

NORTH CAROLINA
BAR ASSOCIATION
seeking liberty + justice

Understanding Common Insurance Law Issues and Continuing COVID Disputes

2022 Insurance Law Section Program

Friday, January 28, 2022
In-Person Live and Live Webcast

NORTH CAROLINA: 6.50 MCLE HOURS

Includes:

2.00 Ethics/Professional Responsibility

1.00 Technology Training

Planned by the NCBA Insurance Law Section

REGISTER TODAY

Save 10% if registration is received by January 7, 2022

cle.ncbar.org/courses/38394

IN-PERSON LIVE LOCATION

North Carolina Bar Center, 8000 Weston Parkway, Cary

Information on the Return to In-Person Live CLE Programs

By choosing to attend in person, you will be required to provide one of the following when you arrive at the CLE program:

- A vaccination record (printed or digital) indicating that you are fully vaccinated as defined by the CDC, or
- Documentation (printed or digital) of a negative COVID-19 PCR or antigen test conducted within 72 hours prior to the start of the program.

Association staff will note the type of documentation presented but will not make or retain copies.

You will also be required to wear a face mask when not actively eating or drinking.

If you are experiencing COVID-19 symptoms, or within a COVID-19 quarantine/isolation period (as defined by the CDC) on the day of the CLE program, you should not attend in person. If that happens, you should contact the CLE Department at 919.677.0561 to switch your registration to Live Webcast.

We will continue to evaluate and update our safety procedures for in-person CLE programs based on the latest guidance and may convert in-person programs to virtual Live Webcast programs if health and safety precautions require it.

For ease of participating, most of our In-Person CLE programs will be simultaneously available via Live Webcast. Approximately two weeks thereafter, the program will also be available on demand for asynchronous learning.

Program Summary

A lot has happened over the past year that impacts our practice of insurance law: North Carolina courts have continued to issue opinions and rulings pertaining to interesting — or at least relevant — aspects of insurance law. Business interruption and other COVID-related claims continue to be prominent in court and in the news. New technologies and digital communications continue to push the limits of the Rules of Professional Conduct. And North Carolina continues to progress toward statewide implementation of an electronic filing system.

During this CLE, we unpack pertinent litigation issues in the context of insurance law, including the economic loss doctrine, bad faith, and unfair and deceptive trade practices. Hear an explanation of insurance coverage disputes that continue to emerge as a result of COVID-19, and round out the day with an engaging role-play segment that provides deeper insight into issues arising in insurance defense matters.

Past Program Testimonials



Great program. Not my area of law, but one of the best CLE programs I've attended.



Excellent variety of topics; timely, engaging and well-organized.

— Attendees, *Understanding Coverage Issues, Ethical Concerns and Remote Proceedings in Response to COVID-19 and More (2021 Insurance Law Section CLE)*

AGENDA

Friday, January 28, 2022 | 8:10 AM–5:05 PM

8:10 **Registration and Continental Breakfast**

8:40 **Welcome and Introductions**

8:45 **Top 10 Insurance Law Decisions of 2021 | White**

In the past year, North Carolina courts have continued to issue opinions and rulings pertaining to interesting — or at least relevant — aspects of insurance law. This segment reviews, analyzes and discusses the most significant decisions from the past year in both North Carolina state and federal courts. Additionally, we look at other cases and opinions to gain insight into the practice beyond North Carolina and a possible preview of the trends or decisions that may impact North Carolina insurance law in the future.

9:30 **Break**

9:40 **Insurance Claims: Continuing Issues Arising From COVID-Related Losses | Gupta and Worf**

Business interruption and other claims relating to COVID-19 continue to be prominent in court and in the news. It seems as if a new decision is rendered just about every day. This panel discusses trends in the litigation, including filings, key decisions and unanswered questions.

10:25 **Break**

10:35 **Insurer (“But, Your Honor, There Is No Coverage for That”) vs. Policyholder (“Yes, There Is, Your Honor”) | Martineau and Medford**

Explore insurance litigation strategies in concerning bad faith claims and claims under the Unfair and Deceptive Trade Practices Act (UDTPA). From the insurer’s perspective, we discuss how to navigate rough waters to avoid and/or minimize fishing expeditions by the plaintiff during litigation. Additionally, we also look at the policyholder’s perspective in prosecuting these types of claims.

11:20 **Break**

11:30 **The Economic Loss Doctrine | Coats**

The recent *Crescent University v. Trussway* decision has caused lawyers to (re) consider current implications of this old rule, including its definition, scope and exceptions. Walk through what this decision means for claims against subcontractors and the design professional exception. Also discuss how it impacts insurance for subcontractors.

