

Friday, November 5, 2021  
10:30 AM– 11:45 AM

**General Session 7**

**Current Issues in Liability Insurance: Whose Fault is It Anyway?**

**Charles E. Comiskey**

President,  
RiskTech, Inc.  
Sr. VP  
Brady, Chapman, Holland &  
Associates, Inc.  
10055 West Gulf Bank  
Houston, TX 77040  
charles.comiskey@risktechinc.com

**Abe Freeland**

Executive Vice President  
Alliant Insurance Services, Inc.  
2002 Richard Jones Road  
Nashville, TN 37215  
abe.freeland@alliant.com

**Kathryn Kramer Gaydos**

Partner  
Benesch, Friedlander, Coplan &  
Aronoff LLP  
200 Public Square, Suite 2300  
Cleveland, OH 44114  
kgaydos@beneschlaw.com

- I. Primer on Liability Insurance
  - a) Why Liability Insurance is Necessary
  - b) Common Tyles of Liability Insurance
    - a. Commercial General Liability (“CGL”)
    - b. Contractual Liability
    - c. Umbrella & Excess Liability
    - d. Workers’ Compensation
    - e. Employer’s Liability
    - f. Professional Liability
    - g. Commercial Automobile Liability
    - h. Liquor Liability
    - i. Environmental Liability
  - c) How Liability Insurance Claims Work
  - d) Liability Insurance vs. Property Insurance
  - e) Contingent Property Insurance Coverage
- II. How Insurance is Used in Leases
  - a) Typical Insurance Requirements and Considerations
  - b) Indemnity
  - c) Waiver of Claims; Waiver of Subrogation
- III. Evolution in Insurance Coverage
  - a) Historic Trends in Exclusions - Large Liability Losses and Subsequent Carrier Exclusions
    - i. Asbestos
    - ii. Pollutants
    - iii. Silica / Mixed Dust
    - iv. Mold
    - v. Terrorism
  - b) How the Insurance Industry and/or Government Stepped in to Address these Exclusions

c) Corresponding Lease Responses

d) Current Trends in Exclusions

i. Human Trafficking

ii. Assault & Battery

iii. Liquor Liability

iv. Communicable Disease

IV. Case Studies - Liability Coverage in Action

V. Where Do We Go From Here?