



Minnesota State Bar Association  
Continuing Legal Education

*Your State Bar at Work for You*

www.minncle.org

# Minnesota Insurance Law Today

*A course for Insurance Law Practitioners  
focusing on Claims and Defenses*

Economic times have made insurance issues more current

Protect your client's bottom line!

Learn about the current state of the law and unresolved issues in the law

Receive the 2009 Update to the Minnesota Insurance Law Deskbook

And much more!

**Wednesday, June 17, 2009**

Minnesota CLE Conference Center  
Seventh & Nicollet, Third Floor City Center, Minneapolis

*Video replay details inside.*

# THE SEMINAR

## **Don't Let These Economic Times Get You Down!**

This Insurance Law seminar features a complete update on all the insurance developments that affect your clients. Our experienced faculty will analyze all of the latest cases (and the 2008 legislation) and discuss how it will affect claims and defenses. This seminar will be a fun event and a terrific way to make sure you are updated on every practice development.

## **Plus... The Deskbook Updates**

As course materials you'll receive the 2009 Update to the Minnesota Insurance Law Deskbook (not the Deskbook itself). Attending this seminar is a great way to learn, get your credits and receive the materials you need in your practice to stay current.

## **Register Today for the June 17th Live Seminar or One of 4 Video Presentations**

In addition to the live seminar June 17th at the Minnesota CLE Conference Center in downtown Minneapolis, 2 video replays are scheduled at the same location plus 2 more video replays in **Moorhead** and **St. Cloud**. Check the registration information in this brochure for dates and details.

# THE SCHEDULE

8:30 – 9:00 a.m.

REGISTRATION, CHECK-IN & CONTINENTAL BREAKFAST

9:00 – 9:45 a.m.

## First-Party Bad Faith

This presentation will provide an overview of the recent Minnesota legislation addressing first-party bad faith, and will highlight some of the recent decisions interpreting and applying the legislation. This presentation will also articulate some of the key issues left unresolved by the first-party bad-faith legislation, and specific provisions that are particularly susceptible to differing interpretations. Finally, the presentation will highlight the general differences between first-party and third-party bad-faith claims.

– *Mark Bradford*  
*Bassford Remele PA, Minneapolis*

9:45 – 10:15 a.m.

## Recent Developments in Duty to Defend

An interactive presentation discussing duty to defend, when attorney's fees are recoverable in coverage disputes, settlement strategies, and the respective rights of the insurer and insured when coverage is denied.

– *John Crawford*  
*Johnson & Lindberg PA, Bloomington*

10:15 – 10:30 a.m.

Questions and Answers

10:30 – 10:45 a.m.

Break

10:45 – 11:15 a.m.

## "Occurrence" and "Property Damage"

To qualify as an "occurrence" an accident must take place within the policy period, and result in "property damage" or "bodily injury." The rules regarding an "accident" and the intentional act exclusion can be summarized as follows: (1) there is no coverage for injury where the insured acts with the specific intent to cause bodily injury; (2) the specific intent to cause injury requires that the insured intended the harm itself, not that the insured intended to act; (3) this is a subjective standard where intent to injure may be shown by proof of an actual intent to injure or by inferring intent as a matter of law; (4) intent to cause injury reflects the insured's state of mind about the desired harmful consequences of an action by the insured.

– *William P. Harrie*  
*Nilles Law Firm, Fargo*

11:15 – 11:45 a.m.

## Workers' Compensation Changes

Significant changes were made to the workers' compensation law in 2008 with additional changes contemplated in 2009. This presentation will review these changes and discuss their impact on all sides to a workers' compensation case.

– *Barbara L. Heck*  
*John G Ness & Associates, St. Paul*

11:45 – 12:10 p.m.

## Post-Loss Duties of the Insured

An insured has a pre-loss duty to pay its premiums to maintain coverage under an insurance policy. However, the post-loss obligations of an insured can be just as important in determining coverage under a policy. This presentation will enumerate the post-loss duties of an insured and discuss how these duties can affect coverage under an insurance policy.

