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The Future Ain't What it Used to Be: Current Trends and Critical Issues in Professional & Employment Practices Liability and Insurance

ALFA International's Insurance Law, Labor & Employment and
Professional Liability Practice Groups

June 13-15, 2018

The Wagner At The Battery (Formerly The Ritz-Carlton, Battery Park)
New York, New York

www.alfainternational.com



2018 EPL & PROFESSIONAL LIABILITY PROGRAM LEADERSHIP

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Chair, ALFA International Insurance Law Practice Group
HALL & EVANS, LLC
Denver, Colorado

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Program Co-Chair, ALFA International Insurance Law Practice Group
YOUNG MOORE AND HENDERSON P.A.
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Jeff Hengeveld

Program Co-Chair & Course Book Editor, ALFA International Professional Liability Practice Group
PLUNKETT COONEY
Bloomfield Hills/Detroit, Michigan

The Future Ain't What it Used to Be: Current Trends and Critical Issues in Professional & Employment Practices Liability and Insurance

Hosted by ALFA International's Insurance Law, Labor & Employment and Professional Liability Practice Groups

June 13-15, 2018

**The Wagner At The Battery*
New York, New York**

Join your ALFA International friends and colleagues in the birthplace of the iconic "Damn Yankees" as we touch all the bases of general insurance, professional liability and employment practices liability. Your all-star lineup of ALFA International attorneys and client representatives will take you around the horn of coverage, claims and ethical issues with engaging and interactive presentations on a wide-variety of topics, including: trial tactics and the reptilian theory; ethics in your everyday practice; the attorney-client privilege; legal malpractice; joint employer issues; restrictive covenants; sexual orientation and harassment; the Cat's Paw theory; bad faith claims; and the use of underwriting in claim denials. The panels will also offer practical tips, strategies and solutions to help you and your team deal with the curveballs thrown your way on a day-to-day basis.

In addition to helping you learn how to hit home runs when dealing with insurance issues, we will take a trip to the new "House that Ruth Built" and home of the 27-time World Champion New York Yankees. In the stadium, you can visit Monument Park and see the plaques, retired numbers, monuments and other memorabilia of such Yankee legends as Babe Ruth, Lou Gehrig, Joe DiMaggio, Roger Maris, Whitey Ford and Mickey Mantle. If you're not a Yankees fan, then simply enjoy a lovely summer evening in New York with your colleagues while watching the Bronx Bombers battle the Tampa Bay Rays.

Matthew Gray

Insurance Program Co-Chair
YOUNG MOORE AND
HENDERSON P.A.
Raleigh, North Carolina

Joel Hlavaty

*Labor & Employment
Program Co-Chair*
FRANTZ WARD LLP
Cleveland, Ohio

Jeff Hengeveld

*Professional Liability
Program Co-Chair*
PLUNKETT COONEY
Bloomfield Hills/Detroit,
Michigan

*As of March 29, 2018 The Ritz-Carlton, Battery Park changed names and is now an independent hotel called The Wagner At The Battery.

What is ALFA International?

ALFA International is the premier network of independent law firms. Founded in 1980, ALFA is the first and continues to be one of the largest and strongest legal networks. We have 150 member firms throughout the world. Our 80 U.S. firms represent 95 of the 100 largest metropolitan areas. Our 70 international firms are located throughout Europe, Asia, Australia/New Zealand, Africa, Canada, Mexico and South America.

ALFA International's mission is to provide high quality, cost efficient legal services wherever our clients need them. The ALFA model enables our members to use their local expertise to deliver highly effective legal solutions, often drawing upon the collective wisdom and experience of other member firms. ALFA clients benefit from a geographically comprehensive network of exceptional law firms and accomplished trial and business counsel. Our member firms meet high standards to be part of the ALFA network and are well respected by their peers in the legal and business community.

WEDNESDAY, JUNE 13, 2018

2:00 p.m. - 4:30 p.m.

**Faculty Rehearsal
& Early Registration**

Heritage

4:30 p.m. - 5:30 p.m.

All Attorney Meeting

Salon B



5:30 p.m. - 8:30 p.m.

**Cocktail Reception
& Dinner Buffet**

The Ballroom and Harbor Vista

Welcome to New York! A cocktail reception and a dinner buffet will be held in the Ballroom and Harbor Vista at the beautiful The Wagner At The Battery.

THURSDAY, JUNE 14, 2018

7:45 a.m. - 9:00 a.m.

**WOMEN'S INITIATIVE
BREAKFAST AND DISCUSSION**

Ballroom Salon 3 with Harbor Vista

7:45 a.m. - 8:00 a.m.—Breakfast
8:00 a.m. - 9:00 a.m.—Negotiation
presentation and workshop

**How to Get the Best Deal
for You and Your Client
In and Out of Litigation**

Join the Women's Initiative Group for a morning of education and empowerment, led by Jamie Lee, a Partner of the firm SheNegotiates. Jamie will lead a hands-on workshop focused on negotiation techniques for women and particularly women attorneys. All are welcome!

Courtney Nichols
Women's Initiative Liaison
PLUNKETT COONEY
Detroit, Michigan



8:00 a.m. - 9:00 a.m.

**GENERAL ATTENDEE &
SPOUSE BREAKFAST**

Ballroom Salon 1 & 2 with Harbor Vista

9:00 a.m. - 4:00 p.m. PROGRAM SESSIONS

The Ballroom and Salons A & B

9:00 a.m. - 9:15 a.m.

Introductory Remarks

Gary Bague
Chair, ALFA International
HAIGHT BROWN & BONESTEEL
Los Angeles, California

Jeff Hengeveld
Professional Liability Program Co-Chair
PLUNKETT COONEY
Bloomfield Hills/Detroit, Michigan

9:15 a.m. - 10:15 a.m. GENERAL SESSION

The Ballroom

**Batting Down the Reptile 2.0:
Tactics, Technology, and the Next
Generation in Professional Liability Defense**

In recent years the Plaintiffs' bar has made significant advances in litigation tactics, employing what is often described as the "reptile" or "safety rule" approach in litigation. In addition, the use of technology has enhanced their presentation at mediation, arbitration and in the courtroom. In this panel, the focus will be on the defense response: how to defeat the "safety rule" approach in litigation, how to use plaintiffs' tactics on behalf of defendants and how to incorporate technology into the discovery and trial process to the benefit of the defense. Please join us for this fun, interactive, and educational presentation that will explore these issues from the perspective of outside and in-house counsel.

Jake Lehman
Moderator
GERMAN, GALLAGHER
& MURTAGH, P.C.
Philadelphia,
Pennsylvania

Charles Coffey
Senior Claims Counsel
THE BAR PLAN
MUTUAL INSURANCE
COMPANY
St. Louis, Missouri

**Cynthia Stoddard
Hulce**
*Sr. Professional Liability
Claim Consultant*
HANOVER INSURANCE
GROUP
Grand Rapids, Michigan

Dina Cox
LEWIS WAGNER
Indianapolis, Indiana

10:15 a.m. - 10:30 a.m. BREAK

**"You've got to be very careful if you don't know
where you are going, because you might not get there."**

—YOGI BERRA



10:30 a.m. - 11:30 a.m. GENERAL SESSION

The Ballroom

Introduction

The “Weinstein Effect”: Defending a Client Whose Reputation is at Stake

Matthew Gray
*Insurance Program
Co-Chair*
YOUNG MOORE AND
HENDERSON P.A.
Raleigh, North Carolina

Defending professionals and employers whose reputation is at stake can be challenging, especially given recent events where public claims have destroyed careers even without a legal claim. We will hear from a public relations professional about how to deal with the public relations crises, and we will explore strategies for defending a reputation while also defending a claim. We will also discuss ways insurance companies can avoid conflicts with an insured who may be more focused on protecting his or her reputation than defending the claim.

