

2023 Professional Liability Roundtable

THURSDAY, MAY 18

Morning Schedule

8:30 - 8:45 a.m. **REGISTRATION**

8:45 - 9:00 a.m.

Welcome and Introductions

Mark R. Beebe, IADC President, Adams and Reese LLP, New Orleans, LA USA

Alex J. Brown, Program Chair, Shapiro Sher Guinot & Sandler, Baltimore, MD USA

9:00 - 10:00 a.m.

Insurance Coverage Against Cyberattacks: Emerging Products, Trends, Developments, and Strategies (60 General CLE or Cybersecurity, Privacy and Data Protection Minutes)

Every business, government, and individual who uses the internet is exposed to hackers who might steal their critical confidential information, and to cyberthieves who might hold all of their documents and information for ransom. The question is not if an internet user is exposed to risk, but rather, how good is the user's protection against these ubiquitous risks? Technological defenses are a critical, but incomplete, solution. All businesses, governments, and individuals with internet access should investigate the potential insurance and other solutions that might provide some additional protection against these ever-present risks. This presentation will identify and describe emerging products, trends, developments, and strategies regarding insurance and other protections against cyberattacks, highlighted by some recent stories of attacks, the damage they caused, and what we might learn from those events.

Speakers: **David Anderson**, Partner, Woodruff Sawyer, New York, NY USA; **Alex J. Brown**, Shapiro Sher Guinot & Sandler, Baltimore, MD USA; **Monique Ferraro**, Hartford Steam Boiler Inspection and Insurance, Hartford, CT USA

10:00 - 10:15 a.m. **REFRESHMENT BREAK**

10:15 - 11:15 a.m.

The FTX Meltdown: Insurance Issues Arising From the FTX Collapse (60 General CLE Minutes)

The recent collapse of the cryptocurrency powerhouse FTX has not only created major implications in the crypto world but has also created a ripple effect impacting many other industries. Valued at \$32 billion earlier this year, FTX operated the fourth largest crypto exchange facilitating more than \$15 billion in daily trades, and with its sudden failure, more than \$3 billion in debt owed to a wide variety of hedge funds, more traditional asset managers, and other traders becomes potentially uncollectible. To top it off, just hours after it filed for bankruptcy, an alleged hack resulted in more than \$600 million being siphoned from FTX's crypto wallets. FTX's founder, 30-year-old Sam Bankman-Fried, has now been charged with orchestrating a massive investment fraud scheme and is facing an SEC enforcement action. He is also named as a defendant, along with nearly a dozen celebrity sponsors of FTX, in a nationwide class action alleging violations of securities laws and consumer protection laws. In this presentation, panelists will explore the blowback from the FTX collapse on a variety of industries, including industries that avoid direct involvement with digital assets along with their insurers. Panelists will also explore potential exposure under traditional insurance policies such as D&O, errors and omissions, and other types of liability policies.

2023 Professional Liability Roundtable

Speakers: **Brock Dahl**, Head of US Fintech, Freshfields Bruckhaus Deringer LLP, Washington, DC USA; **Maria Fazzolari**, AVP, Management Liability and Specialty Claims, Nationwide, New York, NY USA; **Kristy Littman**, Former Chief of the Crypto Assets and Cyber Unit, SEC, currently at Willkie Farr & Gallagher LLP, Washington, DC USA; **Sarah Voutyras**, Skarzynski Marick & Black LLP, New York, NY USA

11:15 - 11:30 a.m. **LUNCH BREAK**

11:30 a.m. - 12:30 p.m.

Lawyer Well-Being: #letsgetbalanced (60 General CLE or Substance Abuse/Mental Health Minutes)

Attorney well-being is not just about individuals. This panel will lead an interactive lunchtime discussion on the significant impact attorney well-being has on: (1) attorneys' ability to effectively represent clients; (2) protecting against legal malpractice and ethical claims; (3) increasing productivity for the attorney's firm or practice; and (4) generally increasing happiness and contentment to the individual and all those they come into contact with. In addition, the panel will discuss the challenges of managing attorneys and staff who may be dealing with mental health and other challenges, particularly in a post-pandemic era. The discussion will include a review of attorney ethical obligations to clients, as well as confidentiality and employment law considerations. On a lighter note, you will also receive a free, scented stress relief ball! We look forward to seeing you. #staybalanced

Speakers: **Andrew R. Jones**, Furman Kornfeld & Brennan LLP, New York, NY USA; **Joyvan Malbon-Griffin**, Minnesota Lawyers Mutual Insurance, Minneapolis, MN USA

Professional Liability Track Schedule

12:30 - 1:00 p.m. **REGISTRATION**

1:00 - 1:05 p.m.

Welcome

Charles E. Reynolds, II, Program Chair, Tyson Mendes, Tampa, FL USA

1:05 - 2:05 p.m.

