

# June 5, 2013 Continuing Education Program for AIG



## ETHICS AND BEST PRACTICES FOR HANDLING AND RESOLVING LITIGATION

### American International Group

180 Maiden Lane  
Second Floor–Auditorium  
New York, New York

**Please register through  
AIG Talent Connection**

**3.0 Hours of Texas CE Credit (Ethics)  
and 3.0 Hours of New York CLE Credit**

### Participating Law Firms:

Carter Conboy (Albany, NY)  
Cosgrave Vergeer Kester LLP (Portland, OR)  
Dinsmore & Shohl (Cincinnati, OH)  
Haight Brown & Bonesteel, LLP  
(Los Angeles, CA)  
Hall & Evans, LLC (Denver, CO)

Hawkins Parnell Thackston & Young LLP  
(Atlanta, GA)  
Leake & Andersson, LLP (New Orleans, LA)  
Plunkett Cooney, LLP (Detroit, MI)  
Renaud Cook Drury Mesaros, PA  
(Phoenix, AZ)

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## REGISTRATION INFORMATION

For a complete course description and to register, please register through **AIG Talent Connection**. By registering through **AIG Talent Connection**, you are ensuring a seat in the class and that the class will appear on your transcript. You will also need to verify your participation by signing and dating the paperwork that will be available during the seminar.

## MEETING LOCATION

**AIG Conference Center**  
180 Maiden Lane  
Second Floor- Auditorium  
New York, New York

## QUESTIONS?

### PLEASE CONTACT:

Michael Lacava  
Financial Lines Claims Litigation Management  
AIG Property Casualty  
Direct: 212-458-2676  
Email: michael.lacava@aig.com

## CLE & CE CREDIT

The program offers 3.0 hours of New York CLE credit (including 1.5 hour of ethics). The Texas Department of Insurance has approved this course for 3.0 hours of CE credit (Ethics).

## PROGRAM DESCRIPTION

The program offers two presentations by nine seasoned litigators from throughout the United States, who will address the ethical, legal, practical and strategy issues that often arise both before and after litigation commences. The panelists will offer their perspectives and comments on the best practices for handling and resolving claims and disputes that involve risks and matters for which insurance coverage is or may be available. **George Fagan** of Leake & Andersson, LLP will be the moderator for the two 90 minute sessions. Audience questions and participation is encouraged and welcome.

## COURSE MATERIALS

Course materials in electronic format (.pdf) will be available or provided to all participants on the following topics: *Strategies for Ethically & Successfully Handling Insurance Claims* by George Fagan and Mia Scoggin, Leake & Andersson, LLP, New Orleans, Louisiana; *Pre-Litigation Investigation and Best Practices* by Michael Hawkins, Dinsmore & Shohl, Cincinnati, Ohio; *Practice Tips and Ethical Implications of Social Media Usage in Civil Litigation* by Carolyn Jereck of Plunkett Cooney, LLP in Detroit, Michigan; *Pre-Mediation Strategies for Claims Adjusters* by Michael Lewton, Cosgrave Vergeer Kester LLP, Portland, Oregon; *Whether and When to File Dispositive Motions* by Michael J. Murphy, Esq., Carter, Conboy, Case, Blackmore, Maloney & Laird, P.C., Albany, New York; and, *Insurance Coverage and Risk Transfer - Additional Insureds, Indemnitees and the Duty to Defend* by Mary Beth Sipos of Haight Brown & Bonesteel, LLP, Los Angeles, California.

## PROGRAM SCHEDULE

**LUNCH & REGISTRATION: 12:15 P.M. TO 1:00 P.M.**

**FIRST SESSION: 1:00 P.M. TO 2:30 P.M.**

### Pre-Litigation Best Practices & Ethics

The first session will address ethics and best practices in the pre-litigation context. **Mike Hawkins** will discuss best practices for pre-litigation handling of claims and potential disputes, conducting investigations and interviews, the importance of early evaluations, and developing a litigation strategy and plan from the outset. **Mary Beth Sipos** will discuss the importance of promptly determining what insurance may potentially be available to cover any actual or threatened claim, including coverage required by contracts with third parties for additional insured or indemnity provisions, and the best practices for maintaining communications and developing cooperation among parties who may possibly be responsible or liable for the loss. **Kelly Hedberg** will address the ethical dilemmas that may arise when evaluating defense of an insured, dealing with unrepresented adversaries and witnesses, implications of reserving rights, and the representation of multiple parties and interests. **Mike Lewton** will describe approaches for pre-litigation mediation and settlement. All panel members will join in discussing these issues after the initial presentations are made.

