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Notes from ALM's Complex Claims & Litigation Forum 2023

Stephen Rosenberg of Wagner Law Group reviews the happenings from ALM's Complex Claims and Litigation Forum.

By **Stephen Rosenberg** | March 14, 2023



(//images.propertycasualty360.com/contrib/content/uploads/sites/414/2023/03/Business-Meeting-Article-202303131340.jpg) Overall, though, my biggest takeaway was the extent to which the three days of discussions reinforced two beliefs I hold dear about the insurance industry – that it is at the same time both the most static and the most dynamic of industries. (Credit: Matej Kastelic/Adobe Stock)

In late February I spoke at ALM's Complex Claims and Litigation Forum (<https://www.event.propertycasualty360.com/claims-litigation-forum>) in Las Vegas, where I was on a panel on "Tackling Market Disruptors – How to Manage Industry Shifts." I spoke on a subject near and dear to my

heart, which is the impact on claims handling of the rise of the nuclear verdict and the problems that ever-increasing liability exposures pose for the insurance industry in general.

I was joined on the panel by Jacqueline Schafer (<https://www.linkedin.com/in/jackieschafer/>), a practicing attorney in Washington state and the founder and CEO of the artificial intelligence company, Clearbrief (<https://clearbrief.com/>), who addressed the very newsworthy and timely subject of the impact of AI on litigation and insurance trends, as well as Daphine Willingham (<https://www.linkedin.com/in/daphine-willingham/>) of State Farm Insurance, who gave a very interesting take on the view, from the claims side, of these trends. (I am also now stealing forevermore her metaphor for the rationale behind resolving problem claims early rather than later, which was that rotten fruit doesn't get better while sitting on the countertop and instead just gets worse).

I also greatly enjoyed the conference as a whole. I don't know whether it is the relief of being freed from virtual conferences after all this time, but the past two conferences I have attended — this one and DRI's Insurance Coverage and Practice Symposium in December — have been a great deal of fun. In fact, the ALM conference is the first conference I have ever attended in Las Vegas where I didn't lose a small but princely sum in the casino (<https://www.youtube.com/watch?v=eXG9Kkh4BoQ>), not because I won but because the conference and the attendees were so interesting I never even sat down at a table in the casino.

It was also the first conference I have attended that entirely avoided the age-old problem of "manels" (<https://theconversation.com/whats-wrong-with-manels-and-what-can-we-do-about-them-148068>). There is no question in my mind that, as an attendee sitting in the audience, the range of perspectives and experiences of the members of the panels, which were universally diversified, made for far more interesting presentations than what we typically used to see at these types of conferences, where the same five men from the same five insurance companies said the same five things only in slightly different words. These panels were far more interesting, and my kudos to the organizers for pulling that off so well.

Overall, though, my biggest takeaway was the extent to which the three days of discussions reinforced two beliefs I hold dear about the insurance industry – that it is at the same time both the most static and the most dynamic of industries. Static in that, despite new policy forms and new coverage risks, the issues remain very much the same.

For instance, there was an excellent keynote address on insuring the marijuana industry and the issues doing so raises. Although a new area of underwriting, the issues remain very much the same – what type of policy wording needs to be used, what type of data is needed for underwriting, and so on – as has always been the case in insurance. Dynamic, though, in that the range and types of risks keep shifting in ways that force the industry as a whole – from brokers to underwriters to claim departments to litigators – to constantly shift and often play catch up to developments in the greater world; nowhere was this more evident than in the discussion of cyber risks and insurance, presented by a terrific panel.

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