

Fidelity Bond and Crime Coverage Conference

Thursday, December 3, 2009

Location: 599 Lexington Avenue, 22nd Floor, New York, NY 10022



CONFERENCE CHAIRS:

Matthew Schlesinger, Esq., Reed Smith LLP, Washington, DC

John McDonald, Esq., Meagher & Geer, P.L.L.P., Minneapolis

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| 7:45 | Continental Breakfast and Morning Registration | 1:15 | Ponzi Schemes and Coverage-Related Issues <ul style="list-style-type: none"> • Are Madoff-related losses covered? Why or why not? • Types of ponzi-scheme losses that might trigger fidelity bond coverage Kevin Mattessich, Esq., Cozen O'Connor, New York
William Passannante, Esq., Anderson Kill & Olick, P.C., New York |
| 8:20 | Welcome and Opening Remarks | 2:15 | The Market for Crime and Fidelity Coverage-The Insurer and Broker's Perspective <ul style="list-style-type: none"> • Market trends, domestic and foreign • Ability of policyholders to negotiate price and language • New coverage availability • Reinsurance Steven Balmer, Product Manager-Crime Bond & Financial Products, Travelers, Philadelphia
Patricia Logan, Vice President, Regional Manager, Berkley Asset Protection Underwriting Managers, LLC, New York |
| 8:30 | Nature of Fidelity Bonds and Crime Coverage Policies <ul style="list-style-type: none"> • Who purchases this coverage and why? • What is covered under typical policies-different forms for different types of companies - Employee dishonesty, on premises, forgery/alteration and mortgage fraud, servicing contractor fraud, electronic crimes • Understanding the difference between this coverage type and D&O, E&O and CGL policies • Key conditions for claims: discovery and notice, proof of loss, timeliness of suit, limits of liability and prior insurance Matthew Schlesinger, Esq., Reed Smith LLP, Washington, DC
Robert Briganti, Belle Mead Claims Service, Inc., Hillsborough, NJ
Robert Olausen, Manager-Specialty Commercial Lines, Insurance Services Office, Inc. (ISO), Jersey City, NJ
John McDonald, Meagher & Geer, P.L.L.P., Minneapolis | 3:15 | Afternoon Break |
| 9:45 | Key Issues with Employee Dishonesty and Employee Theft <ul style="list-style-type: none"> • Manifest intent • What is a loss and what is not a loss? • Direct loss • Collusion • Improper personal gain Robert Konop, Esq., Hinshaw & Culbertson LLP, Chicago
Wayne Everson, Esq., Claim Attorney, OneBeacon Professional Insurance, Minnetonka, MN | 3:30 | Forensics, Determining the Amount of the Loss and Damages <ul style="list-style-type: none"> • When and how to use forensic accountants on a bond claim • The benefits and potential pitfalls of retaining a forensic accountant from both insurer and insured standpoint • Determining the loss amount-common accounting issues regarding quantification and vendor related and trading losses • The inherent accounting issues raised in Section III regarding exclusions-specifically potential income and prior and subsequent activity • Possible setoffs & disputed issues • Determining causation with forensic accounting Vincent D'Amelio, Navigant Consulting, New York
James Reynolds, Reynolds Financial Services Group, LLC, Summit, NJ |
| 10:15 | Morning Break | 4:15 | Claims Processing Guidelines for Insureds and Insurers <ul style="list-style-type: none"> • Claims investigation, presentation and resolution • Burdens of proof • Privilege/work product concerns • Cooperation – when is enough, enough? • Avoiding break downs in communication • Litigation strategies Duane Sigelko, Esq., Reed Smith LLP, Chicago
Joel Wiegert, Esq., Meagher & Geer, P.L.L.P., Minneapolis
John Tomaine, Esq., Vice President-Fidelity Claims, Chubb & Sons, Warren, NJ
John Morrissey, Esq., Senior Vice President-Legal and Claims Practice Group, Aon Financial Services Group A Division of Aon Risk Services, Inc., New York |
| 10:30 | Emerging Coverage Disputes and Common Exclusions <ul style="list-style-type: none"> • Exclusions: losses, potential income, prior/subsequent activity, damages for which the insured is liable, warehouse receipts, trading and negligence exclusions • Rules of construction • Common disputed issues such as causation, loan exclusion, intent, policyholder negligence, reliance, discovery and valuation clauses Lisa Cirando, Esq., Orrick, Herrington & Sutcliffe LLP, New York
William Bogaert, Esq., Wilson Elser Moskowitz Edelman & Dicker LLP, Boston | 5:15 | Networking Reception |
| 11:30 | Unique Issues with Special Cases <ul style="list-style-type: none"> • Computer and funds transfer fraud • Inventory losses • Loan losses Kerry Evensen, Esq., Assistant Vice President – Claims, OneBeacon Insurance, Minnetonka, MN
Eric Emmette, Principal, Tripoli Risk Management, LLC, Minneapolis, MN
John McDonald, Meagher & Geer, P.L.L.P., Minneapolis, MN | | |
| 12:15 | Networking Luncheon | | |