

2016 SOUTH TEXAS INSURANCE LAW SEMINAR *“Insurance Law for General Practitioners”*



**The DoubleTree Hotel
McAllen, Texas
February 26, 2016**

**Earn 7.50 MCLE Hours
including 2.00 Hours Ethics!**



**Designed for
Texas Lawyers and
Insurance Professionals**



Sponsored by
**THE INSURANCE LAW SECTION
OF THE STATE BAR OF TEXAS**

in cooperation with
THE TEXAS INSTITUTE OF CONTINUING LEGAL EDUCATION

2016 SOUTH TEXAS INSURANCE LAW SEMINAR

sponsored by The Insurance Law Section of the State Bar of Texas

February 26, 2016

The DoubleTree Hotel, McAllen * 1800 S. 2nd Street * McAllen, TX 78503

This course has been approved for 7.50 hours credit (including 2.00 hours of ethics credit) which will apply towards MCLE, the College of the State Bar of Texas, and the Texas Board of Legal Specialization in Consumer and Commercial Law. To obtain full MCLE credit, you must attend all sessions. If you need CLE credit in a state other than Texas, please let us know at the time of registration.

The Texas Institute of CLE is an accredited sponsor with the Texas Department of Insurance. An application has been filed for 9.00 hours of General credit (all license types) and 2.40 hours ethics.

PROGRAM

FRIDAY, FEBRUARY 26, 2016

- 7:15 a.m. **Late Registration** – Ballroom Foyer, The DoubleTree Hotel, McAllen, 1800 S. 2nd Street, McAllen, TX 78503. Telephone: 956/686-3000
- 8:00 a.m. **Welcome & Introductory Remarks**
J. James Cooper, Houston (*Presiding Officer*)
- 8:15 a.m. **Overview of Standard Insurance Policies**
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.
Roger W. Hughes, Harlingen
- 9:00 a.m. **Construction Insurance**
Everything the general practitioner needs to know (almost!) about insurance coverage and issues in the construction context.
Douglas P. Skelley, Austin
- 9:45 a.m. **Ethical Issues for Lawyers in Insurance Disputes**
.50 Ethics Credit
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 Lawyer's Creed, and legislative passage of the "Attorney Civility Oath" affecting all newly-licensed Texas attorneys.
J. James Cooper, Houston
- 10:15 a.m. **Morning Break**
- 10:30 a.m. **Duties and Liabilities of the Public Adjuster**
.50 Ethics Credit
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.
William J. Chriss, Corpus Christi
- 11:15 a.m. **Hail, Wind and Flood Litigation**
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.
Rosemary Conrad-Sandoval, McAllen
David M. Roerig, McAllen
Victor V. Vicinaiz, McAllen

12:00 Noon

LUNCHEON PRESENTATION: Sponsored by MZ Associates, LLC
Tickets for registrants may be purchased for \$25. Please use the enclosed form to reserve your seat. Tickets will not be sold at the door.

.25 Ethics Credit

Lunch Sponsor:



MDL Practice & Procedure: A View from the Bench

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.

Moderator: Brandy Wingate Voss, McAllen
The Honorable Rose Guerra Reyna, Edinburg
The Honorable Elma Teresa Salinas Ender, Laredo
Roberto “Bobby” L. Ramirez, McAllen

1:15 p.m.

Responding to Reservation of Rights & Duty to Defend Issues

.25 Ethics Credit

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.

Francisco J. Zabarte, Brownsville
Guillermo “Memo” Tijerina, Jr., Edinburg

1:45 p.m.

In the Trenches of Insurance Litigation

.25 Ethics Credit

Practical advice and tips for handling both sides of the policyholder–insurer divide, including ethical issues.

Norton A. Colvin, Jr., Brownsville

2:15 p.m.

How to Write Effectively for How Judges Actually Read

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.

Robert B. Dubose, Houston

3:00 p.m.

Afternoon Break

3:15 p.m.

Prejudice to Insurer from Policyholder’s Breach

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.

Scott T. Clark, Harlingen

3:45 p.m.

Trucking Insurance

.25 Ethics Credit

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.

James H. Hunter, Jr., Brownsville

4:15 p.m.

Stowers & Settlement Issues

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.

Robert J. Cunningham, Houston/Rockport

4:45 p.m.

Adjourn

CONFERENCE FACULTY

William J. Chriss, Corpus Christi
Gravely & Pearson, L.L.P.

Scott T. Clark, Harlingen
Adams & Graham, L.L.P.

Norton A. Colvin, Jr., Brownsville
Colvin, Chaney, Saenz & Rodriguez, LLP

Rosemary Conrad-Sandoval, McAllen
Roerig, Oliveira & Fisher, L.L.P.

