



Know When to Hold'em and Know When to Fold'em

*Addressing Topics to Help you Identify and Assess Risk on your
Professional Liability Claims*

ALFA International
Professional Liability Practice Group Meeting
August 3, 2017 | Foxwoods Resort & Casino – 350 Trolley Line Blvd
Program: 12:00 pm – 5:40 pm
Dinner, Cocktails & Casino 101 Event 5:45 p.m. – 8:45 p.m.
Approved for 4.0 Hours of CLE credit in Illinois
Approval of up to 2.0 Hours of Texas CE credit

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About ALFA International

With 150 member firms, 80 in the United States, and 70 across Canada, Mexico, Latin America, Europe, Asia, Australia, and Africa, ALFA International is the premier global network of independent law firms. Our mission is to provide clients with high-quality, cost-efficient legal services worldwide. The ALFA International model enables our members to use their local expertise to deliver highly effective legal solutions, while drawing upon the collective wisdom and experience of other member firms when necessary. Member firms meet high standards to be part of the ALFA International network and are well respected by their peers in the legal and business community.

WELCOME TO THE 2017 ALFA INTERNATIONAL PROFESSIONAL LIABILITY PRACTICE GROUP MEETING.

Make the safe bet and join your colleagues and the members of ALFA International's Professional Liability Practice Group at Foxwoods Casino as we engage and explore the recently trending ethical issues impacting your practice; the challenges related to difficult or unsophisticated insureds; the impact and issues associated with the increasingly sophisticated cyber-fraud targeting attorneys; and, the convergence of cyber threats and D&O risks and the impact of that convergence on traditional D&O insurance policies. From your seat at the table, this half-day interactive seminar will provide you with insight and practical advice to assist you in handling these issues and more that you face on a daily basis.

ALFA International's Professional Liability Practice Group

The Professional Liability Practice Group of ALFA International is comprised of over 33 full service U.S. and international law firms.

The attorneys in ALFA International's Professional Liability Practice Group can advise and defend professionals, their firms, and their insurers on all aspects of professional liability, including insurance coverage and risk management, while also providing an aggressive defense against client claims. And because our lawyers are spread across the country, we can provide coordinated counsel across many jurisdictions when necessary.

Our attorneys have experience representing lawyers, accountants, architects, engineers, corporate directors and officers, real estate agents and brokers, insurance agents and brokers, stock brokers, physicians, nurses, and other licensed medical providers, as well as hospitals and medical practices. We are accustomed to working directly with professionals or in tandem with professional liability insurers.

In addition to being experienced litigators, many of our member firms also provide risk management services and consulting to these professions.

Areas of focus

- Litigation and arbitration
- Risk management
- Professional liability insurance coverage analysis
- Errors and omissions
- Malpractice and other claims, including intentional tort claims
- Disciplinary actions before state licensing agencies

Jeff Hengeveld
2017 Program Chair, Professional Liability Group
PLUNKETT COONEY
Bloomfield Hills, Michigan

Doyle Valley
Chair, Professional Liability Group
MORRISON MAHONEY LLP
Boston, Massachusetts

Jennifer Saunders
2017 Program Course Book Editor
HAIGHT BROWN & BONESTEEL LLP
Los Angeles, California

Justin Hardin
2017 Program Statutes of Limitations Editor
BROWN & JAMES, P.C.
St. Louis, Missouri

12:00 p.m. – 1:00 p.m. Lunch

1:00p.m. – 1:10 p.m. Introduction and Opening Remarks

Panel One – Rolling the Dice with Your Law License: An Interactive Legal Ethics Presentation

(1:10 p.m. -2:10 p.m.)

Moderator: *Dina Cox*, LEWIS WAGNER; Indianapolis, Indiana

Panelists: *James (Jamie) M. Strong*, Claims Director; Medmarc Casualty Insurance Company; Birmingham, Alabama

***Sarah Gurka*, Complex Claims Analyst; ALLIANZ GLOBAL CORPORATE & SPECIALTY; New York, New York**

***Todd Lubben*, BROWN & JAMES; St Louis, Missouri**

This interactive presentation will focus on ethical dilemmas where attorneys have gambled by putting their law licenses at risk. Both our panelists and audience members will participate and provide insight on various ethical dilemmas that have faced attorneys in the past and which could provide ethical pitfalls to attorneys in the future.

