Thursday, January 30, 2020

8:00 AM – 8:15 AM  GENERAL ASSEMBLY: FSLC MIDWINTER MEETING WELCOMING REMARKS & INTRODUCTION TO PROGRAMS
BALLROOM II-IV  Darrell Leonard, FSLC Chair, Zurich American Insurance Company, Dublin, CA
Thea M. Capone, TIPS Section Chair, Baumeister and Samuels PC, New York, NY

8:15 AM – 8:40 AM  PRESENTATION OF THE MARTIN J. ANDREW AWARD
BALLROOM II-IV  Darrell Leonard, FSLC Chair, Zurich American Insurance Company, Dublin, CA

8:40 AM – 8:45 AM  BREAK—TRANSITION TO FIDELITY/CONSTRUCTION PROGRAMS

8:45 AM – 8:55 AM  CONSTRUCTION PROGRAM INTRODUCTION
BALLROOM I  Mary Jean Pethick, Zurich North America, Owings Mills, MD
Ryan B. DeLaune, Clark Hill Strasburger, Dallas, TX

8:55 AM – 9:35 AM  FINANCIAL STATEMENTS: A DIAGNOSTIC
BALLROOM I  This presentation focuses on the nuts and bolts of financial statements including the different types of financial statements and their major components. We will discuss how changes in financial statements can highlight the true health of a company, and how to determine the actual financial health of a company as
opposed to what may be presented in the financial statements. Finally, we address the legal implications of a surety’s reliance on financial statements during the underwriting process with a focus on their impact on a principal’s bankruptcy.

SPEAKERS: Mary Lynn Kotansky, Liberty Mutual Surety, Boston, MA
Matthew G. Davis, Mills Paskert Divers, Tampa, FL
David J. Stryjewski, MDD Forensic Accountants, Philadelphia, PA

9:35 AM – 10:15 AM  CONTRACTOR MANAGEMENT AND PROJECT ADMINISTRATION

This session will discuss the characteristics of a healthy contractor from a surety’s perspective. The performance and payment bond underwriting process conducted by a surety is a process of prequalification, by which a contractor is evaluated on certain criteria, including, but not limited to, the contractor’s in-house management practices, financial condition, and past project performance. This session will also focus on contract management practices indicative of a contractor’s ability to achieve successful project completion.

SPEAKERS: Heather M. Jonczak, Carlton Fields, P.A., Miami, FL
Rachel Walsh, Liberty Mutual Surety, King of Prussia, PA

10:15 AM – 10:20 AM  BREAK

10:20 AM – 11:05 AM  EVALUATING POTENTIAL AND ONGOING ACCOUNTS

Have you ever wondered how surety underwriters decide which contractors to bond? This presentation will discuss the traditional assessment of new and existing accounts, focusing on the considerations that matter most, as well as address the challenges of writing surety bonds in today’s global and ever-changing marketplace. Industry leaders will discuss recent trends and challenges they are seeing in the construction and surety arena.

MODERATOR: Shannon Briglia, Smith, Currie & Hancock LLP, Tysons, VA

PANELISTS: Michael Bond, Euler Hermes North America, Washington, D.C.
WHAT DOES THE HEALTHY CONTRACTOR NEED TO KNOW ABOUT CYBERCRIME, TECHNOLOGY LOSSES, AND INSURANCE: WHAT YOU DON'T KNOW CAN HURT YOU

In today’s world, cybercrime dominates the attention of law enforcement, all types of businesses, and the insurance industry. Cyber-related risks seem to be never-ending, and these are not risks that can be ignored. A contractor’s dependence on computers, technology, and electronic communications leaves it vulnerable to all aspects of cyber loss. What does the healthy contractor do to protect itself? Get educated, and quick, for starters. This panel will discuss the most pervasive cyber-crimes affecting businesses and the magnitude of those losses; the types of training, technology, and procedural protections that a healthy business can put into place using the right professionals; and the types of insurance products every contractor should have to protect it from cyber losses.

MODERATOR:
Toni Scott Reed, Clark Hill Strasburger, Dallas, TX

PANELISTS:
Robert M. Flowers, Travelers, Hartford, CT
Art Ehuan, The Crypsis Group, Washington D.C.

CHALLENGES AND RISKS FACING CONTRACTORS TODAY

This session will address the key challenges faced by contractors in the modern construction industry. It will also cover the most common project risks, particularly those experienced on P3 projects, and ways in which contractors and other industry professionals can work collectively to mitigate such risks and remain competitive in an increasingly difficult and evolving industry.
environment.

