

RICHARD S. PITTS – SEMINAR TOPICS

<i>SEMINAR TITLE</i>	Description (# of hours)
<i>Advanced Corporate Law Principles</i>	Focusing on what type of corporate entity an insured might choose, this seminar is designed to educate insurance industry personnel on the various business entities. The seminar then turns to how those entities interact with standard ISO policy language on the scope of coverage for actions of employees, managers, directors and officers. (2 hours).
<i>Agency Planning and Perpetuation</i>	Divided in four parts, this seminar addresses agency planning and perpetuation from a legal point of view. The subjects include producer agreement terms, buy-sell agreements among owners, issues in selling an agency to third parties, and estate planning. (4 hours).
<i>Certificates of Insurance and Additional Insureds</i>	This seminar addresses the ACORD forms and the ISO standard terms with respect to certificates and additional insureds. The seminar concludes with a discussion of cases involving modifications of certificates. (2 hours).
<i>Comprehensive Employee Risk Management</i>	This is a fast-paced, wide-ranging seminar designed to deal with a large array of issues quickly with the overall objective of alerting insurance professionals to the “hot spots” and risk areas of employee relations. The seminar deals with hiring and recruiting issues in the morning section and performance and termination issues in the afternoon. Particular emphasis is placed on the need for documentation as a part of risk management and employee handbooks. (6 hours).
<i>Construction and Insurance</i>	This seminar examines the various ways in which participants are aligned on construction projects, and then turns to a discussion of the insurance implications of construction contracts. Major construction industry forms (such as AIA and AGC) are discussed (with a particular emphasis on indemnification provisions) and the seminar concludes with an examination of worker’s compensation issues in construction. (4 hours).

<i>SEMINAR TITLE</i>	Description (# of hours)
<i>Construction Bonds</i>	This seminar addresses bid bonds, performance bonds, and payment bonds. Sections include a discussion of bid mistakes and protests as they apply to bid bonds; project delivery systems; what agents can do in the event of an actual or threatened default of a contractor / client; and underwriting considerations in bonding. (3 hours).
<i>Coverage Disputes and the Agents' Role</i>	This is a beginning-to-intermediate level seminar which addresses policy structure and how to read a policy. Following this is a discussion of the typical coverage disputes and how agents should interposition themselves for minimal liability exposure and maximum positive client relations. (Variable – 3 to 4 hours).
<i>Directors and Officers Liability: Challenges and Coverages</i>	This seminar is a broad introduction to directors and officers liability insurance. It begins with a discussion of corporate law principles, including the fiduciary law concept, to explain why D&O insurance is necessary. Following this, the basic D&O coverage issues are explored. (2 hours).
<i>Effective Subrogation: What is it and how do we do it?</i>	This hour-long program is in four sections. The first examines subrogation basic legal principles: what is subrogation and where does the right come from? The second looks at standard industry policy language (ISO) and also looks at standard real estate and construction industry language eliminating subrogation rights. Transitioning from the waiver section, section three examines limitations on the ability to subrogate, while section four identifies steps to the development of an effective subrogation plan. (1 hour).
<i>Eight Cases You Might Want to Know By Name</i>	Sometimes, a name says it all. There are slightly more than a handful of insurance industry cases that become known by name. This seminar explores this phenomenon by looking at the cases which can be known by one name. It provides a substantive discussion of the principles they represent. The list begins with the Montrose decision, <i>Montrose Chemical Corporation v. Admiral Insurance Company</i> , since it spawned an endorsement known as the “Montrose” endorsement. The case involves the “known loss,” or “loss in progress” doctrine. (2 hours).