**SECOND SESSION: 2:30 P.M. TO 4:00 P.M.**

### Ethics & Best Practices in Handling Litigation

This session will focus on the best practices for ethically and successfully handling litigation. **Kevin O'Brien** will discuss conducting fact discovery, including issuing and responding to paper discovery, identifying and preparing witnesses, selecting corporate representatives and other discovery strategies. **Ryan Mock** will explain the importance of selecting experts and the contexts in which expert testimony is essential and when it is not. **Mike Murphy** will comment on the key factors to determine whether and when to file substantive motions. **Carolyn Jereck** will discuss ethical and other practical implications related to the discovery of social media and developing strategies for successfully using social media during litigation. All panel members will join in discussing these issues after the initial presentations are made.

## FACULTY BIOS

**GEORGE FAGAN** is a founding partner of Leake & Andersson, LLP, and works in the New Orleans office. He is the Firm's the lead partner for business, employment, insurance coverage, executive, miscellaneous and professional liability, and securities litigation. George has been included in the Best Lawyers in America listing since 1999, has an "AV" Martindale rating, and is a member of the Federation of Defense and Corporate Counsel. He is a past Chair of ALFA International's Labor & Employment Practice Group and Insurance Practice Group. George regularly speaks, chairs panel presentations and publishes papers and articles on topics in his areas of practice, as well as ethics, e-discovery and document retention issues. He received his undergraduate degree from Washington & Lee University (cum laude) and his law degree from LSU Law School. He also plays lead guitar and sings in a rock 'n roll band called The Levee Dawgs. *Email: gfagan@leakeandersson.com & Tel. (504) 585-7612.*

**MICHAEL HAWKINS** is a partner at Dinsmore & Shohl in Cincinnati, Ohio. Mr. Hawkins graduated Order of the Coif from University of Kentucky School of Law in 1972. Mr. Hawkins' practice includes business litigation, Labor and Employment law and mediation. He serves as panel counsel for Chartis and other insurers for EPLI, D & O, Financial Lines, General Liability and has represented insurers in coverage issues. Mike argued NLRB v. Kentucky River Community Care and Humphries v. CBOCS in the United States Supreme Court. He has been selected by Best Lawyers since 1992, Chambers USA, and Ohio Super Lawyers as one of the best Labor and Employment lawyers in Ohio and has been included in Who's Who in Greater Cincinnati Law. Mike serves as a mediator and arbitrator on the American Arbitration Association's Commercial and Employment Law Panels. He has taught Mediation and Conflict Resolution at Xavier University and has been an instructor on behalf of the American Arbitration Association. He is a fellow in both the College of Labor and Employment Lawyers and Litigation Counsel of America. He currently serves as Secretary and Board member of Refugees International. He is the past Chair of ALFA International, the Global Legal Network. *Email: michael.hawkins@dinsmore.com & Tel. (513) 977-8270.*

**MICHAEL LEWTON** is a partner with the Portland, Oregon firm of Cosgrave Vergeer Kester LLP. He is a member of the state bars of Oregon, Washington and Nevada. After graduating from Northern Arizona University in 1970 with a bachelor's degree in psychology, Mike entered the U.S. Army and served a tour duty in Viet Nam. After being discharged from the Army, he started his professional career as a social worker. While doing that, he earned a master's degree in counseling. In 1987, Mike received his juris doctor from the Willamette University College of Law. Mike's practice includes personal and catastrophic injury, product liability, transportation, equipment and trucking, professional malpractice, premises liability, forest products, construction defect, as well as environmental and toxic tort litigation. He also serves as an arbitrator and mediator, and received training at the Straus Institute for Dispute Resolution at Pepperdine University School of Law. For a period of time, he taught Elder Law. He has served on the Oregon State Bar's

Client Security Fund, State Lawyers Assistance Committee, Court Liaison Committee and Judicial Selection Committee. He authored chapters in Oregon's Civil Pleading and Practice manual on Trial Motions and Client Counseling. *Email: mlewton@cosgravelaw.com & Tel. (503) 323-9000.*

