



AGENDA

Tuesday, March 2 – 4, 2021

10:00 a.m. – 3:00 p.m. CT | 11:00 a.m. – 4:00 p.m. ET | 4:00 p.m. – 9:00 p.m. GMT

TUESDAY, MARCH 2

<p>10:00 – 10:05</p>	<p>Opening Remarks Thomas P. McGarry, Partner and Chair, Professional Responsibility, Professional Liability & Risk Management Practice, Hinshaw & Culbertson LLP Katherine G. Schnake, Partner, Hinshaw & Culbertson LLP</p>
<p>10:05 – 11:05</p>	<p>“2020 Vision” – Significant Developments in Malpractice Claims <i>Panelists:</i> Marissa I. Delinks, Partner, Hinshaw & Culbertson LLP SoJin Bae, Partner, Mendes & Mount LLP Zandra E. Foley, Partner, Thompson, Coe, Cousins & Irons, LLP</p> <p>2020 has been a year like no other. And the malpractice claims environment was no exception. After the grinding halt necessitated by COVID concerns, the legal world resumed (at least remotely), but far fewer reported opinions were issued in this year than ever before. Though small in number, many had great impact on the legal landscape by clarifying long-standing unsettled law and diverging from the majority view of other jurisdictions. This panel of accomplished malpractice defense counsel and counsel for insurers of large law firms will take the audience on a year-in-review audit of some of the most noteworthy legal malpractice developments in 2020. The discussion will include current trends in legal malpractice claims and how the events of 2020 will likely impact the claims environment for the year ahead.</p>
<p>11:05 – 11:15</p>	<p>Break</p>
<p>11:15 – 12:15</p>	<p>Predicting, Preventing and Defending Legal Malpractice Claims Arising Out of an Economic Downturn <i>Panelists:</i> Matthew R. Henderson, Partner, Hinshaw & Culbertson LLP Nick Bird, Partner, RPC John K. Villa, Partner, Williams & Connolly LLP</p> <p>Difficult economic conditions often lead to an increase in legal malpractice claims. Professional liability insurers expect the global pandemic to generate a surge in claims arising from lawyers adapting to new technologies and working without administrative support, attorneys dealing with emotional and financial stresses leading to sanctions motions and ethics complaints, and businesses seeking to recover losses from contracts and insurance policies and often not paying invoices for legal services. This panel of experienced defense counsel will discuss the root causes of these claims, strategies to prevent them, and tips for defending them.</p>

TUESDAY, MARCH 2

12:15 – 12:30	Lunch Break
12:30 – 1:30	<p>Fixing the Boundaries of Expert Opinion Testimony: Competing Doctrines and Effective Strategies <i>Panelists:</i> Thomas P. McGarry, Partner and Chair, Professional Responsibility, Professional Liability & Risk Management Practice, Hinshaw & Culbertson LLP David P. Atkins, Member, Pullman & Comley LLC Edith R. Matthai, Attorney, Robie & Matthai</p> <p>There are wide ranging differences of state law on the admissibility of expert testimony on the standards of practice, breach and causation. What seems to be expert dogma in some jurisdictions might be considered heresy in others. How far can an expert delve into areas of law and causation, particularly on outcomes in the case-within-the case? What tools do counsel and the court have available to curb uninformed or prejudicial expert opinion testimony? And what are some winning strategies to prepare for cross examination of opposing experts for summary determination or trial? This panel of seasoned legal malpractice trial lawyers from diverse jurisdictions will use real case fact patterns to discuss varying state and federal court approaches to the boundaries of admissible expert witness testimony, and will offer perspectives on the use of experts, Daubert motions, motions <i>in limine</i> and effective techniques to prepare, depose and cross examine opposing experts.</p>
1:30 – 1:45	Break
1:45 – 2:45	<p>Papering the Deal: Getting the Best Settlement Agreement You Can <i>Panelists:</i> David A. Grossbaum, Partner, Hinshaw & Culbertson LLP Eric A. Kaufer, Of Counsel, Wilson Elser Charles P. Kazarian, Attorney, Kazarian Law Scott R. Schaffer, Partner, Wilson Elser</p> <p>Getting the best settlement agreement is much more than just getting the best monetary value. There are other important considerations in finalizing settlements in legal malpractice cases, and this panel will provide the perspectives of a plaintiff's lawyer, a defense counsel, and a lawyer representing the interests of insurers. The panel will address the importance of and best way to memorialize the initial agreement to settle to avoid disagreements later. As to the final settlement agreement, the panel will discuss the essential clauses, such as confidentiality and non-disparagement, the necessary parties, tax issues, protection of a defendant from being brought back into litigation by another party, the discharge of liens on the plaintiff's recovery, limited v. general releases, unilateral v. mutual releases, timing of payment and payees, choice of law/forum, severability, and releases of the defendant's insurer as part of the settlement.</p>

