



## **OACTA 2022 INSURANCE COVERAGE SEMINAR**

**Friday, May 6, 2022**

Grange Insurance – Haaf Hall  
671 S. High Street, Columbus, OH 43206

This seminar consists of five presentations. Each presentation is fully described and contains a timed outline. The total educational session will be minutes.

### **Presentation 1**

#### **“First-Party Insurance Claim Investigations”**

**Course Objective:** To educate claims, risk management, and legal professionals with regard to tools and methodologies that can be used to better perform their respective first-party claims handling and investigation responsibilities. In particular, attendees will learn, among other things: how to conduct these investigations; how to interpret and understand duties owed to insureds and obligations imposed on insureds; and how to properly investigate issues involving material misrepresentation and false statements in the presentation of a claim.

**Course Relevance:** Claims professionals, risk managers, third party administrators, and attorneys all have preferred ways to handle various aspects of claims investigations but are not always aware of all the implications and responsibilities. This seminar will provide insight and instruction from, and interaction with, experienced outside counsel with the goal of providing the attendees practical advice in order to enable them to be more efficient and effective in performing their jobs.

**Target audience:** Adjusters, Claims and Risk Managers and Attorneys with at least 3 years’ experience.

**Course/Seminar Length:** 45 minutes

**Study Method:** Seminar

**Presenters:** Brian L. Wildermuth, Esq., Subashi, Wildermuth & Justice  
Tabitha Justice, Esq., Subashi, Wildermuth & Justice

- I. Examinations Under Oath (15 Minutes)
  - a. What are they?
  - b. When to use them.
  - c. Selecting outside counsel to conduct EUOs.

- II. Policy-Based Duties and Insured Obligations (10 Minutes)
  - a. Duty of Good Faith
  - b. Compliance with Fair Claims Laws
  - c. Insured's Duty to Cooperate and Provide Records
  
- III. Arson Defenses (10 Minutes)
  - a. Burden of Proof
  - b. Elements of the Defense:
    - i. Incendiary Origin
    - ii. Motive
    - iii. Opportunity
  
- IV. Material Misrepresentation and False Statements (10 Minutes)
  - a. Materiality Requirement
  - b. SIU Investigation
  - c. Fraud Reporting Requirements

## **Presentation 2**

### **“Cyber Insurance Law - The Basics and Beyond”**

**Course Objective:** To educate claims, risk management, and legal professionals with regard to all aspects of cyber risk coverages. In particular, attendees will learn, among other things: how this type of coverage is underwritten; how to conduct investigations when there has been a cyber event; how to interpret and understand policy language and the ever evolving law and regulations regarding cyber risks.

**Course Relevance:** Claims professionals, risk managers, third party administrators, and attorneys have diverse levels of knowledge and familiarity with cyber risks. There is an increasing need for insureds to have coverage for cyber risks, and insurers and their counsel need to be prepared to thoroughly investigate and handle these types of claims. This seminar will provide insight and instruction from, and interaction with, experienced outside counsel with the goal of providing the attendees practical advice in order to enable them to be more efficient and effective in performing their jobs.

**Target audience:** Adjusters, Claims and Risk Managers and Attorneys with at least 3 years' experience.

**Course/Seminar Length:** 60 minutes

**Study Method:** Seminar

**Presenter:** Laura (Megan) Faust, Esq., Roetzel & Andress, LPA

- I. Basic Types and Categories of Cyber Risk Programs (30 Minutes)
  - a. Network Security and Privacy
  - b. Privacy Breach and Forensic Expense
  - c. Payment Card Industry and Card Brand Fines, Assessments or Charges

- d. System Damage
  - e. Telecommunications Fraud
  - f. Cyber Extortion
  - g. Business Interruption
- II. Discussion of the Current Status of the Law Pertaining to Cyber Risk Coverage (30 Minutes)
- a. Law and Regulations
  - b. Recent Case Law

### Presentation 3

#### **“Insurance Coverage Storytime: Real-Life Lessons”**

**Course Objective:** To educate claims, risk management, and legal professionals about all of the real-world applications of key insurance coverage issues arising in commercial contexts from the unique perspective of insurance recovery experts. In particular, attendees will learn, among other things: how to properly handle late notice issues; how to analyze “who is an insured” clauses; and how to properly draft reservation of rights letters.

**Course Relevance:** Claims professionals, risk managers, third party administrators, and attorneys routinely have to deal with a variety of insurance coverage issues when handling commercial claims. This seminar will provide insight and instruction from, and interaction with, experienced outside counsel who are experts in insurance recovery, with the goal of providing the attendees practical advice in order to enable them to be more efficient and effective in performing their jobs.

