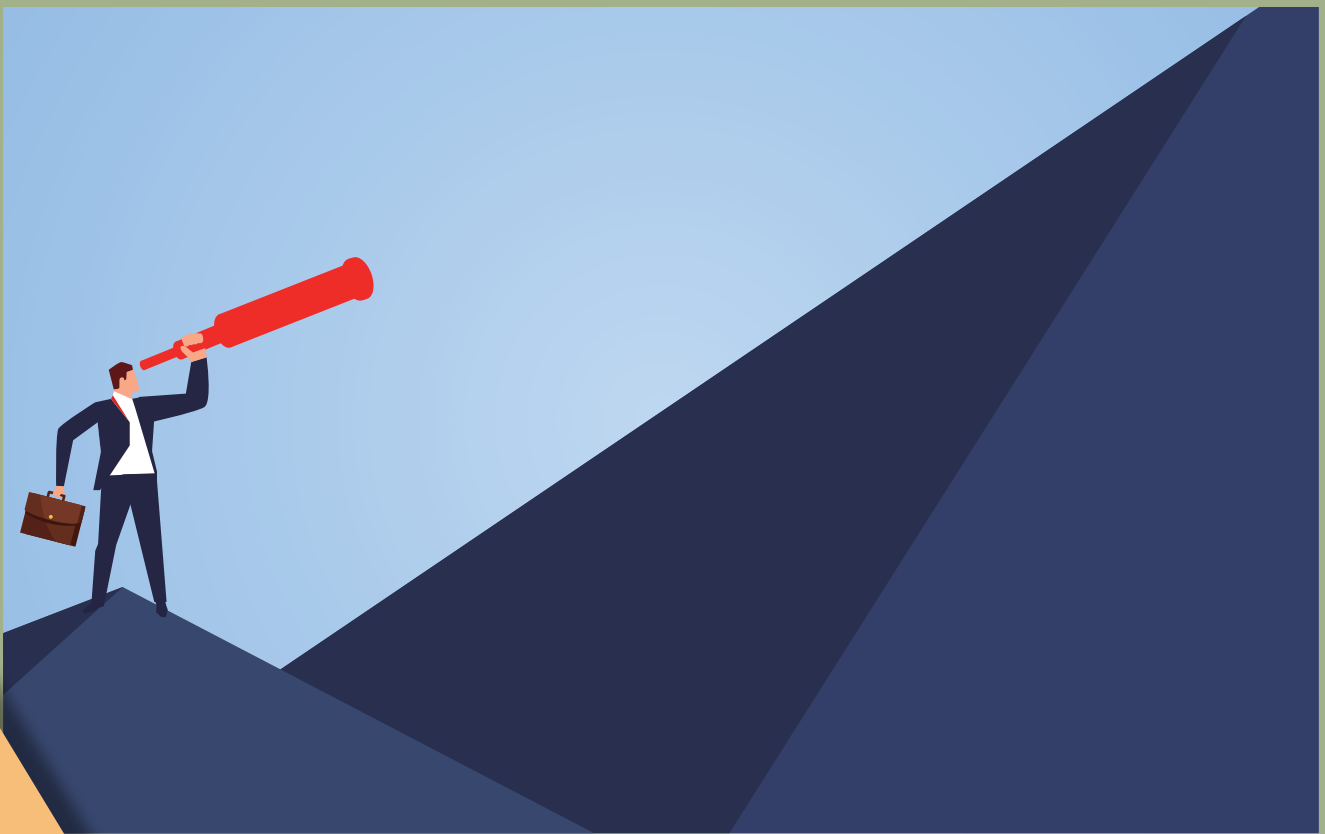




2 0 Professional Liability 2 2 R O U N D T A B L E

The Next Normal: Emerging Trends in a Post-COVID World



Two
Program
Tracks

New! Morning
Insurance
Programming Offered

Details inside.

