

Wells Fargo Faces \$1 Billion Fine to Settle Loan Abuses



Image by firedoglakedot.com

[Reuters reports](#) that Wells Fargo & Co. has been offered a penalty of \$1 billion by regulators to resolve outstanding investigations related to auto insurance and mortgage lending abuses, the third-largest U.S. bank by assets said on Friday.

The news agency previously had reported that the Consumer Financial Protection Bureau and Office of the Comptroller of the Currency were preparing a fine of up to \$1 billion for Wells Fargo's auto insurance and mortgage lending abuses.

"The U.S. Federal Reserve has also imposed restrictions on the bank's growth, forbidding it to expand its balance sheet beyond 2017 levels until it makes internal changes that addressed its board and risk management," according to the latest Reuters report.

[Read the Reuters article.](#)

Berkshire's National Indemnity Ordered to Pay \$43 Million for Asbestos Settlement

Berkshire Hathaway Inc.'s National Indemnity Co. has to pay more than \$43 million of Montana's asbestos-related settlement costs, a state judge has ruled. according to a [MarketWatch report](#).

Reporter [Nicole Friedman](#) explains: "Montana had reached a \$43 million settlement in 2009 with people injured by asbestos at a vermiculite mining operation in Libby, Mont. The victims claimed the state had knowledge of unsafe conditions at the mine for decades and failed to protect workers."

National Indemnity provided general liability insurance to the state at the time of the alleged exposure, but it had argued those insurance policies didn't cover the asbestos-related claims.

[Read the MarketWatch report.](#)

Harvey Weinstein's Insurer Refuses to Pay for Legal Defense



Image by [David Shankbone](#)

Variety [is reporting](#) that Harvey Weinstein's insurance company is refusing to defend him against 11 sexual harassment lawsuits, saying that his alleged misconduct is not covered under his personal liability policies.

Chubb Indemnity Insurance Co. sued on Wednesday, asking the New York Supreme Court for a declaration that it is not obliged to fund the disgraced producer's legal defense, according to reporter [Gene Maddaus](#).

The suit says that some of Weinstein's policies cover damages he is obligated to pay "for personal injury or property damage." The damages must arise from "an accident or offense" to be covered.

But Chubb's position is that Weinstein's alleged pattern of sexual assault and harassment does not qualify.

[Read the *Variety* article.](#)

Long-Running Construction Defect Fight in Texas Ends With Defense Win

A decade-long construction defect battle involving a South Padre Island, Texas, luxury condominium complex damaged during Hurricane Dolly [has been resolved](#) in a take-nothing defense win secured by attorneys of the West Mermis law firm for the general contractor, G.T. Leach Builders.

The condominium developer, Sapphire, initially sued its insurance brokers for negligence for allowing the builder's risk insurance policy to expire, leading to claims for extensive damage to the Sapphire condominium project from the 2008 storm. Nearly three years later, G.T. Leach and several of its subcontractors were added to the \$30 million lawsuit.

The trial team, led by Lawrence J. West, presented evidence proving that the developer's allegations of multiple breach of contract claims were unsupported, according to the firm. They demonstrated that the contract contained express provisions that prevented the Developer from recovering the \$30 million it was demanding.

[Read details of the case.](#)

Defense Scores Arbitration Win in Long-Running Construction Defect Fight in Texas

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In a release, the firm said G.T. Leach sought to enforce the arbitration provision of its contract, with appeals ultimately progressing to the Texas Supreme Court. The company was represented by attorneys from Houston-based West Mermis, which routinely handles construction and contract disputes, products liability and general business matters.

The release continues:

The Texas Supreme Court's decision in *G.T. Leach Builders, LLC vs. Sapphire VP LP*, 458 S.W.3d 502 (Tex. 2015), which sent the dispute to arbitration, stands as a landmark opinion now routinely cited in similar cases.

After settling with all other parties, Sapphire entered into arbitration with G.T. Leach in 2017. During the proceedings, the defense team, led by West Mermis name partner Lawrence

J. West, provided evidence refuting multiple breach of contract claims and challenging factual allegations.

“Despite claims to the contrary, the Sapphire project had not been completed when Dolly made shore. It was imperative to show the arbitrator that our client acted reasonably and responsibly,” said Mr. West. “It was an exceptionally complex case that had endured a number of detours, but we are pleased to have secured the decisive win G.T. Leach deserved and that this chapter can finally be closed.”