**KELLY HEDBERG** is a Senior Associate with Renaud Cook Drury Mesaros in Phoenix, Arizona. Kelly's practice primarily focuses on insurance coverage and bad faith litigation, analyzing coverage under commercial general liability, workers' compensation and life insurance policies. She also advises insurers regarding coverage issues in high-stakes commercial and excess claims. Before focusing on coverage, her practice concentrated on insurance defense in complex commercial litigation and personal injury cases. Kelly is licensed to practice in both Arizona and Nevada and has been named a Super Lawyers Rising Star for Insurance in 2012 and 2013. *Email: khedberg@rcdmlaw.com & Tel. (602) 256-3091.*

**CAROLYN JERECK** is a shareholder with the law firm of Plunkett Cooney in Detroit, Michigan. Carolyn serves as the Department Head for the firm's Litigation Department and in this capacity oversees and manages members of the firm's Employment, Title, General Litigation and Workers Compensation Practice Groups. Prior to being appointed Department Head, she also served as a practice group leader for the litigation group. Carolyn concentrates her practice in the areas of employment, retail and general litigation law. Carolyn has also served as an Assistant City Attorney for the City of Northville and as an adjunct professor for the University of Detroit – Mercy. Carolyn has written various articles and is a frequent lecturer on updates and changes in the law pertinent to her varied areas of practice. She received her undergraduate degree from The University of Michigan and her law degree from the University of Toledo. *Email: cjereck@plunkettcooney.com & Tel. (248) 901-4000.*

**RYAN MOCK** is a Senior Partner, and the former Managing Partner, of Hawkins Parnell Thackston & Young LLP. Ryan works in the firm's Atlanta office and leads the Professional Negligence Practice Group. Ryan has tried cases in State and Federal Courts, and argued appeals in both State and Federal Appellate Courts. Ryan has an AV rating from Martindale, and has been recognized by his peers as a Georgia Super Lawyer since 2005. Ryan is one of Georgia's leading lawyers for medical and legal malpractice, and also concentrates on the defense of insurance agents & brokers, real estate agents & brokers, appraisers, and serious premises liability cases. Ryan received a B.B.A. summa cum laude in Accounting from the University of Georgia, and a law degree from the University of Georgia School of Law. He is a member of DRI, PLUS, Georgia Defense Lawyers Association, American Bar Association, Atlanta Bar Association, Old Warhorse Lawyers Club, and Lawyers Club of Atlanta. *Email: rmock@hptylaw.com & Tel. (404) 614-7487.*

**MICHAEL J. MURPHY** is a trial attorney handling complex litigation with an emphasis on Employment Law and Professional Liability Law at Carter, Conboy, Case, Blackmore, Maloney & Laid, P.C. He maintains an active trial practice in State and Federal courts as well

as before the EEOC and New York State Division of Human Rights. He is regularly retained by leaders in business, government, community organizations, and the professions to represent their interests in sensitive, high profile litigation and investigations. Mike is currently the Chair of ALFA International, The Global Legal Network, and Past President of the Northern District of New York Federal Court Bar Association. Mike serves on the Northern District of New York Rules Committee and has chaired the Federal Magistrate Merit Selection and Recertification Panels. He is a member of the Federation of Defense and Corporate Counsel and Claims & Litigation Management Alliance. *Email: mmurphy@carterconboy.com & Tel. (518) 465-3484.*

**KEVIN O'BRIEN** is a Member of the Denver, Colorado ALFA International law firm Hall & Evans, L.L.C. Kevin's practice emphasizes representation in complex and industry-wide litigation, with particular focus on insurance, disability, bad faith, reinsurance, commercial and products liability matters. His practice also involves a wide range of medical issues in diverse cases brought against healthcare entities and insurers. Kevin has served as National Trial Counsel for a major computer manufacturer and has coordinated the defense of companies facing industry-wide litigation. In addition to Kevin's active trial practice, he is a frequent speaker. He is the Chief Executive Officer of Hall & Evans, L.L.C., and also serves on the firm's Board of Directors. He is a member of the Federation of Defense and Corporate Counsel. He is a former member of the Board of Directors and Corporate Secretary of ALFA International and Chair Emeritus of the ALFA International Insurance Practice Group. He has also served as Program Chair, moderator and speaker for numerous ALFA International events. Kevin is a graduate of the University of Notre Dame and the University of Denver, College of law. *Email: obrien@hallevans.com & Tel. (303) 628-3353.*

