

# *Northwest* Insurance Law



Oct. 28 & 29, 2021

LIVE WEBCAST FROM

Seattle, WA

## **ACCREDITATION**

WA MCLE, OR CLE,  
CA CLE, ID CLE,  
IRMI, WA Insurance,  
*(see inside for details)*

THE SEMINAR GROUP ~ RAISING THE BAR OF CONTINUING LEGAL AND PROFESSIONAL EDUCATION

## **Seminar Overview**

This program is designed to provide practitioners and insurance professionals with an update on new developments affecting the insurance industry in the Pacific Northwest. The program will be beneficial to anyone associated with the insurance industry, particularly those involved in insurance claims. The program will feature attorneys from Washington, Idaho, and Oregon with a range of experience in representing insurers and policyholders and also features a Judicial Panel discussion about insurance cases that should not be missed.

### **Who Should Attend:**

Attorneys  
Insurance Professionals  
In-House Counsel

**9:00 Introduction and Overview of Day One**

**PDT**

**Emily S. Miller**, Program Co-Chair  
*Miller Insurance Law LLC*

**Eric J. Neal**, Program Co-Chair  
*Lether Law Group*

**9:10 COVID Litigation**

**Tristan Swanson**  
*Miller Nash LLP*

**Kimberly A. Reppart**  
*Forsberg & Umlauf PS*

**10:00 Insurance and Bankruptcy**

Navigating the automatic stay; identifying the impacts on coverage – the policy, insurance proceeds, deductibles, and self-insured retentions; understanding a bankruptcy proceeding's potential pitfalls and benefits for your client

**Justin D. Leonard**  
*Leonard Law Group LLC*

**10:45 Break**

**11:00 First Party Claims**

Personal injury and property damage claims; all-risk coverage; causation; the continuous trigger rule; timing defenses

**James L. Guse**  
*Barker Martin PS*

**Daniel S. Houser**  
*Houser Law PLLC*

**12:00 Midday Break**

**1:15 Nursing Home and Assisted Living Coverage**

Challenges in insuring assisted living facilities; avoiding “tail” and limiting risk; particular coverage concerns; typical exclusions and limitations

**Eric J. Neal**  
*Lether Law Group*

**2:00 What is “Bad Faith”?**

- First Party Bad Faith
- Third Party Liability Bad Faith
- Oregon and Washington considerations
- Recent Trends

**Lloyd Bernstein**  
*Bullivant Houser Bailey PC*

**Ryan J. Hesselgesser**  
*Forsberg & Umlauf PS*

**3:00 Break**

**3:15 What are “Bermuda Policies”?**

- History of the Bermuda Form
- Concept of the Integrated Occurrence
- Deductible/Allocation Challenges
- Law and Forum issues

**James M. Davis**  
*Perkins Coie LLP*

**Nancy Gutzler**, Vice President  
*KCIC*

**4:15 Insurance Coverage for Sexual Abuse**

- The ever-changing statute of limitations landscape
- Key coverage issues, including trigger of coverage, allocation, number of occurrences, and expected/intended exclusion
- The interplay between abuse-related bankruptcies and insurance

**Samuel Colito**  
*Lether Law Group*

**Gabriel J. Le Chevallier**  
*Parsons Farnell & Grein LLP*

**Eric J. Neal**  
*Lether Law Group*

**5:15 Adjourn**

**9:00 Introduction and Overview of Day Two**  
**PDT** **Emily S. Miller**, Program Co-Chair  
*Miller Insurance Law LLC*  
**Eric J. Neal**, Program Co-Chair  
*Lether Law Group*

**9:10 Insurance Case Law Update**  
Washington, Oregon, and Idaho Updates  
**Robert S. May**  
*Kilmer Voorhees & Laurick PC*  
**Gary Sparling**  
*Soha & Lang PS*  
**Kyle Sturm**  
*Foreman Sturm & Thede LLP*

**10:30 Break**

**10:45 “Wrongly Decided!” - A Critical Analysis of Select Insurance Cases**  
Insurance experts discuss why they believe select cases have been wrongly decided within the applicable legal framework, including Oregon and Washington  
**Emily S. Miller**  
*Miller Insurance Law LLC*  
**Terri A. Sutton, CPCU, AU**  
*Cozen O’Connor*

**12:00 Midday Break**

**1:15 Insurance Law Practice Tips**  
**Kevin J. Kay**  
*Lether Law Group*  
**Thomas Lether**  
*Lether Law Group*  
**Paul A. Mockford**  
*Parsons Farnell & Grein LLP*