Also representing G.T. Leach were West Mermis attorneys Justin W. Safady and Stephen A. Dwyer.

Freeborn Adds Four Attorneys to Tampa, Chicago and Richmond Offices

[Freeborn & Peters LLP](#) has expanded its Insurance and Reinsurance Industry Team with the addition of attorneys Melissa B. Murphy, Steven D. Pearson, Michael J. Braggs and Sarah E. Chibani.

Murphy and Chibani are based in the firm’s Tampa, Fla., office. Pearson joins Freeborn’s Chicago office, and Braggs is based in the firm’s Richmond, Va., office.

Last year, Freeborn opened its first Florida office, in Tampa, and combined with New York City firm Hargraves, McConnell &

Costigan P.C. In 2016, the firm combined with Richmond, Va., law firm Brenner, Evans & Millman P.C.

“We are thrilled to welcome Melissa, Steve, Michael and Sarah to the firm as we continue to expand the breadth and depth of our services to our insurance industry clients,” said Joseph T. McCullough IV, a partner and leader of Freeborn’s Insurance and Reinsurance Industry Team. “Our group’s reputation in the industry among the regional, national and international markets is exceptional as we continue to recruit highly knowledgeable and experienced insurance and reinsurance practitioners.”

Lawrence P. Ingram, a partner and member of the Insurance and Reinsurance Industry Team and head of Freeborn’s Tampa office, said, “Melissa and Sarah are great additions to our insurance industry team in Tampa. Our clients will greatly benefit from their combined experience in diverse commercial and insurance coverage litigation matters.”

In a release, the firm said Murphy is a partner who focuses her practice on business and commercial litigation. She has practiced in the area of real property litigation, contracts and indebtedness, and enforcement of restrictive covenants. She also has experience in insurance brokerage issues, as well as working with financial institutions. Prior to joining Freeborn, Murphy practiced at Cobb Cole, focusing on similar matters. She received her J.D. (magna cum laude) from Florida State University College of Law and her Bachelor of Arts (summa cum laude) from Florida State University.

Also a partner, Pearson focuses in the areas of insurance non-compete, insurance coverage, bad faith, reinsurance, non-medical professional liability defense and complex general commercial litigation. He also litigates large-scale attorney fee disputes and has testified as an expert witness in such matters. In addition, he has served as national and regional counsel for a number of insurance companies in a broad array

of industry sectors. Most recently, Pearson was a partner at Cozen O'Connor. He previously spent 24 years at Meckler Bulger Tilson Marick & Pearson LLP. He received his J.D. from DePaul University College of Law and his Bachelor of Arts from the University of Minnesota.

Braggs is an associate who focuses his practice primarily on personal injury defense. He has trial experience and has handled all aspects of litigation, including trying more than 100 cases to verdict before judges and juries, both civil and criminal. He also has served as counsel in numerous mediations and arbitrations. Prior to joining Freeborn, Braggs served as staff counsel for GEICO, conducting negotiations and settlement agreements on behalf of GEICO insureds, as well as handling and managing significant circuit court litigation from inception through trial. He also served as an assistant public defender in the Office of the Public Defender in Fredericksburg, Va. Braggs received his J.D. from the University of Richmond School of Law and his Bachelor of Arts from North Carolina State University.

Also an associate, Chibani focuses her practice on insurance coverage litigation, professional liability defense and complex commercial litigation. Prior to joining Freeborn, Chibani was an associate in the First-Party Property insurance law group at Cole, Scott & Kissane, P.A., in Miami. She received her J.D. (cum laude) from the University of Miami School of Law and her Bachelor of Arts from Boston University.