Steve Schwartz
Moderator
BROWN & JAMES, P.C.
St. Louis, Missouri

Anne Barnett
*Professional Liability
Claims Supervisor*
PHILADELPHIA
INSURANCE COMPANY
Bala Cynwyd,
Pennsylvania

Anne Buchanan
Founder and President
BUCHANAN PUBLIC
RELATIONS
Philadelphia,
Pennsylvania

Glenn Fischer
*Senior Counsel,
Complex Claims*
MARKEL SERVICE,
INCORPORATED
Deerfield, Illinois

Tamara Nelson
MERRICK, HOFSTEDT
& LINDSEY, P.S.
Seattle, Washington

11:30 a.m. - 11:45 a.m. BREAK

11:45 a.m. - 12:45 p.m. GROUP 1 – BREAKOUT

The Ballroom and Salons A & B

A. LABOR & EMPLOYMENT

Who’s on First? Keeping Track of Joint Employer Liability Obligations

In recent months, with a new administration and new NLRB configuration, we have seen yet another shift in the Board’s definition of who is a joint employer. We will review the most recent Board decisions and litigation on this topic, and explore how the issues play out in employment, contract and coverage disputes.

Lindsey Hazelton
Moderator
HANCOCK
ESTABROOK, LLP
Syracuse, New York

Cheryl Chiovetta
*Vice President,
Financial Institutions*
AIG
New York, New York

Ray Cashman
*Director, Management
Liability and
Specialty Claims*
NATIONWIDE
INSURANCE COMPANY
New York, New York

Kathy Peahl
WADLEIGH, STARR
& PETERS, P.L.L.C.
Manchester,
New Hampshire

B. INSURANCE

All Star Writing for the Claims Professional

Effective claims communication is clear, concise, and careful. In this program, insurance industry insiders provide insight for attorneys in how to give candid evaluations and guidance to claims adjusters. Attorneys also give pointers for claims professionals regarding unambiguous and defensible communication amongst themselves and with claimants.

Bruce Gill
Moderator
LEITNER, WILLIAMS,
DOOLEY &
NAPOLITAN, PLLC
Chattanooga, Tennessee

Lana Benoit
Senior Claims Specialist
AXIS PRO INSURANCE
Kansas City, Missouri

Marnie Navarro
Litigation Counsel
ARTHUR J.
GALLAGHER & CO.
Rolling Meadows, Illinois

Angela Higgins
BAKER STERCHI
COWDEN & RICE L.L.C.
Kansas City, Missouri

C. PROFESSIONAL LIABILITY

When a Double Play is Needed: Defending a Professional Liability Claim During a Disciplinary Investigation

Many professional liability claims stem from or result in disciplinary investigations. Join us as we examine techniques for managing simultaneous civil and disciplinary proceedings. We will look at potential pitfalls to avoid, discovery strategies, and ways to leverage the proceedings to achieve success. We will also discuss current trends that are shaping the civil and disciplinary liability facing today’s professionals.

Alan Brown
Moderator
MORRISON
MAHONEY LLP
Boston, Massachusetts

David A. Robles, Esq.
*AVP, North American
Claims Group*
ALLIED WORLD
Farmington, Connecticut

Melissa S. Demmon
*Vice President,
Claims Counsel,
Professional Liability*
SOMPO INTERNATIONAL
Purchase, New York

Rusha Smith
BRADLEY
Birmingham, Alabama

12:45 p.m. - 1:45 p.m.

LUNCH

1:45 p.m. - 2:45 p.m.

GROUP 2 - BREAKOUT

The Ballroom and Salons A & B

“Little League baseball is a very good thing because it keeps the parents off the streets.”

—**YOGI BERRA**



A. LABOR & EMPLOYMENT

**Protecting the Home Field:
Creating and Enforcing
Restrictive Covenants –
Sophisticated Strategies
for Multi-State Employers**

Restrictive covenant agreements are increasingly prevalent, and the protection of trade secrets is more important than ever. Employers need to protect their assets through proactive measures and litigation, bearing in mind the vastly different treatment restrictive covenants receive in different states. Employers also need to hire new employees while limiting the risk of getting swept into a lawsuit by an individual's former employer, particularly in an unfriendly forum and under foreign law. Learn what multi-state employers need to establish an effective program to protect the company's investments in both information and people, and to protect those assets if the need to litigate arises. On the flip side, learn how best to hire individuals who have restrictive covenant agreements with prior employers and to establish defenses if your company finds itself getting sued, wherever that may be.

Katie Connolly
Moderator
NILAN JOHNSON
LEWIS PA
Minneapolis, Minnesota

Ashlee Bekish
*Director Employee
Relations Counsel*
TARGET
Minneapolis, Minnesota

Chris McCullough
*Vice President and
General Counsel*
NILFISK
Minneapolis, Minnesota

Gero Schneider
TIEFENBACHER
Heidelberg, Germany
Joel O'Malley
NILAN JOHNSON
LEWIS PA
Minneapolis, Minnesota

B. INSURANCE

**When the Bases
are Loaded:
Hot Topics in Bad Faith
and UDTP Litigation**

This panel will discuss evolving trends and tactics in the litigation and management of bad faith and unfair and deceptive trade practice litigation. Effective pre-litigation strategies to avoid such claims, as well as effective litigation strategies to defend and resolve claims when they occur, will be explored.

Glenn Raynor
Moderator
YOUNG MOORE AND
HENDERSON P.A.
Raleigh, North Carolina

James Dodrill
*Corporate Claims
Counsel*
THE PROGRESSIVE
GROUP OF INSURANCE
COMPANIES
Charleston, West Virginia

Doug Richmond
Managing Director
AON RISK SOLUTIONS
Chicago, Illinois

Kelly Hedberg
RENAUD COOK DRURY
MESAROS, PA
Phoenix, Arizona

C. PROFESSIONAL LIABILITY

**Ethics and the
Potential Curve Ball**

Ethical issues will be explored in interactive format in this session. Real world ethical issues arising from litigation will be presented to the audience in a fun but informative way. This is an enjoyable way to earn a meaningful one hour ethics credit. Issues presented will include: commencing and concluding the client relationship, and ethical dilemmas arising during litigation.

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

**Gawain
Charlton-Perrin**
*Director of Risk
Management*
THE HANOVER
INSURANCE GROUP
Itasca, Illinois

Stephanie Lizotte
*AVP, North American
Claims Group*
ALLIED WORLD
INSURANCE COMPANY
Farmington, Connecticut

Tom Lambert
HALLORAN & SAGE LLP
Westport, Connecticut

2:45 p.m. – 3:00 p.m. **BREAK**

3:00 p.m. – 4:00 p.m. **GROUP 3 – BREAKOUT**

The Ballroom and Salons A & B

A. LABOR & EMPLOYMENT

Interleague Play: The Interaction Between the ADA and FMLA

Federal laws regulating employee leave are complex, often overlap, and sometimes seem contradictory. When is leave (both continuous and intermittent) a required reasonable accommodation under the ADA? What type of documentation may an employer request from an employee to decide whether to grant a leave request? What is the impact of intermittent leave on performance standards? How does the ADA apply when FMLA leave ends? Join us for a discussion of the interplay between the FMLA and the ADA, and how employers can manage these complex laws. We will also discuss a few specific, complicated problems that employers face when responding to FMLA and ADA-related leave requests.

Brian Quisenberry

Moderator
YCR LAW
Charleston, South Carolina

Tim Perkins

Managing Attorney, Labor & Employment Litigation
AUTOZONE
Memphis, Tennessee

Theresa Schultz

General Counsel
AMERIPRIDE
Minneapolis, Minnesota

Janet Hayes

LEWIS THOMASON
Knoxville, Tennessee

B. INSURANCE

Sex, Lies & Video in a Cat's Paw World

The ongoing media reports about sexual harassment and predatory behavior by high profile individuals has once again focused attention on how such conduct is enabled or ignored and its impact on the victims. Aside from the headline news, such occurrences are everyday workplace risks and realities. A typical common denominator is an individual who improperly abuses or takes advantage of his or her actual or perceived authority. The panel will discuss employers' potential liability based on the "cat's paw theory," which may apply when the alleged wrongdoer provides legitimate reasons to the decision maker to take adverse employment action against a victim of harassment, discrimination or retaliation. The panel will also address the potential coverage issues and practical problems that arise in such situations.

