



ALFA International

THE GLOBAL LEGAL NETWORK



2023 PROFESSIONAL LIABILITY MINI SEMINAR

August 11, 2023
LondonHouse | Chicago, Illinois

www.ALFAInternational.com

2023 PROFESSIONAL LIABILITY MINI SEMINAR

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Corporate representative depositions, discovery tactics, coverage disputes and privilege assertions affect the work of most professional liability practitioners. Thanks to the hard work of ALFA International's client and attorney panelists presenting this professional liability program, attendees will receive timely, cogent and practical information useful to them as they handle real world claims and litigation in real time across the professional liability spectrum.

Jeffrey S. Hengeveld, Professional Liability Practice Group Chair, PLUNKETT COONEY, Detroit, MI

Ralph L. Marchbank, JR., Program Chair, DICKINSON & GIBBONS, P.A., Sarasota, FL



About LondonHouse Chicago

The historic Guarantee and Accident Building was one of Chicago's most visible and prominent pieces of real estate located at the corner of Michigan Avenue and Wacker Drive along the Chicago River. The building was transformed into the architecturally stunning and dynamic luxury lifestyle hotel LondonHouse Chicago in 2013. The hotel offers the most spectacular views of some of world's best architecture within the Chicago skyline as well as views of the Chicago River, Lake Michigan, the Magnificent Mile and more. The hotel also boasts a tri-level rooftop venue and two floors of upscale retail space.

What is ALFA International?

ALFA International is the premier global network of independent law firms comprised of accomplished trial and business counsel. Founded in 1980, ALFAI was the first and remains one of the largest and strongest legal networks worldwide. ALFAI member firms meet high standards to be part of the network and are well respected by their peers in the legal and business community. ALFAI has 140+ member firms worldwide, including 80 U.S. firms maintaining offices in 95 of the 100 largest metropolitan areas and 60 international firms. Since ALFAI firms are not in direct competition, ALFAI attorneys build strong, trusted relationships with one another. ALFAI's mission is to utilize these relationships to provide high-quality, cost-efficient legal services wherever clients need them. When necessary, ALFAI attorneys can connect clients to their ALFAI colleagues anywhere worldwide whom they trust will handle their client's legal needs with the same attention and care.

SEMINAR SCHEDULE

FRIDAY, AUGUST 11

9:00 A.M. – 9:45 A.M.

Breakfast and Registration

LondonHouse Chicago | Juliette Ballrooms A&B

9:45 A.M. – 10:00 A.M.

Welcome & Introduction

Speakers:

Jeffrey S. Hengeveld, Professional Liability Practice Group Chair, PLUNKETT COONEY, Detroit, MI

Ralph L. Marchbank, Jr., Program Chair, DICKINSON & GIBBONS, P.A., Sarasota, FL

Jessica Zaroski Bauer, Chief Executive Officer, ALFA INTERNATIONAL, Chicago, IL

10:00 A.M. – 10:50 A.M.

Sword and Shield: Defeating and Defending Privilege in Professional Liability Claims

In this session, the panelists will discuss the impact of attorney-client, work product and other privileges in the context of professional liability litigation. The panel will explore what privileges are available to parties in professional liability matters, their scope, how privilege may be protected and when it is waived. Through a review of recent cases, the panel will consider how defense counsel can both protect the rights of their clients and safeguard privileged information but also how they can attack claims of privilege from adverse parties and obtain information useful to the defense of the case.

Speakers:

Jacob Lehman, Moderator, GERMAN, GALLAGHER & MURTAGH, P.C., Philadelphia, PA

Kobi L. Gibbs, Senior Claims Manager, ASPEN INSURANCE, Missoula, MT

James “Jamie” M. Strong, Senior Specialty Claim Consultant, THE HANOVER GROUP, Birmingham, AL

10:50 A.M. – 11:00 A.M.

Break

11:00 A.M. – 11:50 A.M.

Corporate Representative Depositions

This interactive session will address best practices and strategies for dealing with the corporate representative deposition, from responding to the over-reaching 30(b)(6) deposition notice to preparing and defending your company witness for the difficult topics in Professional Liability cases. Issues discussed will include how to handle preparation and defense when your company representative is both the 30(b)(6) representative and a fact witness with personal knowledge, whether you should let your company representative answer “standard of care” type questions, how to deal with questions concerning alleged violations of government standards or company policies, and whether defense counsel should question his own client’s corporate representative. The panel will focus on these and other unique challenges in handling the corporate representative deposition providing insight from the trenches.