SPEAKERS: Mary Jean Anderson, MJA Consulting, LLC, Boston, MA
Amy Bernadas, Zurich North America, Biloxi, MS
Douglass F. Wynne, Jr., Simon, Peragine, Smith & Redfearn, LLP, New Orleans, LA

2:10 PM – 2:50 PM
ASSESSING CREDIT, LEVERAGE AND ASSETS
BALLROOM I
Considering the 3 C’s of underwriting (Capital, Character, and Capacity) this panel will focus on a contractor’s “capital.” The financial philosophies of underwriting surety bonds will be discussed, including the importance of a contractor’s credit history, sworn financial statements and existing banking relationships. Consideration of well thought out continuity plans, project history, and project financing will also be discussed.

SPEAKERS: Edwin Hubbard, Travelers, Hunt Valley, MD
Amanda Miceli, Chiesa Shahinian & Giantomasi PC, West Orange, NJ
Jason R. Fair, Robins Kaplan LLP, Los Angeles, CA

2:50 PM – 3:30 PM
CONTRACT NEGOTIATION AND FORMATION
BALLROOM I
Contractors are not the only ones who need to have good contract review and assessment skills. Surety professionals must be able to identify onerous contract terms to analyze risks involved in the obligation being bonded, advocate for better terms with the owner, assist principals in spotting contract issues, and consider how the surety will respond to a performance bond claim.
This presentation will provide valuable guidance and practice pointers on identifying and managing onerous contract terms.

SPEAKERS: David A. Bresel, Zurich North America, Omaha, NE
Michelle Randall, Zurich North America, Sioux Falls, SD
Tammy N. Giroux, Shumaker, Loop & Kendrick, LLP, Tampa, FL

3:30 PM – 3:45 PM
BREAK / TRANSITION TO GENERAL ASSEMBLY ETHICS SESSION
Sureties and claims professionals strive for objectivity in assessing the value of cases and staffing our legal teams, but academic studies show that jurors, attorneys, and even judges suffer from implicit biases that go unrecognized and affect the quality of their service. We will discuss manifestations of implicit biases in the courtroom, in law firms, and on legal teams and look at measures that seek to address or “interrupt” our implicit biases.

MODERATOR: Sharon Edwards, Swiss Re, Washington, D.C.

PANELISTS: Barbara Reiff, The Surety & Fidelity Association of America, Washington, D.C.
Galina Davidoff, Davidoff Consulting, Boston, MA
Jessica E. Bowers, Smith Bowers, Raleigh, NC
Heather Connor, Ortiz & Schick, PLLC, Raleigh, NC
FIDELITY PROGRAM

Thursday, January 30, 2020

8:00 AM – 8:15 AM  GENERAL ASSEMBLY: FSLC MIDWINTER MEETING WELCOMING REMARKS & INTRODUCTION TO PROGRAMS
BALLROOM II-IV
Darrell Leonard, FSLC Chair, Zurich American Insurance Company, Dublin, CA
Thea M. Capone, TIPS Section Chair, Baumeister and Samuels PC, New York, NY

8:15 AM – 8:40 AM  PRESENTATION OF THE MARTIN J. ANDREW AWARD
BALLROOM II-IV
Darrell Leonard, FSLC Chair, Zurich American Insurance Company, Dublin, CA

8:40 AM – 8:45 AM  BREAK—TRANSITION TO FIDELITY/CONSTRUCTION PROGRAMS

8:45 AM – 8:50 AM  FIDELITY PROGRAM WELCOME REMARKS & INTRODUCTION
BALLROOM II-IV
Omar J. Harb, Alber Frank, PC, Troy, MI
James A. Knox, Zurich North America, Schuamburg, IL

8:50 AM – 9:20 AM  COMPUTER FRAUD AND SOCIAL ENGINEERING LAW UPDATE
BALLROOM II-IV
Most courts that have analyzed whether the computer fraud insuring agreement covers social engineering losses have held it does not, but some recent cases have incorrectly held that it does provide coverage. This presentation is a survey of recent fidelity cases that have addressed this issue and some of the arguments presented in them.

SPEAKERS:
Theresa A. Gooley, Travelers, St. Paul, MN
C. Adam Brinkley, Clark Hill Strasburger, Dallas, TX

9:20 AM – 9:50 AM  THE CURRENT CYBERTHREAT ENVIRONMENT AND EMERGING TRENDS
BALLROOM II-IV
The nature of cyber risks continues to evolve—technology and preparedness advance, business needs change, new threats emerge, old threats manifest differently, and the game of cat-and-mouse continues. This presentation will discuss the current cyber landscape, how certain past threats have been
addressed, and what new issues are at the forefront of business efforts to mitigate the threats.