George Fagan

Moderator
LEAKE & ANDERSSON, L.L.P.
New Orleans, Louisiana

Carter Berkeley-Taylor

Director of Specialty Claims
MARRIOTT INTERNATIONAL, INC.
Bethesda, Maryland

Dean Constantine

Global Head of EPL Claims
AIG
New York, New York

Joseph F. Spitzer

JOHNSON & BELL, LTD.
Chicago, Illinois

C. PROFESSIONAL LIABILITY

Arbitration and How Not to Fly Out

Having an arbitration clause and actually enforcing are two different things. Arbitration can be an effective alternative to a jury or bench trial if you have the right type of case. Our interactive panel will discuss those cases for which arbitration is most appropriate and provide procedural and practical pointers for each step of the arbitration process.

Jay Davis

Moderator
YCR LAW
Charleston, South Carolina

Alan Burkholz

Director-Complex Claims
AIG
New York, New York

Jamie Strong

Claims Director
PROASSURANCE
Birmingham, Alabama

Kobi Gibbs

Senior Claims Attorney
ALPS INSURANCE
Missoula, Montana

Jennifer Saunders

HAIGHT BROWN &
BONESTEEL LLP
Los Angeles, California

4:00 p.m. **ADJOURNMENT**

TAKE ME OUT TO THE BALL GAME!

Please join us at the world famous Yankees stadium for a night of networking and fun! Ball Park fare will be served on the privately reserved Frank's Red Hot Terrace and Toyota Terrace before the game between the New York Yankees and the Tampa Bay Rays.

4:15 p.m. – 4:30 p.m. Buses will depart the hotel beginning at 4:15 p.m., last bus will depart at 4:30 p.m.

5:30 p.m. – 7:00 p.m. Ballpark opens at 5:30. Dinner and networking on the private terraces.

7:05 p.m. – 10:00 p.m. The game starts! Everyone to their seats.

10:30 p.m. Buses Return to Hotel.



FRIDAY, JUNE 15, 2018

8:00 a.m. - 9:00 a.m.

BREAKFAST

The Ballroom & Harbor Vista

9:00 a.m. – 12:30 p.m.

PROGRAM SESSIONS

The Ballroom and Salons A & B

9:00 a.m. – 10:00 a.m. GENERAL SESSION

The Ballroom

Introduction

Joel Hlavaty

Labor & Employment Program Co-Chair
FRANTZ WARD LLP
Cleveland, Ohio

Keeping the Base Path Clear: Two's Company, Three's a Crowd— Navigating the Defense of Multi-Defendant Litigation to Avoid Ethical and Professional Negligence Issues

This program will cover the ethical and potential liability issues involved in representing multiple defendants, such as the employer and individual employees, in litigation; the importance of an early investigation to identify potential conflicts; best practices for disclosing and obtaining conflict waivers; employers' duties to provide counsel to defend "bad actor" employees and the risks associated with failure to do so; dealing with unanticipated conflicts that arise midway through the litigation; whether insurers have a duty to provide separate claim representatives when there are conflicts between insured co-defendants; and best practices to avoid liability risks.

Jaki Samuelson

Moderator
WHITFIELD & EDDY LAW
Des Moines, Iowa

Mickey Clark


Senior Legal Counsel
O'REILLY AUTO PARTS
Springfield, Missouri

Troy Miller

Senior Legal Claim Specialist
ATTORNEY SHIELD / NCMIC AND
PROFESSIONAL SOLUTIONS
INSURANCE COMPANY
Clive, Iowa

Paul Klockenbrink

Senior Counsel
GENTRY LOCKE
Roanoke, Virginia



**“It was impossible
to get a conversation
going, everybody was
talking too much.”**

—YOGI BERRA

10:00 a.m. - 10:15 a.m. **BREAK**

10:15 a.m. - 11:15 a.m. **GROUP 4 – BREAKOUT**

The Ballroom and Salons A & B

A. LABOR & EMPLOYMENT

Addressing Issues That May Arise When Changing Uniforms: Sexual Orientation and Gender Identity Discrimination

There is now a split of the circuits as to whether Title VII's prohibition on sex discrimination covers claims based on sexual orientation, but despite that split, the Supreme Court recently declined to grant certiorari in a case raising this issue. Under the previous administration, the EEOC took the position that sexual orientation discrimination was covered under Title VII and filed several lawsuits on that basis. While there has been no official change of position, the agency does not appear to be pursuing these cases under the new administration. This panel will explore the current status of Title VII claims based on sexual orientation and gender identity, including the impact of state and local laws that may explicitly ban discrimination on these bases.

Gillian Dale
Moderator
HALL & EVANS, LLC
Denver, Colorado

Nicole Baummer
Vice President, North American Claims Group at Allied World ALLIED WORLD
Hartford, Connecticut

Terri Lynch
Associate General Counsel
ANHEUSER BUSCH
St. Louis, Missouri

Mark Dore
MOUNCE, GREEN, MYERS, SAFI, PAXSON & GALATZAN, P.C.
El Paso, Texas

B. INSURANCE

Caught in a Pickle: Unpacking Notice Provisions

Almost every insurance policy requires that the insured notify the insurance carrier that a claim has been brought against them within a reasonable time. This panel will unpack this language and discuss real world implications of notice provisions, including what constitutes a claim in employment and professional liability settings, unique issues involving notice provisions in claims made versus occurrence policies, what is sufficient notification to the insurance carrier, and when is it a good idea for an insurance carrier to stand on notice issue as a coverage defense.

Teresa Young
Moderator
BROWN & JAMES, P.C.
St. Louis, Missouri

Cynthia Castro
VP and Team Leader
RSUI
Sherman, California

Chris Smith
Assistant Vice President: Complex Public and Private Company D&O and Financial Miscellaneous and E&O Claims
IRONSHORE INSURANCE
New York, New York

Bill McVisk
JOHNSON & BELL, LTD.
Chicago, Illinois

C. PROFESSIONAL LIABILITY

Catching the Signs: How to Preserve the Attorney-Client Privilege When Everyone Around You is Doing Their Best to Waive It

Lawyers now face daunting challenges from diverse sources to maintaining privileged communications: Cautious clients running an expanding scope of issues by their attorneys. Managers and employees engaged in litigation on behalf of the company. Lawyers solicited for business advice. Internet communications and cloud sharing resulting in inadvertent disclosures. In-house counsel who fail to who fail to keep their bar admissions active. Foreign colleagues not admitted to the domestic bar. Discussions with lawyers employed by a corporation or within a law firm. The panel will discuss the challenges faced by lawyers today to preserve the confidentiality of their communications with clients, employees, and professional colleagues in a global sharing business environment. The discussion will focus on the general principles underlying the attorney-client privilege, steps counsel can take to prevent inadvertent waiver of the privilege, and recent case law which highlights new challenges. The presentation will include attorney-client privilege issues arising in the employment context. The program is interactive, so bring your cell phones and keep them on!

Richard Granofsky
Moderator
LESTER SCHWAB KATZ & DWYER, LLP
New York, New York

Sam Marcus
Assistant Vice President
GREAT AMERICAN INSURANCE GROUP
Cincinnati, Ohio

Michelle Grimaldi
Assistant Vice President
YORKPRO, INC.
New York, New York

David Vanalek
Claims Director, US Professional Liability
MARKEL CORPORATION
Deerfield, Illinois

Christine Mast
HAWKINS PARNELL THACKSTON & YOUNG LLP
Atlanta, Georgia



“It ain’t over till it’s over.”

—YOGI BERRA

11:15 a.m. - 11:30 a.m. BREAK

11:30 a.m. – 12:30 p.m. GROUP 5 – BREAKOUT
The Ballroom and Salons A & B

A. LABOR & EMPLOYMENT

**Trouble in the Clubhouse:
 Defending Sexual
 Harassment Claims
 in Today’s World**

With the recent wave of sexual harassment claims involving high profile public figures, and the extensive social and media coverage of this issue, is it possible any longer for employers and insurers to defend these claims successfully? This panel will explore current trends in sexual harassment litigation, the difficulty of “trying your case in the media,” and will offer practical advice on dealing with this hot button issue.

