Join us for a webinar hosted by [The Harmonie Group's] Business Litigation Committee on Thursday, January 29th at 12:00PM Central Time. There will be three topics presented, followed by a live roundtable discussion with an opportunity to submit questions. ***This webinar is approved for 1 hour of Adjuster CE Credit for Texas.***

Register

Topics

The Power and Pitfalls of Indemnity and Limitations Provisions in Commercial Contracts

Matt Rusch, Erickson | Sederstrom

Contractual indemnity clauses are a valuable tool for shifting liability, but their use is subject to significant statutory and public policy restrictions that can vary by state. Matt Rusch of Erickson Sederstrom, P.C. in Omaha, Nebraska, will highlight the key limitations and offer guidance on how to navigate them effectively.

Signed, Sealed... Enforceable? Understanding Liability Releases and Waivers

Tony Ellrod, Manning | Kass

This presentation by Tony Ellrod specifies how liability releases, waivers, and express assumption-of-risk agreements operate as risk-transfer tools in litigation. Attendees will review the fundamentals of negligence and burdens of proof, learn the key elements required for an exculpatory agreement to be enforceable, and understand the common arguments plaintiffs use to challenge these agreements. The materials will also address how to counter those challenges effectively and offer a brief look at how enforceability varies across states, helping adjusters better evaluate and strengthen their risk-transfer practices.

Who Pays What? Untangling Indemnification, Subrogation, and Contribution Recovery Rights

Gene Shipley, Fisher Rushmer

Gene Shipley will provide a clear, practical examination of how indemnification, subrogation, and contribution operate within the broader framework of risk transfer. Attendees will learn the core theories behind each doctrine, the key differences among them, and how those rights change when they arise from contractual agreements versus equitable principles. The presentation will also address when and how to pursue each remedy in practice, offering guidance on strategy, timing, and preserving recovery rights. Participants will review common defenses raised in these disputes and gain tools for anticipating and overcoming challenges to ensure that liability is properly allocated among responsible parties.

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