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LPL/LEGAL MALPRACTICE





Leading Underwriting, Claims Handling, Risk Management & Defense Strategies

November 19 – 20, 2014 • The Carlton Hotel on Madison Avenue • New York, NY

Learn from and network with:

- Larry Fine
AIG Property Casualty
- Laura M. Simon
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Minnesota Lawyers Mutual
- Daniel M. Zureich
Lawyers Mutual Liability Insurance Company
- Stephen S. van Wert
Willis
- Kurt B. Bounds
ISBA Mutual Insurance Company
- Stuart Pattison
Endurance Worldwide Insurance
- Scott R. Ammer
ECC Insurance Brokers, Inc.
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SwissRe
- David J. Rock
Allied World Insurance Company
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AIG
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Willis America's Administration, Inc.,
- Kim Noble
OneBeacon
- Michael Barrett
CNA
- Steven M. Carpenter
Oregon State Bar Professional Liability Fund
- Susan Kilano
Ahern Insurance Brokerage
- David T. Valanek
Markel

No other legal malpractice event has ever had a judicial presence like this one. Attend to learn from 10 esteemed federal and state judges in the area:

- | | |
|--|---|
|  <i>Hon. Roslyn O. Silver</i>
U.S. Dist Ct., D. Ariz. |  <i>Hon. Michael G. Williamson</i>
U.S. Bankr. Ct., M.D. Fla. |
|  <i>Hon. Warren W. Eginton</i>
U.S. Dist. Ct., D. Conn. |  <i>Hon. Dennis Graham</i>
Colo. Ct. App. |
|  <i>Hon. Michael Baylson</i>
U.S. Dist. Court, E.D. Pa. |  <i>Hon. Clifton Newman</i>
South Car. Jud. Dept. |
|  <i>Hon. Timothy C. Batten</i>
U.S. Dist. Ct., N.D. Ga. |  <i>Hon. John Younge</i>
Pa. Ct. Common Pleas |
|  <i>Hon. Robert B. Collings</i>
U.S. Dist. Ct., D. Mass. |  <i>Hon. Sandra Moss (ret.)</i>
Pa. Ct. Common Pleas |

Sessions Include:

- The Relationship Between Insurance Companies and Outside Counsel, Limiting Liability, Managing Litigation, New and Emerging Disclosure Requirements, the Claims Review Process, Evolving Case Law, and More
- Insurance Marketplace Update: Trends in Claims, Coverage and Underwriting in the LPL Market
- The Latest Cyber and Privacy Threats Being Faced by the Legal Community: Novel Risk Management Practices and Recent Developments in Cyber/Privacy Insurance for Lawyers
- 1 HOUR OF CLE-ETHICS: The Interplay Between Ethics and LPL Claims and Protecting Against Damage from Companion Ethics Cases
- Social Media for Lawyers: Limiting Exposure to Liability and the Latest Insurance Coverage Issues Being Raised
- Disciplinary Actions: What to Do When You Receive the Notice from Your State Bar
- Coverage Implications for Non-Client Litigation
- View From the Plaintiff's Bar: Adapting Your Claims and Litigation Strategies to New and Innovative Theories Being Brought by Your Adversaries
- A Practical Due Diligence Checklist on Preventing the Most Common Attorney Errors in Civil Litigation
- Best Practices in Risk Management: Avoiding LPL Claims
- Responding to the Government: When Malpractice Becomes Fraud or Deception

Here's just some of the companies and firms already participating:

AIG	CNA	Ames & Gough
B&B Protector Plans, Inc., d/b/a Lawyer's Protector Plan	Markel	Furman Kornfield & Brenna LLP
Endurance Worldwide Insurance	Attorney Protective	Kaufman Borgeest & Ryan LLP
Minnesota Lawyers Mutual	Oregon State Bar Professional Liability Fund	Steptoe & Johnson LLP
Wortham Insurance & Risk Management	Lipson Neilson Cole Seltzer Garin PC	Wiley Rein LLP
Lawyers Mutual NC	Law Offices of Michael S. Ross	L'Abbate, Balkan, Colavita & Contini, L.L.P.
Willis	Bressler, Amery & Ross, P.C.	Armstrong Teasdale LLP
ISBA Mutual Insurance Company	Meyer Law Group LLC	Traub Lieberman Straus & Shrewsbury LLP
ECC Insurance Brokers, Inc.	Mendes & Mount, LLP	Kerns Frost & Pearlman, LLC
SwissRe	Bluestone Law Firm	Goodwin Procter LLP
Allie World Insurance Company	Williams & Connolly LLP	Starr Butler Alexopoulos & Stoner PLLC
OneBeacon	Hiscock & Barclay LLP	Kaufman Dolowich & Voluck, LLP
Colorado Supreme Court OARC	Margolis Edelstein	McCullough, Campbel & Lane LLP
Ahern Insurance Brokerage	Schiff Gorman, LLC	Baker & McKenzie LLP
	Cohn & Associates	