**MARY BETH SIPOS** is a Partner in the Risk Management/Insurance Litigation practice group at Haight Brown & Bonesteel in its Orange County office. Before joining Haight as a partner last year, she was Senior Claims Counsel for Liberty Mutual Insurance where she was the chief in-house coverage resource for claims on California-issued policies. She was also responsible for advertising injury, environmental/toxic tort, and construction defect matters nationally as counsel for the company's Specialty Claims Unit, which has included Chinese drywall, DuPont Imprelis, and food-borne illness claims including the cantaloupe listeriosis outbreak. Prior to joining Liberty Mutual, Ms. Sipos spent fourteen years in private practice in Los Angeles as a coverage attorney and litigator. She received her bachelor's degree in French literature from Smith College and spent a year at l'Université de Paris IV (La Sorbonne). She holds a J.D. from the Boston University School of Law and received the CPCU designation in 2007. *Email: mbsipos@hbblaw.com & Tel. (619) 961-4815.*

# ALFA INTERNATIONAL

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## WHAT IS ALFA INTERNATIONAL?

The nine law firms participating in the seminar are all members of ALFA International, a premier network of independent law firms that was founded in 1980. ALFA International has 145 member firms throughout the world, including 80 U.S.-based firms and 65 international firms are located throughout Europe, Asia, Australia/New Zealand, Africa, Canada, Mexico and South America. The ALFA model enables our members to use their local expertise to deliver highly effective legal solutions, often drawing upon the collective wisdom and experience of other member firms. ALFA clients benefit from a geographically comprehensive network of exceptional law firms and accomplished trial and business counsel. Our member firms meet high standards to be part of the ALFA network and are well respected by their peers in the legal and business community. ALFA International is headquartered in Chicago, and has a full-time staff to administer the various programs and services that ALFA offers.

**For more information about ALFA International, please visit the website [www.alfainternational.com](http://www.alfainternational.com) or contact Jessica Zaroski—Tel. 312-642-2532 and Email: [jzaroski@alfainternational.com](mailto:jzaroski@alfainternational.com).**

## PARTICIPATING FIRMS

### Carter Conboy

20 Corporate Woods Blvd., 5th Floor  
Albany NY 12211-2350  
Tel: (518) 465-3484  
Fax: (518) 465-1843  
Website: [www.carterconboy.com](http://www.carterconboy.com)

### Cosgrave Vergeer Kester LLP

888 SW Fifth Avenue  
Portland, OR 97204  
Tel: (503) 323-9000  
Fax: (503) 323-9019  
Website: [www.cosgravelaw.com](http://www.cosgravelaw.com)

### Dinsmore & Shohl LLP

255 East Fifth Street, Suite 1900  
Cincinnati, OH 45202-3172  
Tel: (513) 977-8200  
Fax: (513) 977-8141  
Website: [www.dinsmore.com](http://www.dinsmore.com)

### Haight Brown & Bonesteel, LLP

555 South Flower Street, 45th Floor  
Los Angeles, CA 90071  
Tel: (213) 542-8000  
Fax: (213) 542-8100  
Website: [www.hbblaw.com](http://www.hbblaw.com)

### Hall & Evans, LLC

1125 17th Street, Suite 600  
Denver, CO 80202-5800  
Tel: (303) 628-3300  
Fax: (303) 628-3368  
Website: [www.hallevans.com](http://www.hallevans.com)

### Hawkins Parnell Thackston & Young, LLP

4000 SunTrust Plaza  
303 Peachtree Street, NE  
Atlanta, GA 30308-3243  
Tel: (404) 614-7400  
Fax: (404) 614-7500  
Website: [www.hptylaw.com](http://www.hptylaw.com)

### Leake & Andersson, L.L.P.

1100 Poydras Street, Suite 1700  
New Orleans, LA 70163  
Tel: (504) 585-7500  
Fax: (504) 585-7775  
Website: [www.leakeandersson.com](http://www.leakeandersson.com)

### Plunkett Cooney, LLP

38505 Woodward Ave., Suite 2000  
Detroit, MI 48304  
Tel: (248) 901-4000  
Fax: (248) 901-4040  
Website: [www.plunkettcooney.com](http://www.plunkettcooney.com)

### Renaud Cook Drury Mesaros, PA

One North Central, Suite 900  
Phoenix, AZ 85004  
Tel: (602) 307-9900  
Fax: (602) 307-5853  
Website: [www.rcdmlaw.com](http://www.rcdmlaw.com)