– *Elizabeth Roff*  
*Arthur Chapman Kettering Smetak & Pikala PA, Minneapolis*

12:10 – 12:25 p.m.

Questions and Answers

12:25 – 1:25 p.m.

LUNCH (on your own)

1:25 – 1:55 p.m.

## Orcs at the Door following Hobbit Travel – Recent Developments in Advertising Injury Coverage

With its decision in *General Casualty Company of Wisconsin v. Wozniak Travel, Inc. d/b/a Hobbit Travel*, 762 N.W.2d 572 (Minn. 2009), the Minnesota Supreme Court has set new standards for Advertising Injury coverage. This presentation will analyze the Court's decision and examine the current state of Advertising Injury coverage under Minnesota law.

– *Charles Spevacek*  
*Meagher & Geer PLLP, Minneapolis*

1:55 – 2:20 p.m.

## Recent Decisions on Defective Construction

Whether defective construction constitutes a "discrete identifiable event" or whether the damages will be allocated across all triggered carriers remains a vexing problem. The two most recent decisions from the Court of Appeals, Donnelly Brothers and Tony Eiden, will be discussed.

– *Jeanne H. Unger*  
*Bassford Remele PA, Minneapolis*

2:20 – 2:30 p.m.

Questions and Answers

2:30 – 2:45 a.m.

Break

2:45 – 3:10 p.m.

## Liability Insurance Allocation: Maximizing the Policyholder's Recovery

Minnesota's case law regarding the scope of defense and indemnity coverage under triggered liability insurance policies continues to evolve, creating uncertainties for policyholders when they purchase insurance and when they have claims. This presentation will update you on the latest developments, so that you can properly advise your policyholder clients on avoiding potential coverage gaps and maximizing their insurance recovery.

– *Thomas C. Mielenhausen*  
*Lindquist & Vennum PLLP, Minneapolis*

# THE DESKBOOK

3:10 – 3:35 p.m.

## **Excess Insurance**

Excess and umbrella insurance can save your company or personal wealth from major claims. We will discuss how excess insurance works, major coverage pitfalls, as well as recent legal developments.

– *Michael Rothman*  
*Winthrop & Weinstine, Minneapolis*

3:35 – 3:45 p.m.

Questions and Answers

3:45 – 4:05 p.m.

## **Commercial Trucking Insurance**

Commercial trucking and, in turn, commercial trucking insurance is a highly regulated field involving an interplay of state and federal statutes, regulations, rules and case law. This presentation will focus on those issues which most often impact insurance coverage issues and obligations, whether first-party no-fault or third-party liability coverage, including leasing requirements, the MCS-90 Endorsement, trucking versus non-trucking insurance, and recent developments involving the Graves Amendment.

– *Tamara Novotny*  
*Cousineau McGuire Chtd, St. Louis Park*

4:05 – 4:25 p.m.

## **Fire and Property Insurance**

Belt-tightening is impacting all aspects of our marketplace, including the payment of insurance claims. This session will offer practical tips for submitting and pursuing insurance claims under fire and property insurance policies.

– *Diana Young Morrissey*  
*Faegre & Benson LLP, Minneapolis*

4:25 – 4:35 p.m.

Questions and Answers

**You Represent Clients in Insurance Law Issues, You Need the Deskbook that Judges and Opposing Attorneys Use for their Research!**

## **The Best Reference for Minnesota Insurance Attorneys and Judges!**

The Minnesota Insurance Law Deskbook is the most important and best reference for Minnesota insurance attorneys and judges. Thirty-eight dedicated authors have researched and drafted chapters in areas where they are the expert. John Crawford has edited the text to ensure accuracy and a balanced approach on every Insurance Law topic. This 3rd edition of the Minnesota Insurance Law Deskbook is a “must have!”

**Whether You’re Evaluating a Case, Preparing for a Hearing, Writing a Brief, Preparing for Trial or Just Searching for a Case – The Deskbook is Invaluable!**

To practice insurance law in Minnesota accurately and efficiently, the Deskbook is a must. It covers nearly every practice issue imaginable, providing you with the orientation, the analysis and the authorities you need to cite. There’s no doubt – you’ll be “smarter” and more effective using the Minnesota Insurance Law Deskbook.

