



2015 PROFESSIONAL LIABILITY ROUNDTABLE

MAY 28



HIGHLIGHTS

- The Balancing Act: Defending the Professional Client Who Faces Civil, Criminal, and Disciplinary Charges
- Nabbing that Prized Place on Panel Counsel Lists: Musings on the Care and Feeding of Insurance Claim Professionals
- AFA's and Professional Liability Claims - Perfect Together or an Ethical Minefield?

**NEW YORK UNIVERSITY
SCHOOL OF LAW
D'AGOSTINO HALL
NEW YORK, NEW YORK**

2015 PROFESSIONAL LIABILITY ROUNDTABLE

PRESENTERS

Scott A. Bell is an attorney in Liberty Mutual's Corporate Legal Department in Boston, Massachusetts. In Mr. Bell's present role as Counsel for Liberty Mutual's Enterprise Legal Services Market Relations Group, he assists in marketing Liberty Mutual's legal services and provides legal consultation to both Liberty's Strategic Business Units and customers regarding litigation management issues, law firm services and performance metrics. Mr. Bell also leads quality audits of law firms to ensure compliance with legal/billing standards and that firms achieve effective outcomes; manages multiple Liberty Mutual panels; participates in and oversees several countrywide expense management initiatives, including alternative fee arrangements; and prepares and conducts training sessions for internal and external clients.

Jo Beth Earl is a Senior Litigation Specialist for Allianz Global Corporate & Specialty. She is an experienced insurance professional specializing in litigation management across all lines; legal and non-legal vendor management, including management of firm alternative fee contracts; management of panel counsel; adjuster training; and technical support for complex litigation. Jo Beth was a defense attorney for 13 years prior to entering the insurance industry. She is a proud graduate of the University of Florida and of the Mercer University School of Law.

Su Forbes, QC is the Director of Insurance at Lawyers Insurance Fund of BC in Vancouver, Canada. As the Director of Insurance, she has overall responsibility for the mandatory insurance program that insures BC lawyers for malpractice and theft. A lawyer since 1982, Ms. Forbes practised as civil litigation counsel before joining the Lawyers Insurance Fund as claims counsel in 1987. She was appointed Claims Manager in 1988 and Director of Insurance in 1998. She received her Queen's Counsel designation in 2002. Ms. Forbes has made presentations to a variety of audiences including the Canadian Bar Association, BC Continuing Legal Education, UBC Faculty of Law, American Bar Association, and LawASIA about the program and how to manage risks related to the practice of law.

Timothy J. Gephart, CPCU, has served as Vice President of Claims at Minnesota Lawyers Mutual Insurance Company in Minneapolis, Minnesota since 1985. He is an adjunct professor at the University of St. Thomas School of Law where he teaches a course on legal malpractice. Mr. Gephart served two three year terms on the Minnesota Lawyers Professional Responsibility Board and two three year terms on the Minnesota State Board of Legal Certification, and is now serving on the Minnesota Board on Judicial Standards. Mr. Gephart currently serves on the board of the Professional Liability Defense Federation and is a past Vice President of Insurance for the International Association of Defense Counsel. He has authored a number of articles on ethics and risk management for lawyers.

Jay Barry Harris is a seasoned litigator at Fineman Krekstein & Harris, P.C. in Philadelphia, Pennsylvania and has more than 30 years of experience. He represents businesses in complex civil litigation with a focus in the trucking industry and insurance coverage matters. Mr. Harris represents insurers involved in insurance coverage disputes, including health and disability claims. He also represents insureds in transportation, premises liability, products liability, construction, professional liability, employment, dram shop, municipal liability, garage, and garage keeper's claims. His clients span a variety of industries including food and beverage, retail, professional services, manufacturing, and distribution. He has published numerous articles and frequently lectures on legal issues related to insurance coverage, commercial litigation, and the trucking industry.