**SPEAKERS:**


**9:50 AM – 10:40 AM**

**BALLROOM II-IV**

**CYBERATTACKS PANEL: CURRENT THREATS AND HOW INSURED CAN DEFEND AGAINST THEM**

Staying abreast of current trends is essential for insureds to adequately prepare against cybersecurity threats and, if need be, appropriately respond to cyberattacks. Insurers must themselves remain vigilant to which emerging threats are likely to result in new claims. The panel will discuss, among other things, the current cybersecurity threats that companies are facing, how companies can best prepare to avoid or deflect attempted attacks, and how companies should respond to a successful attack and deal with the ensuing aftermath.

**MODERATORS:**

Michael E. Nitardy, *Frost Brown Todd LLC*, Florence, KY

Scott W. Lichtenstein, *Chiesa Shahinian Giantomasi PC*, West Orange, NJ and New York, NY

**PANELISTS:**


Edward Chang, *Travelers*, Hartford, CT

Michelle A. Schaap, *Chiesa Shahinian Giantomasi PC*, West Orange, NJ


**10:40 AM – 10:55 AM**

**BREAK**

**10:55 AM – 11:25 AM**

**BALLROOM II-IV**

**THE EVOLUTION OF FIDELITY CLAIMS: HOW TECHNOLOGY AFFECTED BANK/LENDING FIDELITY CLAIMS**

Technology has played a major role in changing the threats banks and lending institutions face that lead to fidelity claims. This presentation will discuss the fidelity claims that come from technological developments. The discussion will include electronic transfers of funds, the use of electronic signatures, creating fraudulent records, and different forms of employee dishonesty.

**SPEAKERS:**

Matthew C. Kalin, *Travelers*, Braintree, MA
PANEL: E-DISCOVERY IN THE INVESTIGATION AND LITIGATION OF FIDELITY CLAIMS

Effective investigation and litigation of fidelity claims require a good understanding of e-discovery. This panel presentation will review the various sources of electronically stored information (“ESI”) and categories of data for management as a “discovery resource,” the duty to preserve ESI when a claim is discovered, the insured claimant’s duty to cooperate in the investigation and discovery of ESI, the scientific evaluation of data, the selection and effective engagement of Digital Forensic Consultants, and a summary of Federal Rules of Civil Procedure governing discovery of ESI.

MODERATOR: Loren D. Podwill, Bullivant Houser Bailey, PC, Portland, OR

PANELISTS: Amanda Huenfeld, Zurich Insurance Group, Overland Park, KS
          Joel Wuesthoff, Robert Half Company, New York, NY
          Michael J. Weber, Dinsmore & Shohl LLP, Chicago, IL

12:05 PM – 1:35 PM LUNCH (ON YOUR OWN)

CYBER EXTORTION & RANSOMWARE—EVOLVING THREATS AND AVAILABLE COVERAGES

It is often said the law cannot keep pace with technology; does that maxim also apply to the insurance industry? This presentation will focus on the escalation of ransomware attacks and the potential coverages available to insureds.

SPEAKERS: Justin D. Wear, Manier & Herod, P.C., Nashville, TN
          Jill Dicke, Cincinnati Insurance Co., Cincinnati, OH

THE THEFT OF TECHNOLOGY AND COMMON FIDELITY COVERAGES

This presentation will explore the intersection of the perils posed by modern industrial espionage and common fidelity coverages. Common coverages limit the scope of covered property to tangible property and losses directly caused by the covered peril. The presentation will review common claims scenarios and discuss the leading authorities on these issues that
guide the adjustment of those claims.

**SPEAKERS:**

Carleton Burch, *Anderson, McPharlin & Conners, LLP*, Los Angeles, CA and Las Vegas, NV  
Juliet P. Powell, *Chubb*, Basking Ridge, NJ

**2:45 PM – 3:30 PM**

**PANEL: THE RISKS AND BENEFITS PRESENTED BY THE EVOLVING MARKETPLACE FOR BITCOIN AND OTHER CRYPTOCURRENCIES**

Is it Money? As Bitcoin becomes more of a known “commodity” within the marketplace, is Bitcoin fully understood? What are the pros and cons—the benefits and risks—to digital currency within the uncertain regulatory environment? The panel will address the uncertainties of Bitcoin including a discussion on insurance coverage and evolving issues for the claims professional. The panel will also discuss the potential coverage of cryptocurrency-related losses under specie insurance.