Company Blames Gibson Dunn in Aetna HIV Settlement Notice Fiasco



Image by [Montgomery County Planning Commission](#)

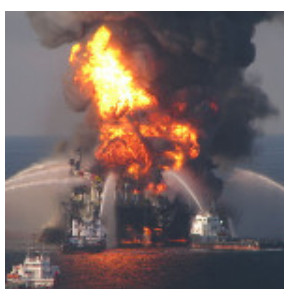
A day after Aetna sued the claims administrator Kurtzman Carson Consultants for exposing confidential medical information about Aetna clients in a settlement notification, a KCC subsidiary brought a new suit blaming Aetna and its lawyers at Gibson Dunn & Crutcher for failing to protect the privacy of Aetna customers, [according to Reuters](#).

The underlying case is based on the mailing of prescription notices sent to Aetna insureds. Those mailings by KCC were in envelopes that included transparent windows that displayed text including the words “when filling prescriptions for HIV medications.”

KCC now claims that “Aetna and Gibson knew that windowed envelopes were being used in the mailings in question.” The law firm is not named as a defendant, but the firm’s actions on Aetna’s behalf are mentioned throughout the complaint, writes [Alison Frankel](#).

[Read the Reuters article.](#)

Does the Insurance Policy Incorporate the Service Contract by Reference? An Examination of *In Re Deepwater Horizon*



*Image by U.S.
Coast Guard*

A Steptoe & Johnson article takes a look at the way additional insured coverage under an insurance policy is analyzed when there is an underlying drilling contract limiting the additional insured coverage to the scope of the liability assumed in the service contract.

[The article](#) in *The National Law Review* discusses *In re*

Deepwater Horizon, a Texas Supreme Court case that governs allocation of risk, assumed liabilities, and the granting of additional insured status in underlying service contracts, and the precedent the case established.

The article also considers some other cases that were litigated after the *Deepwater Horizon* case.

[Read the article.](#)

The Eighth Circuit Raises the Bar for Would-Be Indemnitees

The U.S. Court of Appeals for the Eighth Circuit issued an order dealing with indemnification for prior settlements, and it could have a hugely beneficial impact on potential indemnitors, including sellers of mortgage loans as well as insurers, reports Bilzin Sumberg in its [Mortgage Crisis & Financial Services Watch](#).

The appellate court affirmed a lower court's ruling that, when an insured seeks indemnification for settlements that encompassed both covered and non-covered claims, the insured must present sufficient evidence to establish with reasonable certainty the value that the settling parties attributed to the covered claims, explain [Philip R. Stein](#) and [Shalia M. Sakona](#).

They discuss the background of the case, the limitations on using expert testimony to establish allocation, and the

application of the holding to the mortgage industry.

[Read the article.](#)

The Importance of Attention to Risk Allocation Provisions in Contracts

A recent Indiana Court of Appeals decision illustrates the importance of having an overall risk allocation strategy in contracts where appropriate, and paying close attention to the language used to express that strategy, writes [Christian Jones](#) of Barnes & Thornburg.

In [the post](#) on the firm BT Policyholder Protection Blog, Jones writes that this is particularly when multiple contracts and parties are involved.

“This case illustrates the difficulty of coordinating risk allocation language across multiple contracts. [The insurer] might have attempted to pursue subrogation claims under any circumstances, but it seems possible that litigation might have been avoided if all of the contracts at issue had contained their own express waiver of subrogation clauses” Jones explains.

[Read the article.](#)

Are Smart Contracts Smart Enough for the Insurance Industry?

In [an article](#) in the Pillsbury Policyholder Pulse blog, [Kimberly Buffington](#) and [Cara Adams](#) discuss the question: Will insurance policies become the laboratory to test the thesis behind smart contracts?

“Whether there is room for smart contracts in the insurance context remains to be seen. Generally, the ‘if this occurs, then that’ nature of insurance policies lends itself to the conditional nature of smart contracts,” they write.

There are drawbacks, they explain, writing that it would be unrealistic to expect smart contracts to eliminate ambiguities and resulting disputes any more than such disputes are currently eliminated by traditionally written contracts.

[Read the article.](#)

Keys to Negotiating Indemnity Agreements

The effective management of indemnification and related insurance obligations is an active agenda item for top-level business leaders, including any CFO, CEO and general counsel, points out James Buldas in [an article](#) on the website of Business Insurance.