Matthew S. Marrone is a partner in Goldberg Segalla's Philadelphia, Pennsylvania and Princeton, New Jersey offices where he is a leader of the firm's professional liability practice group. He has represented clients in many forms of complex litigation, tried numerous cases to verdict, and argued before various courts of appeal. Mr. Marrone primarily defends lawyers, insurance agents/brokers, and other professionals against claims alleging malpractice or other wrongful acts, and often represents these same professionals in ethics investigations and disciplinary proceedings. Mr. Marrone is a member of the International Association of Defense Counsel, Professional Liability Underwriting Society, and the Defense Research Institute where he served as Chair of the Professional Liability Committee.

T. David Rheney is a shareholder at Gallivan, White and Boyd in Greenville, South Carolina. He brings a wealth of trial experience to his primary practice areas of insurance and reinsurance coverage; bad faith litigation, personal injury defense, and transportation defense. He has tried more than 100 cases to verdict in his career in local, state, and federal court. As his firm's Insurance and Reinsurance Practice Group Leader, Mr. Rheney manages 17 attorneys in the insurance coverage, torts, and personal injury practice areas. He is the South Carolina representative of Insuralex, a worldwide network of lawyers specializing in insurance and reinsurance matters. Mr. Rheney also regularly travels to London to meet with and speak to clients and others in the Lloyds of London market, as well as other significant insurance and reinsurance markets in the United States and abroad.

Elizabeth Haecker Ryan joined Coats Rose in New Orleans, Louisiana as a Director in 2012. She practices in the area of general civil litigation with a concentration in construction, environmental, insurance defense and coverage; admiralty, and pharmaceutical and medical device law. She has litigated matters involving toxic tort, class action, maritime personal injury and property damages; personal property damage arising out of fire, products liability, pharmaceuticals, interstate transportation of hazardous substances and the sale of same by maritime transporters; and truck and auto litigation. She also serves a mediator and an umpire in insurance appraisal matters, and is an arbitrator for the American Arbitration Association. Ms. Ryan has lectured on numerous occasions regarding environmental, insurance, and professional topics, and is an adjunct professor at Tulane University Law School.

Michael J. Sullivan is a partner with Coughlin Duffy LLP in Morristown, New Jersey where he serves as a member of the firm's Management Committee. Mr. Sullivan has extensive experience in the areas of complex commercial litigation, securities litigation, white collar criminal litigation, internal and regulatory investigations; the defense of attorney malpractice claims, and attorney ethics complaints. Licensed in New York and New Jersey, he has handled both civil and criminal securities litigation involving the S.E.C., FINRA, and the New York Stock Exchange. He is a New Jersey Certified Criminal Trial Attorney, member of the Board of Directors of the New Jersey Association of Criminal Defense Lawyers, and member of the Securities Litigation and Regulation Committee of the New Jersey State Bar Association.

Lori H. Watson is the current Vice President of Claims for LawyerCare®, a legal professional liability insurance program underwritten by ProAssurance in Okemos, Michigan. Ms. Watson holds a Bachelor of Science degree from the School of Speech at Northwestern University and her Juris Doctor from Boston University School of Law. Prior to joining ProAssurance in 2002, she managed environmental and toxic tort claims at Lexington Insurance Company in Boston. Ms. Watson began her legal career in private practice in 1991 at Fitzhugh & Associates, a mid-sized insurance defense firm in Boston. She is licensed to practice law in Massachusetts and Connecticut.

Daniel M. Zureich has been President and CEO of Lawyers Mutual Liability Insurance Company of North Carolina in Cary, North Carolina since January 1, 2010, having most immediately served as Senior Managing Director of Aon Benfield, a reinsurance intermediary and capital advisor. He also held the position of Vice President of Insurance Operations at The Bar Plan Mutual Insurance Company, a mutual insurance company endorsed by The Missouri Bar. Prior to that, he was an attorney with the law firm of Schoenbeck, Schoenbeck & Associates, a law firm in St. Louis, Missouri concentrating on the defense of FELA, product liability, and civil rights claims. He is a frequent speaker on various legal malpractice topics, including risk management and underwriting.

