NEW YORK STATE BAR ASSOCIATION

NYSBA CLE

Friday, November 2, 2012
Concierge Conference Center
780 Third Avenue at 48th Street
New York City

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This program is also available via a simultaneous live webcast option.

4.0 MCLE Credits

See inside for more details.

Emerging Issues in Environmental Insurance

Gain valuable insights into using environmental insurance as a risk management tool.

Topics to be addressed include:

- State of Marketplace Overview
- Key/Emerging Risk Issues
- Views from the Carriers
- Case Law Overview

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NYSBA Co-Sponsors:
Environmental Law Section
Environmental Insurance Committee
Committee on Continuing Legal Education

NYSBA

Program Description

This program examines critical aspects of environmental insurance and provides valuable insights on using environmental insurance as a risk management tool. Leaders of key environmental insurance companies will provide an environmental insurance market update and information regarding current coverage issues and claim trends. Sessions will address emerging legal liability and evolving coverages and will feature practical tips from national experts on handling claims. Relevant case law and lessons learned will also be presented to help practitioners maximize available environmental coverage and minimize disputes with carriers.

Who Should Attend: Enviromental attorneys, including in-house counsel and real estate attorneys engaged in commercial transactions; risk managers; insurance brokers; and underwriters involved in environmental matters

Agenda

8:30–9:00 a.m. Registration (outside meeting room)

9:00–10:15
Part I: Introduction
Gerard P. Cavaluzzi*, Vice President and Division Counsel, ARCADIS U.S., Inc., White Plains, New York

State of Marketplace Overview

Speakers: **Gene P. Devine**, Senior Vice President, Arthur J. Gallagher Risk Management Services, Inc., Garden City, New York
Howard M. Tollin, President and Managing Director, Sterling Environmental Services, Woodbury, New York

Views from the Carriers: Emerging Environmental Insurance Coverage Issues/Claim Trends

Moderator: **Gerard P. Cavaluzzi**, Vice President and Division Counsel, ARCADIS U.S., Inc., White Plains, New York

Speakers: **William Bell**, National Environmental Manager, Chubb Custom Market, Inc., New York, New York
Lana Keppel, Environmental Division Executive, Chartis, New York, New York
Robert Newmarker, Head of Environmental Site–Specialty Products, Zurich North America, Boston, Massachusetts
Mary Ann Susavidge, Senior Vice President, XL Environmental Insurance, Exton, Pennsylvania

** Part I Chair*

10:15–10:25 Refreshment Break

10:25–11:15
Part II: Key/Emerging Environmental Risk Issues and Environmental Coverage/Claims Implications: Conversations with The Carriers and The Experts
Panelists: **Andrea Grossman***, Senior Vice President, Willis Mergers & Acquisitions, New York, New York
Suzanne M. Avena, Partner, Garfunkel Wild PC, Great Neck, New York
Michele Schroeder, Principal, Law Office of Michele Schroeder, Rockville Center, New York

- Hydraulic Fracturing
- Indoor Air Quality, Vapor Intrusion, Mold Claims/Coverage Issues
- Regulatory Changes/"Governmental Trigger" Claims/Coverage Issues
- Known Contaminants Claim/Coverage Issues

** Part II Chair*

11:15–11:25 Refreshment Break

11:25–12:50 p.m.
Part III: Case Law Overview/Lessons Learned: Claims Handling to Maximize Available Environmental Coverage and Minimize Disputes with Carriers
Speakers: **Daniele Cervino**, Partner, Golub & Isabel, P.C., Parsippany, New Jersey
John G. Nevius*, Shareholder, Anderson Kill & Olick, P.C., New York, New York
Ann M. Waeger*, Partner, Greenbaum Rowe Smith & Davis LLP, Woodbridge, New Jersey

This session will explore a variety of key techniques/strategies to provide insights into environmental insurance policies and the acquisition and claims process, including:

- Recent Developments in Case Law/Lessons Learned
- Effective Strategies For Getting Claims Paid, Including: Proper Submission, Responding to Reservations of Rights, and Facilitating Claims Adjustment
- Avoiding Common Claim Mistakes and Strategies for How To Address Them With The Insurance Company(ies)

** Part III Co-Chairs*

12:50–1:00
Questions/Closing Remarks
Gerard P. Cavaluzzi, Vice President and Division Counsel, ARCADIS U.S., Inc., White Plains, New York

1:00 p.m. Adjournment

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This program is also available via a simultaneous live webcast option.

4.0 MCLE CREDITS: 4.0 Professional Practice

This **advanced-level** course has been approved for MCLE credit in **New York** for all attorneys, **except** those who are newly admitted (less than 24 months).

This program has also been approved for MCLE credit by the **State Bar of California** and the **Pennsylvania Continuing Legal Education Board** for **3.5** credit hours of substantive law and **0.0** credit hours of ethics. All inquiries regarding MCLE credits may be directed to **(518) 487-5606**.

This program has been approved by the **Board on Continuing Legal Education of the Supreme Court of New Jersey** for **4.0** hours of total CLE credit. Of these, **0.0** qualify as hours of credit for ethics/professionalism, and 0 qualify as hours of credit toward certification in civil trial law, criminal trial law, workers compensation law and/or matrimonial law. This course does not qualify under any of the nine specified new admit areas, in five of which New Jersey attorneys admitted in 2009 or thereafter, in their first full two-year compliance period, must take 15 of their 24 required credit hours (see BCLE Reg. 201:2).

The New York State Bar Association's Committee on Continuing Legal Education has been certified by the New York State Continuing Legal Education Board as an accredited provider of continuing legal education in the State of New York.