“It is, therefore, imperative, whether you are a Fortune 500 company or a small business, that your company’s risk management and legal departments strategically manage indemnification and insurance obligations to minimize the always increasing cost-of-business demands,” writes Buldas, a partner at Pietragallo Gordon Alfano Bosick & Raspanti L.L.P. in Pittsburgh.

His article covers the language of the indemnity agreement, selecting the governing law, specificity in insurance obligations, requesting the appropriate additional insured endorsement, and communication between legal and risk management departments and brokers.

[Read the article.](#)

Insurance Giant Receives New

York Subpoena on Sales Practices

The New York Times [is reporting](#) that New York's attorney general has subpoenaed TIAA, the giant insurance company and investment firm, seeking documents and information relating to its sales practices, according to people briefed on the inquiry.

Last month, the newspaper raised questions about the firm's sales methods. TIAA oversees almost \$1 trillion in client assets, for more than four million workers at thousands of nonprofits, according to reporter [Gretchen Morgenson](#).

A related SEC complaint was filed by former TIAA employees who contend they were pressured to sell products that generated more revenue for the firm but were more costly to clients while adding little value.

[Read the NYT article.](#)

IADC Explores Privacy and Data Protection Issues in Defense Counsel Journal

The [International Association of Defense Counsel](#) (IADC) has dedicated the October 2017 edition of its Defense Counsel Journal (DCJ) to the exploration of privacy issues.

The [October issue](#) is available for free and without a

subscription via the IADC's website. This current issue is the second part of the IADC's "Privacy Project V" publication. The first part was published as the July 2017 issue of the DCJ. All past DCJ articles are [accessible online](#).

"In a world where we seem to be moving away from an expectation of privacy because of security concerns arising from worldwide terrorism and rapid advances in technology, it is up to the courts, legislatures, and regulatory bodies to balance these realities with everyone's prized civil liberty of privacy," said Andrew Kopon Jr., IADC President and a founding member of Kopon Airdo, LLC in Chicago. "The rule of law requires that these entities safeguard and thoughtfully examine this balance in real time or we may completely lose the expectation of privacy."

The October DCJ features articles by IADC members that address diverse privacy topics from a global perspective. Frequently and favorably cited by courts and other legal scholarship, the DCJ is a quarterly forum for topical and scholarly writings on the law, including its development and reform, as well as on the practice of law in general. The IADC is a 2,500-member, invitation-only, worldwide organization that serves its members and their clients, as well as the civil justice system and the legal profession.

"The pace of technology is amazing and overwhelming at the same time," said Michael Franklin Smith, editor and chair of the DCJ Board of Editors and a shareholder at McAfee & Taft in Tulsa, Okla. "Hopefully this issue of the Defense Counsel Journal provides practitioners with added insights to help them navigate their clients' privacy in today's rapidly changing world."

The IADC's Privacy Project is dedicated to the memory of Joan Fullam Irick, the IADC's first female president, who made the issue of corporate and personal privacy a key theme for her administration. The project was spearheaded by IADC Privacy

Project V Editorial Board co-chairs Eve B. Masinter, a partner with Breazeale, Sachse & Wilson, L.L.P., in New Orleans, and S. Gordon McKee, a partner with Blake, Cassels & Graydon, LLP, in Toronto.

The October 2017 "Privacy Project V" issue of the DCJ includes the following articles:

–"A Look at Canadian Privacy and Anti-Spam Laws" – Promotes compliance with Canada's comprehensive federal and provincial privacy laws – and specifically the obligations imposed by Canada's anti-spam legislation – that outline the framework and rules for the collection, use and disclosure of personal information by federally regulated, private-sector organizations operating across Canada.

–"Discovery of the Insurer's Claims File: Exploring the Limits of Plaintiff's Fishing License" – Analyzes the objections to a plaintiff's broad request for the insurer's claims file and the majority rules governing successful objections by defense counsel to discovery of the materials in that file.

–"Drones: A New Front in the Fight Between Government Interests and Privacy Concerns" – Addresses expansion of the warrant requirement to regulate when drones may be used, as well as legislation on how they may be used, which would allow for incorporating this new technology while also separating the benefits from the dangers it presents.