12:15 **Insurance Law Section Annual Meeting | Alan M. Ruley, Bell Davis & Pitt PA, Winston-Salem, 2021-2022 Section Chair, Presiding**

AGENDA

12:30 **Lunch Break**

1:15 **Emerging Ethics*** | Savage

New technologies and digital communications are pushing the limits of the Rules of Professional Conduct. Can we apply the rules designed for old-school law practice to the internet, email, blogging and social media? In this presentation, we discuss: (1) how ethics opinions are issued from the NC State Bar; (2) new and pending NC State Bar ethics opinions; and (3) updates on technology, advertising, and social media ethics opinions.

2:15 **Break**

2:25 **eCourts*** | Fowler, Jami and Soeder

North Carolina is moving to an electronic filing system. Gain an understanding of the background information from members of the Administrative Office of the Courts and receive a demonstration of eFiling.

3:25 **Break**

3:35 **The Tripartite Relationship in Insurance Defense*** | Bulfer, Maynard, Medford, Rasmussen, Tierney and Wooten Moderators: Brown and Smyth

Gain insight from a hypothetical scenario involving an explosion at a hotel, with both a first-party property loss and a third-party tort action arising out of the explosion. A group of participants role-play as counsel for various parties involved in the aftermath of the explosion — including representation of the policyholder, first-party coverage counsel, the insurance agent, plaintiff and defense counsel in the tort action, and coverage counsel for the defendant. While strategically representing their respective interests, the participants encounter a number of contentious points and address ethical issues that arise as they navigate to the conclusion of the hypothetical. Audience participation is encouraged.
This session qualifies for 1.00 hour of Ethics/Professional Responsibility credit.

5:05 **Adjourn**

* Indicates portion providing Ethics/Professional Responsibility credit

‡ Indicates portion providing Technology Training credit

The views and opinions expressed are those of the individuals and do not necessarily represent official policy, position or views of the North Carolina Bar Association.

PROGRAM DETAILS

Speakers

- **William A. Bulfer**, Teague Campbell Dennis & Gorham LLP, Asheville
- **David S. Coats**, Bailey & Dixon LLP, Raleigh
- **Brad Fowler**, North Carolina Administrative Office of the Courts, Raleigh
- **Gagan Gupta**, Paynter Law, Hillsborough
- **Sarvani Jami**, North Carolina Administrative Office of the Courts, Raleigh
- **Elizabeth A. Martineau**, Martineau King PLLC, Charlotte
- **C. Douglas Maynard Jr.**, Law Offices of C. Douglas Maynard Jr. PLLC, Winston-Salem
- **Michael T. Medford**, Manning Fulton & Skinner PA, Raleigh
- **Khristyne Rasmussen**, Butler Weihmuller Katz Craig LLP, Charlotte
- **Warren T. Savage**, Lawyers Mutual Liability Insurance Company of North Carolina, Cary
- **Kristina Soeder**, North Carolina Administrative Office of the Courts, Raleigh
- **O. Craig Tierney Jr.**, Brown Crump Vanore & Tierney PLLC, Raleigh
- **Adam White**, Pinto Coates Kyre & Bowers PLLC, Greensboro
- **Amy H. Wooten**, Ward and Smith PA, Raleigh
- **Richard C. Worf Jr.**, Robinson Bradshaw & Hinson PA, Charlotte

Planners

- **R. Steven DeGeorge**, Robinson Bradshaw & Hinson PA, Charlotte
- **Lenneka H. "Nikki" Feliciano**, Pinto Coates Kyre & Bowers PLLC, Greensboro
- **Daniel J. Knight**, Parker Poe Adams & Bernstein LLP, Raleigh

Moderators

- **David L. Brown**, Goldberg Segalla, Greensboro
- **Theodore "Ted" Smyth**, Cranfill Sumner LLP, Raleigh

Hotel Information

Contact hotels directly for reservations at the special NCBA room rate. Rates are based on availability and rooms may sell out.

Embassy Suites

201 Harrison Oaks Boulevard, Cary

- **Nightly Rate:** \$174 single/double
- **Reservations:** 919.677.1840 or www.tinyurl.com/NCBA-EmbassyCary
- **Corporate Account Code:** 2691626

TownePlace Suites by Marriott

120 Sage Commons Way, Cary

- **Nightly Rate:** \$114 studio queen with sleeper sofa (Sunday–Thursday)
- **Reservations:** 919.678.0005
- **Ask for the NCBA corporate rate.**

Special Accommodations

NCBA makes every effort to ensure a quality learning experience. If you have dietary restrictions or need special accommodations, please contact us at least one (1) week prior to the program start date.

