

2024 **Professional Liability**
ROUNDTABLE



MAY 30
GLEACHER CENTER
UNIVERSITY OF CHICAGO
CHICAGO, ILLINOIS 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/2024-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 program 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 Meetings and Professional Development, at mmaisel@iadclaw.org.

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Schedule at a Glance

MORNING SCHEDULE

8:00 a.m. - 8:30 a.m.	REGISTRATION
8:30 a.m. - 8:45 a.m.	WELCOME AND INTRODUCTIONS
8:45 a.m. - 9:45 a.m.	WHEN IS YOUR CLIENT YOUR CLIENT AND WHEN IS YOUR CLIENT YOU?
9:45 a.m. - 10:00 a.m.	NETWORKING BREAK
10:00 a.m. - 11:00 a.m.	WHAT'S OLD IS NEW AGAIN: CYBER LIABILITY INSURANCE
11:00 a.m. - 11:15 a.m.	LUNCH BREAK
11:15 a.m. - 12:15 p.m.	ATTORNEY WELLNESS AND THE RISK OF LIABILITY AND REGULATORY SCRUTINY
12:15 p.m. - 12:45 p.m.	REGISTRATION

PROFESSIONAL LIABILITY TRACK

12:45 p.m. - 12:50 p.m.	WELCOME
12:50 p.m. - 1:50 p.m.	LAWYER SUCCESSION PLANNING: BEST PRACTICES, PITFALLS, AND RISK MANAGEMENT
1:50 p.m. - 2:05 p.m.	NETWORKING BREAK
2:05 p.m. - 3:05 p.m.	GENERATIVE LEGAL AI: PRACTICAL USES AND ETHICAL CONSIDERATIONS FOR ATTORNEYS

MEDICAL LIABILITY TRACK

12:45 p.m. - 12:50 p.m.	WELCOME
12:50 p.m. - 1:50 p.m.	SEX AND THE LAW: WAS IT CONSENSUAL AND IS THERE COVERAGE?
1:50 p.m. - 2:05 p.m.	NETWORKING BREAK
2:05 p.m. - 3:05 p.m.	MIRACLES OF MODERN MEDICINE: THE DOUBLE-EDGED SWORD OF GENETIC SCREENING AND MATERIAL FOR HEALTHCARE PROFESSIONALS

CONCLUDING AFTERNOON SCHEDULE

3:05 p.m. - 3:20 p.m.	NETWORKING BREAK
3:20 p.m. - 3:30 p.m.	COMMENTS FROM IADC PRESIDENT
3:30 p.m. - 4:30 p.m.	ADR INNOVATIONS, INSIGHTS, AND TRENDS
4:30 p.m. - 4:40 p.m.	CLOSING REMARKS
4:40 p.m. - 5:40 p.m.	COCKTAIL RECEPTION

Morning Schedule

8:00 a.m. - 8:30 a.m.

Registration

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

Welcome and Introductions

Michele Y. Smith, *IADC President, MehaffyWeber, Houston, TX USA*

William A. Bulfer, *Program Chair, Teague Campbell Dennis & Gorham, LLP, Asheville, NC USA*

8:45 a.m. - 9:45 a.m.

When is Your Client Your Client and When is Your Client You?

A panel discussion of the application, utility, and preservation of attorney client privilege with in-house counsel. This panel will discuss where and when the attorney client privilege attaches to in-house counsel and what strategies can be employed to maintain the protection.

Speakers: **Lisa Ellison**, *Zurich North America, Schaumburg, IL USA*; **Elizabeth Fuller**, *Great American Insurance Company, Cincinnati, OH USA*; **Todd Presnell**, *Bradley LLP, Nashville, TN USA*; **Patrick M. Shine**, *Society Insurance, Fond du Lac, WI USA*

9:45 a.m. - 10:00 a.m.

Networking Break

10:00 a.m. - 11:00 a.m.

What's Old is New Again: Cyber Liability Insurance

Over the past 15 years, cyber liability insurance has been discussed and evaluated as an area of emerging risk. The existence of this risk is no longer “new,” but the circumstances giving rise to coverage are ever evolving. Heavy foreign involvement, including overt and quasi-governmental actors, have added a layer of complexity that must now be addressed. Time, litigation, and claims experience has provided some guidance as to how to effectively underwrite, handle, and, where necessary, litigate these claims. This panel will discuss the current state of risk, lessons learned, and the future of cyber liability.

Moderator: **Arnold F. D'Angelo, Jr.**, *Zurich North America, Schaumburg, IL USA*

Speakers: **Brian A. Lewis**, *Cyber/Professional Liability Segment Leader, Locton Re, New York, NY USA*; **Philip C. Silverberg**, *Mound Cotton Wollan & Greengrass LLP, New York, NY USA*

11:00 a.m. - 11:15 a.m.

Lunch Break

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

Attorney Wellness and the Risk of Liability and Regulatory Scrutiny

It is now almost axiomatic that the legal profession, along with the privileges and prestige it enjoys, also carries along with it one of the highest rates of substance abuse and mental health issues amongst all professions. The ever-mounting statistics do not show much improvement over the years, and concerns of attorney wellness have substantial implications in professional liability. This presentation will examine the topic of attorney wellness from two perspectives: a clinical perspective, as well as one highlighted by cautionary tales and real-life consequences. The panelists will aim to identify early signs of problematic behavior and explore different coping strategies.