–"Data Privacy Protection of Personal Information Versus Usage of Big Data: Introduction of the Recent Amendment to the Act on the Protection of Personal Information (Japan)" – Provides practitioners with an understanding of three important changes made by Japan's recently amended Act on the Protection of Personal Information (PPIA) and how these changes are likely to play out in practice.

–"Global Positioning Systems and Social Media – Anathemas to Privacy" – Focuses on the recent surge in the use of global

positioning systems in the automotive industry and the unique set of related privacy and liability concerns.

Silicon Valley Software Startup, Ex-CEO Fined Nearly \$1M



Silicon Valley software startup Zenefits and its co-founder Parker Conrad have been fined nearly \$1 million by the U.S. Securities and Exchange Commission as part of a settlement over charges that they had misled investors, [reports Reuters](#).

Zenefits will pay a \$430,000 penalty and Conrad, who resigned as chief executive from the company in early 2016, has been fined more than \$533,000, according to Reuters reporter [Heather Somerville](#).

“The SEC found that Zenefits made ‘false and misleading statements and omissions’ to company investors by failing to disclose that it was not compliant with state insurance regulations,” Somerville reports. “Zenefits employees had sold health insurance without proper licensing, the company said, a violation that led to fines from several states.”

[Read the Reuters article.](#)

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Disney Takes Insurer AIG to Court Over 'Pink Slime' Defamation Settlement

The Walt Disney Company is going to battle with its insurer, AIG, as it seeks coverage for a massive settlement in the "pink slime" defamation case, [Variety is reporting](#).

Disney is trying to force AIG to submit to arbitration on the coverage dispute. While the underlying litigation is not identified, the dates line up with Disney's court battle with Beef Products Inc. in South Dakota, according to reporter [Gene Maddaus](#).

BPI sued Disney, alleging that ABC News had damaged its business with a series of reports on "pink slime." Disney settled the case partway through trial in June.

"In August, Disney disclosed that it had incurred legal costs of \$177 million, the bulk of which was believed to be due to the BPI settlement," Maddaus writes. "The total settlement was believed to be significantly larger, once insurance claims were factored in."

[Read the Variety article.](#)

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Blank Rome Adds Insurance Recovery Team in Los Angeles

[Blank Rome LLP](#) announced that Linda Kornfeld, David Thomas and Julia Holt have joined the firm's Los Angeles office in the Insurance Recovery group.

Kornfeld joins as partner and vice chair of the group, Thomas joins as partner, and Holt joins as of counsel. The team comes to Blank Rome from Kasowitz Benson Torres LLP, where Kornfeld was the Los Angeles office's managing partner. The move to Blank Rome also reunites Kornfeld with Jim Murray, Chair of Blank Rome's Insurance Recovery practice, and a number of her colleagues who joined Blank Rome from Dickstein Shapiro in February 2016.

A release from the firm continues:

"We are thrilled to welcome Linda, David, and Julia to Blank Rome," said Alan J. Hoffman, Chairman and Managing Partner. "With more than 25 years of experience, Linda is one of the top insurance recovery litigators—both on the West Coast and nationally. She and her team are highly regarded and respected in the industry, and have achieved unmatched results on behalf of their corporate policyholder clients. Our Insurance Recovery group and our Los Angeles office have experienced impressive growth over the past several years, and we're confident that Linda, David, and Julia will be excellent additions to the team."

"I have known Linda for 15 years, and am so happy that she,

David, and Julia – who is also a Dickstein Shapiro alum – are joining us at such an exciting time,” said Jim Murray, Chair of Blank Rome’s Insurance Recovery practice. “In less than two years at Blank Rome, our insurance recovery team has had the opportunity to solidify our position as one of the leading practices in big law in terms of size, experience, and capabilities. Having Linda back on the team, along with her top-notch colleagues, enhances our national practice in unparalleled ways.”

