

### 2021 PROFESSIONAL LIABILITY & INSURANCE VIRTUAL SEMINAR: PROFESSIONAL LIABILITY AND INSURANCE PRACTICE CHALLENGES - CONFRONTING THE NEW NORMAL

**Date:**

Thursday, June 24, 2021

**Time:**

3:00 p.m. – 6:00 p.m. CT

**Leadership:**

**Jacob Lehman**

*2021 Co-Program Chair*

GERMAN, GALLAGHER & MURTAGH, P.C.

Philadelphia, Pennsylvania

**David Prasifka**

*2021 Co-Program Chair*

LORANCE THOMPSON, P.C.

Houston, Texas

**About this program:**

2020 was by far the most interesting and challenging year that any of us have experienced. From a global pandemic to racial justice protests around the world, the challenges of the past 12 months have been extraordinary and difficult to navigate. Many of us are working remotely more than ever and embracing technology in more frequent and innovative ways.

At the ALFA International 2021 Virtual Insurance and Professional Liability Seminar, we will take a look at confronting the new normal in the areas of the law and your business. In our general session we will talk about complex issues concerning COVID-19 claims against insurance professionals/brokers, business interruption coverage, social inflation and big jury verdicts, strategies of the plaintiff bar in bad faith litigation and the impact of virtual (Zoom) claims and litigation handling. At the conclusions of the seminar, join us for a virtual wine tasting and trivia.

**Agenda:**

**3:00 - 3:30 p.m. CT – SOCIAL INFLATION AND ITS RECENT IMPACT ON JURY VERDICTS**

**Andre Webb**

GERMAN, GALLAGHER & MURTAGH, P.C.

Philadelphia, Pennsylvania

**Todd Lubben**

Brown & James, P.C.

St. Louis, Missouri

Social inflation – or the trend of juries awarding larger payouts in civil cases – is posing an increasing threat to the global insurance industry; and, there is an eclectic mix of explanations for the trend of rising plaintiff verdicts, from a cynical view of large businesses and corporations to the proliferation of litigation funding to the political leanings of judicial appointees or the erosion of tort reform. Whether the environment for civil defendants and insurers will get worse before it gets better is a hot topic, as are themes for defense lawyers that may resonate with jurors who express distrust for big business or who have been desensitized to large or “punishing” verdicts. Join our panel of professionals who face the effects of social inflation to discuss the trends, the reasons for the trends, and ways to combat being featured in the next HUGE VERDICT headline.

### 3:30 - 4:00 p.m. CT – COVID-19 BUSINESS INCOME LOSS CLAIMS: BOOM OR BUST?

**Andrew Flynt**

YOUNG MOORE AND HENDERSON P.A.  
Raleigh, North Carolina

**Jeffrey S. Hengeveld**

PLUNKETT COONEY  
Detroit, Michigan

Businesses of all kinds filed business income loss claims with their insurers to recover economic losses caused by COVID-19. Those claims led to extensive litigation. This presentation will explore typical policy requirements for business income loss coverage, the Virus exclusion promulgated by the Insurance Services Offices, common arguments for and against coverage, and litigation trends.

### 4:00 - 4:05 p.m. CT – BREAK

### 4:05 - 4:35 p.m. CT – DEFENSE COUNSEL: NO LONGER A PROTECTED GROUP

**Bryan Kirsch**

*Claims Consultant*  
Attorney Protective  
Fort Wayne, Indiana

**Christine Mast**

HAWKINS PARNELL & YOUNG, LLP  
Atlanta, Georgia

**Jennifer Saunders**

HAIGHT BROWN & BONESTEEL LLP  
Los Angeles, California

A policy limits demand is made within 30 days of the claim being made where the policy is a \$100,000 declining balance versus a policy limits demand made within 30 days of the claim being made where the policy is a \$1.0 million declining balance. We know what the potential exposures may be to the insured, but what potential exposures are there to defense counsel? Is there a trend developing of suits against defense counsel by the insurer and what actions can be taken to mitigate these exposures? Participate in a roundtable discussion of this developing world of lawsuits against defense counsel and share recent experiences and ideas with your colleagues.