Tim Peeples
Moderator
 DANIEL COKER HORTON
 & BELL, P.A.
 Oxford, Mississippi

Jackie Clark
Claims Supervisor II
 FEDERATED INSURANCE
 Owatonna, Minnesota

John Barker
Senior Counsel
 H. B. FULLER
 St. Paul, Minnesota

Jane Kim
 WRIGHT, LINDSEY
 & JENNINGS LLP
 Little Rock, Arkansas

B. INSURANCE

**A Long Fly Ball
 is Still an Out:
 Use of Underwriting
 in Claim Denials**

The evaluation and acceptance of risk is an essential part of determining whether to issue an insurance policy, the amount of coverage, and the premium the insured should pay for the amount of coverage. Join us for an insightful discussion of the significance of underwriting and its potential to impact claim denials.

Reed Grimm
Moderator
 TAYLOR, DAY,
 GRIMM & BOYD
 Jacksonville, Florida

Brian Brennan
Corporate Litigation Manager
 MAIN STREET AMERICA GROUP
 Jacksonville, Florida

Samantha Siddiqui
Claims Manager
 CBRE
 New York, New York

Jim Johansen
 BUTT THORNTON
 & BAEHR PC
 Albuquerque, New Mexico

C. PROFESSIONAL LIABILITY

**Managing the
 Locker Room:
 Emerging Professional
 Liability Risks**

Please join us for an interactive and dynamic discussion of the current trends in professional and management liability claims as well as what we can expect in the future. With an increased scrutiny on professional conduct, the standard of care for professionals has become increasingly high, leaving no room for error. In addition, the panel will examine the opioid crisis, climate change, cyber risks and other emerging issues and their effect on the insurance industry and the legal landscape as a whole. The panel will also discuss some of more the traditional management liability exposures, including shareholder derivative actions, whistleblower claims and securities class actions.

Jay Arcata
Moderator
 HALLORAN & SAGE LLP
 Hartford, Connecticut

Javier Gonzalez
Executive Vice President
 PL RISK ADVISORS
 Franklin Lakes, New Jersey

Jeff Hunter
 RENAUD COOK DRURY
 MESAROS, PA
 Phoenix, Arizona

12:30 p.m. ADJOURNMENT

FACULTY BIOS

JAY ARCATA is a Partner with the Connecticut ALFA firm, Halloran & Sage, LLP. He is an active trial lawyer who works in his clients' best interests, providing aggressive litigation or measured negotiation as needed. His practice includes complex civil litigation, with substantial experience in commercial litigation, insurance coverage and professional liability. Jay brings a depth of industry knowledge to his practice, having served as vice president of underwriting at a managing general underwriter and held several management positions in the claims department at a major insurance company. Jay's leadership and connections extend across disciplines. As the chair of the Firm's Cybersecurity & Data Privacy practice group, he provides strategic advice and guidance to a broad spectrum of businesses and individuals. He has been published extensively in the area of Cybersecurity & Data Privacy and leads an interdisciplinary team of lawyers in this area.

JOHN BARKER is Senior Counsel at H.B. Fuller Company where, since 2007, he has responsibility for employment and labor matters, as well as for managing product claims and litigation. Prior to joining H.B. Fuller, John practiced business immigration law. He is a 1999 graduate of Mitchell Hamline University School of Law in St. Paul, Minnesota.

ANNE BARNETT is a Claims Supervisor at Philadelphia Insurance Companies, a member of the Tokio Group and an A++ rated provider of specialty insurance products to niche markets. Anne has been with Philadelphia for 18 years and is part of the Home Office management team overseeing all claims under D&O and E&O policies. Her industry experience spans 35 years and includes extensive experience in the handling of complex litigation and coverage matters.

NICOLE BAUMMER, as a Vice President in Allied World's North American Claims Group, manages the company's complex, high severity employment practices liability (EPL) and governmental liability claims, as well as coverage disputes, and provides counsel, guidance and support to the company's underwriters. She also serves as the U.S. Claims Department's IT liaison and its new hire training, continuing education, and reference and resource coordinator. Before assuming this role, Nicole led the company's EPL and Governmental Liability claims team, prior to which she was a senior claims analyst managing a wide variety of EPL, governmental liability, directors and officers (D&O) and managed

care errors and omissions (E&O) claims. Before joining Allied World in 2006, Nicole was a senior claims officer with Chubb Specialty Insurance, and her previous professional experience includes practicing as a management-side labor and employment attorney with Pepe & Hazard LLP in Hartford, Connecticut (which since has merged with McElroy, Deutsch, Mulvaney & Carpenter, LLP). She also is a former Connecticut State Chair for the Claims & Litigation Management Alliance (CLM). Nicole earned her B.A. in English and History from the University of Connecticut and her J.D. from the University of Connecticut, School of Law, where she also served as Managing Editor of the Connecticut Insurance Law Journal. Nicole also is a graduate of Allied World's 2013 global High Potential (HIPO) Leadership Program. She is admitted to practice law in Connecticut, Massachusetts, and New York.

ASHLEE BEKISH is a Director of Employee Relations Counsel at Target, a national retailer based in Minneapolis, Minnesota. Before joining Target, Bekish worked in private practice representing employers in a variety of industries and service areas, focusing on litigation and counseling involving federal, state, and local employment laws. She earned her Law Degree from Hamline University School of Law and her Bachelor's Degree from St. Cloud State University.

LANA BENOIT, J.D. is a Senior Claims Specialist with AXIS PRO Insurance in Kansas City, Missouri. She has been a claims professional for 15 years, and was previously a practicing attorney. She regularly handles complex and high-exposure claims, and manages coverage and bad faith litigation. She received her J.D. from Washburn University School of Law and her B.A. from Kansas State University.

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MICKEY CLARK is a senior legal counsel for O'Reilly Auto Parts, one of the largest specialty retailers of automotive aftermarket parts, tools, supplies, equipments and accessories in the United States, serving both the do-it-yourself and professional service provider

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CHARLES COFFEY is Senior Claims Counsel at The Bar Plan Mutual Insurance Company in St. Louis, Missouri, a legal malpractice insurer that writes policies in Missouri, Kansas, Indiana, New Mexico, and Tennessee. Prior to joining The Bar Plan, Coffey practiced civil litigation, with a defense-oriented emphasis on insurance issues, telecommunications, and commercial disputes, for a boutique firm in South Florida. Coffey enjoys being involved in the legal community, and has held positions on the Executive Boards of the Missouri Bar Young Lawyers' Section Council and the Young Lawyers' Division of the Bar Association of Metropolitan St. Louis. He is active in the American Bar Association's Young Lawyers' Division, where he was chair of the Division's Law Practice Management and Tort, Trial, and Insurance Practice ("TIPS") Committees. He is currently serving as the ABA Young Lawyers' Division liaison to the Standing Committee on Bar Activities and Services, and was selected as a ABA TIPSNow fellow. Coffey has written and presented extensively on the subjects of insurance (specifically lawyers' professional liability), professional responsibility, and ethics.

KATIE CONNOLLY represents publicly traded and Fortune 500 companies across the nation in post-employment covenants and trade secret litigation. She also serves as national counsel in an advisory capacity accounting for each state's unique requirements when auditing post-employment covenants and maintaining her clients' compliance with each state's non-compete laws. While she has settled matters in the early stages of a case, Connolly has successfully litigated cases in both state and federal courts throughout the country. In addition to her covenant and trade secret work, Connolly routinely advises and litigates discrimination claims, as well as leave of absence and

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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 courts and substantial appellate experience. Dina defends class actions, mass torts, government enforcement actions, drug and medical device cases, toxic tort and chemical exposure cases, 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.

GILLIAN DALE is a Member of Hall & Evans, LLC, in Denver, Colorado. She practices primarily in the areas of employment law, civil rights litigation, and life, health, accident and disability. She represents employers in administrative proceedings, litigation, and appeals, and regularly handles matters under Title VII, the ADA, the ADEA, the FMLA, the FLSA, and ERISA. Gillian also advises employers regarding compliance issues and drafts employment-related agreements, including

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D. JAY DAVIS, JR. is a partner in the Charleston, SC ALFA International member law firm Young Clement Rivers (YCRLAW). Jay is chair of the firm's Professional and Medical Liability practice groups and the firm's Business Litigation practice group. Jay is rated AV® Preeminent Peer Review Rated Judicial and bar member edition by Martindale Hubbell. Jay has also been selected as a member of Super Lawyers® in the areas of Professional Liability defense. Jay has been elected to Best Lawyers in America® as well. Jay is a member of the American Board of Trial Advocates ("ABOTA"). He is also a member of the Federation of Defense and Corporate Counsel ("FDCC") where he serves as chair emeritus of the Healthcare Law Section. Jay grew up in Charleston and earned a Master's Degree from the University of South Carolina in 1993. Jay then graduated cum laude from the University of South Carolina School of Law where he was also an associate editor of the South Carolina Law Review.

