

PRESERVING PRIVILEGES ETHICAL ISSUES CONFRONTING INSURERS, POLICYHOLDERS & COUNSEL

Friday, December 4, 2009 / 9:00 a.m. to 11:00 a.m.

This ethics-related program will address the difficult privilege issues that arise in the context of the policyholder-insurance company relationship. The program will explore defense-related common interests between policyholders and insurers, coverage-related common interests between policyholders and their creditors (sometimes including the plaintiffs suing the policyholders), and steps that lawyers and business people on all sides should take to ensure that communications intended to be privileged remain so. This course will be of interest to in-house counsel, defense and plaintiff's counsel, insurance coverage counsel, and law firm attorneys involved in their firms' loss prevention and risk management programs.

Discussion topics will include:

- How to distinguish between "defense" communications & "coverage" communications
- How insurance company coverage denials or reservations of rights affect privileges
- How sharing information with businesspeople (such as brokers or claims handlers) affects privileges
- How the presence of multiple insureds with conflicting interests affects privileges
- How policyholders and other insureds can submit defense bills & claims information without waiving privileges
- How insurance companies can evaluate coverage claims without waiving privileges
- How to deal with reinsurers
- What special privilege issues arise when the policyholder is a law firm

Program Chair

Stephen A. Weisbrod
Gilbert LLP

Faculty

Bryce L. Friedman
Simpson Thacher & Bartlett LLP

Joy L. Langford
Chadbourne & Parke LLP

Robert A. Van Kirk
Williams & Connolly LLP

Sponsoring Association Committee: Insurance Law, Brian A. Smith, Chair

Agenda

- 9:00–9:20 **Introduction & Presentation of Hypothetical Problem**
- 9:20–10:00 **Protection of Defense Privileges & Loss-Related Information**
- 10:00–10:40 **Protection of Coverage-Related Information**
- 10:40–11:00 **Questions & Answers**



New York & California Credit: 2.0 credits in ethics.
This live program provides transitional/non-transitional credit to all attorneys.

Illinois Credit: 2.0 ethics credits (approval pending).

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- Live Program (includes materials):**
 \$245 Member \$355 Nonmember
- Walk in Registration (includes materials):**
 \$270 Member \$380 Nonmember
- CDs (includes materials):**
 \$365 Member \$435 Nonmember
- DVDs (includes materials):**
 \$475 Member \$565 Nonmember
- Materials Only (no CLE credit):**
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- Email Web Mail Other (please specify) _____

Registration Information

Program Location:

All programs are held at:

New York City Bar

42 West 44th Street, New York, NY 10036

To Register: Call (212) 382-6663 or fax (212) 869-4451; mail registration form to the City Bar Center for CLE, 42 West 44th Street, New York, NY 10036, or register online at www.nycbar.org.

Advance registration is advised. An additional fee of \$25 will be charged for "walk-in" registrations—those received later than 3:00 p.m. one business day prior to the program.

Scholarships & Discounts: Financial scholarships are available; please call (212) 382-6663 for an application. All applications must be submitted three weeks prior to the program. *50% discounts off of member and nonmember prices are available for government and public interest attorneys, students, and academics.* A 20% discount off of member and nonmember prices is available for firms and corporations that register four or more people for a combination of programs or video replays.

**Non-legal professionals receive the Member Rate.*

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Please allow 3–5 weeks for delivery of CDs, DVDs and course materials. International orders will be sent by traceable means, and an additional charge for shipping will be named by the recipient.

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Illinois credit differs as it is based on a 60-minute credit hour. Illinois ethics credits cannot be awarded until the MCLE Board of Illinois approves an ethics component per individual program. For programs that provide ethics credit, *Illinois ethics credits are pending.*

All information is subject to change.

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