2:10 p.m. – 2:20 p.m. Break

**Panel Two – Being the Pit Boss: The Tripartite Relationship and Dealing
with the Difficult or Unsophisticated Insured Client**

(2:20 p.m. - 3:20 p.m.)

Moderator: *Ralph Marchbank*, DICKINSON & GIBBONS, P.A.; Sarasota, Florida

**Panelists: *Stephanie Lizotte*, Assistant Vice President, E&O Professional Liability
Claims, ALLIED WORLD; Hartford, Connecticut**

***Sam Marcus*, Assistant Vice President; GREAT AMERICAN; New York,
New York**

***Jacob Lehman*, GERMAN, GALLAGHER & MURTAGH, P.C.; Philadelphia,
Pennsylvania**

The tripartite relationship creates myriad challenges for defending lawyers and claims professionals under the best circumstances, but the difficult/unsophisticated insured/client presents special challenges. This presentation will discuss a variety of legal and practical problems and their solutions including clients facing criminal charges/incarcerated clients, clients who refuse to cooperate in their defense, attorney knowledge of information negatively impacting coverage, an insured's refusal to accept panel counsel, and an insured's with a counterclaim

3:20 p.m. – 3:30 p.m.

Break

Panel Three – Phishing for a Jackpot: Scammers Want to Cash in Your Chips

(3:30 p.m. – 4:30 p.m.)

Moderator: *Doyle Valley*, MORRISON MAHONEY LLP; Boston, Massachusetts

Panelists: *David Rock*, Assistant Vice President, North American Claims Group, ALLIED WORLD; Itasca, Illinois
Matthew Fitterer, Risk Control Representative, CNA; Chicago, Illinois
Victor Pioli, JOHNSON & BELL, LTD; Chicago, Illinois

Although email scamming has been around since Al Gore invented the internet, attorneys increasingly have become targets of sophisticated cyber-criminals. This makes sense given that attorneys retain sensitive information and (conceivably) large sums of money. Attorneys also may be seen as easy marks in that many are not particularly tech-savvy and policing employees' computer use requires a level of diligence that is difficult to uphold amidst the often hectic practice of law. Cyber-fraudsters are quite inventive in concocting ways to insinuate themselves into a law firm's computer system and many likely believe that doing so is like playing with house money. This program will explore the ways that scammers attempt to redirect money held by attorneys, hack into a law firm's computer systems, and phish to plant malware or ransomware. The panel also will discuss ways that attorneys can protect themselves from scammers who are looking for an easy payout.

4:30 p.m. – 4:40 p.m.

Break

**Panel Four – Spinning the Wheel: The Convergence of Cyber D&O Liabilities
(4:40 p.m. – 5:40 p.m.)**

Moderator: *Joseph J. Arcata*, HALLORAN & SAGE; Hartford, Connecticut

Panelists: *Jonathan Raucci*, BROWN & BROWN; Daytona Beach, Florida

Daniela Burg, Senior Claims Specialist, COMMUNITY ASSOCIATION

UNDERWRITERS OF AMERICA; Bucks County, Pennsylvania

Tom Lambert, HALLORAN & SAGE; Hartford, Connecticut

The panel will discuss, in an interactive fashion, how emerging cyber threats and traditional D&O risks are converging, discuss potential liabilities that businesses and insurers could encounter, including potential for coverage gaps and unfunded liabilities; what are the D&O's roles and responsibilities for cyber security, questions that D&O's should be asking management regarding cyber risk management.

5:40 p.m.

Adjournment

5:45 p.m. – 8:45 p.m.

Dinner, Cocktails and Casino 101 Event!

After the CLE sessions end, the learning continues through "Casino 101". We've brought in the experts so you can learn classic casino games from the professionals while relaxing with food & drinks. All attendees are welcome and encouraged to stick around for this fun event! The dinner buffet will open at 6:15 p.m., followed by the Casino 101 Event taking place from 6:30 p.m. – 8:45 p.m.



