

**EAGLE INTERNATIONAL
ASSOCIATES, INC.**

PRESENTS

AVOIDING THE CUCKOO'S NEST

**SUCCESSFULLY DEFENDING AND
RESOLVING TROUBLESOME CLAIMS**

**MAY 17, 2013
CHICAGO OAK BROOK HILLS MARRIOTT
OAK BROOK, ILLINOIS**

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THE MODERATORS

David A. Abrams is a founding member of Strongin Rothman & Abrams, LLP with offices in Livingston, NJ and New York, NY. David has been admitted to practice law in New York since 1986 and in New Jersey since 1988 and is also admitted in the federal courts in those jurisdictions. Mr. Abrams has over twenty five years of civil litigation experience, including significant trial experience in the State and Federal Courts of New York and New Jersey. Areas of concentration include hospitality industry litigation, premises and premises security liability, sports and recreational injury litigation, insurance coverage, construction site accidents, transportation/trucking, products liability, professional liability and commercial litigation. Since 1996, Mr. Abrams has served as national coordinating counsel for Club Mediterranee, S.A.'s insured litigation in the United States, a position he proposed, developed, and implemented. He is a former Chairman and a member of the Board of Directors of Eagle International Associates, Inc. Mr. Abrams is a contributing author to the legal treatise Products Liability in New York, Chapter 8, "Defending the Design Defect Case: Strategic Considerations," published by the New York State Bar Association in 1997. Additionally, Mr. Abrams has lectured on a variety of civil litigation topics at Bar Association seminars and before professional organizations. He received his Juris Doctor from Hofstra University School of Law in June 1985, where he graduated "with distinction" (top 10%). He graduated from the State University of New York at Binghamton with a BA in June 1979.

Jeffrey A. Clayman is a graduate of Bowdoin College and Louisiana State University Law Center, where he was a Senior Editor of the Louisiana Law Review. Following law school, he clerked for the Honorable Patricia H. Minaldi of the United States District Court for the Western District of Louisiana. He is admitted to practice in Louisiana and Florida, and is a member of the Louisiana State Bar Association House of Delegates and an Assistant Bar Examiner. Jeff is AV rated by Martindale-Hubbell and has completed the International Association of Defense Counsel Trial Academy at Stanford Law School.

Paul M. Finamore is a member of Niles, Barton & Wilmer, LLP located on the Inner Harbor in Baltimore, Maryland. His litigation practice concentrates in first and third party claims including the defense of general liability, professional liability, and employment claims. He is admitted to practice in the state and federal courts in Maryland and Washington, D.C., the U.S. Court of Appeals for the Fourth Circuit, U.S. Court of Appeals for the Federal Circuit, and the U.S. Court of Federal Claims.

Mr. Finamore has an AV- preeminent peer rating in Litigation, Insurance, and Labor and Employment. He has been recognized as a top attorney by Maryland SuperLawyers magazine

annually from 2008 through 2102. He has been a recipient of the Golden Gavel Award from the Westfield Group of Insurance Companies. He is a member of Eagle International Associates, Inc., the Federation of Defense Corporate Counsel, the Defense Research Institute, and the Professional Liability Underwriting Society. Mr. Finamore has published articles in DRI's The Voice and the Federation of Defense Corporate Counsel's Employment Practices and Workplace Liability Section Newsletter.

David Macdonald is a founding and named partner of Macdonald Devin, P.C., specializing in products liability, toxic tort, pharmaceutical defense, construction, sexual assault and complex litigation. He serves as National Coordinating Defense Counsel for a chemical company in the national thimerosal/pharmaceutical litigation and acts as Statewide Trial Counsel in Texas. David also serves as State Litigation Counsel for a nutraceutical manufacturer in the ephedra litigation and as Statewide Trial Counsel for a Defendant in silica and asbestos litigation. He has previously acted as National Defense Counsel in National Latex Litigation and has represented Defendants in the Multi-District Phen-Fen and PPA Litigation. He served as Coordinating Defense Counsel in 200 lawsuits alleging exposure to Hepatitis B and C in Las Vegas, Nevada and is Texas Counsel in the pharmaceutical compounding meningitis national litigation. Distinguished recognition in Texas Super Lawyers, Civil Litigation Defense, 2006, 2007, 2008, 2009, 2010, 2011 and 2012; Super Lawyers Business Edition Civil Litigation Defense 2011 – 2012; Corporate Counsel, Civil Litigation Defense, 2008 – 2010; Texas Super Lawyers, Civil Litigation Defense, Top 100, 2009; Texas Super Lawyers, Civil Litigation Defense, Top 100 DFW, 2009. Recognized as an Outstanding Lawyer of America and has been AV Rated for 25 years, a Martindale Hubble peer-review rating.