“Joining Blank Rome is such an incredible opportunity for me and my team,” said Ms. Kornfeld. “Personally, I could not pass up the chance to rejoin my former colleagues from Dickstein Shapiro, for whom I have so much respect. David, Julia, and I are impressed with what Blank Rome’s insurance recovery team has accomplished in a short period of time, making it the go-to practice that it is today. I am excited to lead the charge of building the practice on the West Coast, while providing our clients with the benefit of this expanded national bench of leading insurance recovery lawyers. Equally as important, I am looking forward to continuing my career-long focus on women’s leadership and advancement efforts with my new colleagues throughout Blank Rome, who have a shared passion for and commitment to these important issues.”

Linda D. Kornfeld, Partner and Vice Chair, Insurance Recovery Practice Group

Ms. Kornfeld has dedicated her trial and appellate practice to representing companies in high-stakes insurance coverage litigation for over 25 years. She has focused extensively on claims involving property and weather-related business interruption issues, data breach and privacy issues, and professional liability, asbestos, and environmental liabilities. Her clients include telecommunications companies, universities, real estate developers, manufacturers, and nonprofit organizations. She also

provides strategic counseling to senior executives and in-house counsel on how to mitigate risk and maximize their insurance recoveries.

Ms. Kornfeld is considered one of the nation's leading insurance recovery litigators by Chambers USA, which describes her as "valued by clients as a 'very thorough and prepared lawyer' with a deep level of insurance expertise across a broad range of coverage areas. She is praised for the quality and practical applications of her advice, as well as her oral advocacy, which one client describes as 'professional, economical, very direct and matter-of-fact.'"

Ms. Kornfeld is named one of California's "Top 100 Women Lawyers" by the Daily Journal, a "Litigation Star" and one of the "Top 250 Women in Litigation" by Benchmark Litigation, and a 2016 "Woman Worth Watching" by Diversity Journal, a recognition highlighting women based on their trailblazing strategies that make a difference in their workplace, the marketplace, and the world at large. Focused throughout her career on women's leadership and advancement in the legal industry and other professions, she also serves as a West Coast leader of the Women's Leadership and Mentoring Alliance and frequently speaks and writes on women's issues.

Admitted to practice in California, Ms. Kornfeld received her J.D., with honors, from George Washington University Law School, and her B.A. from the University of California at Los Angeles.

David A. Thomas, Partner

Mr. Thomas has an insurance recovery, complex commercial litigation, and consumer litigation practice that includes contract disputes, unfair competition and trade practices claims, and insurance recovery litigation. He has particular experience representing and counseling policyholders in both litigation and non-litigation matters relating to a broad

array of commercial insurance lines, including cybersecurity and privacy, commercial general liability, umbrella, D&O, bankers professional liability, employment practices liability, and first-party property and business interruption. Mr. Thomas' practice extends to representing and counseling consumers and individual policyholders harmed by fraudulent and unfair practices in the sale of life and health insurance products and insurance-related transactions.

Mr. Thomas serves as a member of the American Bar Association's Section of Litigation Insurance Coverage Litigation Committee.

Admitted to practice in California, Mr. Thomas received his J.D. from Harvard Law School and his A.B., with departmental honors and distinction, from Stanford University.

Julia K. Holt, Of Counsel

Ms. Holt focuses her practice on representing insureds in complex insurance coverage and other disputes. Her experience includes both first-party and third-party insurance disputes involving claims for copyright infringement, misappropriation of likeness/right of publicity, trade disparagement, class action securities fraud, Department of Justice and grand jury investigations, actuarial malpractice, class action predatory lending, class action right-of-way/trespass, class action property and environmental damage, class action toxic tort, personal injury/class action mass tort, insurance broker-agent liability, and reinsurance. She also has significant experience in patent infringement, unfair competition, and antitrust litigation. Ms. Holt's clients include Fortune 500 companies, technology corporations, healthcare corporations, entertainment studios, film and television production companies, and individual talent in the entertainment and sports industries.

Ms. Holt is actively involved in pro bono work and has completed numerous adoptions for foster children in Los Angeles County. In addition, she has represented foster parents in administrative hearings to obtain the state benefits to which they are entitled.

Admitted to practice in California, Ms. Holt received her J.D. from Georgetown University Law Center and her B.A. from the University of California at Los Angeles.

