



MAY 13, 2010

**PROFESSIONAL LIABILITY
ROUNDTABLE**

*Potential attorney liability and claims against other
professionals under various federal statutes*

The Gleacher Center at The University of Chicago
Booth School of Business
Chicago, Illinois USA

2010 IADC PROFESSIONAL LIABILITY ROUNDTABLE PROGRAM

CLAIMS AGAINST ATTORNEYS AND OTHER PROFESSIONALS UNDER FEDERAL STATUTES

"The discussions were very interesting and certainly relevant to my practice." - 2009 Roundtable Attendee

Please join us for the 2010 IADC Professional Liability Roundtable and discover why past attendees have cited the following elements as positive components of their experience with the program:

Personal views of experienced professionals
Timely issues relevant to my practice

Networking
Content

Presentation quality
Discussion forum

SPEAKERS

THERESA M. ASOKLIS, COLLINS EINHORN FARRELL & ULANOFF, SOUTHFIELD, MI

Ms. Asoklis is a shareholder with Collins, Einhorn, Farrell & Ulanoff. For more than two decades, she has focused her practice on the defense of professional malpractice claims, and attorney and judicial disciplinary proceedings. Ms. Asoklis has successfully tried legal malpractice cases, attorney fee disputes and judicial tenure matters. She has been selected by her peers for inclusion in the 2010 edition of *The Best Lawyers in America*®. She also was selected for inclusion in Law and Politics Magazine's *Super Lawyers*® for 2008 and 2009.

BONNIE BRAVERMAN, SENIOR CLAIMS TECHNICAL SPECIALIST, ARGO PRO, CHICAGO, IL

Ms. Braverman is a senior claims technical specialist at Argo Pro which is part of the Argo Group. She handles professional liability claims including claims against lawyers, accountants, mortgage brokers, insurance agents, and real estate agents. In addition, she handles employment practices liability claims. For the first 14 years of her career, Ms. Braverman was in private practice in Illinois where she primarily handled general liability accident and coverage matters. After she left private practice, she first worked for Westport Insurance Company where she handled legal malpractice claims. In June 2008, she moved Argo Pro. She received a Bachelor of Arts Degree in European History at the University of Illinois in Champaign/Urbana in 1986. Thereafter, she attended DePaul Law School and obtained her law degree in 1989. She is a lifelong resident of Chicago.

PFENNE P. CANTRELL, KIGHTLINGER & GRAY, LLP, INDIANAPOLIS, IN

Mr. Cantrell is a partner in the Indianapolis office of Kightlinger & Gray, LLP. Mr. Cantrell received his undergraduate degree from Wabash College in 1992. He earned his juris doctorate in 1995, graduating cum laude from the Indiana University School of Law. Mr. Cantrell's practice areas include bad faith, personal injury, product liability, professional liability, subrogation and fire related casualties, and general insurance defense litigation. He is a member of the Indianapolis and Indiana State Bar Associations, Defense Research Institute, Defense Trial Counsel of Indiana and Sertoma International.

ANNE S. JOHNSON, CLAIM ATTORNEY, MINNESOTA LAWYERS MUTUAL INSURANCE COMPANY, MINNEAPOLIS, MN

Ms. Johnson is a claim attorney with Minnesota Lawyers Mutual where she handles legal malpractice claims. She has also worked with another Minnesota-based insurance company in the area of litigation management. Prior to moving to Minnesota, Ms. Johnson was in private practice with a Chicago law firm where she practiced in the area of civil litigation with an emphasis in insurance coverage litigation and appeals.

JUDI P. KAHN, CLAIMS SPECIALIST, PROFESSIONAL LIABILITY CLAIMS, FIREMAN'S FUND INSURANCE COMPANY, CHICAGO, IL

Ms. Kahn is a claims specialist in the Professional Liability Unit. She graduated from the John Marshall Law School in 1991 with honors and is currently a licensed attorney in the State of Illinois. She practiced general litigation law in private practice with an emphasis initially on medical malpractice, with the last several years as an employment attorney. She began her career in insurance in June 1998 working for CNA initially as the VP of EPL for its commercial insurance department, and later as EPL Claims Counsel on the Siegel Human Services program exclusively handling the EPL/D&O claims on the program, drafting endorsements and lecturing to CEO's and HR professionals on EPL risk avoidance across the country. Ms. Kahn currently handles high exposure lawyers, accountants, medical and EPL/D&O claims for the Professional Liability Unit. She presently holds claims licenses in twelve states.

