



Insurance Bad Faith Claims in Minnesota

This one-day seminar is designed for attorneys, paralegals, legal secretaries and other legal professionals, claims managers, risk managers and other insurance professionals.



Minneapolis, MN February 15, 2008

Moderator:

Michael L. Weiner

Yaeger, Jungbauer and Barczak, PLC

Richard Baldwin

Richard Baldwin Law Office

John M. Bjorkman

Larson King, LLP

John M. Degnan

Briggs and Morgan, P.A.

James F. Dunn

James F. Dunn & Associates, P.A.

Darren Johnson

Jeffrey M. Lucas

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Critical Issues on the Agenda

9:00 AM – 10:45 AM **Who Can Sue and Who Can Be Sued for Bad Faith?**

— *John M. Degnan*

- Elements of Bad Faith
- Who Can Sue and Who Can Be Sued for Bad Faith
- Joining Legal Malpractice Actions With Bad Faith Claims
- UIM Claims After Taking an Assignment

10:45 AM – 11:00 AM **Break**

11:00 AM – 12:00 PM **Bad Faith When Coverage Is in Dispute**

— *John M. Bjorkman*

- An Insurer's Obligations When There Are Covered and Noncovered Claims
- Can an Insurer Be Held Liable for Bad Faith (Extracontractual Damages) When It Refuses to Settle or Defend a Claim Because It Incorrectly Disputes Coverage?

12:00 PM – 1:00 PM **Lunch (On Your Own)**

1:00 PM – 2:00 PM **Bad Faith Claims on Trial**

— *Darren Johnson and Jeffrey M. Lucas*

- Tackling Pre-Existing Bias
- Telling the Simple Story

2:00 PM – 2:15 PM **Break**

2:15 PM – 3:00 PM **Good Faith**

— *Richard Baldwin*

- Carrier's Obligation to Act in Good Faith

3:00 PM – 4:30 PM ***Kissoondath v. U.S. Fire Insurance Co.*: The Reaffirmation of Minnesota Bad Faith**

— *James F. Dunn and Michael L. Weiner*

- Minnesota Bad Faith Law After *Short v. Dairyland*
- Bad Faith Law in the Nearly 20 Years Between *Short* and *Kissoondath*
- How *Kissoondath* Reaffirmed and Strengthened Minnesota Bad Faith Law

Lorman Education Services reserves the right to modify the agenda and the faculty when circumstances are beyond our control.

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The Benefits for You

Discover how to navigate the minefields of insurance bad faith with ease.

Join us for this innovative seminar and get up to speed on issues surrounding insurance bad faith claims. Understand the intricacies of who can sue and who can be sued. Get a handle on complicated issues surrounding disputes and trials. Avoid problems down the road by protecting yourself and your company – find out exactly what the critical issues are and how to best handle them. You'll gain the practical insight you need to deal with any challenges that come your way, including tips on acting in good faith. Don't wait – register today to make sure you stay on the cutting edge of your field.

In One Day, You'll Learn:

- Who can sue – and who can be sued – for bad faith
- An insurer's obligations regarding covered and noncovered claims
- How to tackle pre-existing bias
- The intricacies of acting in good faith
- Lessons from key Minnesota case law

Professional Manual:

You will receive a professionally prepared manual compiled by the faculty specifically for this seminar. The seminar will be recorded. Your registration constitutes your consent to such recording. If you cannot attend, you may order a set of CDs and the accompanying manual from this program by using the registration form on the back panel.

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This program has been submitted to the State of Minnesota Department of Commerce Licensing Unit for insurance continuing education hours. Approval pending.

This seminar qualifies for 7.0 PACE credit hours for CLU, RHU, REBC, CLF and ChFC.

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Our Distinguished Faculty

Richard Baldwin, a graduate of the University of Minnesota Law School, has practiced civil litigation for 37 years. Mr. Baldwin presently is a solo practitioner and has represented in the past both insurance interests and plaintiff's interests in personal injury work. Mr. Baldwin represented Kelley Company in *Bilotta v. Kelley*, which defines product liability law in Minnesota. He was the plaintiff's attorney in *Gryc v. Dayton Hudson Corporation, et al.*, which was the first application of punitive damages in a product liability case and which led to subsequent bad faith litigation. Mr. Baldwin was the plaintiff's attorney in *Kissoondath v. Red and White*, the case underlying *Kissoondath v. U.S. Fire Insurance Co.*, which resulted in successful bad faith claims. He has been called on as an expert in bad faith claims.

John M. Bjorkman is a partner at Larson King, LLP, where he focuses his practice on insurance coverage disputes. He has extensive experience litigating insurance coverage claims, and his practice includes the representation of policyholders and insurers. Mr. Bjorkman received his undergraduate degree from the University of Michigan. He is an honors graduate from the University of North Dakota School of Law, where he was awarded membership in the Order of the Coif for his high attainments in the study of law. As a practicing lawyer, Mr. Bjorkman is a member of the American Bar Association, the Defense Research Institute and the Minnesota Defense Lawyers Association. He is past chair of the ABA's Tort, Trial and Insurance Practice Section's Insurance Coverage Litigation Committee, and he is a frequent national speaker on insurance coverage issues.