**Target audience:** Adjusters, Claims and Risk Managers and Attorneys with at least 3 years’ experience.

**Course/Seminar Length:** 60 minutes

**Study Method:** Seminar

**Presenters:** K. James Sullivan, Esq., Calfee, Halter & Griswold, LLP  
Alex Reich, Esq., Calfee, Halter & Griswold, LLP

- I. Late Notice (10 Minutes)
  - a. Materiality
  - b. Prejudice
  
- II. Notice of Circumstances (10 Minutes)
  - a. Triggering Events
  - b. Advantages
  - c. Disadvantages
  
- III. Who is an Insured Clauses (10 Minutes)
  - a. Additional Insureds
  - b. Contractual Requirements

- c. Certificates of Insurance
  
- IV. Settlement Allocation Issues (10 Minutes)
  - a. Consent to Settle
  - b. Multiple Insureds
  - c. Multiple Claimants
  
- V. Deductibles and Self-Insured Retentions (10 Minutes)
  - a. Differences
  - b. Involvement of Insurers
  
- VI. Reservation of Rights Letters (10 Minutes)
  - a. Uncovered and Covered Claims
  - b. Uncovered Damages
  - c. Declaratory Judgment Actions

#### **Presentation 4**

##### **“Carrying Persons or Property for a Fee -- Considerations of Insurance Exclusions in the Age of the Delivery Economy”**

**Course Objective:** To educate claims, risk management, and legal professionals about all of the insurance coverage issues that may arise from claims involving the delivery or gig economy. In particular, attendees will learn, among other things: state and local coverage requirements for service providers; coverage provided by the companies facilitating and administering these services; and how to evaluate coverage for the various claims that may arise.

**Course Relevance:** Claims professionals, risk managers, third party administrators, and attorneys need to understand how to analyze coverage issues arising from claims involving the delivery or gig economy in both the personal and commercial context. This seminar will provide insight and instruction from, and interaction with, experienced outside counsel with the goal of providing the attendees practical advice in order to enable them to be more efficient and effective in performing their jobs.

**Target audience:** Adjusters, Claims and Risk Managers and Attorneys with at least 3 years’ experience.

**Course/Seminar Length:** 60 minutes

**Study Method:** Seminar

**Presenter:** Shannon J. George, Esq., Ritter, Robinson, McCready & James, Ltd.

- I. The Delivery Economy Overview and Examples (20 Minutes)
  - a. Pizza Delivery
  - b. Uber
  - c. Grubhub
  - d. Doordash

- II. State and Local Coverage Requirements (20 Minutes)
  - a. Minimum Limits
  - b. Defining Coverage Based on Activity
  
- III. Discussion of Recent Case Law and Coverage Analysis (20 Minutes)
  - a. Personal Auto Coverage
  - b. Commercial Auto Coverage

**Presentation 5**

**“Expectations of Outside Counsel from the Insurer Client’s Perspective”**

**Course Objective:** To educate claims, risk management, and legal professionals about the importance of hiring and/or providing services as an experience insurance coverage or defense counsel. In particular, attendees will learn, among other things: when to consider using outside counsel; how to properly vet, hire, and evaluate outside counsel; and as outside counsel, how to set yourself apart from others to provide satisfactory services for insurers and policyholders.

**Course Relevance:** Claims professionals, risk managers, third party administrators, and attorneys have a mutual interest in knowing how to properly vet, hire, and evaluate outside coverage and defense counsel and when they should be doing so. This seminar will provide insight and instruction from, and interaction with, experienced in-house insurance attorneys and claims handlers, with the goal of providing the attendees practical advice in order to enable them to be more efficient and effective in performing their jobs.

**Target audience:** Adjusters, Claims and Risk Managers and Attorneys with at least 3 years’ experience.

**Course/Seminar Length:** 60 minutes

**Study Method:** Interactive Panel

Panelists: Jill Mercer, Esq., Nationwide  
 Clare Krumlauf, Esq., Ohio Mutual  
 Theresa Bratton, Esq., National Interstate  
 Charnelle Herrera, Nationwide  
 Moderator: Gary Grubler, Esq., Grange

- I. When to Consider Hiring Outside Counsel (10 Minutes)
- II. How to Properly Vet, Hire, and Evaluate Outside Counsel (25 Minutes)
- III. How Outside Counsel Can Set Themselves Apart (10 Minutes)
- IV. Other Interactive Discussion and Audience Questions (15 Minutes)

**TOTAL CE Minutes/Hours**

**285 Mins / 5.7 Course Hours**