

18th Annual Coverage College

Convene CityView
Philadelphia, PA
10.30.24

Key Takeaways from Coverage College 2024

When: Wednesday, October 30, 2024 | 9:00 AM - 5:00 PM EDT

In-Person Location: Convene CityView | 30 S. 17th Street, Philadelphia, PA 19103

Virtual Attendees: Details will be shared with registrants closer to the date of the event.

This year's Coverage College® will be another hybrid event – while we can have **an unlimited number of virtual attendees, we may need to cap in-person attendance due to space so make sure you sign up early if you are interested in attending in person.** Regardless of how you attend, Coverage College® provides an opportunity for insurance professionals to engage in a diverse curriculum on cutting edge issues. Insurance is an ever-changing industry, and we pride ourselves on being at the forefront of it.

You must register in advance to attend; walk-ins are not permitted.

Coverage College® has been approved for Continuing Legal Education (CLE) in PA, NY, NJ, DE and IL and Continuing Education (CE) in DE, FL and TX credits. You must attend the entire conference for credit eligibility; partial credit will not be issued.

There is no cost to attend Coverage College® except for attorneys in private practice and non-sponsor vendors for whom tuition is \$500. If you are an attorney in private practice or a non-sponsor vendor and would like to attend, please reach out to Kathryn Taylor at taylorka@whiteandwilliams.com.

This event is not open to the media; for press inquiries, contact Mary Corallo, Director of Marketing, corallom@whiteandwilliams.com.

If you have any other questions about this year's Coverage College, contact us at events@whiteandwilliams.com.

We would like to thank our 2024 Coverage College Sponsors.

Registration and Breakfast

8:00 A.M. - 9:00 A.M.

Come early to register and enjoy breakfast on the 13th Floor of Convene CityView.

Welcome to the 18th Annual Coverage College

9:00 a.m. - 9:15 a.m.

Timothy E. Davis, Managing Partner, White and Williams LLP

Patricia B. Santelle, Chair Emeritus, Dean of Coverage College

Opening Panel: Tips for a Successful and Ethical Mediation

9:15 a.m. – 10:15 a.m.

Patricia B. Santelle, Chair Emeritus/Moderator

Panelists: Hon. Annette M. Rizzo, Robert G. Devine, Michael O. Kassak, Christopher Konzelmann

Enhance your mediation skills by hearing strategies for effective advocacy and resolution: how to position your case for mediation, negotiate effectively, work with the mediator to get the best result for your company/client, move beyond impasse, deal with difficult parties and identify creative solutions, all within the rules of professional conduct. Our panel includes a leading neutral and a team of seasoned attorneys who represent plaintiffs, defendant-insureds and insurers in matters implicating both liability and coverage. Claims professionals will benefit by getting practical tips on the mediation process to enhance their role both as clients and participants.

A View from The First State: Overview of Delaware Courts and Key Developments in Coverage and Underlying Litigation

10:30 a.m. – 11:00 a.m.

Presenters: Rochelle Gumapac, Timothy S. Martin

Although Delaware is the second smallest state in the U.S., it is the capital of incorporation for thousands of companies and has a unique and complex court system. During this session, participants will gain an overview of the Delaware court system, the unique Complex Commercial Litigation Division and review some of the nuances of practicing the Court of Chancery. The presentation will also provide an update on some key insurance coverage, Directors and Officers (D&O) litigation (and the corporate law section of the bar's response to recent rulings), and recent rulings in asbestos, including an update on the current asbestos judges and the future of those claims; and there will be a brief discussion on Delaware choice of law rules in the insurance coverage context.

PFAS Coverage Litigation: Emerging Lessons From an Emerged Risk

11:00 a.m. – 11:30 a.m.

Presenters: Robert F. Walsh, Lynndon K. Groff

PFAS—also known as “forever chemicals” —have rapidly transformed from an “emerging” risk into an “emerged” risk. Litigation against PFAS manufacturers and retailers has exploded and the defendants, in turn, are pursuing coverage for the underlying losses from their liability insurers. Battle lines between liability insurers and policyholders have now been drawn. This presentation will briefly introduce PFAS, discuss PFAS-related regulatory and litigation developments, and provide an overview of PFAS-related coverage litigation.