MELISSA DEMMON joined Sompco in July 2012 and handles legal malpractice, architects and engineers, real estate management and title, and insurance agents and brokers' claims. Melissa has over 19 years of insurance claims and legal experience. Prior to joining Sompco, Melissa was Claims Counsel for a major insurance company in St. Louis, Missouri where she managed a large caseload of LPL claims against policies with limits up to \$5M. Melissa previously served as Counsel with a national law firm, serving as coverage counsel to insurers with regard to D&O, PL, and FI liability insurance policies. Her work included representing insurers as monitoring counsel and coverage counsel for claims against FI and D&O insureds arising out of regulatory investigations and civil litigations alleging late trading, market timing and broker steering. Melissa spent seven years with another law firm in New York as an Associate and Counsel, again serving as coverage and monitoring counsel to insurers in connection with D&O/PL insurance policies. Melissa also defended insurance companies in federal and state courts in coverage litigation, and the defense of debt collectors in New York federal courts against claims for violation of the FDCPA. Prior to that time, Melissa was an Associate with another New York law firm,

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MARK D. DORÉ is a shareholder in the El Paso, Texas ALFA law firm of Mounce, Green, Myers, Safi, Paxson & Galatzan, P.C. His practice consists of exclusively representing management in labor and employment litigation in state and federal courts, and regularly providing claim prevention advice to employers on all areas of employment law. Mr. Doré has been Board Certified in Labor and Employment Law by the Texas Board of Legal Specialization since 1989. In addition, Mr. Doré is listed in the Best Lawyers in America® publication in labor and employment law, and has been recognized in the Texas Superlawyer publication in labor and employment litigation defense every year since 2007. Mr. Doré has authored several articles on employment-related

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GEORGE FAGAN is a founding partner of Leake & Andersson LLP, which has offices in New Orleans and Lafayette, Louisiana. Mr. Fagan is the Firm's lead partner for handling appellate, employment, insurance coverage, professional liability and securities litigation matters. He has extensive experience handling trials and appeals in state and federal courts in Louisiana and Mississippi, and in arbitration hearings throughout the United States. Mr. Fagan has been included in the Best Lawyers in America listing since 1999, has an "AV Preeminent" Martindale rating, and is a member of the Federation of Defense and Corporate Counsel as well as the CLM Alliance. He is a past Chair of ALFA International's Labor & Employment Practice Group as well as its Insurance Practice Group. Mr. Fagan was honored with the ALFA Nate Fishbach Service Award in 2011, which is annually awarded to one lawyer for contributions to ALFA International. He regularly speaks, chairs panel presentations and publishes papers and articles on topics in his areas of practice, as well as cyber, ethics, e-discovery and document retention issues. Mr. Fagan received his undergraduate degree from Washington & Lee University (cum laude), and his law degree from the Paul M. Hebert Law Center at Louisiana State University. He plays lead guitar and sings in a rock 'n roll band that performs for charity and other events.

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MICHELLE GRIMALDI joined YorkPro, Inc. as a Director of Claims with 9 years of civil litigation experience as well as professional liability claims handling experience with a major insurance carrier. Ms. Grimaldi currently manages a wide variety of D&O, E&O and EPL claims. During Ms. Grimaldi's tenure with two large Manhattan law firms she specialized in legal malpractice, medical malpractice, toxic and mass tort litigation, lead based paint exposure, and products liability. Ms. Grimaldi also has extensive experience in general liability claims including construction accident and defect litigation, premises liability, and personal injury. While working for a major insurance carrier, Ms. Grimaldi handled Medical Professional Liability claims asserted against doctors, surgeons, dentists, podiatrists, major hospital systems, and others within the healthcare industry. Ms. Grimaldi was also responsible for overseeing the day-to-day handling of two major medical

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JANET HAYES, a Shareholder in the Knoxville office, is an advocate for employers and businesses across the state. Her practice is focused on employment and appellate law. Ms. Hayes has successfully defended all types of employment claims including sexual harassment, retaliatory discharge, discrimination, workers' compensation, invasion of privacy, wage/hour claims, and denial of benefits. With over 20 years of litigation experience, Ms. Hayes now devotes most of her time to developing litigation-avoidance strategies for her clients. She drafts client-specific employee handbooks, policies, and employment contracts to provide legal compliance Carson-Newman College, B.A., magna cum laude, 1993 University of Tennessee, J.D., high honors, 1996 Tennessee, 1996 Appellate Class Action Employment while enhancing business success. She also conducts manager/supervisor training classes and compliance audits. Employers frequently call upon Ms. Hayes to conduct formal investigations of employee complaints and allegations of internal wrongdoing. Her investigations have included allegations of sexual harassment, age discrimination, embezzlement, misappropriation of time, abuse of leave policies, and generalized claims of mismanagement and unprofessional conduct. In addition to her employment practice, Ms. Hayes also represents the firms' clients on appellate matters. She has written multiple appellate briefs and has successfully argued before the Tennessee Court of Appeals and the United States Court of Appeals for the Sixth Circuit.

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JANE A. KIM is a Partner in the Little Rock, Arkansas office of Wright Lindsey Jennings. Her practice centers on representing employers in litigation and in agency investigations involving claims under federal and state employment laws. She also advises and provides training to employers on compliance issues and develops personnel policies, employment agreements, covenants not to compete, and other employment-related contracts. Ms. Kim is recognized by Chambers USA as a "Leader in their Field" and has been listed in Mid-South Super Lawyers since 2013. Ms. Kim chairs Wright Lindsey Jennings' Committee on Associates, and was named to the inaugural Arkansas Business list of "Women to Watch" in Central Arkansas.

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JACOB LEHMAN is a trial lawyer with the Philadelphia firm of German, Gallagher & Murtagh P.C. He focuses his practice on the defense of professionals along with product liability and business litigation. Jake's focus is on creativity, aggressive advocacy, and most of all client service. 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 with honors from Temple University's nationally ranked trial advocacy program. Before joining GGM in 2011, he worked as a criminal defense attorney where he obtained significant jury trial experience. 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 P. LIZOTTE, Assistant Vice President, Stephanie assists in the management of Allied World's E&O team which handles lawyers errors and omissions (E&O) liability, insurance agents and brokers E&O liability, miscellaneous professional liability, tech/privacy professional liability and architects and engineers professional liability lines. Prior to joining Allied World, Stephanie held the position of Senior Claims Counsel at XL Professional in Hartford, CT, handling high-severity public and private directors and officers (D&O) liability claims as well as employment practices liability matters and fiduciary liability matters. Stephanie's previous professional experience includes practicing as an insurance defense and personal injury attorney with Noble, Young & O'Connor, P.C. in Hartford, CT as well as clerking with the Danbury Superior Court. Stephanie earned her B.A. at The Catholic University of America and her J.D. at Pepperdine University School of Law. She is a member of the Connecticut Bar and is admitted to practice before the United States District Court for the District of Connecticut.

TERRI LYNCH currently serves as Associate General Counsel handling all employment law disputes and providing legal counsel for the U.S. operations of Anheuser-Busch InBev, the leading global brewer and one of the largest consumer products companies worldwide. A-B's U.S. operations consist of breweries, distributorships, agricultural facilities, and can/bottle/lid manufacturing plants across the U.S. Terri advises and counsels HR professionals and business managers on all employment related issues and manages all employment disputes (A-B's Dispute Resolution Program, EEOC/state agencies charges, negotiations and litigation). In addition, she collaborates with corporate labor, advises on SAG/AFTRA issues, and provides training on employment best practices. She also is part of the national brewery negotiating team. Prior to joining the legal department at A-B, she was a litigator for 8 years with Armstrong Teasdale, LLP, handling a multitude of cases, including condemnation, product liability, trucking accidents and misappropriation of trade secrets. She is also the mother of three girls – 19, 17, and 8.