SCHEDULE

12:00 - 12:45 p.m. **Registration Open**

12:45 - 1:00 p.m. **Welcome and Introductions**

Michael E. Brown, Program Chair, Kightlinger & Gray, LLP, Indianapolis, IN
Daniel Matthew Zureich, Vice President of Insurance at the IADC, Lawyers Mutual Liability Insurance Company of North Carolina, Cary, NC

1:00 - 2:00 p.m. **The Balancing Act: Defending the Professional Client Who Faces Civil, Criminal, and Disciplinary Charges**

Over the last decade, lawyers, accountants, broker-dealers, and other licensed professionals have increasingly faced claims of fraud along with more traditional negligence claims in civil litigation. At the same time, criminal and ethics prosecutors have become more aggressive in their investigation and pursuit of charges which relate to the very conduct at issue in the civil proceedings. This panel of experts will draw from personal experience to overview the myriad of challenges presented to the defense "team" when a client must defend on multiple fronts, highlight insurance coverage issues and considerations under such circumstances, and offer guidance to defense counsel and insurers as to how to achieve the best possible outcome.

Presenters:

Matthew S. Marrone, Partner, Goldberg Segalla LLP, Philadelphia, PA and Princeton, NJ

Michael J. Sullivan, Partner, Coughlin Duffy LLP, Morristown, NJ

Lori H. Watson, Vice President, ProAssurance, Okemos, MI

2:00 - 2:15 p.m. **Refreshment Break**

2:15 - 3:15 p.m. **Nabbing that Prized Place on Panel Counsel Lists: Musings on the Care and Feeding of Insurance Claim Professionals**

A panel of experienced insurance executives will teach you things you never knew about how to develop new insurance defense business for your firm and foster existing relationships with insurance company clients - including a list of important do's and don'ts that apply in this context.

Presenters:

Su Forbes, QC, Director of Insurance, Lawyers Insurance Fund of BC, Vancouver, Canada

Timothy J. Gephart, Vice President, Claims, Minnesota Lawyers Mutual, Minneapolis, MN

Elizabeth Haecker Ryan, Director, Coats Rose, New Orleans, LA

Daniel M. Zureich, President and CEO, Lawyers Mutual Liability Insurance Company of North Carolina, Cary, NC

3:15 - 3:30 p.m. **Refreshment Break**

3:30 - 4:30 p.m. **AFA's and Professional Liability Claims - Perfect Together or an Ethical Minefield?**

As alternative fee arrangements become a more accepted form of compensation for lawyers fulfilling the insurer's duty to defend in general liability claims, it seems inevitable they may be suggested for professional liability claims as well. This segment will explore the most popular forms of alternative fee agreements, their applicability to the insured's consent, wasting policy and diverse exposures presented by the professional liability arena, not only for those defending, but how it may create new exposures related to the duties that counsel owe their clients when handling professional liability claims.

Presenters:

Scott A. Bell, Counsel, Liberty Mutual Insurance, Corporate Legal Department, Boston, MA

Jo Beth Earl, Senior Litigation Specialist, Allianz Global Corporate & Specialty, Chicago, IL

Jay Barry Harris, Fineman Krekstein & Harris, P.C., Philadelphia, PA

T. David Rheney, Shareholder, Gallivan, White & Boyd, P.A., Greenville, SC

4:30 - 5:30 p.m. **Cocktail Reception**

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PROFESSIONAL LIABILITY ROUNDTABLE INFORMATION

LOCATION AND DIRECTIONS

New York University School of Law
D'Agostino Hall
110 West Third Street
New York, New York

New York University is located in Greenwich Village near the West 4th Street subway station of the ACE and BDFM subway lines. Please enter the following link into your internet browser for more information on directions to campus: <http://www.law.nyu.edu/jdadmissions/visitingnyu/directionstocampus>. There are no NYU parking facilities on campus, although there are a number of commercial garages in the neighborhood.

ACCOMMODATIONS AND TRAVEL

If you require lodging while attending the conference, please plan to make reservations at your preferred hotel as soon as possible.

CLE CREDITS

Approximately 3.0 hours of general CLE credit in 60-minute states and 3.6 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.

A SPECIAL NOTE FOR THE DISABLED

The IADC wishes to ensure that no individual with a disability is excluded, denied services, segregated, or otherwise treated differently from other individuals because of the absence of auxiliary aids and services. If you are in need of auxiliary aids or services, please contact Melisa Maisel at mmaisel@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.