### 4:35 - 5:05 p.m. CT – LEVERAGING TECHNOLOGY AND HOW THE PRACTICE OF LAW HAS CHANGED IN THE WORLD OF COVID-19

**Richard Hennessey**

MORRISON MAHONEY LLP  
Boston, Massachusetts

**Meghan Ruesch**

LEWIS WAGNER, LLP  
Indianapolis, Indiana

The effects of the COVID19 pandemic on attorneys and insurance clients are widespread. Well-established viewpoints on claim handling and litigation management have taken a turn for the different. How we, as attorneys for the insurance industry, handle client engagement, strategy goals and successful outcomes depends on our ability to adapt to this altered landscape. This roundtable discussion will present commonly used tools and practice tips developed over the course of the pandemic that will create confidence and opportunity in this brave new world. We owe it to our clients to be resourceful, creative and forward-thinking as we all charge forward together.

### 5:05 - 5:10 p.m. CT – BREAK

### 5:10 - 6:00 p.m. CT – RECEPTION

### Presenters:

**ANDREW P. FLYNT** is a partner with Young Moore and Henderson, P.A., ALFA International's member firm in North Carolina. Andrew's insurance practice involves advising and representing insurers on complex first-party and third-party coverage matters. He regularly provides coverage opinions and litigates coverage issues in declaratory judgment actions. He has extensive experience with coverage issues involving construction defect and sexual abuse claims. In the last year, he has assisted insurers with evaluating claims for business income loss because of COVID-19. He has also been involved in litigation over COVID business income loss claims.

**JEFFREY S. HENGEVELD** is a shareholder in the Bloomfield Hills, Michigan, office of ALFA International member firm, Plunkett Cooney, and is a member of the firm's Board of Directors. He is a trial attorney who focuses his practice primarily in the area of professional liability and consumer litigation. He serves as Co-Leader of the firm's Professional Liability Practice Group and regularly defends attorneys, accountants, and other professionals in malpractice actions. He also regularly advises attorneys and accountants on ethical issues and licensing matters, including answering a legal and ethical hotline for the Michigan Association of Certified Public Accountants. He 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 a Top Lawyer in Legal Malpractice Law by *dbusiness Magazine* and a "Rising Star" 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.

**RICHARD R. HENNESSEY** is an associate in the Boston office of Morrison Mahoney LLP where he focuses his practice on civil litigation and first-party insurance, with an emphasis on trial work in the state and federal courts. He represents some of the nation's leading insurance carriers in a variety of civil litigation matters involving commercial property policies, professional and general liability policies, home owners policies, and builders risk policies. He has extensive coverage experience in a variety of matters across several lines of coverage. Richard received his B.A. from Middlebury College in 1999, and graduated from Vermont Law School in 2003.

**BRYAN KIRSCH, ESQ.**, is a claims consultant with Attorney Protective. He has been a licensed attorney since 2002. Bryan graduated from Colgate University in 199 and from the University of Illinois College of Law in 2002. Bryan has been handling LPL claims since 2004.

**JACOB LEHMAN** is a trial lawyer and partner with ALFA International member firm, German, Gallagher & Murtagh P.C., in Philadelphia, Pennsylvania. He focuses his practice on complex civil litigation splitting his time between claims of professional negligence, product liability, and other matters involving catastrophic injury. He also has a significant commercial litigation practice. Jake's focus is on creativity, aggressive advocacy, and most of all client service. He 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. 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. Jake 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, a distinction given to only 2.5% of Pennsylvania Attorneys under 40.

**TODD LUBBEN** is a partner with ALFA International member firm, Brown & James, P.C., in St. Louis, Missouri. 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 was listed in Missouri Super Lawyers as a Rising Star in business litigation and professional liability and received the 2011 Up & Coming Award from Missouri Lawyers Weekly.