RALPH L. MARCHBANK, JR. is a 30 plus year 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.

CHRISTINE L. MAST is a senior partner and on the executive committee at Hawkins Parnell Thackston & Young LLP in Atlanta, Georgia. As Best Lawyers® 2015 Legal Malpractice Defense "Lawyer of the Year" in Georgia, Christine defends attorneys and other legal professionals in all types of claims including legal malpractice, breach of fiduciary duty, unfair debt collection practices, fraud, securities violations, defamation, and racketeering. She also represents insurance agents and brokers, appraisers, TPAs, surveyors, accountants, and a variety of other professionals. Christine counsels and protects professionals in disciplinary and regulatory investigations and also has experience handling insurance coverage disputes, various business litigation matters, and tort cases. Christine lectures regularly on the subjects of malpractice avoidance, ethics, abusive litigation, discovery and trial techniques. She has also served as an adjunct professor at the Emory University School of Law. She holds an undergraduate degree from University of Illinois and a law degree from University of North Carolina.

CHRIS MCCULLOUGH is the Vice President & General Counsel for Nilfisk, Inc., a global manufacturer of professional cleaning equipment based in Copenhagen, Denmark. Chris is

responsible for all legal matters involving Nilfisk's Americas business. Prior to joining Nilfisk, Chris served as the global Vice President & General Counsel of Honeywell's Sensing and Control division and as the Assistant General Counsel for Honeywell Building Solutions where he was responsible for the Americas legal function. Before joining Honeywell, Chris served as divisional General Counsel for Carlson Companies' leisure travel business, and was also an associate with the Gray Plant Mooty law firm in Minneapolis. Chris earned his Bachelor's Degree in Economics and Political Science from the University of Iowa, received a Master's Degree in Political Science from Indiana University – Bloomington, and obtained his Law Degree from the University of Minnesota Law School. Chris also currently serves as the Chair of the Wayzata (Minnesota) School Board and teaches at the University of Minnesota Law School.

WILLIAM K. MCVISK has more than thirty years experience in litigation, trials and claims handling. He is a shareholder at the alfa international member firm in Chicago, Johnson & Bell, Ltd., where he focuses on complex insurance coverage and bad faith litigation and medical malpractice defense. He represents both policyholders and insurers in insurance coverage litigation, and has experience in all lines of coverage, with an emphasis on third party coverages. He has tried numerous serious cases, including bad faith cases and cases with injuries as severe as brain damage and death. Bill has been a member of the board of directors for the Illinois association of defense trial counsel (IDC) since 2008 and is currently a vice president of IDC. He is the former co-chair of the IDC legislative committee, and previously served as chair of the IDC insurance law committee and was editor in chief of the IDC quarterly. He is an active member of the DRI insurance law committee, and is co-chair of the professional liability subcommittee. He is also the past president of the Illinois association of healthcare attorneys. Bill received his J.D., with honors, from northwestern university law school in 1977, and received his B.A. in history from university of Illinois in 1974. He is admitted to practice in Illinois and Indiana as well as several federal district and circuit courts. He has published numerous articles on insurance coverage, bad faith, evidence, tort reform and other subjects.

TROY MILLER is the Senior Legal Claim Specialist for Attorney Shield at NCMIC Group's Professional Solutions Insurance Company. NCMIC & PSIC offer Medical and Attorneys Professional Liability lines, as well as an array of other Financial and Insurance Services. Troy has been in the industry since 1982 as

an independent adjuster and as a carrier employee handling multiple lines, supervising adjusters and catastrophes, co-authoring claims manuals, editing and contributing articles for company newsletters, and presenting service campaigns. In 1996 he experienced his first taste of Attorneys Professional Liability as a TPA for Reliance National, and this is where he discovered his preferred niche working exclusively with attorneys on a daily basis. Since joining NCMIC in 2005 he has been the lead for the Attorneys Professional Liability Claims Program. In addition to performing all aspects of claims handling and claims avoidance assistance to policyholders, he provides guidance to adjusters, underwriting, and sales, as well as monitoring and forecasting industry trends.

MARNIE NAVARRO is Litigation Counsel for Arthur J. Gallagher & Co., in Rolling Meadows, Illinois. Arthur J. Gallagher is the fourth-largest insurance brokerage and risk management firm in the world and was the only insurance brokerage firm to be recognized as one of the World's Most Ethical Companies by Ethisphere Institute from 2012-2017. As Litigation Counsel, Marnie manages commercial litigation, disputes and regulatory matters against the company domestically and internationally, primarily focusing on professional liability and errors and omissions claims against insurance brokers (retail and wholesale). Marnie analyzes complex coverage issues across numerous lines of coverage and advocates coverage positions with carriers to resolve coverage disputes and avoid errors and omissions claims. Further, she retains, oversees and directs outside counsel in the defense of litigation against the company. Prior to joining Gallagher in 2014, Marnie was a litigator in Chicago specializing in insurance coverage, bad faith, and professional liability. She was recognized as a Super Lawyers® Rising Star in Illinois 2012-2015 in the area of Insurance Coverage. She holds a Bachelor's Degree from Baylor University, Summa Cum Laude, and J.D. from University of Illinois College of Law, where she graduated Summa Cum Laude and Order of the Coif. She is a member of the Illinois bar.

TAMARA K. NELSON is a shareholder in the firm of Merrick, Hofstedt & Lindsey, P.S. in Seattle, Washington, where she maintains an active litigation practice on behalf of corporate and institutional clients. Her practice focuses on employment law, professional liability, and commercial and complex torts. Ms. Nelson has obtained successful outcomes on behalf of her clients in state and federal trial courts, and has successfully argued before the Washington State Court of Appeals. Ms. Nelson is admitted to practice in all Washington state

and federal courts, as well as the Ninth Circuit Court of Appeals; she is also a member of the Washington Defense Trial Lawyers, and the King County Bar Association where she served on the Board of Trustees 2011-2014. In addition to her work, Ms. Nelson devotes substantial time to her community through her volunteer work with King County Community Legal Services, and sitting on the Board of Directors for Lawyers Helping Hungry children, a Washington non-profit organization committed to ending childhood hunger.

COURTNEY NICHOLS is a Shareholder and Labor and Employment Practice Group Leader of the Michigan ALFA International law firm, Plunkett Cooney. Ms. Nichols represents employers in workforce-related litigation under state and federal law, including disputes involving allegations of wrongful termination, discrimination, retaliation, and wage and hour violations. Ms. Nichols also advises employers on complicated contractual issues and conducts in-house training for employers of various sizes. In addition, she represents employers in administrative matters before the NLRB, DOL, and EEOC. Ms. Nichols was selected as an Up & Coming Lawyer by Michigan Lawyer's Weekly and named a Rising Star by Michigan Super Lawyers.

JOEL O'MALLEY is an employment litigator and advisor. O'Malley defends his clients nationwide in all types of employment and wage-and-hour litigation, and helps clients enforce restrictive covenants against former employees. He handles both individual and class litigation throughout the country, with extensive experience litigating in California. He also counsels clients in complying with discipline and discharge, wage-and-hour, workplace leave, and employment and severance agreement issues.

KATHLEEN C. PEAHL is with the Manchester, New Hampshire firm of Wadleigh, Starr & Peters, PLLC, where she currently serves as the Managing Partner. Ms. Peahl focuses her practice on labor and employment law and provides advice and representation to both private and public sector employers, including municipalities, school districts, hospitals, universities and businesses. She assists clients in all aspects of labor and employment law, providing advice on a wide range of employment and personnel issues including hiring, discipline and discharge, compliance with wage and hour laws, investigation of harassment and discrimination claims, administering disability and family leave requirements and drafting of policies and employment contracts. She has experience defending claims on behalf of employers in both state and federal court and

before state and federal administrative agencies, including the Department of Labor, the New Hampshire Commission for Human Rights, Equal Employment Opportunity Commission, New Hampshire Department of Employment Security and New Hampshire Public Employee Labor Relations Board, and has successfully argued cases before the First Circuit Court of Appeals. Ms. Peahl is a former Secretary of the Board of Directors of ALFA International and a former chair of the ALFA International Women's Initiative Practice Group. She is a graduate of Boston College and Boston College Law School.