Mitch Orpett, as Eagle's attorney representative for the State of Illinois, Mitch Orpett is a founding member and former managing director of Tribler Orpett & Meyer, P.C., a Chicago law firm serving the insurance and business communities. He was one of six lawyers who formed the firm in 1984. His practice is devoted to the defense of various professional and product liability claims and to the resolution of insurance and reinsurance disputes. He has been active in litigation, arbitration and other methods of alternative dispute resolution and has served both as advocate and arbitrator. He has been listed in all editions of Euromoney Publications' *Guide to the World's Leading Insurance and Reinsurance Lawyers* and in *Who's Who Legal, Insurance & Reinsurance*. He has also been named as an Illinois "Super Lawyer" and to the Illinois Network of Leading Lawyers, in recognition of his work as an insurance and reinsurance lawyer.

Mitch has devoted 35 years of service to the American Bar Association, holding numerous leadership positions and chairing several seminars. He recently completed his three-year term on the ABA's Board of Governors, as well as its Finance and Audit Committees after serving for many years on its policy-making body, the House of Delegates. He was the chair of the ABA's Section Officers Conference, in which capacity he represented the approximately 240,000 members of the sections and divisions of the American Bar Association. Previously, he served

as chair of the ABA's 30,000 member Tort Trial and Insurance Practice Section and of the ABA's Standing Committee on Continuing Education of the Bar. He was also vice chair of the ABA's Presidential Commission on the Unintended Consequences of the Billable Hour (United States Supreme Court Justice Stephen G. Breyer, honorary chair) and has been a member of the Federation of Defense & Corporate Counsel, the Illinois State Bar Association and the Chicago Bar Association. Mr. Orpett has been a frequent author and speaker on many topics dealing with insurance-related claims and litigation cost control for CLM and the American Bar Association and has authored many articles, including "Reinsurance," a chapter in West Group's *Law and Practice of Insurance Coverage Litigation*. He has provided training and in-service presentations to a host of insurance companies and other industry groups pertaining to insurance and reinsurance issues and coverage and bad faith.

Mitch is a graduate of the University of Illinois, where he earned his bachelors and masters of arts degrees. He is a 1978 graduate of that institution's College of Law.

THE PANELISTS

Lance J. Albright is Vice President of Claims for QBE the Americas. He has responsibility for management and oversight of the Program Business claims department. He reports directly to the Chief Claims Officer of Program Business. QBE the Americas is a division of QBE Insurance Group Ltd, Australia's largest international general insurance and reinsurance group. It is one of the top 25 insurers and reinsurers worldwide and the 15th largest insurer in the United States. As Vice President and General Manager, Mr. Albright was responsible for the Legal Solutions Division of Computer Sciences Corporation, the third largest software and IT consulting and services firm in the world. Prior to joining CSC, Mr. Albright was the Senior Executive Vice President and Chief Operating Officer of The Yasuda Fire & Marine Insurance Company of America, where he was responsible for the management of Interdepartmental Operations and was a member of Yasuda's Board of Directors. He began his insurance career with The Hartford Insurance Company in NYC as a field claims adjuster. He then moved to international insurance with AFIA Worldwide Insurance where he was responsible for international claims. He spent four years at The Home Insurance Company in NYC where he was home office branch claims manager for the Western Region of the United States and Canada. Mr. Albright received his Bachelor of Arts degree from the University of Notre Dame. He received his Master of Business Administration (MBA) degree from Seton Hall University. Mr. Albright holds the Chartered Property and Casualty Underwriter (CPCU) designation. He also has an Associate in Risk Management (ARM) degree. He is the current Chairman of the Insurance Federation of New York. He is on the Board of Directors of the New York City Chapter of CPCU having previously served as the chapter President. He is a member of the Federation of Defense and Corporate Counsel. He has two daughters, Kristen and Blair.

Michael DeLonay is a Claims Expert, Vice President for Swiss Re Corporate Solutions. His expertise is in Public Entity Claims including civil rights litigation. Mike's experience includes handling all types of property and casualty claims both personal and commercial lines, as well as primary and excess layers of coverage. Before joining Swiss Re in 2006, Mike held claims positions with GE Insurance Solutions, Coregis Insurance, Crum & Forster Managers, Providence Washington Insurance and Commercial Union. He obtained his Bachelor's Degree in Political Science from the University of Wisconsin – Milwaukee. Mike is a member of the Council on Litigation Management (CLM) as the Illinois State Chair (1 of 4 State Chairs for Illinois) as well as Co-Chair Live Standards Training Committee.