Mass Tort Bankruptcies After Purdue, Kaiser, and LTL – Implications for Insurers

11:30 a.m. – 12:00 p.m.

Presenters: Frank J. Perch, III, Siobhain Minarovich

The recent decisions of the United States Supreme Court in *Harrington v. Purdue Pharma* and *Truck Insurance v. Kaiser Gypsum*, together with the Third Circuit’s rulings twice dismissing the bankruptcy filings of LTL Management, are expected to have wide-ranging effects on the use of bankruptcy to resolve mass tort claims. This presentation examines these key decisions and their potential impact on insurers, including: what the three cases did and did NOT decide; whether there are any circumstances when third-party releases can still be approved, and the types of bankruptcy standing issues that may remain unresolved, plus whether debtors still utilize the “Texas Two-Step”? Additionally, this presentation will share examples of how these issues are playing out in subsequent cases, and the arguments and tactics that are being used by claimants and policyholders to avoid or work around the holdings in these cases; and, how these decisions might otherwise impact current and future mass tort cases and what impact might that have on insurers seeking to resolve mass tort exposures.

Emerging Issues in Pennsylvania Bad Faith Claim

1:00 p.m. – 1:30 p.m.

Presenters: Edward M. Koch, Wesley R. Payne, IV, Marc PENCHANSKY

Policyholders are becoming increasingly creative in their attempts to assert bad faith claims in Pennsylvania. This presentation will explore three emerging issues: bad faith in the absence of coverage, bad faith claims arising from litigation conduct, and the misuse of the Bad Faith Statute by out-of-state claimants.

Emerging Risks: Coverage Issues and Claim Handling

1:30 p.m. – 2:00 p.m.

Presenters: Gabriel E. Darwick, Tanya A. Mascarich

As the world evolves—technologically, socially, and environmentally—so, too, do the risks that businesses face. In the last several years, businesses have been the subject of an array of novel claims of harm from standard, long-existing products, including hair straighteners, baby food, Tylenol, talc, opioids, and common medications. These businesses often turn to standard form commercial general liability insurance policies for protection. Understanding these emerging risks and the coverage and claim handling issues that they create is critical for those in the insurance industry. This panel discussion will focus on the financial exposure presented by emerging risks, the application of complex coverage issues to these novel factual situations, and the thorny claim handling issues that arise.

Coverage Implications from the Explosion of MDLs

2:00 p.m. – 2:30 p.m.

Presenters: Daniel E. Bryer, Dirk C. Haarhoff

This presentation will discuss the insurance coverage implications arising from the exponential increase in multidistrict litigation (“MDLs”). The number of pending MDL cases has increased from 127,704 in 2014 to 417,137 in 2023. The percentage of federal civil cases in MDLs has increased from 38% a decade ago to 65% in 2023. The concentration of civil cases in MDLs has increased by 142% since 2012. The presentation will also address the insurance coverage implications presented when multiple stand-alone lawsuits are consolidated into an MDL. Specific issues that will be addressed include covered versus uncovered lawsuits, allocation of defense costs among insurers and SIRs, and implications as to indemnity issues.

Long-Tail Coverage Update

2:45 p.m. – 3:15 p.m.

Presenters: Adam M. Berardi, Victoria Fuller, Elizabeth L. Ferguson

This presentation surveys recent decisions in long tail coverage cases involving hazards such as asbestos, benzene, climate change, abuse, and opioids. Presenters will discuss how these rulings addressed key coverage issues such as allocation, claims for damages, the meaning of occurrence, trigger of coverage, and pollution exclusions. Presenters will discuss considerations for claims professionals in light of the developments in case law.

Insurance Coverage: I Ain't Missing You At All

3:15 p.m. – 4:00 p.m.

Presenter: Randy J. Maniloff

Given its complexity, those handling liability claims may not spot every issue. In this fast-paced presentation, Randy Maniloff will discuss 20 things that he has seen overlooked by insurers when handling liability claims. Even the most seasoned coverage professional is likely to come away with some new things to consider.

Cocktail Reception

4:00 p.m. – 6:00 p.m.

The presentations will be followed by a Cocktail and Networking Reception from 4 p.m. to 6 p.m.

This correspondence should not be construed as legal advice or legal opinion on any specific facts or circumstances. The contents are intended for general informational purposes only and you are urged to consult a lawyer concerning your own situation and legal questions.