MAY 12
UNIVERSITY OF CHICAGO
GLEACHER CENTER
CHICAGO, ILLINOIS USA

Professional Liability Roundtable with Medical Liability Track Option

Sponsored by the IADC Professional Liability Committee, the Professional Liability Roundtable (PLR) is a one-day CLE program. Through a series of interactive panel discussions, PLR creates a forum for in-house counsel, outside counsel, and insurance claims representatives to learn together and discuss new developments in the professional liability arena. Beyond the educational opportunity, PLR participants are able to network with lawyers and industry professionals from multiple jurisdictions both during the program and at a concluding reception.

A second program track is offered at the PLR. Sponsored by the IADC Medical Defense and Health Law Committee, the medical liability track option offers presentations that feature effective tips on strategies and tactics for maximizing defense verdicts and minimizing damages in complex, large exposure lawsuits regardless of jurisdiction. Outside counsel and industry professionals will share the insights that they've learned through experience with very challenging claims and lawsuits.

New Programming Offered!

The PLR has expanded to a full-day format with additional morning CLE sessions. Sponsored by the IADC Insurance and Reinsurance Committee, the insurance focused morning programs will offer practical advice to insurers and cover the latest developments in the industry. Outside counsel and industry professionals will share their experiences and insights with those in attendance.

Registration and Fees

REGISTRATION

Registration is available online only. To register for the Professional Liability Roundtable:
www.iadclaw.org/events/2022-professional-liability-roundtable

FEES

Outside Counsel: \$450 (Member/Non-Member)

Insurance Executives/Corporate Counsel: Complimentary

These registration fees are the same whether you choose to attend the entire day of programming, or if you choose to only attend either the morning or afternoon sessions. If you will be attending the afternoon sessions, please select a track when registering.

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QUESTIONS?

For questions on registration, please email Diana Leon, Communications and Professional Development Coordinator, at dleon@iadclaw.org. For all other meeting questions, please email Amy O'Maley McGuire, Assistant Director of Legal Programming, at aomaley@iadclaw.org.

Schedule at a Glance

MORNING SCHEDULE

| | |
|-------------------------|---|
| 8:00 – 8:30 a.m. | REGISTRATION |
| 8:30 – 8:45 a.m. | WELCOME AND INTRODUCTIONS |
| 8:45 – 9:45 a.m. | DESIGN BUILD AND PUBLIC PRIVATE PARTNERSHIPS – A WHOLE NEW WORLD OF PROFESSIONAL LIABILITY CLAIMS |
| 9:45 – 10:00 a.m. | REFRESHMENT BREAK |
| 10:00 – 11:00 a.m. | NEW DEVELOPMENTS IN TRIGGER, ALLOCATION, AND EXHAUSTION OF LONG-TAIL CLAIMS |
| 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 |
| 12:15 – 12:45 p.m. | REGISTRATION |

PROFESSIONAL LIABILITY TRACK

| | |
|--------------------|--|
| 12:45 – 12:50 p.m. | WELCOME |
| 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 |
| 1:50 – 2:05 p.m. | REFRESHMENT BREAK |
| 2:05 – 3:05 p.m. | DIVERSITY UPDATE: WHAT IS WORKING AND WHAT WE CAN DO TO KEEP MOVING THE NEEDLE |

MEDICAL LIABILITY TRACK

| | |
|--------------------|--|
| 12:45 – 12:50 p.m. | WELCOME |
| 12:50 – 1:50 p.m. | THE RISE OF NUCLEAR VERDICTS |
| 1:50 – 2:05 p.m. | REFRESHMENT BREAK |
| 2:05 – 3:05 p.m. | DEFENDING HEALTHCARE PROVIDERS IN A POST-COVID WORLD |

CONCLUDING AFTERNOON SCHEDULE

| | |
|------------------|------------------------------|
| 3:05 – 3:20 p.m. | REFRESHMENT BREAK |
| 3:20 – 3:30 p.m. | COMMENTS FROM IADC PRESIDENT |
| 3:30 – 4:30 p.m. | SOCIAL INFLATION |
| 4:30 – 4:40 p.m. | CLOSING REMARKS |
| 4:40 – 5:40 p.m. | COCKTAIL RECEPTION |

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

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.

REFRESHMENT BREAK

10:00 – 11:00 a.m.