IMPORTANT NOTICE: PARTIAL CREDIT FOR PROGRAM SEGMENTS NOT ALLOWED. Under the New York State Continuing Legal Education Board Regulations and Guidelines, attendees at CLE programs cannot receive MCLE credit for a program segment unless they are present for the entire segment. Persons who arrive late, depart early, or are absent for any portion of the segment will not receive credit for that segment.

Program Faculty

Program Chair:

Gerard P. Cavaluzzi
Vice President and Division Counsel, ARCADIS U.S., Inc., White Plains, New York

Speakers:

Suzanne M. Avena, Partner, Garfunkel Wild PC, Great Neck, New York * **William Bell**, National Environmental Manager, Chubb Custom Market, Inc., New York, New York * **Daniele Cervino**, Partner, Golub & Isabel, P.C., Parsippany, New Jersey * **Gene P. Devine**, Senior Vice President, Arthur J. Gallagher Risk Management Services, Inc., Garden City, New York * **Andrea Grossman**, Senior Vice President, Willis Mergers & Acquisitions, New York, New York * **Lana Keppel**, Environmental Division Executive, Chartis, New York, New York * **John G. Nevius**, Shareholder, Anderson Kill & Olick, P.C., New York, New York * **Robert Newmarker**, Head of Environmental Site – Specialty Products, Zurich North America, Boston, Massachusetts * **Michele Schroeder**, Owner and Principal Consultant, Environmental Risk Inc., Rockville Center, New York * **Mary Ann Susavidge**, Senior Vice President, XL Environmental Insurance, Exton, Pennsylvania * **Howard M. Tollin**, President and Managing Director, Sterling Environmental Services, Woodbury, New York * **Ann M. Waeger**, Partner, Greenbaum Rowe Smith & Davis LLP, Woodbridge, New Jersey.

Information and Policies

Pre-registration Strongly Advised: You can save money and guarantee your seat and course materials by registering early. Registrations received or postmarked within 10 days of the event, or at the door, are subject to a higher registration fee. Seating is limited in all locations and registrations are taken on a first-come, first-served basis.

Cancellations are easy – full refunds are given: Your full registration fee will be refunded if you give us notice no later than the close of business (4:45 p.m. EST) on the day prior to the date of the program for which you registered. To cancel, write the State Bar Service Center at One Elk Street, Albany, New York 12207; or fax **(518) 487-5618**; or call **(800) 582-2452**. If you do not cancel and do not attend the program, access to a complete set of course materials in PDF format will be forwarded to you via e-mail in consideration of the registration fee. Non-registrants may purchase program materials after the final program date.

MCLE Credit: This program is acceptable for MCLE credit in New York and many other MCLE jurisdictions.

Tuition Assistance: New York Attorneys may apply for tuition assistance to attend this program based on financial hardship. Any New York attorney who has a genuine financial hardship may apply for tuition assistance for a CLE program by completing a *Tuition Assistance Request Form* and returning it to the CLE Department no later than five working days prior to the program, explaining the basis of his/her hardship. If granted, the attorney will receive tuition assistance, depending on the individual's circumstances. For more details, please contact our State Bar Service Center at **(800) 582-2452**.

Group Discounts: Subject to availability and exclusions, group discounts are available to law firms and organizations sending 3 or more employees to any one NYSBA CLE program. Please contact Jane Nielsen, at (518) 487-5586 for more information.

CLE Coupon Plan: For more information on our CLE Coupon Plan offering substantial savings on full-day, live programs, please contact the Registrar's Office at 1.800.582.2452.

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Accommodations for Persons with Disabilities: NYSBA welcomes participation by individuals with disabilities. NYSBA is committed to complying with all applicable laws that prohibit discrimination against individuals on the basis of disability in the full and equal enjoyment of its goods, services, programs, activities, facilities, privileges, advantages, or accommodations. To request auxiliary aids or services or if you have any questions regarding accessibility, please contact Cindy O'Brien at (518) 487-5585 or cobrien@nysba.org

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1.800.582.2452 | **www.nysba.org/pubs** | Mention code **FALLCLE20** and save 20%.*

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4 WAYS TO REGISTER

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Call **1.800.582.2452** (U.S. and Canada) or **518.463.3724** in Albany & surrounding area

Download an order form online at **www.nysba.org/CLEOrderForm** and

Mail State Bar Service Center
New York State Bar Association
One Elk Street
Albany, NY 12207

Fax **518.463.5993**

Pricing **NYSBA members: $125.00**
Non-members: $225.00

Note Registration fees for live programs increase ten days prior to the program date.

CLE Coupons and Comp passes are **not** accepted for this program.

Source Code: CL4057

Program Location

Important Note: If you plan to pre-register within 10 days of the program or register at the door, please call us at **(800) 582-2452** or in Albany and surrounding area, dial **(518) 463-3724**, to verify that the program is not sold out or that the date or location has not been changed. Those who pre-register in advance of the program will automatically be notified of any such changes and will receive a full refund up to the day prior to the program, if they cannot attend and notify us of their cancellation. Please pre-register as early as possible.

Friday	**Concierge Conference Center**
November 2, 2012	780 Third Avenue at 48th Street
New York City	New York, New York 10017
PC: (0D014)	(212) 735-0072

This program will be presented in person at the Concierge Conference Center with a simultaneous webcast option.

See our Fall 2012 schedule online at www.nysba.org/cle

REGISTER EARLY, SAVE MONEY, AND GUARANTEE YOUR SEAT AT THE PROGRAM!!!

NYSBA CLE *presents*

Emerging Issues in Environmental Insurance

4.0 MCLE Credits

See inside for more details.

NYSBA

NYSBA
NEW YORK STATE BAR ASSOCIATION
CONTINUING LEGAL EDUCATION

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New York State Bar Association
One Elk Street, Albany, NY 12207

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