Panelists Biographies

Jay Arcata is an active trial lawyer whose practice focuses on complex civil litigation, particularly in the areas of commercial litigation, insurance coverage and professional liability. He brings high-level industry experience to his insurance practice, having served as vice president of underwriting at a managing general underwriter and having held several management positions in the claims department at a major insurance company. Jay also chairs the Firm's Cybersecurity & Data Privacy practice group, which provides strategic advice and guidance to a broad spectrum of businesses and individuals. Jay has been published extensively in the area of Cybersecurity & Data Privacy and leads an interdisciplinary team of lawyers in this area.

Daniela Burg is a Senior Claims Specialist with Community Association Underwriters of America, Inc. (CAU) in Bucks County, Pennsylvania. She primarily handles general commercial liability and Directors & Officers liability claims. Daniela received her Bachelor's Degree in American Studies from Brandeis University, and Juris Doctorate from New York Law School. She is admitted to the New York Bar.

Dina Cox is a legal strategist and trial attorney who honors responsive client service as a top priority. Dina has served as lead counsel in numerous lawsuits and bet-the-company litigation involving multi-million dollar claims ranging from breach of contract, false advertising, unfair competition, unfair commercial practices, consumer fraud, and breach of warranty to claims of serious injury caused by products liability and professional negligence. Dina is an aggressive yet civil trial lawyer who has significant jury trial experience in state and federal court and substantial appellate experience. Dina defends class actions, mass torts, government enforcement actions, drug and medical device cases, toxic tort and chemical exposure cases, employment matters, and professional liability lawsuits including legal malpractice. Dina also counsels clients during government investigations and assists professionals facing disciplinary grievances and licensing issues. Dina's mass tort and class action defense work is national in scope and has included lawsuits filed in numerous states from New York to California as well as lawsuits consolidated as part of multi-district litigation. Dina is a regular faculty member for the National Institute of Trial Advocacy in its learn-by-doing trial advocacy courses. She received her J.D. degree, cum laude, from Indiana University School of Law at Indianapolis in 1995. For many years, Dina has been heavily involved in managing the firm, and she currently serves on the firm's 3-lawyer executive committee along with the chief administrative officer.

Matthew Fitterer is a Risk Control Representative for CNA's Lawyers Professional Liability Program. He is responsible for providing risk control guidance to CNA insureds in the form of written publications, online and live presentations and direct consultations. He also collaborates internally with underwriters, actuaries and claims adjusters on emerging trends in professional

liability. Prior to joining CNA, Matt worked in the Chicago area as an attorney for a small firm specializing in criminal defense and civil rights litigation. Matt is licensed to practice law in Illinois, is a member of the Chicago and Illinois State Bar Associations, and has been designated as a Commercial Lines Coverage Specialist (CLCS) by the National Underwriter Company.

Jeffrey Hengeveld is a shareholder in the Bloomfield Hills, MI office of Plunkett Cooney. He is a trial attorney that concentrates his practice on the defense of professionals, including claims against attorneys, accountants, insurance agents, and real estate professionals. He regularly advises attorneys and accountants on ethical issues, including answering a legal and ethical hotline for the Michigan Association of Certified Public Accountants. Jeff is a published author on the issue of accounting standards and fraud deterrence and on professional liability insurance coverage. He was awarded an AV-Rating from Martindale-Hubbell and named as a “Rising Star in Professional Liability Defense” by Michigan Super Lawyers. He received his B.A. from Michigan State University and his J.D. *magna cum laude* from Michigan State University College of Law, where he was a member of the Law Review.

Tom Lambert practices in the areas of civil and commercial litigation, with a focus on, directors and officers liability, employment discrimination, professional liability, and products liability claims. His experience in professional liability defense includes the representation of lawyers, accountants, actuaries, realtors, architects/engineers, insurance agents/brokers and others in high exposure matters. He has appeared before licensing boards and regulatory authorities as well as in state, federal and appellate court defending claims of malpractice. He holds an AV Preeminent peer review rating from Martindale-Hubbell, its highest rating for ethics and legal ability.