**2:15 Choice of Law – “The Rabbit Hole”**  
For coverage, bad faith, and attorney fees

**Shanelle Honda**  
*Miller Nash*  
**Seth H. Row**  
*Miller Nash LLP*

**3:15 Break**

**3:30 Environmental Law and EV Policies**

- Storms – Increased Strength & Moisture
- Fire
- Shorelines and Landscapes
- DNR Perspectives – What Constitutes a Suit?
- 1st Party Claims
- Shuttered Restaurants
- Pollution – Water & Land
- Dry Cleaner Update
- Railroad Policies – “Total Pollution Coverage”
- Case Study: *Jaw v. ProBuilder*

**Crystal S. Chase**  
*Stoel Rives LLP*  
**Kevin S. Mapes**  
*Bateman Seidel Miner Blomgren Chellis & Gram PC*

**4:45 Adjourn**

## Faculty - Insurance Law



**Emily S. Miller**, Program Co-Chair, is a member of Miller Insurance Law LLC, specializing in the recovery of liability insurance for policyholders and other claimants. She serves on the Editorial Review Board for the new edition of the OSB's Bar Book on Insurance Law.



**James L. Guse** is a partner with Barker Martin PS and leader in the Insurance Coverage practice group. He provides guidance to other practice groups on matters of insurance coverage. He has handled cases in Oregon, Washington, California, Idaho, and Florida.



**Eric J. Neal**, Program Co-Chair, is a shareholder with Lether Law Group. His practice primarily involves complex coverage and bad faith litigation involving multiple coverage lines, including commercial, personal, professional, municipal, and reinsurance.



**Nancy Gutzler** is a Vice President at KCIC, a consulting firm that helps companies maximize the value of their insurance assets. Managing product liabilities often means breaking complex scenarios into smaller components that can be easily understood by all parties.



**Lloyd Bernstein** is a shareholder with Bullivant Houser Bailey PC. His practice focuses on litigation, where clients rely upon him to evaluate, analyze, and resolve insurance coverage disputes and extracontractual or bad faith claims in the Pacific Northwest.



**Ryan J. Hesselgesser** is Of Counsel at Forsberg & Umlauf PS. His practice focuses on insurance coverage, bad faith litigation, and advise to insurers concerning coverage disputes in Washington & Oregon. He has handled cases involving both first and third-party claims.



**Crystal S. Chase** is a partner at Stoel Rives LLP. She helps clients navigate all stages of litigation, including motions practice, discovery, trial, and appeal. She focuses on providing strategic and practical advice to assist her clients in effectively resolving disputes.



**Shanelle A. Honda** is a commercial litigator at Miller Nash LLP whose practice focuses on insurance coverage, contract disputes, and fiduciary liability, trade secret, and employment disputes. She also has experience in bid protests and public contracting disputes.



**Samuel Colito** is an attorney with Lether Law Group and a Puget Sound native. He practices in the area of commercial litigation, with a focus on insurance matters including first and third party coverage claims, bad faith defense, and uninsured motorists' claims.



**Daniel S. Houser** is the principal of Houser Law PLLC. Over the past 19 years he has litigated a broad variety of civil cases, from investigation through appeal. He has tried several complex first-party property damage and liability coverage cases to verdict.



**James M. Davis** is a partner at Perkins Coie LLP. With over 25 years' experience, he advises clients on product liability, product recall, product contamination, first party property & business interruption losses, and additional insured and vendor endorsements.



**Kevin J. Kay** is a member of Lether Law Group. He represents clients in complex coverage and bad faith/extra-contractual matters, and frequently advises on issues involving multiple coverage lines including commercial, E&O, personal, municipal, and reinsurance.



**Gabriel J. Le Chevallier**, partner with Parsons Farnell & Grein LLP, represents businesses, executives, bankruptcy trusts, and individuals to obtain coverage for their losses. He has secured coverage for clients under a wide variety of insurance policies.



**Kimberly A. Reppart** is a shareholder at Forsberg & Umlauf PS. Her civil litigation defense practice focuses on insurance coverage & bad faith, serious injury & wrongful death, UIM defense, premises liability, trucking/transportation defense and property disputes.



**Justin D. Leonard** of Leonard Law Group assists lawyers and fiduciary/corporate clients, in navigating bankruptcy court issues. He regularly represents bankruptcy trustees in chapter 7 and chapter 11 cases, state court receivers, and creditors in bankruptcy matters.



**Seth H. Row** is a partner at Miller Nash LLP and co-chair of the firm's insurance recovery practice team. With more than 20 years of experience, he focuses his litigation practice primarily on insurance coverage disputes—exclusively on the policyholder side.



**Thomas Lether** is the Owner and Managing Shareholder of Lether Law Group. His clients include international and national insurance companies, smaller insurers and independent adjusting firms, contractors, property owners, and business owners.



