

A Primer on Insurance Coverage

Insurance Law



In-Person



Webcast

Date: Thursday, May 12, 2016 | 8:30 am – 1:00 pm

Location: Twenty Toronto Street Conferences and Events
20 Toronto Street, 2nd Floor, Toronto

Program Chairs: **Andrew Mercer**, Mercer Law
Laura Hodgins, Liberty International Underwriters



This program is eligible for up to 4 Substantive Hours

Gain clarity on the stealth coverage defence, a more comprehensive look at computer fraud and funds transfer fraud coverages, a practical look at coverage disputes and guidance on the duty of good faith and the duty to defend. This expert primer will ensure that you are fully versed on the latest issues impacting insurance coverage.

Join your peers, bring your queries, and get diverse perspectives on proven strategies and the state of the current law from experienced faculty on the Bench and the bar.

8:30 am Registration and Coffee

9:00 am Welcome and Opening Remarks

9:05 am **Lack of Fortuity: the Stealth Coverage Defence Revisited**
John Nicholl, Clyde & Co

- Discussion of current case law, comparative analysis of the Quebec situation and commentary on coverage for consumer class actions

- understanding exclusions
- determining allocations
- managing claims under reservations of rights
- considerations when dealing with non-duty to defend policies
- working with coverage counsel and other insurers
- representing policyholders in coverage disputes

11:05 am Networking Break

9:45 am **Computer Fraud and Funds Transfer Fraud Coverages in Fidelity and Commercial Crime Police**
Christopher McKibbin, Blaney McMurtry LLP

- What is the intended scope of coverage for computer fraud and funds transfer fraud?
- What constitutes a covered "use" of a computer, and a "direct loss" in the computer fraud context?
- How do "traditional" fidelity coverages respond to social engineering and similar scams?
- How are courts likely to interpret the new Social Engineering Fraud Coverages?

11:20 am **Duty of Good Faith**

Shane Katz, Singer Kwinter

- Overview and discussion of the recent case law on the duty of good faith

11:50 am **Duty to Defend**

Katherine DiTomaso, Stieber Berlach LLP

- Recent case law on Additional Insureds, including the Ontario Court of Appeal decision *Carneiro v. Durham*, and implications for insurers, policy holders and lawyers practicing in the area
- What are the implications for coverage and for allocation of defence costs?

10:25 am **Panel Discussion: Practical Considerations in Coverage Disputes**

Moderator: Michael Teitelbaum, Hughes Amys LLP
Robyn Campbell, Liberty International Underwriters
Ashley Richards, Thomas Gold Pettingill LLP
Denise Hall, Aon Risk Services

The expert panel will discuss topics relevant to defence and coverage counsel, insurers and brokers, including:

12:30 pm **Perspectives from the Bench**

The Honourable Justice Jamie K. Trimble, Ontario Superior Court of Justice

1:00 pm Closing Remarks

PROGRAM REGISTRATION IS ONLINE www.oba.org/pd

Questions? pd@oba.org