STEPHEN H. TURNER, LEWIS BRISBOIS BISGAARD & SMITH LLP, LOS ANGELES, CA

Mr. Turner is a partner in the Los Angeles office of Lewis Brisbois Bisgaard & Smith and is the co-chair of the firm's national Consumer Litigation and Financial Services Defense Group. He is a graduate of the University of California Davis (B.A. with honors, 1976) and the University of Southern California (J.D., 1979). He has handled more than 850 cases involving allegation of violation of consumer statutes against banks, collection agencies, including debt collection law firms, and credit grantors in actions including claims of negligent collection procedures, intentional misconduct, violations of the Fair Debt Collection Practices Act (FDCPA) and Fair Credit Reporting Act (FCRA), alleged violation of the Robbins Rosenthal Act, violation of the *Business and Professions Code §17200*, et seq, and the Telephone Consumer Protection Act. He has served as regional counsel for an insurance carrier which insures debt collectors. In addition, Mr. Turner has represented many other professionals including lawyers, insurance agents and brokers, mortgage brokers and real estate brokers. In the area of legal malpractice defense, Mr. Turner has defended claims of negligence, breach of fiduciary duty and fraud in the areas of securities regulation, defamation, tax advice, marital dissolution and criminal defense.

General Event Sponsor



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1:00 p.m.

Registration Open

1:30 – 1:45 p.m.

Introduction

Michael J. Sullivan, 2010 Roundtable Program Chair, Collins Einhorn Farrell & Ulanoff, Southfield, MI

1:45 – 2:45 p.m.

Think Twice before You “Cyber-Snoop”: Potential Professional Liability for Activities Related to Electronic Communications and Wiretapping

In an increasing number of cases, one party may seek to gain an advantage in the litigation by surreptitiously obtaining e-mails or using various forms of spying software to monitor the online activities of the other party. When the party being monitored discovers her electronic activities have been spied on, more and more that party then sues the snooping adversary and her lawyer under federal and state statutes aimed at preventing wiretapping and related activities. While not all acts of “cyber-snooping” run afoul of these statutes, lawyers and their clients would do well to avoid the temptation to use intercepted electronic communications in an attempt to gain the upper hand in litigation.

Speakers:

Theresa M. Asoklis, Collins Einhorn Farrell & Ulanoff, Southfield, MI

Judi P. Kahn, Claims Specialist, Professional Liability Claims, Fireman’s Fund Insurance Company, Chicago, IL

2:45 – 3:00 p.m.

Refreshment Break

3:00 – 4:00 p.m.

Consumer Litigation: Death by a Thousand Lawsuits

An increasingly sophisticated consumer bar is filing more lawsuits against collection law firms than ever before as consumers, impacted by the recession, are less able to pay their debts. Although many consumer lawsuits involve only statutory damages, the statutes under which the lawsuits are brought allow for the consumer to recover attorneys fees. In addition, class action lawsuits can result in crushing verdicts in excess of both reserves and policy limits. Thus, such litigation presents a significant risk for both policyholders and insurers.

Claims for violation of the Fair Debt Collection Practices Act and other consumer statutes are specialized in nature. A small manageable claim can easily turn into an unexpected verdict for which neither the professional liability underwriter nor the claims professional planned. It is essential that the defense professional and the professional liability insurer be completely familiar with this specialized risk.

Speakers:

Bonnie Braverman, Senior Claims Technical Specialist, Argo Pro, Chicago, IL

Stephen H. Turner, Lewis Brisbois Bisgaard & Smith, Los Angeles, CA

4:00 – 5:00 p.m.

Medicare Secondary Payer Act: The Implementation of Section 111

The attention recently bestowed upon the Medicare Secondary Payer Act and the implementation of Section 111 is well deserved. The Act allows Centers for Medicare and Medicaid Services to pursue damages against any entity that attempts to shift the burden of medical costs to Medicare. However, it is widely recognized that the requirements under the Act have long been ignored. With the implementation of Section 111, it is clear that the government is no longer going to ignore this avenue of recovery. This session will examine issues surrounding the implementation of and compliance with Section 111 reporting from the perspective of defense counsel and insurance carriers.

Speakers:

Pfenne P. Cantrell, Kightlinger & Gray, LLP, Indianapolis, IN

Anne S. Johnson, Claim Attorney, Minnesota Lawyers Mutual Insurance Company, Minneapolis, MN

5:00 – 6:00 p.m.

Cocktail Reception

Additional Information

CLE Credits

Approximately 3.0 hours of general CLE credit in 60-minute states and 3.5 hours of general CLE credit in 50-minute states will be requested for accreditation from all mandatory continuing legal education jurisdictions where registered attendees are licensed.

Directions and Parking

Please visit www.iadclaw.org or copy the following link into your Internet browser for information on directions to Gleacher Center and parking. <http://www.chicagobooth.edu/visit/gleacher/gleachemap.pdf>

A Special Note for the Disabled

The IADC wishes to ensure that no individual with a disability is excluded, denied services, segregated, or otherwise treated differently from other individuals because of the absence of auxiliary aids and services. If you are in need of auxiliary aids or services, please contact Andrew Miller at amiller@iadclaw.org.