Jacob Lehman is a trial attorney with the Philadelphia firm of German, Gallagher & Murtagh P.C. He focuses his practice on the defense of professionals along with product liability and commercial litigation. He handles all aspects of litigation and actively tries cases in Pennsylvania’s state and federal courts. Before joining GGM he worked as a criminal defense lawyer in Central Pennsylvania where he tried many felony cases to verdict. Jake is a 2006 graduate of Temple University and completed his law degree at Rutgers University School of Law in 2009. In 2017 he obtained an LLM in trial advocacy from Temple Universities’ nationally ranked trial advocacy program. He is an active member of the Pennsylvania and Philadelphia Bar Associations and the Temple American Inn of Court. He writes and presents on legal topics in various venues and publications. Mr. Lehman has been honored by his peers including selection in 2016 as one of 35 “Lawyers on the Fast Track” by the Philadelphia Legal Intelligencer and by repeated inclusion in Law & Politics Magazine as a Super Lawyer: Rising Star, an distinction given to only 2.5% of Pennsylvania Attorneys under 40.

Stephanie Lizotte is the Assistant Vice President E&O Claims at Allied World Insurance Company in Farmington, CT. Stephanie manages a team of 7 people within the E&O unit, which handles a

robust lawyers' errors and omissions book of business, including a large amount of FDCA claims as well as insurance agents and brokers professional liability and miscellaneous professional liability policies. Prior to her employment at Allied World, Stephanie held the position of Senior Claims Counsel at XL Professional, handling high severity public and private directors and officers claims, employment practices liability as well as fiduciary liability matters. Prior to entering the Insurance arena Stephanie was an associate at an insurance defense and personal injury firm, Noble, Young and O'Connor in Hartford, CT. Stephanie earned her B.A. at the Catholic University of America and her J.D. at Pepperdine University School of Law. Stephanie is a member of the Connecticut Bar and is admitted to practice before the United States District Court for the District of Connecticut.

Todd A. Lubben is a partner in the St. Louis, Missouri ALFA law firm Brown & James, P.C. practicing in the firm's St. Louis office. As part of his professional liability practice, Todd has successfully defended attorneys who are facing legal malpractice lawsuits and ethics complaints initiated by former clients. He has also represented businesses in various types of contract, employment, and intellectual property disputes. He received the 2011 Up & Coming Award and the 2016 Legal Champion Award from Missouri Lawyers Weekly. He obtained his bachelor's degree from Augustana College and his J. D. from St. Louis University.

Ralph L. Marchbank, Jr. is a 30 plus partner at the Sarasota, Florida ALFA Firm of Dickinson & Gibbons, P.A. His practice areas include medical negligence; and legal malpractice defense; products liability; auto and trucking liability; premise liability; and insurance coverage litigation. He has tried well over 100 jury trials including medical negligence and legal malpractice claims. Ralph is a past President of the Florida Defense Lawyers Association and a member of the American Board of Trial Advocates (past Florida Bar representative); the International Association of Defense Counsel; the Defense Research Institute; the American Bar Association; past Master of the Sarasota County Chapter of the American Inns of Court; and involved in other professional organizations. He graduated from the University of Florida College of Law in 1980.

Sam Marcus is currently an Assistant Vice President at Great American with a focus on Accountants and Miscellaneous Professional Liability. He was formerly a Professional Liability Claims Manager at The Navigators Group, Inc. In 2005, after a few years of practicing law, he transitioned into claims where he handled D&O and E&O claims at CNA, XL, Navigators. While at Navigators, he oversaw a team that handled cyber, real estate broker E&O, insurance agent E&O, miscellaneous professional liability, accountants E&O, and lawyers E&O claims. Sam is a 1998 graduate of SUNY Albany and a 2001 graduate of Hofstra School of Law. He is admitted to practice law in the State of New York.

Victor J. Pioli concentrates his practice defending professionals in malpractice matters and has successfully tried several cases to verdict. As a member of Johnson & Bell's Business Litigation and Professional Liability practice groups, he handles a variety of commercial matters, including

trial and appellate work on behalf of both plaintiffs and defendants in state and federal courts. His client list ranges from large corporations and government entities to individuals. He's litigated simple contract disputes, complex securities disputes and antitrust matters, to name just a few representative cases. As editor of American Law Firm Association's Professional Liability Newsletter, Victor has written about a variety of issues including email fraud and an analysis of relations with a jury consultant. He's the member of several law societies, and is a member of ALFA's Business Litigation and Professional Liability Steering Committees.