**CHRISTINE L. MAST** is the chair of ALFA International's Professional Liability Practice Group. She is also the managing partner of the defense litigation firm Hawkins Parnell & Young. Based in Atlanta, GA, Christine is the go-to attorney for legal professionals faced with malpractice claims, lawsuits, disciplinary, and ethics issues. A testament to her skillful, pragmatic handling of serious and sensitive claims, she is regularly hired by opposing counsel when they find themselves on the wrong end of a claim. Outside of the courtroom, Christine defends clients against sanctions, licensing, and disciplinary matters. Christine also represents insurance agents and brokers, appraisers, surveyors, and other professionals. Her successful representation is evident in a long list of appellate decisions affirming favorable rulings for her clients, including landmark cases before the Supreme Court of Georgia. Christine was named one of Georgia's top 100 lawyers in 2019, 2020, and 2021 by Super Lawyers and was selected by Best Lawyers as Lawyer of the Year for Professional Malpractice Law Defendants in 2021 and Legal Malpractice Defendants in 2015. Christine has also served as an adjunct professor at the Emory School of Law. She lectures and writes regularly on professional liability, malpractice avoidance, ethics, abusive litigation, and trial procedures.

**DAVID PRASIFKA** is a senior trial attorney at Lorance Thompson, ALFA International's member firm in Houston, who has handled insurance litigation and a variety of cases for clients over the past 30 years. He began his legal career at the 14th Court of Appeals in Houston as the briefing attorney for Chief Justice Curtis Brown. Since joining Lorance Thompson his trial experience has included case involving insurance contract disputes, insurance coverage and bad faith litigation, general liability lawsuits, trucking and automotive lawsuits, trucking and automotive lawsuits, personal injury lawsuits, and toxic tort claims. He has tried cases as a first chair attorney in both the Federal and State Courts of Texas and handled appeals in the Texas Courts of Appeals and to the 5th Circuit. He was part of the team representing insureds in a matter which set the legal standard for interpreting the "absolute pollution exclusion" in the case of National Union Fire Ins. Co. v. CBI Industries, 907 S.W.2d 517 (Tex. 1995). He is currently on the steering committee of the ALFA Insurance Law Practice Group and holder of an AV Martindale-Hubbell rating.

**MEGHAN RUESCH** is a partner at the Indianapolis ALFA firm Lewis Wagner, LLP. Her practice primarily focuses on insurance coverage, bad faith, reinsurance, professional liability, and cyberliability/cybersecurity. Meghan is admitted to practice in the state and federal courts in of New York, New Jersey, and Indiana. Ms. Ruesch is a magna cum laude graduate of the Syracuse University College of Law, and received her Bachelor of Arts degree from Hanover College, where she majored in English and Theater.

**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 and disciplinary matters to elder abuse claims against attorneys. She is certified in Legal Malpractice Law by the State Bar of California, with more than 34 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.

**ANDRE J. WEBB** is a partner at German, Gallagher & Murtagh in Philadelphia, where he defends insured and self-insured entities in a variety of litigation matters. Prior to joining GGM, Andre was Trial Counsel for a large Insurance Company where he handled a wide variety of cases, including premises liability, product liability, dram shop/liquor liability cases and motor vehicle accidents, including UM/ UIM claims. Andre has considerable jury trial experience in both state and federal courts. The diverse nature of Andre's practice provides him with a unique perspective when advising and counseling clients towards attaining the best and most cost-effective resolution. Andre's professional activities extend beyond the courtroom as he is very active in the legal community. Andre is an elected member of the Philadelphia Bar Association's Board of Governors; he also serves as Chair of the Executive Committee of the Young Lawyers Division ("YLD") and is an Executive Committee member of the Philadelphia Association of Defense Counsel ("PADC"). Andre is also active with the Pennsylvania Bar Association, where he serves in the House of Delegates.