

# 2025 Professional Liability Roundtable

**THURSDAY, MAY 15**

## Insurance Track Schedule

8:15 a.m. - 8:30 a.m.

### Registration

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

### Welcome and Introductions

**Donna Lamontagne**, *IADC President, Lamontagne, Spaulding & Hayes, LLP, Cranston, RI USA*

**John T. Harding**, *Insurance Program Chair, McAngus Goudelock & Courie, Boston, MA USA*

8:45 a.m. - 9:45 a.m. (60 General CLE Minutes)

### Coming Up Short: Settlement Challenges for the Underinsured

Too often, insurers are confronted with a large, complex loss, sometimes involving multiple claimants, and the insured is woefully underinsured. What's an insurer to do? And what's an insured to do?

Whether the cause of being underinsured is a miscalculation of an insured's needs, an unexpected severe exposure, disagreements regarding which policies or lines of coverage must respond to a loss, or just a confluence of unfortunate circumstances, the challenges facing the insurer, the insured, defense counsel, the insured's broker, plaintiffs' counsel, the Court, and the neutral can be overwhelming disagreements regarding which policies or lines of coverage must respond to a loss.

This panel will discuss well-honed strategies and offer insights for how to resolve these puzzling and vexing situations. With their perspectives, you will develop new, creative ideas for how to overcome these settlement obstacles.

Moderator: **Jonathan Schwartz**, *Freeman Mathis & Gary LLP, Chicago, IL USA*

Speakers: **Mark J. Bunim**, *Case Closure, LLC., New York, NY USA*; **Rachel Kim, VP**, *Sompo International, New York, NY USA*; **Kevin Penhallegon**, *Nelson Mullins Riley & Scarborough LLP, Baltimore, MD USA*

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

### Networking Break

10:00 a.m. - 11:00 a.m. (60 General CLE Minutes)

### No, Your Professional Liability Policy Probably Doesn't Cover That Cyber Incident

Did your firm suffer a data breach? A ransomware attack? How about a loss due to a fraudulent funds transfer? Your professional liability policy probably won't cover your first party expenses—the incident response, regulatory fines and penalties—or your third-party expenses related to claims made by your clients or employees whose information may have been compromised. A cyber insurance policy, whether stand alone or as an endorsement to another type of policy is what you need. This session will break down what's covered, what's not and why you need the protection and services that a cyber policy offers.

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Moderator: **Monique Ferraro**, *Hartford Steam Boiler Inspection and Insurance, Hartford, CT USA*

Speakers: **Benjamin Buchanan**, *Hartford Steam Boiler Inspection and Insurance, Hartford, CT USA*; **Judy Selby**, *Selby Strategies, New York, NY USA*

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

### **Lunch Break**

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

### **The Impact of Lawyer Wellness on Ethical Practice**

This CLE explores how lawyer wellness issues—such as stress, burnout, and substance abuse—can lead to malpractice claims. In this interactive discussion, attendees will learn to recognize risk factors, implement wellness strategies, and fulfill ethical obligations while protecting their practices. Additionally, participants will gain practical tools to maintain competence, uphold professional standards, and reduce liability exposure.

Speaker: **Joyvan Malbon-Griffin**, *Minnesota Lawyers Mutual Insurance Company, Minneapolis, MN USA*

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

### **Registration**

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

### **Welcome**

**Scott H. Sirich**, *Professional Liability Program Chair, Plunkett Cooney, Bloomfield Hills, MI USA*

12:50 p.m. - 1:50 p.m. (60 General CLE Minutes)

### **Insurance and the Catastrophe: Examining the Increasing E&O Risks Presented**

The number of natural and man-made catastrophes seem to be ever-increasing, and the losses flowing from these disasters seem to grow every year. Every large fire, hurricane, tornado, or other catastrophe seems to bring more extensive and costly damage to homes, businesses, and public infrastructure. Literally entire towns have been wiped out. And with these catastrophic losses comes the knowledge that many insureds don't have sufficient coverage, are missing coverage for certain structures, don't have sufficient limits, or don't have any coverage for personal and business issues.

What are the evolving risks presented to carriers, agents, and brokers by these events? What concerns should the industry have regarding the future? What types of professional liability claims can be expected to arise following these catastrophes? What can be done to defend against the inevitable tide of claims, and what does the future hold?

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This panel will discuss the increasing risk presented to insurance agents and brokers from climate change, and the risk of both natural and man-made disasters, in the context of the evolving standard of care for insurance brokers/agents, and the public outcry for someone to be held accountable.

