramirez Law Firm, PLLC (McAllen)
 A moderated panel consisting of two MDL pretrial court judges—the Honorable Judge Rose Guerra Reyna and Honorable Judge Elma Teresa Salinas Ender—and Roberto “Bobby” Ramirez who serves as an MDL discovery master. Moderated by Brandy Wingate Voss of the Smith Law Group LLLP. The Panel will discuss requirements, practice, and procedures in their courts, and ethical expectations.
- 1:15 p.m. – 1:45 p.m. **Responding to Reservation of Rights & Duty to Defend Issues** (.50 Hours / .25 Ethics)
Francisco J. Zabarte, Aguilar & Zabarte, LLC (Brownsville)
Guillermo “Memo” Tijerina, Jr., Vidaurri, Lyde, Rodriguez & Haynes, LLP (Edinburg)
 How and when should a policyholder respond to insurer's reservation letter? When is a policyholder entitled to appoint and direct independent defense counsel at the insurer's expense? Includes discussion of duty to defend issues, and ethical challenges presented to the defense counsel who is appointed, directed and paid by insurer under reservations of rights.
- 1:45 p.m. – 2:15 p.m. **In the Trenches of Insurance Litigation** (.50 Hours Credit / .25 Hours Ethics)
Norton Colvin, Jr., Colvin, Chaney, Saenz & Rodriguez, LLP (Brownsville)
 Practical advice and tips for handling both sides of the policyholder - insurer divide, including ethical issues.
- 2:15 p.m. – 3:00 p.m. **How to Write Effectively for How Judges Actually Read** (.75 Hours Credit)
Robert B. Dubose, Alexander Dubose Jefferson & Townsend, LLP (Houston)
 Many judges and decision makers are reading from computer or tablet screens instead of papers, and studies show that this changes their reading patterns. This presentation draws from a number of studies about computer-reading habits to suggest new techniques for writing legal arguments that are easier to read and more persuasive.
- 3:00 p.m. – 3:15 p.m. **Afternoon Break**
- 3:15 p.m. – 3:45 p.m. **Prejudice to Insurer from Policyholder's Breach** (.50 Hours Credit)
Scott T. Clark; Adams & Graham, LLP (Harlingen)
 In what circumstances is the insurer entitled to avoid coverage because the policyholder breached policy requirements? When is prejudice to the insurer required, and when is it not? Making sense of recent Texas cases, and distinguishing among different types of policies and policy provisions.
- 3:45 p.m. – 4:15 p.m. **Ethical Issues for Lawyers in Insurance Disputes** (.50 Hours Credit / .50 Hours Ethics)
Jaime Balli, Aliseda & Associates (Edinburg)
 Ethical issues that commonly arise in insurance coverage and insurance defense cases, with a focus on potential conflicts of interest. Acknowledging the recent 25th Anniversary of the Texas Layer's Creed, and legislative passage of the "Attorney Civility Oath" affecting all newly-licensed Texas attorneys.
- 4:15 p.m. – 4:45 p.m. **Stowers & Settlement Issues** (.50 Hours Credit)
Robert J. Cunningham, Roach & Newton, LLP (Houston & Rockport)
 Assessing leverage between insurers and policyholders in settlement situations, including checklist of Stowers requirements, special problems of multiple claimants / multiple insureds and primary / excess layers, and application to post-judgment appeals.
- 4:45 p.m. **Adjourn**