

Proposal from Laura Foggan

Dear Joyce:

Between Martin Luther King Jr. Day, the Inauguration and lots of commotion in DC generally, last week got away from me. I wanted to submit a panel proposal for the Spring Conference, and I'm hoping that this proposal can still be considered.

What I have in mind is a panel presentation on UAS or more commonly, drones: addressing liability and possible risk, as well as available coverage programs and underwriting considerations (property and liability coverage). The panel could have an international component comparing US and European regulation of drones, as well as discussion of liability issues, possible exposures and examples of coverages being issued now. I would moderate a panel of presenters which would include in-house insurer representatives who can discuss their UAS coverage offerings, and US regulation of drones and liability/exposure considerations. If desired, we also could include a European lawyer (possibly Patrick Slomski of Clyde & Co. in the UK) to discuss the regulatory and liability environment in the UK and European Union, and/or a commercial drone operator to discuss operational risks.

My experience with UAS issues has include, inter alia, guiding insurers through the Section 333 exemption process to obtain the first exemptions for commercial use of drones by insurers (for roof inspection and catastrophic response). The panel could be cast in many of the categories of interest to ARIAS, as direct insurance and emerging risk and/or in the headline category as well. Please let me know if there might be an opportunity for this proposal to be considered and, if so, if I should reach out to prospective panel members that I have in mind from the insurance companies.

Another possibility would be a rapid-fire case discussion on the Louisiana Supreme Court's recent ruling in Arceneaux. As you likely know, in that case the Louisiana high court held that an insurer owed only a pro rata share of defense costs in the long-tail liability situation. There are several pending follow on cases where courts are considering applying pro rata allocation to long-tail claim defense costs. The discussion would include an update on new rulings, as well as possible parameters or areas for expansion of the Arceneaux ruling. Essentially, it would address the question whether there is an emerging trend challenging the traditional concept that defense obligations, unlike indemnity, are not divisible.

I'm hoping these proposals merit consideration. Thank you for your help.

With best regards,
Laura Foggan

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