

2022 Professional Liability Roundtable SCHEDULE

THURSDAY, MAY 12

Morning Schedule

8:00 - 8:30 a.m.

REGISTRATION

8:30 - 8:45 a.m.

WELCOME AND INTRODUCTIONS

Thomas F. Lysaught, IADC Vice President of Insurance, QBE North America, Naperville, IL USA

Spencer H. Silverglate, IADC President, Clarke Silverglate, P.A., Miami, FL USA

8:45 - 9:45 a.m.

DESIGN BUILD AND PUBLIC PRIVATE PARTNERSHIPS – A WHOLE NEW WORLD OF PROFESSIONAL LIABILITY CLAIMS (60 GENERAL MINUTES)

Design-Builders frequently assert professional liability claims against consulting engineers whom they engage for project design. These claims raise atypical issues in the evaluation and defense of both liability and damages. This session will address both the evaluation of the standard of care in the context of design-builder professional liability claims and the principles for proper evaluation of cost and time impacts attendant to these claims.

Speakers:

Abtin Foghi, Senior Claims Representative, HDI Global SE, Toronto, ON Canada

David J. Hatem, Donovan Hatem LLP, Boston, MA USA

Meera Wagman, Secretariat, New York, NY USA

9:45 - 10:00 a.m.

NETWORKING BREAK

10:00 - 11:00 a.m.

NEW DEVELOPMENTS IN TRIGGER, ALLOCATION, AND EXHAUSTION OF LONG-TAIL CLAIMS (60 GENERAL MINUTES)

The related concepts of trigger, allocation, and exhaustion in the context of long-tail claims continue to present new challenges for courts, insurers, and their counsel. As the amounts spent for defense and indemnity on mass tort, pollution, and other claims have reached ever higher towers of insurance, the issues have only become more complex. This session will discuss the latest developments and offer practical advice on how insurers can successfully navigate an ever-changing claims landscape.

Speakers:

John T. Harding, Jr., Sulloway & Hollis, P.L.L.C., Providence, RI USA

Mackie LeFevre-Snee, Senior Claims Technical Specialist, QBE North America, Chicago, IL USA

2022 Professional Liability Roundtable SCHEDULE

11:00 - 11:15 a.m.

LUNCH BREAK

11:15 a.m. - 12:15 p.m.

HEALTHY LAWYERS ARE PRODUCTIVE LAWYERS: THE BUSINESS CASE FOR PROMOTING LAWYER WELL-BEING (60 GENERAL OR SUBSTANCE ABUSE/ MENTAL HEALTH MINUTES)

The pandemic highlighted the many roles that people are juggling in today's world: employee, partner, parent, just to name a few. This program will be a discussion of how to become more fully present in each of these roles and maintain a healthy work-life balance. The business reasons for investing in lawyer well-being will be addressed including an in-depth look at ethical and malpractice issues that can arise when lawyer well-being is ignored. The presenters will share their insights as two working moms trying to balance it all and their experiences as claims and ethics counsel helping lawyers navigate this field.

Speakers:

Brook Mallak, Minnesota Lawyers Mutual Insurance, Minneapolis, MN USA

Alice Sherren, Minnesota Lawyers Mutual Insurance, Minneapolis, MN USA

Professional Liability Track Schedule

12:15 - 12:45 p.m.

REGISTRATION

12:45 - 12:50 p.m.

WELCOME

Melissa Dorman Matthews, Program Chair, Steptoe & Johnson PLLC, Dallas, TX USA

12:50 - 1:50 p.m.

ZOOM – THE GOOD, THE BAD, AND THE UGLY: WHAT WORKS, WHAT DOESN'T, AND WHAT HAS GONE HORRIBLY WRONG (60 GENERAL MINUTES)

Video conference has replaced in-person attendance for mediations, trials, hearings, and depositions, and we've learned a lot over the last two years. Our panelists will share their experiences and predictions for the future and address some concerns that come with going virtual.