Three Ways to Indemnify Your Business (Or Your Client's Business) From Smart Contract Risks

[Jared Butcher](#), writing in the [Steptoe Blockchain Blog](#), suggest three tools to address smart contract risks: (1) cybersecurity insurance policies, (2) indemnification agreements with outside vendors, and (3) "make whole" agreements among the smart contract parties themselves.

He writes that insurers, vendors, and other contract parties can provide the best source of indemnification, assuming that the proper contractual arrangements are put in place.

Under the heading of cybersecurity insurance policies, he writes:

“One issue worthy of particular attention is the employee exclusion. These exclusions in the policy language should be scrutinized to determine the level of coverage for losses caused by employee errors, which are likely to be a significant source of risk in a smart contract system.”

[Read the article.](#)

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Dallas Lawyer Named Chair of State Bar of Texas’ Insurance Law Section

Meloney Perry, founder of the Dallas-based insurance defense law firm [Perry Law P.C.](#), has been elected the 2017-18 chair of the Insurance Law Section of the State Bar of Texas.

“I am honored to be elected by my peers to lead the Insurance Law Section,” said Perry. “Insurance law touches upon and plays a role in almost every area of the law. The Insurance Law Section includes many great legal minds and resources, which make us all better lawyers.”

The State Bar of Texas includes legal sections in specialized fields, allowing lawyers with shared interests and professional experiences to build a closer association. The Insurance Law Section enables attorneys to address areas of Texas insurance law in a bipartisan manner through both

policyholder and insurance company attorneys. This section focuses on both substantive, procedural insurance law and litigation with a goal of educating and serving the legal profession and public, according to a news release from Perry Law.

In her role as the chair of the Insurance Law section, Perry will also oversee the Journal of Texas Insurance Law, which is written and edited by section members and published three to four times a year to provide continuing education on insurance law.

Perry is an insurance defense attorney in the Dallas area. A Women's Business Enterprise National Counsel-certified business, the firm serves as the primary regional counsel for a major national insurance firm. Perry Law also represents business owners across the country involved in insurance and business disputes.

As an author and frequent presenter on insurance coverage and the law, Perry often conducts Continuing Legal Education seminars for clients.

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D&O Insurance in a Time of Technological and Enforcement

Uncertainty

Anderson Kill's 15th Annual D&O Conference, "[D&O Insurance in the Era of Technological and Enforcement Uncertainty](#)," will be presented Thursday, June 8, 2017, 3-5 p.m. EDT.

The event will be in the upper story of the D&D Building, 979 Third Ave., 14th Fl., New York 10022.

Directors and officers face an era of technological and enforcement uncertainty, the firm said in a news release.

Anderson Kill's annual D&O conference will feature a review of 2016 and a look ahead to 2017 for D&O liability and insurance. The conference also will feature a hypothetical D&O claim arbitration to explore key D&O insurance coverage issues in the context of a cyber claim, and will include a panel of policyholder attorneys, an arbitrator and an insurance company attorney.

Every organization faces data breach risk, whether through inadvertent data disclosure, computer system malfunction, or computer hacking. Data breaches cause real and severe peril.

The session will address the interplay of D&O insurance with other insurance policies in cyber claims, including crime insurance, property insurance, GL coverage, and cyber specialty insurance policies.

In addition, a panel of D&O insurance brokers will review major emerging D&O risks and provide a state of the market, highlighting key coverage terms to seek and avoid.

A cocktail reception follows the event (5:00-6:30 p.m.).

The D&O conference is complimentary for general counsel and risk managers: Use CODE AK005

Speakers:

William G. Passannante, Esq.
Shareholder
Anderson Kill
Conference Moderator

Joshua Gold, Esq.
Shareholder
Anderson Kill
Chair, AK's Cyberinsurance Group

Raymond A. Mascia, Jr., Esq.
Attorney
Anderson Kill

Vivian Costandy Michael, Esq.
Attorney
Anderson Kill

Jonathan E. Meer
Attorney at Law
Wilson Elser Moskowitz Edelman & Dicker LLP

Roger M. Moak
Arbitrator-Umpire-Mediator

R. Damian Brew
Managing Director, FINPRO
Marsh USA, Inc.

James McCue
U.S. Financial Institutions Practice Leader
Aon's Financial Services Group

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