John M. Degnan is a shareholder in the firm of Briggs and Morgan, P.A., and is a member of the Business Litigation Section. Mr. Degnan is an accomplished trial lawyer and represents clients in the areas of professional liability and disciplinary matters, directors and officers liability, commercial/business litigation, admiralty, intellectual property litigation, personal injury, employment law and qui tam actions. He regularly represents clients in business disputes, as well as members of the legal and medical communities in professional matters. Mr. Degnan has more than 30 years of experience handling medical malpractice claims, prescription drug and pharmacy matters, products liability, and issues relating to the Emergency Medical Treatment and Active Labor Act, and the federal False Claims Act. He is a fellow of the American College of Trial Lawyers and the American Board of Trial Advocates. He is listed in *Who's Who in America*. Mr. Degnan is a civil trial specialist certified by the Minnesota State Bar Association and the National Board of Trial Advocacy, and he is certified as a Minnesota Rule 114 neutral. He is a member of the International Association of Defense Counsel, the Defense Research Institute and the Academy of Certified Trial Lawyers of Minnesota. Mr. Degnan received his B.A. degree at the University of Minnesota and earned his J.D. degree at William Mitchell College of Law.

James F. Dunn is principal and founder of James F. Dunn & Associates, P.A. He focuses on civil trial practice in the areas of insurance litigation, employment litigation, premises liability, automobile liability, arbitration and mediation, including fire appraisal hearings, professional liability employment, construction, FELA and products liability matters. Mr. Dunn received his B.A. degree from the University of St. Thomas in St. Paul, Minnesota, and his J.D. degree, magna cum laude, from William Mitchell College of Law in St. Paul. He is certified by the National Board of Trial Advocacy and the Minnesota State Bar Association as a specialist in civil trial advocacy, and is a member of the National Board of Trial Advocacy and the American Board of Trial Advocates.

Darren Johnson is an expert in trial communication strategies and new media technologies with which to present them. His expertise includes strategy and theme development, mock trials, community attitude studies, jury selection, witness evaluation and post-trial interviews, as well as visual communications. Mr. Johnson has provided jury research and trial consulting on hundreds of civil and criminal cases throughout the United States involving such issues as product liability, employment, insurance and intellectual property. He conducts case analysis and theme development research, provides witness preparation assistance, and evaluates and prepares oral and visual communication strategies. Before joining the Minneapolis office of DecisionQuest and turning his attention to courtroom techniques, Mr. Johnson helped develop successful advertising and communication campaigns for a number of Fortune 500 companies. He has also written, produced and directed for film and television.

Jeffrey M. Lucas is a graphics designer for the Minneapolis office of DecisionQuest. He has developed graphics and marketing strategies for a wide variety of clients for over 10 years. Mr. Lucas has expertise in the production of graphics in all mediums – print, Web, computer animation, presentation graphics, traditional illustration and video. Mr. Lucas has worked closely with various medical professionals, attorneys and engineers to put complex technical information into graphic pieces that communicate to the intended audience in a succinct and aesthetically appealing manner. Whether for marketing or educating, Mr. Lucas brings a wealth of knowledge and skill to the development of effective visual communications.

Michael L. Weiner is a partner with Yaeger, Jungbauer and Barczak, PLC. He practices in the areas of personal injury, the Federal Employer's Liability Act, products liability law, wrongful death, and litigation and appeals. Mr. Weiner devotes 100 percent of his practice to litigation. He successfully represented the plaintiffs in both the *Short V. Dairyland* and *Kissoondath V. U.S. Fire* cases, two landmark bad faith cases. Mr. Weiner is also an adjunct professor of law at William Mitchell College of Law in St. Paul, where he teaches products liability. He received his B.A. degree from the University of Minnesota and his J.D. degree from William Mitchell College of Law.

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General Information

Minneapolis, MN • February 15, 2008

Four Points by Sheraton Minneapolis • 1330 Industrial Boulevard

Registration: 8:30 am – 9:00 am • Session: 9:00 am – 4:30 pm

Lunch Break: 12:00 pm – 1:00 pm (On Your Own)

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Faculty: Gregory M. Weyandt, Dorsey & Whitney LLP; Justice Helen M. Meyer, Minnesota Supreme Court; Louise Dovre Bjorkman, Larson • King, LLP; J. Michael Dady, Dady & Garner, P.A.; James H. Kaster, Nichols Kaster & Anderson, PLLP; Edward F. Kautzer, Ruvelson & Kautzer, Chartered; Charles E. Lundberg, Bassford Remele; Peter W. Riley, Schwebel, Goetz & Sieben, P.A.; R. Stephen Tillitt, Gislason & Hunter LLP; William J. Wernz, Dorsey & Whitney LLP; Debra E. Yerigan, Rider Bennett, LLP. ©2007. 168 pages.

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The Basics of Banking Litigation, Default, Workout, Repossession, Foreclosure and Bankruptcy: A Secured Lender's Perspective – Real Estate Foreclosure and Receivership Basics; Repossession and Foreclosure of Personal Property Under Article 9; Major New Amendments to the Bankruptcy Code Affecting Secured Lenders; Bankruptcy Concepts.

Faculty: Daniel C. Beck, Winthrop & Weinstine, P.A.; Christopher A. Camardello, Winthrop & Weinstine, P.A.; Michael A. Rosow, Winthrop & Weinstine, P.A. ©2007. 110 pages.

Item:	366042TMX	CD and Manual	\$189
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The Basics of Employment Claims, Workers' Compensation Claims and the Interplay Between the Two – Procedural and Administrative Concerns; Effective Return to Work Programs – A QRC's Perspective; Employment Law Claims Update 2007 – What Is the Status; What Can an Employer Do for Risks of Employment Claims.

Faculty: Marlene S. Garvis, M.S.N., J.D., Jardine, Logan & O'Brien, P.L.L.P.; Thomas L. Cummings, Jardine, Logan & O'Brien, P.L.L.P.; Robert Otos, QRC, OTR/L, Maureen Ziezulewicz, QRC, M.A., B.S., CRC, CCM; The ALARIS Group, Inc., Elizabeth Shogren, R.N., Minnesota Nurses Association. ©2007. 94 pages.

Item:	374646MAN	Manual Only	\$69
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