

2024 Professional Liability Roundtable

THURSDAY, MAY 30

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. (60 General CLE Minutes)

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. (60 General CLE Minutes)

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

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11:15 a.m. - 12:15 p.m. (60 Substance Abuse/Mental Health OR General CLE Minutes)

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. (60 General CLE Minutes)

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. (60 Ethics/Professional Responsibility CLE Minutes)

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.

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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. (60 General CLE Minutes)

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. (60 General CLE Minutes)

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*

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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. (60 General CLE Minutes)

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