Speakers:

Deborah Bjes, SwissRe, Chicago, IL USA

Melissa Dorman Matthews, Steptoe & Johnson PLLC, Dallas, TX USA

Mediator Hon. Brigid M. McGrath (ret.), ADR Chicago, Chicago, IL USA

Hon. Marguerite Quinn, Circuit Court of Cook County, Chicago, IL USA

2022 Professional Liability Roundtable SCHEDULE

1:50 - 2:05 p.m.

NETWORKING BREAK

2:05 - 3:05 p.m.

DIVERSITY UPDATE: WHAT IS WORKING AND WHAT WE CAN DO TO KEEP MOVING THE NEEDLE (60 GENERAL OR DIVERSITY/ELIMINATION OF BIAS MINUTES)

The news isn't all bad. Many companies, insurers, and law firms are moving the needle on diversity and inclusion metrics. We will explore how far we have come and how we can keep the momentum going.

Speaker:

Sylvia F. James, Winston & Strawn LLP, Washington, DC USA

3:05 - 3:20 p.m.

NETWORKING BREAK

Medical Liability Track Schedule

12:15 - 12:45 p.m.

REGISTRATION

12:45 - 12:50 p.m.

WELCOME

Douglas Vaughn, Program Chair, Deutsch Kerrigan, LLP, Gulfport, MS USA

12:50 - 1:50 p.m.

THE RISE OF NUCLEAR VERDICTS (60 GENERAL MINUTES)

One of the most concerning litigation trends over the past decade has been the rise in nuclear verdicts, which are jury awards that surpass \$10 million. Now is the time to reassess and refine case assessment, file handling, witness preparation, and trial tactics in an effort to turn the tables on the plaintiffs' bar. This program will explore the factors driving inflated verdicts and effective strategies to counteract these factors.

Speakers:

Lisa Curshellas, Cunningham, Meyer & Vedrine, P.C., Chicago, IL USA

Colleen E. Graham, Coverys, East Lansing, MI USA

1:50 - 2:05 p.m.

NETWORKING BREAK

2022 Professional Liability Roundtable SCHEDULE

2:05 - 3:05 p.m.

DEFENDING HEALTHCARE PROVIDERS IN A POST-COVID WORLD (60 GENERAL MINUTES)

We will examine some of the ways COVID has impacted the delivery of healthcare and created new liability concerns and discuss strategies for defending healthcare providers in the shadow of the pandemic. We will also explore jurors' perception of healthcare providers post-COVID and how best to communicate with jurors in *voir dire* and throughout trial.

Speakers:

W.M. Bains Fleming, III, Norman, Wood, Kendrick & Turner, Birmingham, AL USA

Aref Jabbour, Ph.D., IMS Consulting & Expert Services, Pensacola, FL USA

Robert G. Smith, Jr., Lorance Thompson, P.C., Houston, TX USA

3:05 - 3:20 p.m.

NETWORKING BREAK

Concluding Afternoon Schedule

3:20 - 3:30 p.m.

COMMENTS FROM IADC PRESIDENT

Spencer H. Silverglate, IADC President, Clarke Silverglate, P.A., Miami, FL USA

3:30 - 4:30 p.m.

SOCIAL INFLATION (60 GENERAL MINUTES)

Social inflation refers to the ways that insurers' claims costs rise over and above general economic inflation. The panel will explain the social inflation trend, update us on current observations, and give their predictions for the future.

Speakers:

Craig Allen, Actuary & Forensic Economist, TD&P Consulting, Inc., New York, NY USA

Constance A. Endelicato, Wood Smith Henning & Berman, Los Angeles, CA USA

Richard Frese, Consulting Actuary, Milliman, Chicago, IL USA

Aref Jabbour, Ph.D., IMS Consulting & Expert Services, Pensacola, FL USA

4:30 - 4:40 p.m.

CLOSING REMARKS

Melissa Dorman Matthews, PLR Program Chair, Steptoe & Johnson PLLC, Dallas, TX USA

Douglas Vaughn, MLR Program Chair, Deutsch Kerrigan, LLP, Gulfport, MS USA

4:40 - 5:40 p.m.

COCKTAIL RECEPTION