IADC FINANCIAL AID POLICY

It is the policy of the International Association of Defense Counsel to offer a registration fee discount to attorneys who wish to attend selected IADC CLE programs but who find it difficult to attend due to cost considerations. The IADC will consider financial aid based on the following scale:

Involuntary Unemployment:	Full scholarship
Income up to \$25,000:	50% discount
Income \$25,000 to \$50,000:	25% discount
Income above \$50,000:	No discount

The discount may only be applied towards CLE program fees and does not include discounts for social events. The appropriate discount will be pro-rated accordingly for each meeting. Attorneys with annual incomes of less than \$50,000 or those who are employed in the public sector or who work for a not-for-profit corporation are eligible. A letter of application for this discount must be submitted to the IADC Finance Committee four weeks prior to the CLE program for which it applies. Discounts will be awarded on a case by case basis at the discretion of the Finance Committee.

Application and Income Verification

Please forward a letter explaining the reasons for your request for financial aid assistance to IADC's mailing address. Please include your name, address, daytime phone and fax numbers, and email address. If applying based upon annual income, please include a letter from your current employer confirming your anticipated current year earnings with your submission. If you are currently unemployed, please include a personal statement confirming your current unemployment status with your submission. If applying based upon type of employment, please include proof of your employment within the public or non-profit sector.

2015 IADC PROFESSIONAL LIABILITY ROUNDTABLE

DATE: May 28, 2015 • LOCATION: New York University School of Law, D'Agostino Hall, 110 West Third Street, New York, NY
International Association of Defense Counsel • 303 West Madison, Suite 925, Chicago, IL 60606 • www.iadclaw.org

All Outside Counsel: IADC Member or Non-Member

\$330

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All Insurance and Corporate Attendees: IADC Member or Non-Member

Complimentary

NAME _____ NAME ON BADGE _____

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Payment

Complete and mail form with payment to: IADC, 303 West Madison, Suite 925, Chicago, IL 60606 or fax to 1.312.368.1854.

Check/Money Order (Payable to the IADC in USD) AMEX Visa MasterCard

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Please note: There is no fee for insurance industry and corporate counsel attendees, but advanced registration is requested by May 14, 2015. Guest registration is not limited. Please print additional copies of this form to register multiple attendees or go to www.iadclaw.org to register online.

If you have any questions, email Melisa Maisel, Professional Development Manager, at mmaisel@iadclaw.org or call 1.312.252.3801.

International Association of Defense Counsel
303 West Madison, Suite 925
Chicago, IL 60606 USA

ROUNDTABLE PLANNING COMMITTEE

Thank you to the members of the Professional Liability Roundtable Planning Committee for their work to make this meeting possible.

Michael E. Brown, Chair

Kightlinger & Gray, LLP, Indianapolis, IN

*Elliott Abrutyn, Morgan Melhuish Abrutyn, Livingston, NJ
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Edmund Farrell, Murchison & Cumming LLP, Los Angeles, CA
Timothy J. Gephart, Minnesota Lawyers Mutual, Minneapolis, MN
Jay Barry Harris, Fineman Krekstein & Harris, P.C., Philadelphia, PA
Bradley M. Jones, Meagher & Geer, P.L.L.P., Minneapolis, MN
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Mary G. Pryor, Cavanagh Law Firm, Phoenix, AZ
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Elizabeth Haecker Ryan, Coats Rose, New Orleans, LA
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Jo Ben Whittenburg, Orgain, Bell & Tucker, L.L.P., Beaumont, TX
Robert A. Zupkus, Zupkus & Angell, P.C., Denver, CO
Daniel Matthew Zureich, Lawyers Mutual Liability Insurance Company of North Carolina, Cary, NC*

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May 28, 2015

**NEW YORK UNIVERSITY
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What past attendees are saying....

"Practical advice for tense or fraught situations."

"The discussion was interactive with speakers who were well knowledgeable and very proven."

"Interesting mix of topics covering different areas of practice."

"Good format with interactive speakers."