**MODERATOR:** Michael J. Weber, *Dinsmore & Shohl LLP*, Chicago, IL

Sandra M. Stone, *Knight Forensic Accounting, Inc.*, Bethel Park, PA  
Chris McKibbin, *Forbes Chochla Leon LLP, LLP*, Toronto, Ontario, Canada

**3:30 PM – 3:45 PM**

**FIDELITY PROGRAM BREAK/TRANSITION TO GENERAL ETHICS SESSION**

Omar J. Harb, *Alber Frank, PC*, Troy, MI  
James A. Knox, *Zurich North America*, Schuamburg, IL

**3:45 PM – 4:45 PM**

**ETHICS: BLINDSPOT: IDENTIFYING AND INTERRUPTING IMPLICIT BIAS IN THE COURTROOM AND THE WORKPLACE**

Sureties and claims professionals strive for objectivity in assessing the value of cases and staffing our legal teams, but academic studies show that jurors, attorneys, and even judges suffer from implicit biases that go unrecognized and affect the quality of their service. We will discuss manifestations of implicit biases in the courtroom, in law firms, and on legal teams and look at measures that seek to address or “interrupt” our
FIDELITY crime policies are intended to cover certain types of losses. Cyber policies are designed to cover certain types of losses. When an insured experiences a cyber loss with a criminal element, one type of policy may respond while the other does not, or they could both respond, or neither could respond. This panel will discuss the differences and overlap between fidelity crime and cyber losses and what types of policies may respond in various scenarios.

MODERATORS: Michael Keeley, *Clark Hill Strasburger*, Dallas, TX
Michael Menapace, *Wiggin and Dana*, Hartford, CT

PANELISTS: Robert Flowers, *Travelers*, Hartford, CT
9:30 AM – 10:05 AM  USING E-DISCOVERY AND SOCIAL MEDIA CAPTURE TOOLS IN THE FIDELITY CLAIMS INVESTIGATION

E-Discovery platforms like Relativity and Concordance have long been used by law firms to manage and analyze large volumes of data during litigation. This program will discuss strategies law firms and carriers can employ to leverage these tools in the claims investigation stage. This program will also address best practices for capturing social media data.

SPEAKERS:  Barry F. MacEntee, Hinshaw & Culbertson LLP, Chicago, IL
           Tom Proctor, Hinshaw & Culbertson LLP, Chicago, IL

10:05 AM – 10:20 AM  BREAK

10:20 AM – 10:55 AM  TECHNOLOGY AND SALVAGE: USING SOCIAL MEDIA IN RECOVERY AND ALLOCATING CYBERCRIME FUNDS TRANSFERS TO THIRD PARTIES

This program analyzes how technology affects salvage in two ways. First, it will address how social media may be used effectively in locating individuals and businesses, their income and assets, and cover applicable regulatory guidelines. Second, the program will discuss the latest trends in cybercrime involving fraudulent funds transfers and how losses are allocated between insureds and third parties, particularly banks.

           Salvatore Sciano, Ludwig & Robinson, PLLC, Washington, D.C.
           Joseph S. Szary, Great American Insurance Group, Princeton, NJ

10:55 AM – 11:50 AM  PANEL: BRIDGING THE GAP: THE EXPECTATION GAP BETWEEN WHAT FIDELITY CUSTOMERS WANT TO BE COVERED AND WHAT IS ACTUALLY COVERED

Fidelity Coverage is a unique category of insurance which is frequently misunderstood by the policyholder.
audience who buys it. While a professional risk manager may well have a thorough comprehension of the coverages that his or her company has purchased, that may be less true of a smaller or less sophisticated corporation, either because the coverages were part of a package and not specifically sought out, or because they are not skilled in reviewing policies and their layouts, and may not understand the exclusions, exceptions, and riders that together form the coverage acquired. This panel of industry experts and elders will address the gap that may emerge between a customer’s expectation of coverage and the coverage they actually have in place—how might such a gap arise, at what time in the claim or loss process might such a gap become apparent to various parties, and what can be done so that the expectation gap might be better bridged to avoid conflict and dispute.