Cautionary Tales From Recent Malpractice Cases (60 Ethics/Professional Responsibility CLE Minutes)

This panel will present both current and recent legal malpractice cases, giving insights from the unique perspectives of the defense, coverage, and ethical standpoints. Learn best practices from our experts dealing with these situations in legal malpractice taken from real world scenarios, several of which are still being litigated.

Speakers: **Melissa Dorman Matthews**, Steptoe & Johnson PLLC, Dallas, TX USA; **Lauren Nagle**, Sompco International, Purchase, New York, NY USA; **Michael J. Rossi**, Conn Kavanaugh Rosenthal Peisch & Ford, LLP, Boston, MA USA

2:05 - 2:20 p.m. **REFRESHMENT BREAK**

2023 Professional Liability Roundtable

2:20 - 3:20 p.m.

When the Professional Becomes Part of the Story (60 General CLE Minutes)

Professionals sometimes find that a business deal they have structured or corporate matters in which their assistance was required devolve into litigation between the parties to that transaction. It has become increasingly common to see the professional pulled into the litigation along with those parties as direct or third-party defendants. These cases often involve messy fact patterns and difficult ethical issues both in the communications before and during the litigation and the issues presented in mediation or other settlement discussion. This panel will discuss their experiences and strategies for defending and navigating those claims from the perspectives of the defense and the claims representative.

Speakers: **Louis Britton**, *Kightlinger & Gray, LLP, Indianapolis, IN USA*; **Jen Faas**, *Sompo International Holdings Ltd., Florham Park, NJ USA*; **Andrea Schillaci**, *Hurwitz Fine P.C., Buffalo, NY USA*

3:20 - 3:35 p.m. **REFRESHMENT BREAK**

Medical Liability Track Schedule

12:30 - 1:00 p.m. **REGISTRATION**

1:00 - 1:05 p.m.

Welcome

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

1:05 - 2:05 p.m.

Swing the Sword or Wield the Shield: The Challenges of Defending Civil Actions with Criminal Consequences (60 General CLE Minutes)

When an insured healthcare provider is sued for actions which are also under criminal investigation, everything from responsive pleadings to trial preparation is viewed through a different lens. How do courts treat a defendant "pleading the 5th" while also denying fault? Claims professionals consider and discuss the three C's: "Coverage, Cooperation, and Cumis Counsel."

Speakers: **Paula A. Koczan**, *Weber Gallagher Simpson Stapleton Fires & Newby, LLP, Pittsburgh, PA USA*; **David Prisco**, *CARE Professional Liability Association, LLC, Louisville, KY USA*; **Douglas Vaughn**, *Deutsch Kerrigan, LLP, Gulfport, MS USA*

2:05 - 2:20 p.m. **REFRESHMENT BREAK**

2:20 - 3:20 p.m.

Telehealth or Teletrouble?: Liability Challenges in Remote Healthcare (60 General CLE Minutes)

Is there a doctor in the house? No, she's on Zoom! Telemedicine (or the delivery of healthcare at a distance) has been with us for years. The recent pandemic made it a necessity. Now, whether out of necessity, greater access to care, or as a new profit center, telemedicine is an integral part to the delivery of healthcare services. This program will explore the strengths, weakness, opportunities, and even threats telemedicine presents to providers, their insurers, and their lawyers.

2023 Professional Liability Roundtable

Speakers: **W.M. Bains Fleming, III**, Norman, Wood, Kendrick & Turner, Birmingham, AL USA; **Jennifer Schoenthal**, Hudson Insurance Group, Atlanta, GA USA; **Robert G. Smith, Jr.**, Mayer LLP, Houston, TX USA

3:20 - 3:35 p.m. **REFRESHMENT BREAK**

Concluding Afternoon Schedule

3:35 - 3:45 p.m.

Comments From IADC President

Mark R. Beebe, IADC President, Adams and Reese LLP, New Orleans, LA USA

3:45 - 4:45 p.m.

When the Lawyer/Law Firm Becomes the Cyber Risk (60 General CLE or Cybersecurity, Privacy and Data Protection Minutes)

Hear an FBI agent and leaders in our industry speak about some of the most pressing and glaring cyber threats that law firms are facing today and those on the horizon that they will face in the near future.

Speakers: **Amit Kachhia-Patel**, Assistant Special Agent in Charge, FBI, New York, NY USA; **Jamie Palumbo**, VP, Claims, Corvus Insurance, Boston, MA USA; **Peter J. Pizzi**, Walsh Pizzi O'Reilly Falanga LLP, Newark, NJ USA; **Timothy F. Sullivan**, Sullivan Insurance Consultants, Noblesville, IN USA

4:45 - 4:50 p.m.

Closing Remarks

Charles E. Reynolds, II, PLR Program Chair, Tyson Mendes, Tampa, FL USA

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

Alex J. Brown, Insurance Program Chair, Shapiro Sher Guinot & Sandler, Baltimore, MD USA

4:50 - 5:50 p.m. **COCKTAIL RECEPTION**