<i>SEMINAR TITLE</i>	Description (# of hours)
<i>Employment: Effective Hiring and Firing</i>	This seminar focuses on the interview process, not only examining improper questions, but how to assess a candidate's qualifications based on a comprehensive review of prior employment situations. The seminar then turns to effective termination strategies, and concludes with an interactive exercise for participants. (Variable 2 to 3 hours).
<i>EPLI</i>	This seminar addresses the statistics on causes of loss in the employment setting; major employment-related laws; and the major policy provisions in most standard forms. (Variable 2 to 4 hours).
<i>Good Claims Gone Bad</i>	A one hour seminar examining the roots of the law of bad faith, how claims regarding bad faith are processed, and what statutes have an impact on bad faith claims.
<i>High Value Homeowners and In-home businesses</i>	Focusing on the growing number of in-home businesses, this seminar examines some of the difficulties that arise in insuring them. It also addresses rising home values, and the peculiar problems associated with insuring high-value homes. (2 hours)
<i>Insurance Considerations for Privacy Risks</i>	As data breach and privacy exposures continue to increase, many producers find themselves needing to respond to inquiries about coverage. This seminar is designed to examine the problem as well as the solutions. The seminar pivots toward the commercial general liability policy and provide a detailed analysis of why most commercial general liability policies (using ISO format) will not respond to electronic data or privacy claims. This includes a discussion of "occurrence" and the relevant exclusions, including the recent addition of exclusion for data not being property. The seminar then examines the ISO form "Internet Liability and Network Protection Policy" and its five separate insuring clauses. (2 hours)
<i>Insurance Implications of Mold Claims</i>	This seminar addresses the burgeoning mold claim situation, including a brief review of the science on mold and the legal liabilities for builders and building owners. It then turns to a discussion of the insurance implications of mold claims, focusing on the mold and pollution exclusions. (3 hours)

<i>SEMINAR TITLE</i>	Description (# of hours)
<i>Insuring Fiduciary Exposures</i>	This seminar is designed as a relatively advanced course to educate insurance producers on the fiduciary exposures that their clients face. The first section begins with a description of the scope and history of fiduciary liability exposures. Next, the seminar turns (in sections two and three) to a discussion of loss frequency and severity under ERISA for trustees, looking at some of the major, headline-grabbing cases. A statistical analysis of the claims data, and its impact on underwriting, is also included. Finally, the seminar concludes with an extended analysis of the typical fiduciary liability policy. (3 hours).
<i>Issues in Named Insureds</i>	The seminar reviews the importance of correct naming of the entity or individual insured and turns to the business side of the named insured issue, focusing in on how the standard ISO forms treat the various constituencies of a business entity (owners and subsidiaries). This section also examines limited liability companies, joint ventures and partnerships, as well as trustees or personal representatives. The concluding sections address the most complex issues in the field – the severability of interests clause or separation of interests clause and successorship. (2 hours)
<i>Issues in Pollution Coverage</i>	This seminar addresses the major laws describing pollution liability, including CERCLA, SARA, RCRA and state laws concerning underground storage tanks. It then turns to the history and scope of the pollution exclusion under the ISO CGL and recounts several major cases construing the scope of the exclusions. The final section addresses pollution coverages available in today’s market and overall risk management trends. (Variable – 3 to 4 hours)
<i>Issues in Pollution Exposures and Insurance for Agricultural Concerns</i>	An offshoot of the seminar above, this version focuses on the particular challenges of advising rural and agricultural insureds about their pollution exposures. It also reviews the responsiveness of the major ISO farm policy forms to pollution-related issues. (2 hours).

<i>SEMINAR TITLE</i>	Description (# of hours)
<i>Keeping Emails from Being Backfiring, Smoking Guns</i>	Email usage has grown to the point where there will be about 507 billion messages per day in 2013. The average corporate user's in-box will grow from 167 new emails per day in 2009 to nearly 220 by 2013, with the average size of those emails growing by 50% in that time. This seminar discusses how emails are treated as a matter of law and then discusses risk management techniques for preventing emails from coming back to haunt the users, such as in the cases of Vioxx, BP, Toyota and others. (2 hours).
<i>Liquor Liability</i>	This seminar surveys the major sources of law with respect to liquor liability, with a particular emphasis on concerns relevant to the insurance industry. The seminar then looks at the exclusions and limitations that exist under the most frequently used homeowner's forms (for consumer-related issues) and business forms. The seminar concludes with two sections: (a) a review of the stand-alone liquor liability coverage form (an ISO form) and compares and contrasts its coverage with the coverage that may be available under an endorsement; and (b) some non-insurance risk management techniques to lessen the frequency of liquor-related loss. (2 hours).
<i>Loss Settlement: Repair, Replace, or Cash In?!</i>	This hour-long talk focuses first on the key concepts of loss settlement in standard insurance policies, such as "Actual cash value" and "replacement cost." The concept of a "valued policy" state is also discussed. The next section discusses the basic loss settlement rules (using real estate as a paradigm) and the final section addresses how producers may minimize the risks of disappointed clients and their possible transformation into plaintiffs. (1 hour).
<i>Mock Trial I: Certificates of Insurance Issues</i>	<p>The mock trial seminar is an interactive seminar in which the participants as "jurors" are given the instructions, exhibits and hear live "testimony" prior to determining the case.</p> <p>This mock trial involves a misrepresentation on an application and the company's attempt to rescind the policy (Variable 3 to 4 hours)</p>

