

**FDCC REINSURANCE, EXCESS AND SURPLUS LINES SECTION
APRIL 2011 UPDATE**

First and foremost, my thoughts and prayers go out to our members in the States who have seen so much bad weather these past weeks.

Now, a recap and upcoming look at future meetings.

INDIAN WELLS SECTION MEETING RECAP



Our Section Meeting was well attended. Since we did not take attendance (i.e., I did not take notes fast enough). I cannot name everyone who was present, but we welcomed members from across the country and across the Pond, such as Stephen Carter, from Carter Perry Bailey LLP, London, England, who is currently featured on the FDCC website's "In the News" for his firm having been awarded the title of "Insurance & Reinsurance Law Firm of the Year" for 2010 in the United Kingdom by Corporate International Magazine. Stephen has agreed to submit the article that was appended to the Munich materials as our Section's contribution to the FDCC quarterly for 2011.

We also welcomed members back such as Michael Brady who used to serve as chairman of the Coverage Section and the Extra-Contractual Liability Section. Mike is now in his second year of mediation and arbitration for ADR Services, Inc., performing these services in insurance-related matters in Northern and Southern California, in addition to other states.

Thank you to all who attended and made the meeting a success.



Annual Meeting in Williamsburg, Virginia

For details and to make hotel reservations click on the following link:

http://www.thefederation.org/process.cfm?PageID=4&TopLevel=6&calendarDate=2011_07&Day=24&EventID=128

Our Substantive Law Section Meeting is Thursday, July 28, 2011 at 7:30 a.m. - 8:45 a.m.

We are co-sponsoring with Insurance Coverage, Appellate Law and Extra-Contractual Sections.

Topic:

Splitting Files: Liability, Coverage and Ethical Implications

Insurers, insurance defense counsel and coverage counsel are constantly faced with the dilemma of when and how to split a file, between liability and coverage, and what information and knowledge can be shared between the respective attorneys and claim handlers. Failing to split a file, when appropriate, or failing to correctly handle a split file, can impact both the liability and coverage issues, and can raise ethical and bad faith issues, while impacting an insurer's settlement posture. There is little case law on these issues. This program will discuss these issues and suggest when and how to split files so as to avoid the minefields associated with this complex issue. Discussions will include the information that can be shared between file handlers, how to handle settlement negotiations, as well as bad faith exposure. In addition, the panel will address the ethical issues for defense and coverage counsel and provide real world examples.

Moderator: John G. Farnan, Weston Hurd, LLP, Cleveland, OH

Panelists:

- Paul Garrison, Infinity Insurance Companies, Birmingham, AL
- Laura (Megan) Faust, Roetzel & Andress, LPA, Akron, OH
- Kate Browne, Swiss Reinsurance America Corporation, New York, NY

- Edward J. (Ned) Currie, Jr., Currie, Johnson, Griffin, Gaines & Myers, P.A. - Jackson, MS
- April A. Elkovitch, Senior Litigation Counsel, Meadowbrook Insurance Group, Westerville, OH

Other Upcoming FDCC Events

FDCC Leadership Institute

Colonial Williamsburg, Virginia - July 25 through July 27, 2011

Corporate Counsel Symposium

Four Seasons Hotel, Philadelphia Pennsylvania - September 20 through 22, 2011

Insurance Industry Institute

New York Athletic Club, New York, New York - November 16 through 18, 2011



2012 Winter Meeting at Waldorf Astoria Arizona Biltmore in Phoenix

We are currently planning the 2012 Winter Section Meeting. Since we share so many members, we have been discussing co-sponsoring a meeting with the Insurance Coverage, Appellate Law, and the Extra Contractual Sections. One topic that has been proposed addresses the obligations and bad faith pitfalls insurers face when responding to multiple claims exceeding policy limits. We are still in the early stages of the planning process, so if you would like to be involved and give us your input, now is the time. We also welcome any suggestions regarding industry speakers based on your own experience in this area and contacts with insurers in the Arizona region.

Miscellaneous

If any of you are interested in reporting new reinsurance cases or any other insurance topic that is relevant to our Section, please let me know. The hot cases are listed on the FDCC website daily, but many times there are no Reinsurance-related cases or issues. I would like to receive information from you to include in an email to Section members to keep everyone apprised of cases that affect us and our practices.

Section Chairs

If you have any questions about the Section or the FDCC, please feel free to contact me or one of your Vice Chairs:

- Chair Meloney Perry, Meckler Bulger Tilson Marick & Pearson LLP Dallas TX
- Vice Chair Russell Allison, Carr Allison Birmingham AL
- Vice Chair Michael Aylward ,Morrison Mahoney & Miller, LLP Boston MA
- Vice Chair Charles Henderson, Henderson Consulting and Risk Management Newtown Square PA
- Vice Chair Milton Thurm, McIntosh,Sawran, Peltz & Cartaya,P.A. West Palm Beach FL

For our detailed contact information and a list of all of our Section Members click on this link, which is on the FDCC website:

<http://www.thefederation.org/process.cfm?pageID=6&groupID=256>

See you in Williamsburg.

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