Speakers:

W. Craig Hamilton, Moderator, MCDOWELL KNIGHT ROEDDER & SLEDGE, LLC, Mobile, AL

David Prisco, Director of Claims, CARE PROFESSIONAL LIABILITY ASSOCIATION, Louisville, KY

David T. Vanalek, Chief Legal and Compliance Officer, Corporate Secretary, RICHMOND NATIONAL INSURANCE COMPANY, Richmond, VA

Alan E. Brown, MORRISON MAHONEY LLP, Boston, MA

SEMINAR SCHEDULE

11:50 A.M. – 12:50 P.M.

Lunch

12:50 P.M. – 1:40 P.M.

Who, What, When, Where & Why: How to Discover Evaluation-Critical Information and Fuel Your Defense

Join our seasoned panel of trial attorneys and claims professionals for some pro tips and tricks on various discovery methods. We'll discuss common discovery methods, as well as some less frequently used discovery tools, including ways to strategically plan on if, why, and when to employ them.

Speakers:

Dina M. Cox, Moderator, LEWIS WAGNER, LLP, Indianapolis, IN

Crystal Ivy, Chubb, Chicago, IL

Bryan Kirsch J.D., RPLU, Claims Consultant, ATTORNEY PROTECTIVE, Richardson, TX

1:40 P.M. – 2:30 P.M.

Ruminations on Steering Clear of "Fine Messes" in Professional Liability Coverage Disputes

Old movies starring Stan Laurel and Oliver Hardy are now perhaps known only by some. But their classic comedy flick "Another Fine Mess" illustrates just how far off-kilter badly laid plans may go. In contrast, careful investigations and objective evaluations are surely two ideal predicates for making coverage decisions. But allegations of Petitions, limited available facts and insureds' needs and demands for a defense, along with potentially overlapping coverages, multiple insureds with potentially divergent interests and insurance towers for different policy types, are several examples of the myriad of competing factors and interests that insurers routinely face when making coverage determinations. Of course, time is nearly always of the essence. This panel will offer its ruminations on steering clear of "fine messes" in complex circumstances.

Speakers:

George D. Fagan, Moderator, LEAKE & ANDERSSON, L.L.P., New Orleans, LA

David Robles, Vice President, North American Claims Group, ALLIED WORLD INSURANCE COMPANY, Farmington, CT

Carlos Vera, JOHNSON & BELL, LTD., Chicago, IL

2:30 P.M. – 2:35 P.M.

Closing Remarks

Speakers:

Jeffrey S. Hengeveld, Professional Liability Practice Group Chair, PLUNKETT COONEY, Detroit, MI

Ralph L. Marchbank, Jr., Program Chair, DICKINSON & GIBBONS, P.A., Sarasota, FL

OPTIONAL ACTIVITY



COCKTAIL CRUISE ON THE CHICAGO RIVER

AUGUST 11, 2023 | 4:00 P.M. - 6:00 P.M.

(BOARDING AT 3:30 P.M.)

NBC TOWER DOCK

***Walking map to be provided.**

SPEAKERS



JESSICA ZAROSKI BAUER joined ALFA International (ALFAI) in 2004 as a Coordinator of Events & Member Services. She then worked for several years as a Marketing Manager, Chief Events Officer and Chief Operating Officer. After 17 years with the association, she accepted her current role as Chief Executive Officer. In this position she is the strategic thought leader of the organization, working closely with the Board of Directors and the various ALFAI committees. She manages headquarters staff and maintains constant communication with association members. Jessica oversees the member recruitment, development and retention programs as well as the marketing and business development initiatives for the organization. Prior to joining ALFA International, she worked in the marketing department of the Chicago-based law firm of Gardner, Carton & Douglas, LLP (now Faegre Drinker Biddle & Reath). She is a graduate of the University of Iowa Tippie College of Business (Go Hawkeyes!) and is an avid college football fan. In her spare time Jessica can be found enjoying family time with her husband Harry and her two young daughters, Greta and Vivian. She also enjoys swimming in Lake Michigan, playing beach volleyball and watching Oscar nominated movies.



ALAN E. BROWN is a partner with Morrison Mahoney LLP, the ALFA international member firm in Boston, Massachusetts, where he specializes in the defense of non-medical professionals (including lawyers, accountants, real estate brokers, appraisers, home inspectors, insurance agents and others) in civil lawsuits and disciplinary matters. Prior to joining Morrison Mahoney LLP in 2006, he served for five years in the office of the Bar Counsel at the Massachusetts Board of Bar overseers, where he investigated and assisted in the prosecution of attorney misconduct cases.

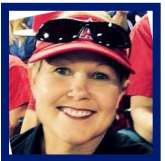


DINA M. COX is a partner with Lewis Wagner, LLP, ALFA International's member firm in Indianapolis, Indiana and was the Program Chair for the 2021 International Client Seminar. Dina is a legal strategist and trial attorney who honors responsive client service as a top priority. She has served as lead 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 mass torts, class actions, 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 and a frequent speaker on product and professional liability topics.