MODERATOR: Patricia A. Wager, Torre, Lentz, Gamell, Gary & Rittmaster, LLP, Jericho, NY

PANELISTS: William E. Heinbokel, Surety & Fidelity Association of America, Washington, D.C.
Dee Studler, SDC CPA’s LLC, Michael Beranek, Berkley Crime, New York, NY
Dolores A. Parr, Zurich North America, Schaumburg, IL

11:50 AM – 12:00 PM CLOSING REMARKS

BALLROOM I
Darrell Leonard, Zurich American Insurance Company, Dublin, CA
Omar J. Harb, Alber Frank, Troy, MI
James A. Knox, Zurich North America, Schaumburg, IL
SURETY PROGRAM

Friday, January 31, 2020

7:00 AM – 8:00 AM
BOARDWAY
WOMEN INVOLVEMENT SUBDIVISION
NETWORKING BREAKFAST (KEYNOTE SPEAKER: ABA PRESIDENT JUDY PERRY MARTINEZ)

8:10 AM – 8:25 AM
BALLROOM II-IV
GENERAL ASSEMBLY: FSLC MIDWINTER WELCOMING REMARKS & INTRODUCTION TO PROGRAMS
Judy Perry Martinez, ABA President, Simon, Peragine Smith & Redfearn, New Orleans, LA
Darrell Leonard, FSLC Chair, Zurich American Insurance Company, Dublin, CA

8:25 AM – 8:30 AM
BREAK—TRANSITION TO FIDELITY/SURETY PROGRAMS

8:30 AM – 8:40 AM
BALLROOM II-IV
SURETY PROGRAM WELCOME & INTRODUCTION
Tina Kocke, Zurich American Insurance Company, New Orleans, LA
Shauna Szczechowicz, Wolkin Curran LLP, San Diego, CA
Brian Kantar, Chisea Shahinian & Giantomasi PC, New York, NY

8:40 AM – 9:15 AM
BALLROOM II-IV
EMERGENCY: HOW TO DIAGNOSE A FAILING CONTRACTOR
Cash flow issues? Change order disputes? Personnel issues? What to do when immediate action is needed. All contractors can suffer from these symptoms on a project but remain stable. What do you do when the contractor’s vital signs are waning, the contractor is in critical condition, and you need to act, stat! This session will evaluate the early signs and symptoms of a failing contractor, the reasons for that failure, and discuss how a surety could react to these vital signs.

SPEAKERS:
David J. Krebs, Krebs Farley & Dry, New Orleans, LA
Carol Z. Smith, Dysart Taylor, Kansas City, MO
Leigh Anne Henican, The Gray Surety, Metairie, LA
Marc Domres, Zurich American Insurance Company, San Diego, CA

9:15 AM – 10:00 AM
BALLROOM II-IV
ALTERNATIVE MEDICINE PRESCRIBED BY THE WHITE KNIGHT
What happens when a contractor has a systemic problem
due to issues in the overall business rather than a specific isolated factor? Can a struggling contractor turn to a White Knight to acquire the contractor’s employees, equipment and contracts to complete the project and rebuild? This session examines the risk and rewards of a White Knight. The panel will discuss how to find a White Knight; who are the key players; what are the considerations; what is the role of the surety during the transition; how can the surety minimize any potential loss on current projects, and how to continue a bond program after successful integration.

SPEAKERS:  
Armen Shahinian, Chiesa Shahinian & Giantomasi PC, New York, NY  
Tracey L. Haley, Zurich American Insurance Company, Dallas, TX  
Kimberly B. Czap, Philadelphia Indemnity Insurance Company, Bala Cynwyd, PA

SPECIAL GUEST SPEAKER:  
Landon R. Funston, FMI Corporation, Raleigh, NC

10:00 AM – 10:20 AM BREAK

10:20 AM – 11:05 AM MEDICALLY NECESSARY BANKRUPTCY REORGANIZATION

A Chapter 11 plan is a common method of life support to a dying contractor. The goal of Chapter 11 is to give the contractor some breathing room to prevent more damage, reorganize debt, preserve assets and become profitable once again. The Chapter 11 process may be a long road to recovery, but a successful reorganization can create an opportunity for new growth. This session will discuss when Chapter 11 reorganization can be good for the contractor and its surety.

SPEAKERS:  
Ali Adams, Mills Paskert Divers, Tampa, FL  
Dennis McDonnell, Old Republic Surety, Brookfield, WI  

11:05 AM – 12:00 PM REGENERATING THE PRINCIPAL WITH A NEWCO

Forming a new company "NewCo" may breathe new life into a dying contractor. The four "Cs"—character,
capacity, capital, and cooperation—are key predicates for a continued and successful relationship between the surety and a NewCo. This session will look at the practical considerations for the creation of a successful NewCo, the transition from the OldCo to the NewCo, and how this transition affects the surety and on-going and future bonded projects.