Though several years removed from the fallout from the implosion of the real estate market and accompanying foreclosures and transactional failures, **claims against attorneys in this space are still being filed in droves.** In addition to the wave of bankruptcies, Ponzi schemes and the broader state of the economy leading to increased lawsuits against attorneys by frustrated clients, there's also been a spike in claims being filed against attorneys during matrimonial and trusts and estates cases. Additionally, the use of e-discovery, cloud computing and social media brings new retention, network security and privacy risks. Now, more than ever, attorneys and law firms must take action to ensure that they are protected from former disgruntled clients and third parties looking to recoup losses and/or share blame by bringing malpractice claims against attorneys.

And as the risk of legal malpractice claims rises, **insurance companies that provide LPL coverage must reevaluate their underwriting and claims management procedures** to ensure that they are diminishing their exposure to risk and minimizing losses.

In response, attend ACI's **LPL/Legal Malpractice** conference, *the highest level event on the market.* With **New York** as a leader in the development of legal malpractice issues, ACI has put together a **national faculty** that will congregate at the **Carlton Hotel on Madison Avenue** and provide novel insights and strategies on and including:

- The Relationship Between Insurance Companies and Outside Counsel, Limiting Liability, Managing Litigation, New and Emerging Disclosure Requirements, the Claims Review Process, Evolving Case Law, and More
- Trends in Claims, Coverage and Underwriting in the LPL Market
- **The Latest Cyber and Privacy Threats** Being Faced by the Legal Community: Novel **Risk Management Practices** and Recent Developments in Cyber/Privacy Insurance for Lawyers
- The Interplay Between Ethics and LPL Claims and Protecting Against Damage from Companion Ethics Cases
- **Social Media for Lawyers:** Limiting Exposure to Liability and the Latest Insurance Coverage Issues Being Raised
- **Disciplinary Actions:** What to Do When You Receive the Notice from Your State Bar
- **Coverage Implications for Non-Client Litigation**
- **View From the Plaintiff's Bar:** Adapting Your Claims and Litigation Strategies to New and Innovative Theories Being Brought by Your Adversaries
- A Practical Due Diligence Checklist on **Preventing the Most Common Attorney Errors in Civil Litigation**
- Best Practices in **Risk Management: Avoiding LPL Claims**
- **Responding To The Government:** When Malpractice Becomes Fraud or Deception

This event will fill up quickly, so register now by calling 1-888-224-2480, faxing your registration form to 1-877-927-1563, or registering online at www.AmericanConference.com/LPL

Who You Will Meet:

- ▶ LPL Insurance Professionals, including:
 - Underwriters, Claims Managers, Product Managers, Corporate Counsel, Risk Managers and Brokers
- ▶ Law Firm General Counsel and Managing Partners
- ▶ Private Practice Attorneys Specializing in:
 - Legal Malpractice Litigation
 - Lawyers' Professional Liability
 - Insurance Coverage Litigation
 - Professional Responsibility and Ethics

7:30 Registration and Continental Breakfast

8:00 Chairs' Welcoming Remarks

Michael C. Miller
Partner
Step toe & Johnson LLP

Dennis R. McCoy
Partner
Hiscock & Barclay LLP

8:05 OPENING YEAR-IN-REVIEW AND STRATEGY SESSION: The Relationship Between Insurance Companies and Outside Counsel, Limiting Liability, Managing Litigation, New and Emerging Disclosure Requirements, the Claims Review Process, Evolving Case Law, and More

Larry Fine
Global Head, Professional Liability Claims
AIG Property Casualty

Laura M. Simon
Executive Vice President
B&B Protector Plans, Inc., d/b/a Lawyer's Protector Plan

John C. Minett
SVP and Counsel – Professional Liability Claims Manager
Endurance Services Ltd.