Jonathan Raucci is a casualty, surety, employee benefits, and property risk advisor with Brown and Brown NYSE (BRO) the 7th largest insurance intermediary worldwide. Jonathan holds the CLCS insurance designation and is certified by the New York State Dept. of Labor to administer Industrial Code 59 and Code 60 evaluations. He has serviced 1000's of liability related insurance claims over the course of 27 years and at present is an advisor to 72 corporate clients.

David Rock is an Assistant Vice President, North American Claims Group for Allied World responsible for handling errors and omissions (E&O) liability claims, with an emphasis on privacy and technology liability, media liability, lawyer liability, insurance agent liability, insurance carrier liability, and miscellaneous professional liability. Prior to joining Allied World, David was in private practice where he ran a general litigation law firm in Springfield, Massachusetts. His primary areas of practice were civil litigation and criminal defense. David graduated from Grand Canyon University in Phoenix, Arizona and earned his J.D. from Western New England University School of Law where he was a member of the Law Review. David is a member of the bar in the Commonwealth of Massachusetts, United States District Court District of Massachusetts, and United States Court of Appeals for the 1st Circuit. David is affiliated with several professional associations including the American Bar Association, Massachusetts Bar Association, and the Massachusetts Academy for Trial Attorneys.

Jennifer Saunders is a partner in the Los Angeles office of Haight Brown and Bonesteel, LLP. She is certified in Legal Malpractice Law by the State Bar of California with over 27 years of experience in the field. Her experience includes the defense of lawyers, accountants, directors and officers, insurance agents, mortgage brokers, architects and engineers and other professionals. Jennifer has served as an arbitrator, consultant and litigator in matters involving pre-claim evaluation, mitigation, trial, arbitration and disciplinary proceedings. Her experience also includes defending manufacturers against claims of exposure to asbestos in the use of their products. Jennifer has worked with many domestic and London-based insurance carriers in the handling of professional liability claims, as well as uninsured professionals. She has built a subspecialty in the defense of family law practitioners and accountants, but has represented professionals in claims arising out of criminal, probate, real estate, bankruptcy, business litigation and other civil matters. Her focus is always on protecting the interests of the professional. Jennifer is a member of the California

State Bar Committee on Professional Liability Insurance (COPLI), which administers the bar-sponsored lawyers' errors & omissions insurance program.

James ("Jamie") M. Strong is currently a Claims Director at Medmarc Casualty Insurance Company, a ProAssurance Company, with its LawyerCare® Professional Liability Program in its Birmingham, AL office. Prior to joining ProAssurance, he had a 10-year career as a civil defense attorney in Birmingham, AL focusing on auto and tractor trailer defense and general CGL defense. Before entering the practice of law, he worked for Mylan Laboratories in various management roles. Jamie is a 1992 graduate of Wake Forest University with a degree in Chemistry. He earned his MBA from West Virginia University in 1997 and his law degree from the University of Alabama in 2004. He is admitted to practice in both State and Federal Courts in Alabama.

Doyle C. Valley is a trial attorney in the Boston office of Morrison Mahoney LLP. Since joining the firm in 1997, Doyle's practice has concentrated on the defense of professionals. Doyle has obtained defense verdicts in cases involving malpractice claims against attorneys, medical professionals and insurance agents before state and federal trial courts and has successfully argued before Massachusetts Court of Appeals. Doyle has represented professionals before the Board of Bar Overseers, the Board of Registration in Medicine and the Board of Registration in Nursing on numerous occasions. Prior to joining Morrison Mahoney LLP, Doyle was an Associate with Thaler & Thaler in Ithaca, New York (1992-1997) and with Hough & Cook in Chicago (1989-1992), where he tried insurance defense cases and successfully argued before the appellate courts of those jurisdictions.

Program Information


Registration information: Contact your ALFA attorney to register. This invitation is non-transferrable.

Casual attire for attendees

CLE and CE Credit: ALFA International certifies that this program has been approved for 4 hours of CLE credit in the States of California, Illinois and Connecticut. Up to 2 hours of Texas CE credit will also be available.



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