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Professional Liability ROUNDTABLE



MAY 18
CORNELL UNIVERSITY
ILR SCHOOL
NYC CONFERENCE CENTER
NEW YORK, NEW YORK USA

Professional Liability Roundtable

Sponsored by the IADC Professional Liability Committee, Medical Defense and Health Law Committee, and Insurance and Reinsurance 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.

Programming Content

PLR includes afternoon tracks for professional liability and medical liability, as well as morning insurance programs, making this a full-day multi-specialty roundtable. All attendees participate in the final closing panel and concluding reception.

Registration and Fees

REGISTRATION

Registration is available online only. To register for the Professional Liability Roundtable: www.iadclaw.org/events/2023-professional-liability-roundtable

FEES

Outside Counsel: \$545 (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.

QUESTIONS?

For questions on registration, email Maddie Pangyarihan, Meetings Coordinator, at mpangyarihan@iadclaw.org. For other meeting questions, email Melisa Maisel Vanis, Director of Professional Development, at mmaisel@iadclaw.org.

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Schedule at a Glance

MORNING SCHEDULE

8:30 - 8:45 a.m.	REGISTRATION
8:45 - 9:00 a.m.	WELCOME AND INTRODUCTIONS
9:00 - 10:00 a.m.	INSURANCE COVERAGE AGAINST CYBERATTACKS: EMERGING PRODUCTS, TRENDS, DEVELOPMENTS, AND STRATEGIES
10:00 - 10:15 a.m.	REFRESHMENT BREAK
10:15 - 11:15 a.m.	THE FTX MELTDOWN: INSURANCE ISSUES ARISING FROM THE FTX COLLAPSE
11:15 - 11:30 a.m.	LUNCH BREAK
11:30 a.m. - 12:30 p.m.	LAWYER WELL-BEING: #LETSGETBALANCED
12:30 - 1:00 p.m.	REGISTRATION

PROFESSIONAL LIABILITY TRACK

1:00 - 1:05 p.m.	WELCOME
1:05 - 2:05 p.m.	CAUTIONARY TALES FROM RECENT MALPRACTICE CASES
2:05 - 2:20 p.m.	REFRESHMENT BREAK
2:20 - 3:20 p.m.	WHEN THE PROFESSIONAL BECOMES PART OF THE STORY

MEDICAL LIABILITY TRACK

1:00 - 1:05 p.m.	WELCOME
1:05 - 2:05 p.m.	SWING THE SWORD OR WIELD THE SHIELD: THE CHALLENGES OF DEFENDING CIVIL ACTIONS WITH CRIMINAL CONSEQUENCES
2:05 - 2:20 p.m.	REFRESHMENT BREAK
2:20 - 3:20 p.m.	TELEHEALTH OR TELETROUBLE?: LIABILITY CHALLENGES IN REMOTE HEALTHCARE

CONCLUDING AFTERNOON SCHEDULE

3:20 - 3:35 p.m.	REFRESHMENT BREAK
3:35 - 3:45 p.m.	COMMENTS FROM IADC PRESIDENT
3:45 - 4:45 p.m.	WHEN THE LAWYER/LAW FIRM BECOMES THE CYBER RISK
4:45 - 4:50 p.m.	CLOSING REMARKS
4:50 - 5:50 p.m.	COCKTAIL RECEPTION

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

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

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.

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

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

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**, *Sompo 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

2:20 - 3:20 p.m.

When the Professional Becomes Part of the Story

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

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 Telerouble?: Liability Challenges in Remote Healthcare

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.

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

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

General Information

LOCATION AND DIRECTIONS

Cornell University, ILR School, NYC Conference Center
570 Lexington Avenue, 12th Floor
New York, NY 10022

The NYC Conference Center is conveniently located in the heart of midtown Manhattan near the Lexington Avenue/51st Street station serving the E, M, and 6 trains, as well as Grand Central Station.

Please view the following link for information on directions and parking; maps, and transportation for the NYC Conference Center: <https://www.ilr.cornell.edu/nyc-conference-center/visiting>.

ACCOMMODATIONS

If you require lodging while attending the conference, please plan to make reservations at your preferred hotel as soon as possible. May is very busy in New York City and accommodations do book in advance.

CLIMATE AND DRESS

When packing for your trip, please note that average temperatures in New York this time of year range from a high of 75 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 and CEO, 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, the Medical Liability Track Planning Team, and Insurance Programming Planning Team for their work to make this meeting possible.

PROFESSIONAL LIABILITY ROUNDTABLE PLANNING COMMITTEE

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

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