Timothy J. Gephart
VP of Claims
Minnesota Lawyers Mutual

Panel Moderator:

Edward J. Zulkey
General Counsel Emeritus and Senior Counsel
Baker & McKenzie LLP

9:15 Insurance Marketplace Update: Trends in Claims, Coverage and Underwriting in the LPL Market

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

Stephen S. van Wert
Lawyers Professional Liability Insurance Program Manager
Willis

Kurt B. Bounds
Vice President, Business Development & Service
ISBA Mutual Insurance Company

Stuart Pattison
Senior Vice President
Endurance Worldwide Insurance

Scott R. Ammer
Vice President Financial Services
ECC Insurance Brokers, Inc.

Milind Pandya
SVP – Head – Small & Mid Size Lawyers
Professional Liability
SwissRe

Susan Kilano
Vice President
Ahern Insurance Brokerage

- Emerging claims new products and potential causes of action
- Recent trends in underwriting
- Self-insured retentions

10:30 The Latest Cyber and Privacy Threats Being Faced by the Legal Community: Novel Risk Management Practices and Recent Developments in Cyber/Privacy Insurance for Lawyers

David J. Rock
Senior Claims Analyst, E&O Claims
Allied World Insurance Company

Chris Andrews
Vice President, Professional Liability Manager
Lexington Financial Lines
AIG

Kim G. Quarles
Senior Vice President
Willis America's Administration, Inc.

David T. Vanalek
Manager, Claims
Markel

Margaret A. Reetz
Attorney
Kerns Frost & Pearlman, LLC

Carl E. Metzger
Partner
Goodwin Procter LLP

- The disturbing trend of frequent and large-scale data breaches
- Assessing the risks associated with:
 - o Simple negligence
 - o Rogue employees
 - o Not encrypting sensitive data
 - o Increased use of electronic databases that store vast amounts of information
 - o Outsourcing information technology
- Examining the latest developments in cyber/privacy insurance coverage – knowing what types of coverage are available, and assessing what you might need and when
 - o Data compromise protection
 - o Third-party liability coverage
 - o Network asset protection
 - o Cyber extortion coverage
 - o Multimedia insurance
- Risk management practices for attorneys to protect against privacy and data security exposures
- Cloud computing

11:45 **Social Media for Lawyers: Limiting Exposure to Liability and the Latest Insurance Coverage Issues Being Raised**

Kim Noble
Senior Vice President
Lawyers and Real Estate Division
OneBeacon

Sally Field
Legal Professional Liability Leader
Attorney Protective

Joseph A. Starr
Partner
Starr Butler Alexopoulos & Stoner PLLC

Brett A. Scher
Partner
Kaufman Dolowich & Voluck, LLP

Brian J. Dusek
Partner
McCullough, Campbell & Lane LLP

Regan E. Miller
Managing Director
Wortham Insurance & Risk Management

- Assessing the risks to employers when employees discuss work-related issues online
- Managing client data and maintaining attorney-client privilege
- Potential defamation liability
- The discoverability of social media communications
- BYOD issues related to social media
- Addressing the gap in the GL form that excludes interactive media coverage
- Best practices in drafting firm policy and social media policies
- The effect of interactive media coverage on firm risk managers
- Insurance issues
- Insurance impacted and coverage issues raised
- Reputation, endorsements and testimonials

1:00 **Networking Lunch for Attendees and Speakers**

2:00 **Disciplinary Actions: What to Do When You Receive the Notice from Your State Bar**

Joseph J. Hester
Attorney-at-Law
In Private Practice

John S. Gleason
Of Counsel
Colorado Supreme Court OARC

Steven M. Carpenter
Claims Attorney
Oregon State Bar Professional Liability Fund

Joseph P. Garin
Partner
Lipson Neilson Cole Seltzer Garin PC

Michael S. Ross
Principal
Law Offices of Michael S. Ross

- Tips and strategies on how to best defend lawyers against grievances and disciplinary actions addressing issues of communication, diligence, trust accounts and other Disciplinary Rules of Professional Conduct
- Non-lawyers and the unauthorized practice of law
 - o Legal outsourcing
 - o The authorized practice of law v. the unauthorized practice of law
 - o Who may provide legal services?