WEDNESDAY, MARCH 3

10:00 – 11:00	<p>Spinning Plates: Ethics and Risk Management Issues for Attorneys in Dual Professions <i>Panelists:</i> Cassidy E. Chivers, Partner, Hinshaw & Culbertson LLP (NF) Jean Cha, Ethics Counsel, Cha Law Ethics Laura M. Simon Esg., Executive Vice President, Lawyer's Protector Plan/Brown & Brown Insurance</p> <p>Clients often look for lawyers who can provide a full spectrum of services, and likewise, lawyers see the business advantage in marketing themselves as a one-stop shop for their clients. It is not improper for lawyers to engage in more than one profession at the same time, providing both legal and nonlegal services such as tax preparation, accounting, financial and business planning, investment banking, real estate brokering, and public relations, to name just a few. This panel will discuss the ethics and risk management issues surrounding dual professions, including the critical distinction between law-related services and nonlegal services; best practices regarding engagements and scope of services; client communications; confidentiality and privilege; conflicts; advertising and solicitation; and third party communications. The panel will also cover how underwriters assess the malpractice risk of lawyers and law firms that engage in dual professions; the necessary disclosures in applying for coverage; and other lines of coverage that may be necessary.</p>
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WEDNESDAY, MARCH 3

11:00 – 11:15	Break
11:15 – 12:15	<p>Lateral Hiring in the Time of COVID-19 <i>Panelists:</i> Carrie A. Mondschean, Deputy General Counsel, Hinshaw & Culbertson LLP Michael Ellenhorn, Founder and Chief Executive Officer, Decipher Alison Roffi, Deputy General Counsel, Orrick Herrington & Sutcliffe LLP</p> <p>Lateral hiring in non-pandemic times is daunting. How has it been during the pandemic? This presentation will look at current industry trends in lateral hiring during the COVID era and how to avoid pitfalls and minimize risks when firm growth is tied to lateral hiring. We will discuss best practices for lateral recruitment including internal and external due diligence methods and training. Importantly, good integration into the hiring firm is key to the success of lateral hires. We will also discuss creating and incorporating integration plans to achieve a solid culture fit with the hire and the firm through the use of existing team structures, remote platform tools such as Zoom or Teams and much more.</p>
12:15 – 12:30	Lunch Break
12:30 – 1:30	<p>What's Keeping General Counsel Awake at Night? <i>Panelists:</i> Janis M. Meyer, Of Counsel, Clyde & Co. LLP Michele Coffey, Partner and General Counsel, Morgan Lewis & Bockius LLP Aimee E. Delaney, Partner, Hinshaw & Culbertson LLP Edward J. "Eddie" Reich, General Counsel, Dentons US</p> <p>Working during a pandemic has raised new challenges for the legal profession, and law firm general counsel and risk managers are on the front lines. This panel of general counsel and experienced advisors to law firms will address some of those challenges, including procedures for returning to work and the ethical issues raised by remote working, as well as the usual ethics and risk management issues general counsel deal with on a regular basis.</p>
1:30 – 1:45	Break
1:45 – 2:45	<p>Cyber and Privacy Insurance Coverage Exposures for Lawyers and Law Firms Working Remotely <i>Panelists:</i> Judith A. Selby, Partner, Hinshaw & Culbertson LLP Carol Threlkeld, Claims Director, Berkley Select Kim G. Quarles, Senior Vice President – Executive Risks, Willis Towers Watson</p> <p>Today's law firms are facing an evolving, wide-ranging specter of cyber and privacy risks that extend far beyond traditional notions of cyber security. As privacy laws and regulations continue to proliferate, the way lawyers manage and secure information can lead to legal, contractual, and regulatory exposures, even in the absence of a data breach. Each of these risks is exacerbated in the remote work environment. In this panel, we will discuss the potential exposures law firms face for data misuse and cyber incidents and the availability of insurance coverage for these exposures under cyber insurance and other policy forms.</p>