SPEAKERS



GEORGE D. FAGAN is a founding partner of Leake & Andersson, L.L.P., the ALFA International member firm in New Orleans, Louisiana. He is the firm's practice group leader for insurance coverage litigation and consultation, including matters involving bad faith, CGL, construction defects, disability, EPL, errors and omissions, executive liability/D&O, life and health, professional liability and property litigation. George was recognized with the ALFAI 2011 Nathan Fischbach service award for his outstanding individual contributions and leadership to ALFAI. He is a past chair of ALFAI's Insurance Practice Group and has served on ALFAI's Board of Directors, Executive Committee and several other committees. George graduated from Washington & Lee University with honors in 1981 and received his law degree from Louisiana State University Law School in 1984. George lives in New Orleans with his wife, son and daughter and still plays guitar in a rock n' roll band with some very good friends.



KOBI L. GIBBS is a Senior Claims Manager with Aspen Insurance in Missoula, Montana. She is experienced in handling complex legal malpractice claims which often involve policy limits or excess policy limits exposure. She also is versed in drafting reservation of rights or denials of coverage as warranted and sets appropriate reserves after evaluating risk presented by a file. In addition, she is responsible for hiring defense counsel and managing litigation and defense costs to position a case for resolution. She also determines optimum defense strategy using cost/benefit analysis, considering specific law of jurisdiction and defense counsel's local knowledge of area. She often attends mediation and settlement conferences and reports high exposure and policy limits claims to reinsurers according to treaty year.



W. CRAIGHAMILTON is a partner with McDowell Knight Roedder & Sledge, LLC, the ALFA International member firm based in Mobile, Alabama, where he is also on the Firm's Executive Committee. He is an experienced trial lawyer who handles high-stakes litigation in a broad range of matters, including product liability, professional liability, construction, and trucking, among others. He is a Sustaining Member of the Product Liability Advisory Council (PLAC) and has been named to the Mid-South Super Lawyers in Product Liability since 2018. Craig is on the steering committee of ALFAI's Product Liability & Complex Torts and Professional Liability Practice Groups. He is also a member of the Professional Liability Defense Federation.



JEFFREY S. HENGEVELD is a shareholder of Plunkett Cooney, the ALFA International member firm in Detroit and Bloomfield Hills, Michigan, 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 topics of accounting standards and fraud deterrence, and 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.

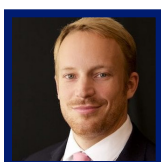
SPEAKERS



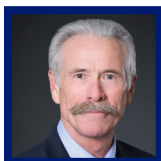
CRYSTAL IVY is currently in a leadership role at Chubb. Previously employed as the Senior Technical Claims Specialist at Amtrust Financial Services, Inc., handling insurance agents' and attorneys' liability claims and as a Senior Claims Attorney at Executive Liability Division, Great American Insurance from 1998-2005 and Swiss Re from 2005-2016, handling varied professional liability claims, including director's and officer's liability claims, financial entity's liability claims, nonprofit executive's liability claims, and employment practices liability claims. She additionally held various management positions in human resources and risk management at W.H. Smith and Federated Department Stores. A graduate of Smith College in Northampton, Massachusetts, receiving a Bachelor of Arts degree with a double major in Government and Economics and of DePaul University School of Law, receiving a Juris of Doctorate in law. Presently, she resides in Chicago with her family and remains active in numerous community projects and youth-focused volunteer activities.



BRYAN KIRSCH J.D., RPLU, has been handling lawyer's professional liability claims at Attorney Protective since 2019. Before joining AttPro, Bryan has defended insureds from malpractice liability matters for almost two decades. Bryan practiced as in-house counsel at a large insurance carrier and previously served as a partner and associate at a number of insurance defense firms in the Chicago area. Bryan graduated from the University of Illinois College of Law in 2002, having previously obtained his undergraduate degree from Colgate University in 1999. He is licensed in Illinois and Wisconsin (inactive), is a licensed adjuster and also is a Registered Professional Liability Underwriter.

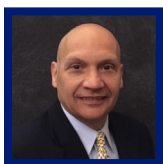


JACOB LEHMAN is a trial lawyer and partner with German, Gallagher & Murtagh, P.C., ALFA International's member firm in Philadelphia, Pennsylvania. He focuses his practice on complex civil litigation splitting his time between claims of professional negligence, product liability and other matters involving 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 LL.M. 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. 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, a distinction given to only 2.5% of Pennsylvania Attorneys under 40.