<i>SEMINAR TITLE</i>	Description (# of hours)
<i>Mock Trial II: Application Misrepresentations</i>	<p>The mock trial seminar is an interactive seminar in which the participants as “jurors” are given the instructions, exhibits and hear live “testimony” prior to determining the case.</p> <p>This mock trial involves an erroneous designation of additional insured status on a certificate of insurance.</p>
<i>Privacy Issues in Insurance</i>	<p>This seminar involves a survey of major laws having an impact on privacy and confidentiality issues. Focusing on insurance professionals' risk management and sales approaches, the seminar addresses HIPAA, Gramm-Leach-Bliley and the Fair Credit Reporting Act, among others. (Variable – 2 to 3 hours)</p>
<i>Professional Ethics</i>	<p>This seminar is in three major sections. The first examines statistical information on complaints or adjudications against insurance agents to examine the root causes of professional ethics breaches. The second section examines significant ethical creeds and codes, such as those from CPCU, and contrasts them to other professions (AMA, ABA, etc.). The final section gives participants the opportunity to work on ethical problems, taken from actual cases. (Variable – 2 to 4 hours)</p>
<i>Six Ways to Stay Out of the Courtroom – A Risk Management Seminar</i>	<p>This seminar uses the Bureau of Justice Statistics Special Report, “Civil Bench and Jury Trials in State Courts, 2005” as its guidepost to advise businesses on how to avoid litigation, and, ultimately, trials. The introductory materials examine the question of frequency of loss – quite literally, how often losses occur or claims are made – versus severity of loss – the amount of money necessary to adjudicate the claim and satisfy the claimant. It also examines the basic questions of how to deal with the risks presented to businesses by discussing briefly the risk management perspectives of insuring, transferring or assuming risk. (2 hours)</p>

<i>SEMINAR TITLE</i>	Description (# of hours)
<i>Survey in Insuring Professional Liability</i>	The seminar is in three major parts. The first is a survey of the major professions and the liabilities unique to each. The second section addresses the common terms and conditions of insuring professionals, including the scope of the insuring clause and significant exclusions, as well as the implications of settling a professional liability claim. The third section views professional liability in the context of overall risk management for the professional's organization. (3 hours)
<i>Ten Minute Mysteries – a Highly Interactive Game</i>	Participants are asked to, in a group format, solve various coverage and insurance-related problems in part one of the seminar. In part two, the groups score points by solving answering specific questions on rates, coverages and causes of loss. (2 hours)
<i>The Claims Game</i>	In its first hour, this seminar addresses the basic considerations of how insurance professionals should communicate about and document insurance claims. The second hour involves an interactive and fun game in which the participants are thrust into the role of being a claims handler, making a series of decisions on how to handle a claim. (2 hours).
<i>The Legal and Insurance Implications of Social Networking</i>	This two hour seminar first examines social networking as a whole: what is it? How much of it is going on? The statistics on this are staggering. The seminar then turns to a discussion of how the wide-spread nature of social networking changes the legal landscape. The seminar also addresses non-insurance risk considerations and whether, from an insurance perspective, whether businesses are really covered for the risk.
<i>Water, Water Everywhere, But Just a Drop of CE</i>	This hour-long seminar examines the statistics behind and history of water claims in the United States insurance industry, including treatment of water claims under ISO and AAIS policy forms. It also examines risk management related issues for homeowners.

<i>SEMINAR TITLE</i>	Description (# of hours)
<i>Wheels, Toys, Airplanes and Umbrellas</i>	This day-long seminar (6 hours) is really four classes in one. It is a survey class, and spends its first two hours discussing the basics of aviation insurance. It then spends an hour on the treatment of “toys” such as ATVs, snowmobiles, boats and the like. The afternoon session begins with two hours on the basics of trucking insurance, and concludes with an hour on the basics of and need for excess and/or umbrella coverage.
<i>You Be the Jury...</i>	Seminar participants are given actual cases (typically involving coverage determinations) and are asked to decide the case in a group setting. Each jury is then asked to report to the group as a whole, and the actual case result is then discussed. (Variable – 2 to 4 hours)