The Power of Association Meets The Power of Greater Good

The North Carolina Bar Foundation leads pro bono, public service and development initiatives for North Carolina Bar Association members and the public.

Learn more and get involved:
ncbarfoundation.org

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REGISTER TODAY!

Online: cle.ncbar.org/courses/38394 | **By phone:** 919.677.0561

By mail: Attn: Accounting–NCBA, 8000 Weston Parkway, Cary, NC 27513

STEP 1: Tell us who you are. (Please print clearly.)

Print Full Name: _____

Address: _____

City, State and ZIP: _____

Daytime Phone Number: _____

Email Address: _____

NC State Bar No. (Required for MCLE Credit): _____

STEP 2: Select your tuition rate. (Register early and save 10%. Payment must be received three (3) weeks prior to the program date to qualify for the early rate.)

Standard Rate: ☐ \$340 / ☐ \$305 Early

NCBA Member: ☐ \$285 / ☐ \$255 Early

NCBA Insurance Law Section Member: ☐ \$265 / ☐ \$240 Early

CLE Premier Pass: ☐ \$0

STEP 3: Select your learning format.

☐ In-Person Live (871INS)

☐ Live Webcast (871LWC)

STEP 4: Complete your payment information.

(Registration is complete only after payment is processed. Please print clearly.)

I am registering for this program at the tuition rate checked above.

☐ Enclosed is a check, payable to NCBA.

☐ Please charge my credit card.

Card Number: _____ Exp. Date: _____

Total Amount: _____ Signature: _____

Discounts may be available for NCBA members who are students, law professors, judges or legal services/public interest attorneys. Call CLE at 919.677.0561 for details.

North Carolina Bar Association
8000 Weston Parkway
Cary, NC 27513

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2022 Insurance Law Section Program

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DETAILS:

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REGISTRATION: All registrations are processed after payment is received. To qualify for the early tuition rate, payment must be received prior to the deadline indicated. Stated early discount rate percentage is approximate. Registrations may be capped and may include an overflow room with additional seating. **CHANGES TO EXISTING REGISTRATIONS:** Should an attendee need to cancel his or her registration to an In-Person Live, Live Webcast, Rebroadcast or Video Replay program, the cancellation request must be received by 9:00a ET one (1) week prior to the start of the program to receive a full refund. Any attendee requesting cancellation less than one week prior to the program will receive a refund, less a \$75 administrative fee. An attendee may choose to transfer his or her registration at a program to the In-Person Live or Live Webcast format of the same program only. Transfer requests must be received by 9:00a ET one (1) business day prior to the program start date. An attendee may further choose to substitute to an In-Person Live or Live Webcast program only. Substitution means sending another person to attend the In-Person Live or Live Webcast program when the original registrant is unable to attend. Substitution requests must be received by 9:00a ET one (1) week prior to the program start date. The substituted person may be assessed a different fee based on their NCBA membership classification. Cancellation, transfer and substitution requests must be provided in writing by email at askcle@ncbar.org or by calling 919.677.0561. If an attendee misses any portion of a program, that portion is not subject to substitution, refund or transfer. Except as provided herein, registrations, including On-Demand registrations, cannot be canceled, substituted or transferred once purchased. **NO SHOWS:** Anyone who is registered for a program, including CLE Premier Pass holders, but does not check in or log in is considered a no-show. No-shows are not issued a refund, and Premier Pass holders will be assessed a \$75 administrative fee. These registrants will receive the digital materials, available in their online accounts, in full consideration of tuition paid. **MISCELLANEOUS:** The NCBA reserves the right to cancel or reschedule programs at any time. Should the NCBA cancel or reschedule a program, registrants may elect to receive a full refund or attend the newly scheduled program. Notifications regarding program changes will be sent to the email address on file. The NCBA is not responsible for any additional expenses incurred as a result of such cancellation or rescheduling. Each attorney must maintain a record of his or her attendance for the NC State Bar Annual Report. MCLE credit is reported by the NCBA only if a NC State Bar number is provided. Registration and attendance at NCBA CLE programs constitutes an agreement by the registrant with the NCBA for use and distribution of the attendee's image or voice in photographs, videotapes, electronic reproductions and audiotapes of such programs and activities. Unless specified, spouses or guests are not eligible to attend NCBA CLE programs and activities without registering to attend. These terms are subject to change.