TIMOTHY M. PEEPLES is a Director in the Oxford, MS office of Daniel Coker Horton & Bell, P.A. Mr. Peeples serves as the chair of the Firm's Information Technology practice group and litigates on behalf of public and private employers in all areas of employment law, including discrimination and civil rights issues, wage and hour, employment contracts, covenants not to compete and wrongful discharge. He also regularly advises employers on employment matters ranging from employee handbook provisions, hiring and firing decisions and other employment related policies and procedures. Mr. Peeples is a frequent presenter on Title VII, ADEA, FMLA and FLSA issues.

TIM PERKINS Tim Perkins is the Managing Attorney of Labor & Employment Litigation for AutoZone, Inc. — a Fortune 300 Company with over 6000 stores and 90,000 employees. In addition to managing labor and employment litigation throughout the United States and Puerto Rico, Tim provides advice and counsel to the company's business groups on emerging compliance and human resource-related matters and provides trainings throughout the year to human resource personnel and field management. Before joining AutoZone, Tim spent nine years in private practice as a management-side attorney where he defended all matter of employment-related claims. Tim is also an adjunct professor of law at the University of Memphis School of Law where he teaches Appellate Advocacy and has coached the Robert F. Wagner Labor & Employment Law Moot Court Team for the last 11 years.

BRIAN L. QUISENBERRY is a partner at the ALFA International member firm YCRLAW in Charleston, South Carolina. Brian's practice focuses on employment and labor law. Brian represents both public and private employers in state and federal courts, as well as before administrative agencies such as the EEOC and the S.C. Human Affairs Commission. Brian advises his clients on compliance with state and federal laws and helps his clients develop strong policies and procedures. Brian is AVPreeminent

Peer Review Rated in the area of Labor and Employment. Brian also defends his clients against premises liability claims and advises clients on cyber security issues. Brian currently serves as the Immediate Past President of the SC Chapter of the Federal Bar Association.

GLENN C. RAYNOR has been a litigation attorney with the Raleigh, NC firm of Young Moore and Henderson for 26 years. He received his undergraduate and law degrees from the University of North Carolina at Chapel Hill. During his career he has litigated cases involving issues of medical malpractice, products liability, professional errors and omissions, and personal and commercial motor vehicle negligence, as well as representing medical professionals before their licensing Boards. During the last fifteen years his practice has been focused on the litigation of private and commercial lines insurance coverage matters, and the defense of insurance bad faith claims in state and federal court. He has been selected as a Super Lawyer on multiple occasions in the fields of medical malpractice defense and insurance coverage litigation, and is currently admitted to practice in all state and federal courts in North Carolina, the Fourth Circuit Court of Appeals and the United States Supreme Court.

DOUG RICHMOND is Managing Director of Aon's Professional Services Group. Aon's Professional Services Group is the world's leading broker of insurance for law firms. Doug consults with Aon's 275 law firm clients on professional responsibility and liability issues, and additionally leads Aon's loss prevention efforts for all professions. Before joining Aon, Doug was a partner with Armstrong Teasdale LLP in Kansas City, Missouri (1989–2004), where he had a national trial and appellate practice. In his time at Armstrong Teasdale, he tried over 40 major cases as "first chair" and was often engaged to handle appeals of cases tried by other lawyers. In 1998, he was named the nation's top defense lawyer in an insurance industry poll as reported in the publications Inside Litigation and Of Counsel. He is a member of the ABA's Standing Committee on Ethics & Professional Responsibility (2016–19). He is also a member of the American Bar Foundation, American Law Institute (ALI), American Board of Trial Advocates (ABOTA), International Association of Defense Counsel (IADC), and Federation of Defense and Corporate Counsel (FDCC). In the ALI, he is an Adviser for the Restatement of the Law of Liability Insurance and the Principles of the Law, Compliance, Enforcement, and Risk Management for Corporations, Nonprofits, and Other Organizations. Doug has also been selected to The Best Lawyers in America

in the areas of legal malpractice, personal injury litigation, and railroad law. In 2003, the Euromoney Legal Media Group named him as one of the nation's top insurance and reinsurance lawyers. Doug is the lead author of the book *Professional Responsibility in Litigation* (2d ed. 2016), and the co-author of an insurance law treatise, *Understanding Insurance Law* (6th ed. 2018) and an insurance law casebook, *Cases and Materials on Insurance Law* (8th ed. 2018). He is also a named editor of the *New Appleman Insurance Law Practice Guide*. He has published more than 60 articles in university law reviews, and many more articles in other scholarly and professional journals. Doug teaches Legal Ethics at the Northwestern University School of Law, and Insurance Law and a seminar on Liability Insurance Law at the University of Florida College of Law. He previously taught Trial Advocacy and Insurance Law at the University of Kansas School of Law, and Insurance Law and a seminar on Damages at the University of Missouri School of Law. Doug is also a regular NITA faculty member, teaching both deposition and trial skills. Doug earned his J.D. at the University of Kansas, an M. Ed. from the University of Nebraska, and his B.S. from Fort Hays State University.

DAVID A. ROBLES is an Assistant Vice President in the North American Claims Group for Allied World Insurance Company. He is currently responsible for managing professional liability claims against lawyers, insurance agents, insurance companies, architects, engineers, surveyors and other miscellaneous professionals. Prior to joining Allied World, Mr. Robles spent approximately 18 years practicing law in Connecticut with a concentration in insurance defense. This included extensive trial work as staff counsel for Infinity Property & Casualty Corporation and Nationwide Mutual Insurance Company. Mr. Robles earned a B.S. degree from Western New England College and J.D. degree from the University of Connecticut School of Law. He is admitted to practice law in Connecticut and before the United States District Court for the District of Connecticut.

JAKI SAMUELSON is a member of Whitfield & Eddy, PLC. in Des Moines, Iowa. Her practice focuses on employment law, including both client counseling and litigation. She has served as President of the Iowa Academy of Trial Lawyers, the Iowa Defense Counsel Association, and the Iowa Organization of Women Attorneys. She has been recognized as a leading employment lawyer by Chambers USA, Best Lawyers in America, and Great Plains Super Lawyers. She received her bachelor's degree from Bradley University and her J.D. from the University of Iowa College of Law.

JENNIFER SAUNDERS is a partner in Haight's Los Angeles office, where she focuses her practice on defending professionals in matters ranging from errors and omissions claims, technology, privacy and media issues to contract disputes and disciplinary matters. She is certified in Legal Malpractice Law by the State Bar of California, with more than 30 years of experience in the field, and has a subspecialty in defending family law practitioners and accountants. She has also represented professionals in a myriad of claims arising out of criminal, probate, real estate, bankruptcy, business litigation and pro bono services. Ms. Saunders' experience has also included defending manufacturers and service providers on claims arising out of both direct and indirect exposure to asbestos. Her practice has included pre-claim evaluation, risk management, early mediation, arbitration and trial. Ms. Saunders has worked with many domestic and London-based insurers, uninsured professionals and a range of businesses.

GERO SCHNEIDER is head of Tiefenbacher's International Division and a core member of its employment and corporate practice. Tiefenbacher is the ALFA International member firm in Germany. Gero advises both German and international clients in all fields of employment law as well as any related corporate law issue with a particular focus on cross-border transactions. Gero has a wide range of experience in employment and corporate business matters, including litigation and arbitration, collective matters as well as cross-border transactions. Before joining Tiefenbacher as a partner in 2013 Gero practiced as General Counsel with the supermarket chain Lidl and another medium-sized law firm as a partner. Gero earned a doctor degree from Leipzig University and a Master of Comparative Law from the University of Adelaide (South Australia). He is author of many legal publications as well as lecturer with the University of Mannheim. Gero has been serving as co-chair of ALFA International's International Law Practice Group until recently.