Glenn Fischer is a Professional Liability Claim Manager, responsible for overseeing a team of five claim examiners who handle matters involving management liability (D&O, EPLI, Fiduciary and tenant discrimination), insurance agents and brokers, lawyers, IT professionals, databreach, assisted living facilities and other miscellaneous professional liability. Glenn came to Markel from private law practice which began in 1994. His practice experience includes having represented both plaintiffs and defendants as primary trial counsel in state and federal district

court litigation. The core concentration of his experience includes lawyer's professional liability claims as well as other professional errors & omissions claims (directors and officers, real estate agents and brokers, and insurance agents and brokers). In addition, he represented individuals, corporate clients, and municipalities in cases involving workplace injuries/construction liability, premises liability, medical negligence, products liability, labor disputes, civil rights, automobile liability and insurance coverage disputes.

Glenn also previously served as assistant staff counsel to the American Bar Association's Standing Committee on Lawyer's Professional Liability, providing policy advocacy, development and direction on legal malpractice issues relevant to the Bar Association's members and leadership. This included providing information and education to lawyers, Association members, and the public on substantive legal issues concerning lawyer liability. Additionally, he monitored legislative developments relevant to the law of lawyering, and provided guidance to individuals and organizations on professional responsibility, ethics, risk management, loss prevention, and professional liability insurance coverage.

In 1994 he received a J.D. *cum laude* from the John Marshall Law School, Chicago, where he was a member of the Law Review and ISBA Moot Court Team, and in 1991 he received a B.A. in History from DePaul University, Chicago.

Judy A. Frymark, AIC is a Senior Complex Casualty Claims Examiner - Sexual Misconduct Specialist with Church Mutual Insurance Company based in Merrill, WI. Church Mutual is the largest insurer of religious institutions in the United States. Judy has been with the company for 17 years and is a specialist in the field of sexual misconduct. She handles sexual misconduct/molestation claims involving churches, schools, camps, child-care and assisted living facilities across the country. She is also actively involved in training and risk management programs in the area of sexual misconduct and professional liability at Church Mutual.

Paul Poppish is an insurance professional with over 35 years of claims experience. He has extensive experience in claim operations and management in the areas of Products, Construction exposures, Architect & Engineers, Professional Liability, Financial Institution D&O and E&O, E & S and Public Entity. He has held senior claim officer positions involving latent claims, Heavy Trucking & Transportation, Surety, Customs Bonds and Construction exposure. Paul joined AmTrust as Director of Claims for Professional Liability, Public Entity and Pollution/Environmental Liability claims.

Judith K. Simonson, J.D., CPCU is currently a Professional Liability Specialist at Hanover Professionals Insurance Company, formerly Professionals Direct Insurance Company and handles exclusively legal malpractice matters. She has a B.A. from the University of Michigan and a J.D. from Wayne State University School of Law. She has also obtained the CPCU and Associates in Reinsurance designations. Her prior professional experience includes ten years as a prosecuting attorney, four years with a civil defense litigation firm, seventeen years as litigation manager with a property and casualty insurance company. She has also completed a forty-hour mediator training course.

Sharon Stier joined Fireman's Fund Insurance Company in 1999 as a Claims Specialist overseeing Commercial General Liability and Intellectual Property claims. As a claims professional in the High Risk department she is responsible for handling claims throughout the country and attends many mediations. Sharon holds an Associate in Claims (AIC) designation from the Insurance Institute of America. She started her career in claims handling 25 years ago with The St. Paul Companies.

Christopher J. Ziemba is a Managing Claims Attorney for Monitor Liability Managers, LLC. He joined Monitor in 2002, and is currently responsible for managing a team of attorneys and analysts handling employment practices liability and nonprofit management liability claims. Christopher frequently presents to non-profit organizations and associations on a variety of topics, including risk management and the duties and obligations of nonprofit boards. Prior to joining Monitor, Christopher was in private practice and served as outside litigation counsel to several companies. He received his bachelor's degree in finance from Lewis University, his law degree from Chicago-Kent College of Law and an M.B.A. from the Illinois Institute of Technology. He is a member of the Illinois Bar.