J. James Cooper, Houston
Reed Smith LLP

Robert J. Cunningham, Houston/Rockport
Roach & Newton, LLP

Robert B. Dubose, Houston
Alexander Dubose Jefferson & Townsend LLP

Roger W. Hughes, Harlingen
Adams & Graham, LLP

James H. Hunter, Jr., Brownsville
Royston, Rayzor, Vickery & Williams, L.L.P.

Roberto "Bobby" L. Ramirez, McAllen
The Ramirez Law Firm, PLLC

The Hon. Rose Guerra Reyna, Edinburg
206th District Court

David M. Roerig, McAllen
Roerig, Oliveira & Fisher, L.L.P.

The Hon. Elma Teresa Salinas Ender, Laredo
341st District Court

Douglas P. Skelley, Austin
Shidlofsky Law Firm PLLC

Guillermo "Memo" Tijerina, Jr., Edinburg
Vidaurre, Lyde, Rodriguez & Haynes, LLP

Victor V. Vicinaiz, McAllen
Roerig, Oliveira & Fisher, L.L.P.

Brandy Wingate Voss, McAllen
Smith Law Group, LLLP

Francisco J. Zabarte, Brownsville
Aguilar & Zabarte, LLC

**Presiding Officer &
Chair, Insurance Law Section**
J. James Cooper, Houston
Reed Smith LLP

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STATE BAR OF TEXAS



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- Online access to past CLE course materials and brief bank
- A listing in the online Membership Directory

For more information about Texas Institute of CLE seminars and
available CLE materials see our website at www.clesolutions.com.

GENERAL INFORMATION

The DoubleTree Hotel, McAllen – The DoubleTree Hotel, McAllen is our host hotel for the seminar. Rooms will be offered on a space and rate available basis only. Please call the hotel directly at (956) 686-3000 to make your reservation or visit their website at <http://tinyurl.com/DoubleTree-McAllen>. We recommend that you make your reservations immediately if you plan to attend this course. The hotel is located at 1800 S. 2nd Street, McAllen, TX 78503.

Pre-Registration — To ensure sufficient materials are available for all attendees, pre-registration is strongly encouraged. Door registration is an additional fee.

Registration by Telephone — You may also register by calling 512/451-6960. Phone-in registrations require an AMERICAN EXPRESS, VISA or MASTERCARD number, expiration date, security code and billing address.

Cancellations and Refunds — Refunds, less a \$50.00 processing fee, will be given to registrants who cancel by 5:00 p.m. on the Friday preceding the course. No refunds will be granted thereafter. Course materials will automatically be mailed to prepaid registrants who were not able to attend.

Special Accommodations — If special arrangements are required for a person with a disability to attend this program, please contact us at 512/451-6960.

REGISTRATION FORM

Mail to: Texas Institute of Continuing Legal Education
2016 South Texas Insurance Law Seminar
P.O. Box 4646
Austin, Texas 78765-4646

FAX to: 512/451-2911
Phone: 512/451-6960
Online at: www.clesolutions.com
(Phone, Fax and Online Registrations must be accompanied by American Express, Visa or MasterCard Information.)

Please register me for the course as follows:

- Pre-Registration fee for INS Section Members (Due by 5 p.m. January 22) \$ 195.00
- Pre-Registration fee for Non-Members (Due by 5 p.m. January 22) \$ 225.00
- Registration fee (After 5:00 p.m. January 22 and before 5:00 p.m. February 12)..... \$ +25.00
- Late Registration fee (After 5:00 p.m. February 12 and before 5:00 p.m. February 23) \$ +50.00
- Door Registration fee (After 5:00 p.m. February 23 and at the door)..... \$+100.00
- Friday Luncheon Tickets at \$25.00 each \$ _____
- Insurance Law Section Dues (*to be eligible for the discounted member registration fee*)..... \$ 30.00

Conference Materials: Choose ONE!

Registrants have the option of choosing between electronic or printed versions of the conference materials. Please choose one option below. If you would like to receive *both* the USB and printed materials, an additional \$54.13 must be included with your registration.

- USB Version (includes hard copies of PowerPoint presentations for note-taking.) \$ -0-
- Printed Version (3-Ring Binder) \$ -0-
- Both USB & Printed Version at \$50 + .0825 tax..... \$ 54.13

I cannot attend the conference. Please forward the following:

- Audio CDs & course materials (USB *or* Printed) at \$245 + .0825 tax..... \$ 265.21
- Course materials only (USB *or* Printed) at \$100 + .0825 tax..... \$ 108.25

TOTAL ENCLOSED \$ _____

No refunds after 5:00 p.m., Friday, February 19, 2016. See cancellation policy above.

Name (Please Print) _____

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Designed for Texas lawyers, insurance industry professionals, and others who are interested in gaining the latest updates and developments in Texas insurance law.

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