3:05 **Coverage Implications for Non-Client Litigation**

Shauna J. Reeder
Assistant Vice President
CNA

Diana C. Manning
Member
Bressler, Amery & Ross, P.C.

Daniel B. Meyer
Member
Meyer Law Group LLC

Kevin Flynn
Equity Partner
Mendes & Mount, LLP

- In-concert liability claims against lawyers
- Assessing and defending against “aiding and abetting breach of fiduciary duty” claims
- Counterclaims
- Malicious prosecution claims
- Coverage under typical LPL policies for claims by non-clients

4:05 **Afternoon Break**

4:15 **View From the Plaintiff’s Bar: Adapting Your Claims and Litigation Strategies to New and Innovative Theories Being Brought by Your Adversaries**

Andrew Lavoott Bluestone
Attorney At Law
Bluestone Law Firm

John K. Villa
Partner
Williams & Connolly LLP

- Claims other than legal malpractice including defamation, negligent misrepresentation, and breach of a fiduciary duty
- Alternative remedies to LPL suits
- Emerging theories of liability and recent trends in the areas of:
 - o Real estate transactions
 - o Trusts & Estates proceedings
 - o Matrimonial actions and “settler’s remorse”
 - o Judiciary law section 487 claim
 - o Family law cases
 - o Mergers and acquisitions

5:00 **A Practical Due Diligence Checklist on Preventing the Most Common Attorney Errors in Civil Litigation**

Dennis R. McCoy
Partner
Hiscock & Barclay LLP

James R. Kahn
Partner
Margolis Edelstein

Elliot R. Schiff
Managing Member
Schiff Gorman, LLC

Clifford B. Cohn
Principal
Cohn & Associates

Eileen Garczynski
Partner & Sr. Vice President
Ames & Gough

Civil litigation is one of the most prevalent areas for legal malpractice claims, and attorneys must be especially careful to consider and analyze all aspects of representation. Learn how to incorporate a proven practical checklist on preventing the most common malpractice claims.

6:15 **Conference Adjourns**

DAY TWO THURSDAY, NOVEMBER 20, 2014

7:30 **Registration and Continental Breakfast**

8:00 **View from the Bench: An Unparalleled Opportunity to Hear How Judges Interpret Arguments in the Legal Malpractice Litigation Context**



Honorable Roslyn O. Silver
United States District Court
District of Arizona



Honorable Warren W. Eginton
United States District Court
District of Connecticut



Honorable Michael Baylson
United States District Court
Eastern District of Pennsylvania



Honorable Timothy C. Batten, Sr.
United States District Court
Northern District of Georgia



Honorable Robert B. Collings
United States District Court
District of Massachusetts



Honorable Michael G. Williamson
United States Bankruptcy Court
Middle District of Florida



Honorable Dennis Graham
Judicial Branch, State of Colorado
Colorado Court of Appeals



Honorable Clifton Newman
Circuit Court
South Carolina Judicial Department



Honorable John Younge
First Judicial District of Pennsylvania
Philadelphia Court of Common Pleas, Trial Division – Civil



Honorable Sandra Moss (ret.)
First Judicial District of Pennsylvania
Philadelphia Court of Common Pleas, Trial Division – Civil

Moderator:

A. Michael Furman
Partner
Furman Kornfeld & Brennan LLP

9:40 **Morning Break**

9:45 **Best Practices in Risk Management: Avoiding LPL Claims**

Michael Barrett
Director of Risk Control
Professional Services, Lawyers
CNA

Jonathan B. Bruno
Partner
Kaufman Borgeest & Ryan LLP

- Reducing risk of exposure to malpractice claims
- Identifying risks with clients
- Identifying risks with firm partners and employees
- Risk management and risk mitigation strategies
- Special considerations for high densities of sensitive data in the areas of Trust & Estates, Business Law and Litigation and M&A

10:25 **Responding to the Government: When Malpractice Becomes Fraud or Deception**

Michael C. Miller
Partner
Steptoe & Johnson LLP

Additional Speaker TBA
Check back at AmericanConference.com/LPL

Hear what should be discerned from recent cases dealing with the penal law, tax law, and judiciary law §487.