SPEAKERS:
- **Bruce L. Corriveau**, Travelers Insurance Company, Hunt Valley, MD
- **Sam H. Poteet, Jr.**, Manier & Herod PC, Nashville, TN
- **Michele Pro**, Alan Gray, LLC, Philadelphia, PA
- **Melissa Jane Lee**, Manier & Herod PC, Nashville, TN

12:00 PM – 1:30 PM  LUNCH (ON YOUR OWN)

1:30 PM – 2:20 PM  PERFORMANCE ENHANCING FINANCING AND PROJECT MANAGEMENT

This session will focus on financing the principal and managing the bonded project when the principal is having heart palpitations (AKA financial difficulty). The panel will discuss the procedures and mechanics of surety financing to revive the principal, so they can live another day. The focus of this discussion will be how these procedures help the principal survive the hard-financial times it is experiencing. Examples of situations in which this solution might be considered by the surety will be discussed. For example, what if the principal is having a temporary cash-flow problem, what are the considerations the surety undertakes to decide if it wants to help with financing and/or project management. Also, what are the advantages and disadvantages of this type of assistance to both the principal and the surety?

SPEAKERS:
- **Michael A. Stover**, Wright, Constable & Skeen, LLP, Baltimore, MD
- **John Yi**, Tokio Marine, HCC, Los Angeles, California
- **Elizabeth E. Spiker**, Forcon International, Brandon, FL
- **Dennis O’Neill**, Beacon Consulting Group, Inc., New York, NY

2:20 PM – 3:10 PM  RESTRUCTURING DEBT—THE THERAPEUTIC REMEDY

When a principal is suffocating under a large amount of debt and they are on the verge of dying (or
defaulting), a surety might consider assisting the principal in restructuring their debt. This session will explore the mechanisms used for this debt restructure and what concerns the surety might have when considering whether to assist in this endeavor. Some of the topics which will be discussed include what is the purpose and goal of an Intercreditor Agreement and what are some of the key provisions to consider. Also, the panel will discuss the potential impacts on both the principal and surety from a debt restructuring.

**SPEAKERS:**
Christopher R. Ward, *Clark Hill Strasburger*, Dallas, TX  
Rudy Dominguez, *Liberty Mutual Surety*, Dallas, TX  
C. Nathan Dee, *Cullen & Dykman*, Garden City, NY

3:10 PM – 3:30 PM **BREAK**

3:30 PM – 4:00 PM **TAKING CRITICAL CARE OF THE PRINCIPAL’S FUNDS**
This is not your typical fund’s control discussion. The nuances of funds control will be examined through the lens of rehabilitating an ailing contractor. This panel will discuss why and how the use of funds control benefits the surety and the contractor in their efforts to get the contractor healthy again. Part of their discussion will explore the mechanics of actually implementing funds control. Some of the topics which will be discussed are: what does the funds control agreement look like; what does the notice to owner say; do you use an existing account or open a new one; and how does the money flow in and out of the account?

**SPEAKERS:**
Jennifer A. Fiore, *Dunlap & Fiore*, Baton Rouge, LA  
Christina Craddock, *Liberty Mutual Surety*, Atlanta, GA  
Ron Boyle, *Vertex*, Wichita, KS

4:00 PM – 4:50 PM **FINAL DIAGNOSIS: TAKING A DEEPER LOOK AT ETHICAL ISSUES**
When a surety has decided to assist in rehabilitating a principal, many ethical issues arise and need to be
addressed. This session will discuss some of the ethical considerations raised when the surety utilizes the various treatment options discussed throughout the day. The panel, primarily consisting of company professionals, will discuss real life stories about their experience with the different treatment options and whether that option produced the desired outcome. Some of the ethical issues which will be discussed as it relates to the various treatments are conflicts of interest concerns raised by the joint representation of the principal and surety, the surety’s decision to pursue or not pursue the principal’s claims, and confidentiality issues.

SPEAKERS:  
Grace W. Cranley, Dinsmore & Shohl, LLP, Chicago, IL  
Bogda M. Clarke, Nationwide Insurance, New York, NY  
Derek Popeil, Chubb, New York, NY  
Jennifer Leuschner, Philadelphia Indemnity Insurance Company, Plano, TX

4:50 PM – 5:00 PM  
CLOSING REMARKS  
Ballroom II-IV  
Darrell Leonard, Zurich American Insurance Company,  
Dublin, CA