## **The Deskbook is Easy to Research**

The Deskbook is replete with authority – case and statutory. Find what you need by detailed chapter tables of contents, a key word index, or a case and statutory index. The Deskbook helps you find what you need when you need it.

**If You Can’t Attend One of the Seminars, Purchase the 3rd Edition of the Minnesota Insurance Law Deskbook by Using the Handy Enclosed Order Form**

If you are unable to attend any of the live or video seminars, you may still purchase the Minnesota Insurance Law Deskbook using the order form inside this brochure.

## **QUESTIONS?**

Please call Minnesota CLE at **651-227-8266** or **800-759-8840** or visit us at **www.minncle.org**.

## LIVE PRESENTATION

### Minneapolis – 6/17/09

Minnesota CLE Conference Center  
Seventh Street & Nicollet Mall  
Third Floor City Center

## VIDEO REPLAYS

Schedule times for replays are subject to change due to abbreviated lunch and break periods. Start times are as indicated below. Please register at least one week in advance to secure your copy of the course materials on the day of the seminar.

### Minneapolis – 7/27/09 & 8/13/09

#### Reg. 8:30; Replay 9:00

Minnesota CLE Conference Center  
Seventh & Nicollet; Third Floor City Center

### Moorhead – 7/23/09

#### Reg. 9:00; Replay 9:15

Moorhead Public Library; 118 5th Street S.

### Saint Cloud – 7/27/09

#### Reg. 8:45; Replay 9:00

Kelly Inn; Hwy. 23 & Fourth Avenue S.

## CREDITS

Minnesota CLE is applying to the State Board of CLE for **6.0 CLE credits**.

## CANCELLATION / NO-SHOW POLICY

Paid registrants who cancel their registration at least 72 hours before the program will receive a full credit on their account; if fewer than 72 hours, a \$25 administrative fee will be deducted. Paid registrants who do not cancel, yet fail to attend, will receive the written materials. Passholders may purchase the materials for 50% of the full retail price.

## ACCOMMODATION

If you have a disability and need an accommodation in order to attend this seminar, please contact us as soon as possible or at least one week in advance of the program. For further information or assistance, contact Minnesota CLE at 2550 University Avenue West, Suite 160-S, Saint Paul, MN 55114 or call us at 651-227-8266 or 800-759-8840.

## TO REGISTER / ORDER:



### Mail form to:

Minnesota CLE  
2550 University Ave W #160-S  
St. Paul, MN 55114



### Or fax form to:

Minnesota CLE at  
651-227-6262



### Or go online:

www.minncle.org



### Or call:

Minnesota CLE at  
651-227-8266  
or 800-759-8840

# Registration / Order Form

# Minnesota Insurance Law Today

Wednesday, June 17, 2009

Minnesota CLE Conference Center

Seventh Street & Nicollet Mall, Third Floor City Center, Minneapolis

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## PLEASE "✓" APPROPRIATE BOX BELOW:

### LIVE (6/17/09):

\$225 MSBA member  \$225 paralegal  \$270 other

### VIDEO:

\$210 MSBA member  \$210 paralegal  \$250 other

Location \_\_\_\_\_ Date \_\_\_\_\_

## NEW ATTORNEY DISCOUNT!

I was first admitted to the bar after June 17, 2006 and have deducted \$60 from the registration fee marked above.

I have a Minnesota CLE Season Pass<sup>SM</sup>. Pass # \_\_\_\_\_

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## Can't Attend? Get the Program Materials!

I cannot attend. Please send me:

\_\_\_\_ copy(ies) of the Minnesota Insurance Law Deskbook, 3rd Edition (including update) at \$185 each. (available 5/17/09)

\_\_\_\_ copy(ies) of the Update only at \$40 each. (available 5/17/09)

Cost of book(s) \$ \_\_\_\_\_

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