



AGENDA FOR EC COMMITTEE CONFERENCE CALL

October 3, 2018

1. Announcements re CLM events and meetings
2. Presentation re **Restatement of the Law of Liability Insurance**

Presenters:

David O'Connor (O'Connor & Associates)

Kathy Chaney (Lamdin & Chaney)

Ken Carter, Vice President Claim Operations (Merchants Insurance Group)

The American Law Institute (AIL) approved the Restatement of the Law of Liability Insurance (RLLI) at its annual meeting on May 22, 2018. Content development has been subject to spirited debate and controversy. Insurance industry groups have declared that the RLLI is not a *restatement* of the law; rather, that it is a decidedly pro-policyholder projection of where the committee wishes to steer jurisprudence. Several governors, insurance commissioners, and legislatures have rejected the adoption of the RLLI as not representative of the public policy of their respective jurisdictions. ECC members Kathy Chaney, Ken Carter and David O'Connor will provide an overview of the RLLI and its potential consequences on several familiar issues, including the "plain meaning" rule of policy interpretation; the scope of the defense obligation; restrictions on defense termination; prohibitions on cost recoupment; and carrier rights and duties concerning claim settlement. This subject will be discussed in greater detail at the CLM ECC/Coverage Law Conference in New York on December 12.