Speakers: **Peter J. Biging**, *Goldberg Segalla LLP, New York, NY USA*; **Anthony Burrows**, *Sompo International, New York, NY USA*; **Alexandra Russello**, *Marsh McLennan Agency, New York, NY USA*; **Tim Sullivan**, *Recreation Risk Retention Group, Noblesville, IN USA*

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

### Networking Break

2:05 p.m. - 3:05 p.m.      (60 General CLE Minutes)

### Aging Infrastructure

The collapse of the Surfside, Florida Champlain Towers South (“CTS”) Condominium Tower in June of 2021 killed 98 people and stunned the engineering community over the apparent lack of advance warning at what until then had been a prestigious and fully-occupied oceanside address. In the investigations that followed, evidence revealed that warning signs did appear in the months and weeks prior to the collapse and raised questions over the standard of care for design professionals providing engineering services for aging buildings and infrastructure. In this presentation, Benjamin Cornelius, partner at LERA Consulting Structural Engineers and lead investigator for a defendant in the CTS litigation, will discuss the condition assessment of aging structures, identification of unsafe conditions, and the duty to warn clients and the public when unsafe conditions are discovered. Scott Sirich will provide legal perspective. The presenters will discuss evidence from investigations of recent collapses to illustrate these topics.

Moderator: **Scott H. Sirich**, *Plunkett Cooney, Bloomfield Hills, MI USA*

Speaker: **Benjamin Cornelius, P.E., C.E., S.E., P.Eng.**, *LERA Consulting Structural Engineers, New York, NY USA*

## Medical Liability Track Schedule

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

### Welcome

**Paula A. Koczan**, *Medical Liability Program Chair, Weber Gallagher Simpson Stapleton Fires & Newby, LLP., Pittsburgh, PA USA*

12:50 p.m. - 1:50 p.m.      (60 General CLE Minutes)

### Defending Sexual Claims: All Perspectives and Some You Haven’t Thought Of

In the wake of the “MeToo” movement, sexual abuse claims against healthcare providers are on the rise, with more victims coming forward with claims of sexual assault during medical examinations. We saw the advent of this years ago with the conviction of Larry Nassar, the U.S. Gymnastics team physician, and Michigan State University student physician. This session will analyze the challenges of defending these claims and provide input from a panel of experts as to best practices that will

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include discussion of insurance coverage and claims handling, attacking the pleadings and evidence, navigating through the discovery process, working alongside criminal and Cumis counsel, and finally, handling the aftermath often involving Medical Board investigation and licensure discipline.

Speakers: **Niki Colombino, Ph.D.**, *Center for Clinical and Forensic Psychology of New Jersey, Morristown, NJ USA*; **Candace M. Deer**, *ProAssurance, Birmingham, AL USA*; **John P. Morgenstern**, *O'Hagan Meyer, Philadelphia, PA USA*

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

### Networking Break

2:05 p.m. - 3:05 p.m.      (60 General CLE Minutes)

### Hidden Gems: Digital Evidence for Defending MedMal Claims

This panel will unearth the variety of non-traditional sources of evidence available in a medical malpractice case. From data mining, wearable electronics, and medical devices — go beyond the audit trail and discover new sources to help you defend your clients.

Speakers: **Lauren R. Eichaker, Ph.D., CAISS**, *S-E-A, Ltd., Columbus, OH USA*; **Jack L. Nevins, CCE, EnCE, PI**, *S-E-A, Ltd., Liberty, MO 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

**Donna Lamontagne**, *IADC President, Lamontagne, Spaulding & Hayes, LLP, Cranston, RI USA*

3:30 p.m. - 4:30 p.m.      (60 General CLE Minutes)

### Personalizing the Impersonal: Thoughts on Confronting Negative Perceptions

The challenges posed by negative public perception are felt at all levels of the insurance industry, from the executive seeking to temper collective cynicism about their company to the trial lawyer working to overcome prejudice against their client. A veteran of political and corporate reputational campaigns at the highest levels, Mark Putnam of Putnam Partners, brings his decades of experience to this “fireside chat” about these ongoing dilemmas and strategies for managing them. After nearly a decade representing insurance companies in coverage litigation for mass tort and environmental claims, Mackie LeFevre-Snee is currently the leader of the team that handles those types of claims for RiverStone International Insurance, Inc. Discussion will be followed by a Q&A session.

Speakers: **Mackie LeFevre-Snee**, *RiverStone International Insurance, Inc, Chicago, IL USA*; **Mark Putnam**, *Putnam Partners, Washington, DC USA*

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

### **Closing Remarks**

**Scott H. Sirich**, *PLR Program Chair, Plunkett Cooney, Bloomfield Hills, MI USA*

**Paula A. Koczan**, *MLR Program Chair, Weber Gallagher Simpson Stapleton Fires & Newby, LLP, Pittsburgh, PA USA*

**John T. Harding**, *Insurance Program Chair, McAngus Goudelock & Courie, Boston, MA USA*

4:40 p.m. - 5:40 p.m.

### **Cocktail Reception**