**Gary Sparling** is a shareholder with Soha & Lang PS. His practice emphasizes insurance coverage, commercial and construction litigation, and appellate practice. He is also a part-time instructor in the paralegal program at Edmonds Community College.



**Kevin S. Mapes** is a shareholder in the Litigation & Insurance Recovery groups at Bateman Seidel Miner Blomgren Chellis & Gram PC. As an environmental litigator, he represents clients in the federal Superfund law and claims involving RCRA & Clean Water Act.



**Kyle Sturm** is a partner with Foreman Sturm & Thede LLP. His practice focuses on insurance recovery for commercial policyholders and the resolution of construction and commercial disputes. Policyholders seek out his advice for complex insurance policy matters.



**Robert S. May** is a shareholder at Kilmer Voorhees & Laurick PC. His practice focuses on insurance defense, first party bad faith, SIU/Fraud, injury defense and insurance coverage. He is a frequent presenter for national legal and insurance organizations.



**Terri A. Sutton, CPCU, AU**, is a member of Cozen O'Connor. She has a wide range of experience advising insurers on insurance coverage issues related to claims under medical malpractice, professional and general liability, excess/umbrella policies.



**Paul A. Mockford** is a partner at Parsons Farnell & Grein LLP. He practices in the insurance recovery group, representing individuals and businesses in disputes with insurance carriers. He previously served in the Multnomah County District Attorney's Office.



**Tristan Swanson** is a partner and member of Miller Nash LLP's insurance recovery and litigation practice teams. Tristan's insurance recovery practice focuses on representing policyholders in insurance coverage disputes against the world's largest insurers.

# Insurance Law

## Credits

### **WA MCLE**

This course has been approved for 12.0 hours of law and legal CLE credit by the Washington MCLE board (Live Credits for Webcast). Self-Study credit will be available, specific credit amount to be determined.

**The Seminar Group is an accredited sponsor with the Washington State Bar**

### **OR CLE**

This course has been approved by the Oregon State Bar for 12.0 general CLE credits (Live Credits for Webcast).

### **CA CLE**

The Seminar Group is a State Bar of California approved MCLE provider; therefore, this course is approved for 12.5 general CLE credits (Live Credits for Webcast).

### **ID CLE**

This course has been approved by the Idaho State Bar for 12.0 general CLE credits (Live Credits for Webcast). Self-study credits can be applied for upon request.

### **IRMI**

This course has been approved by the IRMI for 6.0 hours of CRIS reaccreditation credits (Live Credits for Webcast). If you plan to attend the webcast and need CRIS credits please let us know in advance. We will need to add extra viewing verification for you to receive credits. Credits for recorded courses not available.

### **WA Insurance**

This course has been approved by the State of Washington, Office of the Insurance Commissioner, for 14.0 hours (Live Credits for Webcast). Each day has been approved for 7.0 hours. If you plan to attend the webcast and need WA Insurance please let us know in advance. We will need to add extra viewing verification for you to receive credits. Credits for recorded courses not available.

## Location

### **Live Webcast broadcasted from Seattle, WA**

LIVE WEBCAST broadcast from Seattle, WA

Phone: 206-463-4400

Due to growing health concerns regarding the spread of COVID-19, The Seminar Group has opted to hold the seminar strictly webcast.

## Fees

### **Live Webcast:**

Attorney	\$799.00
Government / Tribal / Non-Profit	\$699.00
Other Professionals	\$699.00
Student / Professor	\$599.00
Day One	\$499.38
Day Two	\$499.38

### **Pre Order On Demand:**

All Sessions	\$799.00
Single Session	\$99.00

### **Pre Order MP3 Download:**

All Sessions	\$799.00
Single Session	\$99.00

### **Pre Order DVD Homestudy:**

All Sessions	\$899.00
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### **Pre Order CD Homestudy:**

All Sessions	\$899.00
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### **Pre Order Materials Download:**

All Sessions	\$229.00
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### **Pre Order Printed Materials:**

All Sessions	\$259.00
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Go to our website to register:  
[www.TheSeminarGroup.net](http://www.TheSeminarGroup.net) or call our office at 206-463-4400. You can also contact us at [info@theseminargroup.net](mailto:info@theseminargroup.net) or by mail to The Seminar Group, P.O. Box 523, Vashon, WA 90870.

**CANCELLATION POLICY:** We will refund your tuition, less a \$50 cancellation charge, if we receive your cancellation by 10/22/21. No refunds will be given after this date. Please note that if you do not cancel by the deadline and/or do not attend, you are still responsible for payment.

### **Register at**

**[TSGregistration.net/6143](https://www.tsgregistration.net/6143)**