THERESA L. SCHULZ is General Counsel with AmeriPride Services, one of the largest uniform rental and linen supply companies in North America. In this role, she is responsible for the Legal and Risk Management functions in the U.S. and Canada. In prior roles as Employment and Labor Counsel and HR Director for U.S.-based companies, Theresa was responsible for the strategic leadership of the Labor Relations and Human Resources functions, which included managing the workers compensation and employee leave programs. She has many years of experience as a chief labor negotiator and in

advising operational management and executive leadership teams on employee relations, labor relations, and human resource matters.

STEVEN H. SCHWARTZ is a shareholder at the ALFA International law firm of Brown & James, P.C. in St. Louis, Missouri. Steve is an active trial lawyer who has handled business litigation, professional liability, officer/director liability, employment and technology cases for over 30 years. Steve defends lawyers, accountants, insurance agents and brokers, real estate agents, appraisers and title companies. Steve also represents employers in all types of employment disputes from discrimination and retaliation to non-compete agreements and theft of confidential information. Steve has also handled many technology related claims, including software disputes, data breach and intellectual property disputes. Steve received his J.D. with Honors from George Washington University and his B.A. with Distinction from Indiana University.

SAMANTHA SIDDIQUI is the Management Liability Claims Manager in CBRE's Global Risk Management department. Samantha is responsible for procurement of the firm's management liability insurance coverage and assists in management of the firm's captive. Samantha is also responsible for managing the firm's global claims activity relative to professional indemnity (E&O), employment practices liability, wage & hour coverage, directors & officers liability, technology E&O/cyber liability coverage, and crime/fidelity coverage. Previously, Samantha was a Senior Claims Attorney at Tokio Marine HCC – Professional Lines Group. Prior to that, she was an associate with Kissel, Hirsch & Wilmer, LLP. Samantha is a graduate of Binghamton University and the Elisabeth Haub School of Law at Pace University. Samantha is licensed to practice law in New York and is a member of the New York State Bar Association.

CHRISTOPHER F. SMITH is an assistant vice president and complex claims and coverage counsel for Ironshore Insurance in New York. He is an experienced litigator with more than 15 years managing and handling complex public securities class actions and private company directors and officers/financial lines claims. Prior to his current position, he was responsible for specialty claims for AIG, The Hartford, and Chubb and served as a special investigator for the New York State Attorney General's Office. Chris earned his B.A. in political science and government from Vassar College and his J.D. from Fordham Law School.

RUSHA SMITH is a partner with Bradley Arant Boulton Cummings LLP, the ALFA International member firm in Birmingham, Alabama, where she has significant experience representing a number of plaintiffs and defendants in a wide variety of complex topics in state and federal courts, including environmental, commercial, professional liability, and product liability cases. Before joining Bradley, Rusha completed two judicial clerkships, one with Alabama's highest appellate court and another one with an Alabama federal district court. In her nearly 25 years of practice, Rusha has represented many different clients such as coal developers, oil producers, insurance professionals, drug and medical rehabilitation companies, financing institutions, and various other product manufacturers. She is licensed in Alabama and Texas and is a Fellow of the Alabama Law Foundation. In the community at large, Rusha has been a member of the board of The Exceptional Foundation since 2013 and also served as a board member of the Birmingham Bar Association Volunteer Lawyers Program from 2010-2013.

JOSEPH F. SPITZZERI is a co-chair of Johnson & Bell's Employment group. Mr. Spitzzeri has litigated race, sex and national origin cases under Title VII as well as age and disability cases under ADEA & ADA. He has also litigated cases under the Illinois Human Rights Act as well as other wrongful termination litigation and litigation arising from breach of employment agreements/restrictive covenants. He has also handled administrative matters before the EEOC and the IDHR. Mr. Spitzzeri has litigated FLSA cases as well as actions brought under the Illinois Minimum Wage Payment and Collection Act. In addition, Mr. Spitzzeri represents employees and employers before the Inspector General for the City of Chicago and State of Illinois and defends Welfare & Pension Fund Contribution Deficiency cases. Mr. Spitzzeri does on-site training in employment discrimination/harassment issues and assists clients in preparing and revising their employee handbooks.

CYNTHIA (CINDY) STODDARD HULCE began her career with the Hanover Insurance Group in 2000 as a Lead Trial Attorney in the staff counsel organization, with primary responsibility for products liability, construction defect and complex commercial personal injury litigation in the State of Michigan. In 2010 Cindy assumed the role of Claims Director of Lawyers Liability Claims and held that role until 2015, at which time she assumed primary responsibility for complex claims handling across three lines of specialty business – lawyers, architects and engineers, and miscellaneous professionals. Prior to joining Hanover, Ms. Hulce was

employed as Senior Trial Counsel and Litigation Manager for one of the country's largest manufacturing and direct selling companies and was responsible for risk management, litigation supervision, and served as liaison to the Federal Trade Commission. Ms. Hulce also has 20 plus years experience representing doctors and lawyers in professional malpractice litigation. She has authored a book on employment law, and has published numerous articles regarding discovery strategies, trial preparation and risk avoidance. Cindy is a regular speaker at ICLE, ABA and other industry conferences on the issue of claims management and claim avoidance. Cindy received her Juris Doctorate, cum laude, from the Thomas M. Cooley School of Law and her undergraduate degree in business administration from Western Michigan University.

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. Prior to 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.

DAVID T. VANALEK is an attorney and Director of the Global Medical & Healthcare Practice Group, Miscellaneous Professional Liability and Lawyers, and Carrier Alliance Claims at Markel in Chicago, Illinois. David joined Markel in 2007, and has since assumed a director role overseeing a team of 25 insurance professionals and attorneys across six offices nationwide responsible for a wide array of professional liability product lines particularly in the healthcare field, which has included over the years: Public Company and Private Company Directors & Officers Liability, Not-For-Profit Directors & Officers Liability, Employment Practices Liability, Fiduciary Liability, Cyber Liability, Medical Malpractice, Miscellaneous Errors & Omissions, Lawyers, Insurance Agents & Brokers, Architects & Engineers, Financial Advisors, Broker/Dealers and Registered Representatives, Accountants, and Senior Living claims. Prior to joining Markel, David was in private practice since 1998, serving clients throughout California and Illinois. He received his Bachelor's degree from the University of California, Los Angeles, and his law degree from the University of

California, Davis, where he served as an Editor on Law Review, as well as a judicial extern for an associate justice of the California Supreme Court. David is a frequent speaker on cyber liability, employment practices liability, and other professional liability insurance issues.

TERESA YOUNG is a partner in the St. Louis, Missouri ALFA International law firm Brown & James, P.C., practicing in the firm's St. Louis office. Within her specialty of insurance defense, Teresa regularly takes on cases that fall into the category of complex litigation, including coverage analysis, multi-party and multi-jurisdictional cases, as well as cases that contain intricate factual or legal issues. She also consistently handles appellate matters for her insurance clients and was recently named an Influential Appellate Advocate by Missouri Lawyers Weekly for her work in bringing a seminal case on co-employee liability before the Missouri Supreme Court. She received her Bachelor's and Master's degree from the University of Kansas, and her J.D. from Washington University in St. Louis.

PROGRAM INFORMATION

MEETING LOCATION

The Wagner At The Battery

Two West Street

New York, New York 10004

Tel: (212) 344-0800

REGISTRATION

Please contact your ALFA International Attorney to register for this program. ATTENDANCE IS OPEN ONLY TO MEMBERS OF ALFA INTERNATIONAL AND THEIR INVITED GUESTS. ALL EVENTS ARE FOR THOSE 21 YEARS OF AGE AND OLDER.

ATTIRE

The attire for the educational sessions throughout the conference, and the Wednesday night welcome dinner, is business casual. Casual attire (shorts, t-shirts and jeans) is encouraged for the Thursday night New York Yankees event.

CLE CREDIT AND CE CREDIT

ALFA International certifies this program has been approved for a total of 8 CLE credit hours in the states of IL, CA and NY. This includes up to one hour of Ethics credit, for the "Ethics and the Potential Curveball" breakout session. If you need credit in another state, please contact that state bar regarding the necessary requirements to obtain CLE credit. A packet of CLE information, along with a CA certificate of attendance, will be distributed at the seminar which should help you apply individually to your state. Carter Conboy is the official NYC CLE provider. Up to 5 hours of Texas CE credit will also be available. ALFA International staff is available to assist if you have any difficulty.

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