RALPH L. MARCHBANK, JR. is a 30-plus-year partner with Dickinson & Gibbons, P.A., the ALFA International member firm in Sarasota, Florida. His practice areas include medical negligence and legal malpractice defense; product 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; DRI; the American Bar Association; past Master of the Sarasota County Chapter of the American Inns of Court; and involved in other professional

SPEAKERS



organizations. He graduated from the University of Florida College of Law in 1980.

DAVID PRISCO is the Director of Claims at CARE Professional Liability, where he specializes in handling medical, dental, and long-term care liability claims and insurance coverage issues. David has achieved the designation of Senior Claim Law Associate through the American Educational Institute, in Basking Ridge, New Jersey, by completing the legal principles, liability, property, and claims fraud investigation programs. He also has claims licenses in various states and is a certified mediator. David received his B.B.A. in Business Administration from Penn State University.



DAVID 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. David earned a B.S. degree from Western New England College and his J.D. 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.



JAMES "JAMIE" M. STRONG is currently a Senior Complex Claim Consultant with The Hanover Insurance Group in its Miscellaneous Professional Liability Group. He was formerly 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 the Chief Legal and Compliance Officer and Corporate Secretary of Richmond National, a specialty excess and surplus lines insurance company dedicated to writing hard-to-place risks for small and mid-sized businesses headquartered in Richmond, Virginia. David is responsible for all corporate governance, regulatory, compliance, claims law, and litigation activities of the company and its affiliates and serves as legal advisor to the leadership team, business units, and board of directors. Prior to joining Richmond National, David served as the Claims Chief Operating Officer at a global Fortune 500 insurance carrier, where he led the day-to-day operational support for all claims divisions responsible for all lines of business throughout North America and Bermuda. David also served for years in various claims leadership roles in the professional liability, cyber liability and management liability product lines. Prior to joining the insurance industry, David was in private practice as a commercial litigator, 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 of the Law Review, as well as a judicial extern for an associate justice of the California Supreme Court. David is a frequent speaker on insurance, claims, technology, professional liability, cyber liability

SPEAKERS



and management liability issues.

CARLOS VERA is an attorney with Johnson & Bell, Ltd., the ALFA International member firm in Chicago, Illinois, and Crown Point, Indiana. He concentrates his practice in general and complex commercial litigation, particularly in the areas of business torts, professional liability, white-collar defense and contractual disputes. Carlos has represented individuals and business entities in state and federal court dealing with issues concerning breach of contract, breach of fiduciary duty, trade secrets, unfair competition, shareholder rights, and commercial development disputes. Carlos has also represented clients in regulatory matters before the Illinois Department of Financial and Professional Regulations and the Illinois Attorney Registration & Disciplinary Commission. Prior to joining Johnson & Bell, Carlos worked as an Assistant State's Attorney in Cook County, where he gained vast trial experience from prosecuting over 200 bench trials and seven jury trials to verdict. Carlos' skills as a trial attorney have been recognized by his peers in civil practice. Carlos was named as one of the "Forty Illinois Attorneys Under Forty to Watch" for 2020 by Law Bulletin Publishing Company, publishers of Chicago Lawyer magazine and the Chicago Daily Law Bulletin. In addition to being an active member of ALFA International, Carlos is also an active member of the Illinois State Bar Association ("ISBA"), a member of the ISBA Civil Practice & Procedure Section Counsel, and the ISBA Assembly, which is the policy-making body of the ISBA.

GENERAL INFORMATION

LOCATION

LondonHouse Chicago

85 E Wacker Dr, Chicago, IL 60601
(312) 357-1200

[Hotel Website](#)

REGISTRATION

Please contact ALFAI Headquarters to register.

ATTENDANCE IS OPEN ONLY TO ALFAI MEMBERS AND THEIR INVITED GUESTS AND IS LIMITED TO AGES 21+.

ATTIRE

The attire for the educational sessions and social event is "business casual." Khaki pants and polo shirts are acceptable for men and dresses, skirts or pants for women. No jackets are necessary but the the boat cruise is partially outdoors and it may get chilly so a sweater or light jacket is recommended.

SPECIAL ACCOMMODATION

If you need any special accommodations, including a nursing room, special dietary meals, ADA access or other needs, please reach out to ALFAI staff in advance of the meeting and we will ensure that necessary accommodations are provided.

CLE CREDIT

ALFA International is an approved CLE provider in Illinois, California & Pennsylvania and certifies this program has been approved for three hours of general CLE in these states. However, seminars are designed to meet CLE requirements, regardless of jurisdiction. To receive CLE credit outside of these states, attorneys should apply directly to their state's governing CLE board. Helpful links and information on how to apply for course credit are available on the ALFA International website and staff are available to assist with any concerns.

SEMINAR CONTACT

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