11:15 **ONE HOUR OF CLE ETHICS: The Interplay Between Ethics and LPL Claims and Protecting Against Damage from Companion Ethics Cases**

Richard A. Simpson
Partner
Wiley Rein LLP

Anthony P. Colavita
Partner
L'Abbate, Balkan, Colavita & Contini, L.L.P.

Michael P. Downey
Partner
Armstrong Teasdale LLP

Lisa L. Shrewsberry
Partner
Traub Lieberman Straus & Shrewsberry LLP

- The relationship between an ethics complaint and a legal malpractice claim
- The impact of a companion ethics case on a legal malpractice claim
- Use of ethics opinions and rules in the litigation of legal malpractice

12:15 **Conference Ends**



Continuing Legal Education Credits



Accreditation will be sought in those jurisdictions requested by the registrants which have continuing education requirements. This course is identified as nontransitional for the purposes of CLE accreditation.

ACI certifies that the activity has been approved for CLE credit by the New York State Continuing Legal Education Board in the amount of 13.5 hours, of which 1.0 is ethics.

ACI certifies that this activity has been approved for CLE credit by the State Bar of California in the amount of 11.5 hours, of which 1.0 is ethics.

ACI has a dedicated team which processes requests for state approval. Please note that event accreditation varies by state and **ACI** will make every effort to process your request.

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Course objective: Lawyers' professional liability and its relationship to the business of insurance.
CPE Credit: 13.5 hours.

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Visit www.americanconference.com/blog and navigate to the **ACI** Expert Jobs link.

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The newly posted jobs will appear on the relevant sections of www.americanconference.com and our partner sites, ensuring that your free job listing is visible to a large number of targeted individuals.

SAVE THE DATES:

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September 29–30, New York City

D&O Liability

September 30–October 1, New York City

ERISA Litigation

October 27–28, New York City

Medical Professional Liability

October 30–31, New York City

Bad Faith Claims and Litigation

November 18–19, Orlando

Virtual & Digital Currency

November 20–21, New York City

Asbestos Claims and Litigation

January 15–16, Philadelphia

AML & OFAC Compliance for Insurance

January 20–21, New York City

Litigating Disability Insurance Claims

January 22–23, Philadelphia

Employment Practices Liability Insurance

January 27–28, New York City

Admiralty & Maritime Claims

February 4–5, Houston

Insurance Regulation

February 26–27, New York City

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Over a century ago, this luxury hotel in New York City's Midtown area helped transform the neighborhood into one of Manhattan's most desirable areas. Today, this Midtown Manhattan hotel's new, modernized look makes it a centerpiece of the city's NoMad (North of Madison Square Park) neighborhood located north of the Flatiron building and south of Herald Square. At The Carlton Hotel in New York City, guests seeking an extraordinary urban getaway will be pleasantly surprised by its seamless integration of old-world charm and modern flare.

American Conference Institute is pleased to offer our delegates a limited number of hotel rooms at a preferential rate. Please contact the hotel directly at 212-532-4100 and mention code **A39A39B** to receive this rate.

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Wendy Tyler, Director of Sales, American Conference Institute

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American Conference Institute's Advanced Forum on

LPL/LEGAL MALPRACTICE



Leading Underwriting, Claims Handling, Risk Management & Defense Strategies

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Learn from and network with leaders from:

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Plus learn from 10 federal and state judges who are experienced in legal malpractice claims and litigation!

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The fee includes the conference, all program materials, continental breakfasts, lunches and refreshments.

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You must notify us by email at least 48 hrs in advance if you wish to send a substitute participant. Delegates may not "share" a pass between multiple attendees without prior authorization. If you are unable to find a substitute, please notify **American Conference Institute (ACI)** in writing up to 10 days prior to the conference date and a credit voucher valid for 1 year will be issued to you for the full amount paid, redeemable against any other ACI conference. If you prefer, you may request a refund of fees paid less a 25% service charge. No credits or refunds will be given for cancellations received after 10 days prior to the conference date. ACI reserves the right to cancel any conference it deems necessary and will not be responsible for airfare, hotel or other costs incurred by registrants. No liability is assumed by ACI for changes in program date, content, speakers, or venue.

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