NEW DEVELOPMENTS IN TRIGGER, ALLOCATION, AND EXHAUSTION OF LONG-TAIL CLAIMS

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

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

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

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

1:50 - 2:05 p.m.

REFRESHMENT BREAK

2:05 - 3:05 p.m.

DIVERSITY UPDATE: WHAT IS WORKING AND WHAT WE CAN DO TO KEEP MOVING THE NEEDLE

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.

REFRESHMENT 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

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.

REFRESHMENT BREAK

2:05 - 3:05 p.m.

DEFENDING HEALTHCARE PROVIDERS IN A POST-COVID WORLD

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.

REFRESHMENT 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

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

General Information

LOCATION AND DIRECTIONS

University of Chicago, Gleacher Center
450 North Cityfront Plaza Drive
Chicago, Illinois 60611

The University of Chicago's Gleacher Center is located in the heart of Chicago's downtown just off the Magnificent Mile. It's close to the Loop, shopping, and hotels. The building features stunning views of Chicago's skyline and waterways. Please view the following link for information on directions/parking, maps, and transportation for the Gleacher Center: www.chicagobooth.edu/about/locations/gleacher

ACCOMMODATIONS AND TRANSPORTATION

If you require lodging while attending the conference, please plan to make reservations at your preferred hotel as soon as possible. Hotels in downtown Chicago are often near occupancy capacity in May. O'Hare and Midway Airports serve Chicago. Cab fare from O'Hare is approximately \$45 and you should allow an hour to an hour and a half for travel. Cab fare from Midway is approximately \$40 and you should allow 30-45 minutes for travel. During rush hour times, you may consider taking the Blue Line train (O'Hare) to the Clark and Lake stop or the Orange Line train (Midway) to the Lake and State stop and taking a short cab ride or walking from there.

CLIMATE AND DRESS

When packing for your trip, please note that average temperatures in Chicago this time of year range from a high of 72 degrees Fahrenheit to a low of 55 degrees Fahrenheit. Business and business casual attire are appropriate for the conference.

CLE CREDITS

Approximately 6.0 hours of general CLE credit in 60-minute states and 7.2 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.

CPD CREDIT (CANADA)

The IADC is a Pre-Approved Provider of CPD Credit with the Law Society of British Columbia. The Quebec

CPD Committee recognizes courses approved by other Canadian bars as approved in Quebec. For those in attendance at the Professional Liability Roundtable, 6 CPD credits are available.

SPECIAL NEEDS

If you have any special needs during the meeting (i.e. diet or accessibility), please email Melisa Maisel Vanis, Professional Development Director, at mmaisel@iadclaw.org in advance of the meeting.

DATA PRIVACY AND COLLECTION

Data is collected on attendees through registration for the purposes of executing the meeting and communicating with attendees about the meeting. Meeting sponsors have access to the registration list provided to all attendees. If any attendee has questions on data use and privacy, please contact Mary Beth Kurzak, Executive Director, at mkurzak@iadclaw.org.

CANCELLATION POLICY

A CASH REFUND, less a \$150 processing fee, will be made if a written notice of cancellation is received by the IADC office more than thirty (30) days prior to the first day of the meeting. No reason for the cancellation need be provided for a timely notice of cancellation.

NO CASH REFUND will be made if notice of cancellation is received by the IADC office thirty (30) days or less prior to the first day of the meeting. However, if special circumstances arise before the meeting which prevent attendance, a member may request a future meeting credit. The request needs to be in writing and submitted to the IADC office. It should be directed to the Finance Committee's attention and note the special circumstances which caused cancellation. The credit request can only apply to meeting registration fees (not air, hotel, activity, tour, or special event fees) and, if approved, will be valid for use toward any IADC meeting for one (1) year from the date of the meeting for which credit is requested. A \$150 processing fee will be deducted from the total future meeting credit.

All future meeting credit requests will be considered by the Finance Committee and the decision of that Committee will be final.

THANK YOU

Thank you to the members of the Professional Liability Roundtable Planning Committee and the Medical Liability Track Planning Team for their work to make this meeting possible.

PROFESSIONAL LIABILITY ROUNDTABLE PLANNING COMMITTEE

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