THURSDAY, MARCH 4

10:00 – 11:00	<p>Data Privacy, Oh My! We are Not in Privilege Land Anymore Panelists: Joanna L. Storey, Associate, Hinshaw & Culbertson LLP Tanya Forsheit, Partner, Frankfurt Kurnit Klein + Selz PC David A. Zetoony, Shareholder, Greenberg Traurig LLP</p> <p>Navigating the labyrinth of current data privacy laws is a moving target, especially as the landscape changes while states rush to adopt consumer protections in the absence of federal guidance. Law firms are not immune and applying typical confidentiality and privilege principals is not enough. This panel of privacy professionals will discuss what law firm general counsel should know about privacy laws, how they differ from the confidentiality and privilege professional rules that we are used to, and strategies for implementing a firm wide privacy program.</p>
11:00 – 11:15	Break
11:15 – 12:15	<p>The Sky Isn't Falling – New Developments in Non-Lawyer Ownership of Law Firms Panelists: Janis M. Meyer, Of Counsel, Clyde & Co. LLP Lucian T. Pera, Partner, Adams and Reese LLP Lynda C. Shely, Attorney, The Shely Firm, PC</p> <p>The future is here. Rule 5.4 has been swept aside in Arizona, permitting non-lawyer ownership of law firms. The same is true in "sandboxes" for experimental projects in Utah. Arizona also now permits a lawyer to pay for referrals. Most of this remains under active consideration in California. And, Alternative Business Structures continue to develop in England and Australia.</p> <p>This panel will explore:</p> <ul style="list-style-type: none">• Who are the "players" already taking advantage of the changes?• What does this mean for firms interested in trying their hands at new financial arrangements with non-lawyers and investors within as well as outside Arizona and Utah?• What does it mean for the future of Rules 5.4 and 7.2 for the rest of the United States?• Will these changes lead to direct regulation of currently-unregulated legal service providers operating today?• How will it change the traditional law firm economic model that inhibits investment? <p>(Spoiler Alert: the sky isn't falling).</p>
12:15 – 12:30	Lunch Break
12:30 – 1:30	<p>Hands Across the Sea – Managing the Risk of UK/U.S. Co-Counsel Relationships Panelists: Noah D. Fiedler, Partner, Hinshaw & Culbertson LLP Graham Reid, Legal Director – Professional Regulation, RPC Edward J. Zulkey, General Counsel Emeritus and Senior Counsel, Baker McKenzie</p> <p>Firms grow, clients expand, the world economy becomes more integrated every day, and the demands on lawyers to provide full service—despite insignificant things like national borders, differing rules of conduct and divergent standards for liability—increase apace. As a result, more and more US firms work collaboratively and in co-counsel relationships with UK firms, and vice versa. Cross-Atlantic collaboration creates additional risk for all involved. In this situation, unauthorized practice of law, breach of fiduciary duty, and professional negligence instantly become more layered and sophisticated. Join our panel to hear the latest issues and strategies for managing the risk arising from these otherwise efficient and profitable relationships.</p>

THURSDAY, MARCH 4

1:30 – 1:45	Break
1:45 – 2:45	<p>Ethical and Risk Management Issues For Lawyers and Law Firms When Moving to the Cloud</p> <p>Panelist: Steven M. Puiszis, General Counsel - Privacy, Security and Compliance, Hinshaw & Culbertson LLP Neil Araujo, Co-Founder and Chief Executive Officer, iManage, Inc. Martin I. Kaminsky, Chief Legal Officer and General Counsel, Greenberg Traurig</p> <p>With many law moving to a remote work environment in 2020, employing Cloud-based applications or moving to the Cloud is an attractive option for Firms seeking to enhance the resiliency of their service models. Cloud applications and providers offer a host of potential benefits, but a lawyer’s duty of competence under Model Rule 1.1. requires that lawyers understand not only the benefits but also the risks of a Cloud environment. Also, the duty of confidentiality in Model Rule 1.6 requires that lawyers take reasonable measures to safeguard the integrity of their electronic information stored in the Cloud. But what does that require? What questions should lawyers or firms be asking in light of breaches of Cloud security? And what are the implications of state and international privacy laws on use of the cloud? What are ethical duties to consider before moving to the Cloud? Is client consent required, and if so what are best practice considerations to obtain that consent? Join our panel for answers to these questions and more about moving to the Cloud.</p>