Speakers: **Michelle Belford, LCPC**, *Allow Wellness, Chicago, IL USA*; **Michael Zhang**, *Hinshaw & Culbertson LLP, Chicago, IL USA*

12:15 p.m. - 12:45 p.m.

Registration

Professional Liability Track Schedule

12:45 p.m. - 12:50 p.m.

Welcome

David C. Anderson, *Program Chair, Collins Einhorn Farrell, P.C., Southfield, MI USA*

12:50 p.m. - 1:50 p.m.

Lawyer Succession Planning: Best Practices, Pitfalls, and Risk Management

It's true: every lawyer will stop practicing someday. Planning for this eventuality is critical to protect your clients and your colleagues. In the post-pandemic era, the importance of planning for the unexpected and implementing a transition plan to avoid potentially catastrophic consequences to your clients and practice is more apparent than ever. This panel will discuss ethics, liability, and risk management issues focused on succession planning, including practical examples and the increased involvement from state bar associations and regulators, with perspectives from practicing lawyers and insurers.

Speakers: **Sean Ginty**, *Director, Lawyers Professional Liability Program, CNA, Chicago, IL USA*; **James J. Hunter**, *Collins Einhorn Farrell P.C., Southfield, MI USA*; **Trisha M. Rich**, *Holland and Knight LLP, Chicago, IL USA*

1:50 p.m. - 2:05 p.m.

Networking Break

2:05 p.m. - 3:05 p.m.

Generative Legal AI: Practical Uses and Ethical Considerations for Attorneys

This program will explore AI strategies and implementation, practical and effective use cases for AI, and ethical and risk management considerations for the use of generative AI in today's law firms.

Speakers: **Jacqueline Schafer**, *Clearbrief.AI, Seattle, WA USA*; **Todd C. Scott**, *Minnesota Lawyers Mutual, Minneapolis, MN USA*

Medical Liability Track Schedule

12:45 p.m. - 12:50 p.m.

Welcome

Heidi L. Mandt, *Program Chair, Williams Kastner, Portland, OR USA*

12:50 p.m. - 1:50 p.m.

Sex and the Law: Was it Consensual and is There Coverage?

In this program, we will be discussing two cases that involve alleged sexual assault. In the first case, we will discuss the ins and outs of coverage and how the insurance company deals with determining if a defense is necessary. In the second case, we will discuss how to defend these types of cases and the intricacies of obtaining a dismissal on the merits of the case. We will also address how these cases impact the victim and change their feelings about themselves and others.

Moderator: **W.M. Bains Fleming, III**, *Norman, Wood, Kendrick & Turner, Birmingham, AL USA*
Speakers: **Colleen Graham**, *Curi, Plainfield, IL USA*; **Richard J. Thomas**, *Burke and Thomas, PLLP, Saint Paul, MN USA*

1:50 p.m. - 2:05 p.m.

Networking Break

2:05 p.m. - 3:05 p.m.

Miracles of Modern Medicine: The Double-Edged Sword of Genetic Screening and Material for Healthcare Professionals

A panel discussion of how claims professionals, defense counsel, and experts view and handle these new types of claims and cases in genomic medicine. We will touch on specific examples related to tissue and organ donation, blood donation, fertility testing, and genetic material storage, among others. The discussion will focus on how claims professionals review these new and ever evolving claims, how defense counsel prepare and handle these types of cases, and how experts help educate, evaluate, and plan for the defense of these matters.

Moderator: **Constance A. Endelicato**, *Wood Smith Henning & Berman, Los Angeles, CA USA*
Speakers: **Alex Battey**, *Hall Booth Smith, P.C., Atlanta, GA USA*; **Peter Maisel**, *Bowhead Specialty, Chicago, IL USA*; **Kenneth Ward, M.D.**, *Molecular Genetics Laboratory Director, Slopes Bio, LLC, Salt Lake City, UT USA*

Concluding Afternoon Schedule

3:05 p.m. - 3:20 p.m.

Networking Break

3:20 p.m. - 3:30 p.m.

Comments From IADC President

Michele Y. Smith, *IADC President, MehaffyWeber, Houston, TX USA*

3:30 p.m. - 4:30 p.m.

ADR Innovations, Insights, and Trends

Learn from industry leaders as they discuss the latest developments in ADR and give insights into common tools and practices, post-pandemic challenges and strategies, and getting to the bottom line to resolve a dispute. Our panel features a full-time mediator and arbitrator; a nationally recognized insurance coverage attorney and mediator; and the Director of Early Intervention with a medical professional liability insurer.

Moderator: **Melissa Dorman Matthews**, *Steptoe & Johnson PLLC, Dallas, TX USA*

Speakers: **Dan D. Kohane**, *Hurwitz Fine, PC, Buffalo, NY USA*; **Andrew Nadolna**, *JAMS, New York, NY USA*

4:30 p.m. - 4:40 p.m.

Closing Remarks

David C. Anderson, *PLR Program Chair, Collins Einhorn Farrell, P.C., Southfield, MI USA*

Heidi L. Mandt, *MLR Program Chair, Williams Kastner, Portland, OR USA*

William A. Bulfer, *Insurance Program Chair, Teague Campbell Dennis & Gorham, LLP, Asheville, NC USA*

4:40 p.m. - 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 this link for information on directions and 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 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, Director of Meetings and Professional Development, 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

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