

Agenda

October 25, 2018
New York, NY

Time	Topic/Activity	Speaker
7:30–8:15 a.m.	Registration and continental breakfast	
8:15–8:30 a.m.	Welcome and opening remarks	Matthew Gaul, Dentons Jack Vales, Dentons
8:30–9:30 a.m.	<p>Long-term care insurance rate-increase litigation: Where we’ve been and where we’re going</p> <p>Long term care insurance is a unique insurance product, priced and sold to policyholders when they are relatively young and healthy and designed to be held for decades until policyholders become older and need assistance with activities of daily living. But what happens when, decades after pricing the product, the actuarial assumptions prove to have been incorrect? Insurers, constrained to increase premium rates, become subject to litigation brought by individual policyholders, class action lawyers and even state regulators. This program will provide an overview of the challenges faced by long term care insurers, describe historical trends in long term care insurance rate litigation, and consider recent decisions and the next wave of litigation.</p>	Kenneth Pfahler, Dentons Kristen Weil, Dentons
9:30–10:30 a.m.	<p>Association health plans, short-term and limited-duration coverage</p> <p>Under President Trump, the insurance industry has come to expect a great deal of disruption in health care generally and, more specifically, with respect to the Affordable Care Act. This panel will identify and assess some of the major ACA-related legal issues that in-house counsel are grappling with, including company and product compliance, strategy, pricing and market decisions. We will discuss the law’s impact, in the context of the current political climate, on health insurance, including short-term and limited-duration products, and managed care, including association health plans.</p>	Kara Baysinger, Dentons Katharine L. Wade, Connecticut Insurance Department
10:30–10:40 a.m.	Break	



Time	Topic/Activity	Speaker
10:40–11:40 a.m.	<p>New insurance business transfer mechanisms in the US</p> <p>In many cases, it makes sense for insurers of discontinued lines to exit the business rather than continue administering the claims and liabilities arising thereunder. Traditionally, however, the laws in the US have not permitted insurers to novate their liabilities under existing policies without the consent of each policyholder. Thus, insurers seeking to exit discontinued insurance business have faced limited options, including the outright sale of an insurer or the retroactive reinsurance of legacy liabilities. Recently, a few states have enacted legislation authorizing the court-approved sale of entire lines of business without policyholder approval. This panel presentation focuses on these new insurance business transfer mechanisms and, in particular, the Oklahoma Insurance Business Transfer Act, which is set to take effect on November 1, 2018. Included on the panel is the US president of one of the leading buyers of insurance runoff business, as well as one of the lead regulators responsible for the implementation of Oklahoma’s IBT law.</p>	<p>Bruce Baty, Dentons</p> <p>Paul Brockman, CEO, Enstar US</p> <p>James Mills, Chief of Staff, Oklahoma Insurance Department</p> <p>Robert Redpath, Head of Legal and Regulatory, Enstar US</p>
11:40 a.m.–1 p.m.	Lunch	
1–2 p.m.	<p>Corporate governance for insurance companies</p> <p>This session will consider recent corporate governance developments and trends in the US, UK and Canada. It is now 10 years since the collapse of Lehman Brothers, and, while there were a number of reasons for the financial crisis that ensued, poor corporate governance was widely recognized as one of them. The recent tightening of corporate governance rules and regulations in large part stems from that period.</p>	<p>Ira Kotel, Dentons</p> <p>Martin Mankabady, Dentons UK</p>
2–3 p.m.	<p>Cybersecurity and data privacy: The changing regulatory landscape</p> <p>From the New York Department of Financial Services’ Regulation 500 to the EU’s General Data Protection Regulation to the recently enacted California Consumer Privacy Law, cybersecurity and data privacy policies are regulated in ways they never have been. Our panelists will discuss how to ensure that your policies are both effective and compliant in a rapidly evolving legal landscape.</p>	<p>Nicole Becher, New York University</p> <p>Maria Filipakis, Filipakis Consulting, LLC</p> <p>Matt Gaul, Dentons</p>
3–3:10 p.m.	Break	



Time	Topic/Activity	Speaker
3:10–4:10 p.m.	<p>Current issues impacting reinsurance disputes in the US</p> <p>Reinsurance is insurance for insurance companies. Typically, reinsurance agreements provide for any disputes between the parties to be resolved through arbitration. These arbitrations usually occur in confidential proceedings before privately appointed arbitrators. The process is designed to shield most details from public view. However in so doing, it also produces little case law to serve as precedent in future disputes. Even petitions to confirm arbitral awards are summary proceedings. Over the past year, however, several reinsurance disputes have gone forward in court proceedings, some of which have produced judicial opinions. This program reviews recent decisions in this area and comments on trends currently impacting reinsurance disputes.</p>	<p>Rich Dodge, Dentons Shawn Kelly, Dentons Jack Vales, Dentons</p>
4:10–5:10 p.m.	<p>Class Action Trends: Claims Attacking Fees, Costs and Charges</p> <p>This presentation looks at the trend in recent class actions of challenging how insurers price their policies, including costs, fees and other charges. We examine what is new in these claims and how to successfully defend against them.</p>	<p>Laura Geist, Dentons Sandra Hauser, Dentons</p>
5:10–6:30 p.m.	Networking reception	