

FLA/FSLC Joint Fall Program November 5-6, 2020 – The Who, What, Where, When and Why of Fidelity Claims – Updating the Basics for the 21st Century

Day One – The Who and What of Fidelity Claims

Introductions – Robert Flowers, Chad Schexnayder, CharCretia DiBartolo and Theresa Gooley

Presentations

- (1) Discovery: “Who are You?” said the Caterpillar
Jane A. Horne, Peabody & Arnold
Pia Ellis, Beazley Insurance Company
- (2) Who Is An Employee?
Jenna Macnair, Manier & Herod
Jacob Bolton, Manier & Herod
- (3) What Is Loss and When Does It Occur?
Patrick T. Ryan, Hermes, Netburn, O’Connor & Spearing, PC
Brian M. Gibbons, Hermes, Netburn, O’Connor & Spearing, PC
- (4) Trying to Fit a Round Peg in a Square Hole: Computer Fraud Insuring Agreements Were Not Designed or Intended to Cover Social Engineering Losses
C. Adam Brinkley, Clark, Hill Strasburger
Theresa A. Gooley, Travelers

Closing/Questions

Day Two –The What, Where, When and Why of Fidelity Claims

Brief Introduction – CharCretia DiBartolo and Theresa Gooley

- (1) What Is An Original Under Insuring Agreement (E)?
Jase Brown, Chiesa Shahinian & Giantomasi
- (2) Location. Location. Location. How Does the Question of “Where” Impact Coverage for Hacking, Social Engineering & On Premises Losses?
Barry F. MacEntee. Hinshaw & Culbertson, LLP
- (3) Contractual Limitation Periods in Fidelity Bonds: When Can Suit Be Filed?
Scott Schwartz, Clyde & Co.
- (4) Electronic Signatures and the Intersection Between Virtual Contracting and Forgery Coverage

Scott L. Schmookler, Gordon & Rees
Sarah Riedl Clark, Gordon & Rees

- (5) Fidelity Law Update 2020
Charles Armstrong, Clark Hill Strasburger
Sarah Cleves, ABAIS

Questions/Closing

Speaker Bios

Charles L. Armstrong is Senior Counsel in Clark Hill Strasburger's Fidelity & Surety practice group. Charlie recently returned to the Fidelity & Surety team after practicing in house with a large multi-national manufacturing company based in Dallas for several years, where he most recently served as Chief Compliance Officer and Deputy General Counsel. Charlie earned a B.B.A. from Texas A&M University and his J.D., cum laude, from Baylor University School of Law where he was Senior Editor of the Baylor Law Review.

Jacob Bolton is an associate with the Nashville, Tennessee law firm of Manier & Herod practicing primarily in the areas of surety law, fidelity law, bankruptcy, construction, and general insurance coverage and litigation. Mr. Bolton received his B.S. (2015), *summa cum laude* from The University of Tennessee in Knoxville, Tennessee and his J.D. (2019), *magna cum laude*, from the University of Tennessee College of Law, where he was a member of The Forum legal journal

C. Adam Brinkley is an attorney in the Dallas office of the law firm of Clark Hill Strasburger. He graduated with a B.A. from Stephen F. Austin State University and magna cum laude with a J.D. from Southern Methodist University Dedman School of Law. Adam's practice focuses primarily on litigating fidelity bond cases and other insurance coverage disputes. Adam is admitted to the Texas bar and numerous federal courts.

Jase Brown is an attorney in the West Orange, New Jersey office of Chiesa Shahinian & Giantomasi. He graduated with a B.B.A. from West Texas A&M University and a J.D. from Rutgers Law School, magna cum laude. Jase's practice includes representation of clients in both fidelity and surety matters.

Sarah M. Cleves is a Senior Attorney at ABA Insurance Services. She graduated *summa cum laude* with a B.S. in Political Science from The University of Akron and *magna cum laude* with a J.D./M.B.A. from Case Western Reserve University. Before joining ABAIS in 2019, Sarah spent six years at one of Ohio's corporate law firms in the Litigation and White Collar practice groups.

CharCretia V. Di Bartolo is a partner in the Boston office of Watt, Tieder, Hoffar & Fitzgerald, LLP. She received her B.A. from Washington University in St. Louis and her J.D. from Washington University School of Law. Her practice focuses on fidelity, surety and construction matters and commercial litigation.

Theresa Gooley is Managing Director of First Party Claim at Travelers. Prior to working in the insurance industry she was an attorney at Meagher & Geer. Ms. Gooley graduated from the University of Minnesota with a Bachelor of Science in Finance and earned her Juris Doctorate from Drake University Law School with Honors.

Jane Horne started her legal career in New York, representing insureds in coverage disputes with insurers. Since moving back home to Boston 11 years ago, she has exclusively represented insurers in complex insurance claims and coverage matters. In this role, Jane has been involved in more than 1,000 commercial crime claims, second chaired a trial before the U.S. District Court for the District of Massachusetts and argued successful appeals before the Massachusetts Appeals Court. In addition to handling commercial crime claims, Jane regularly handles claims under cyber, data privacy, transactional liability, errors and omissions, and general liability policies, in both the first-party and third-party context. Jane has also successfully represented insurers in bad faith litigation in both state and federal courts. Since 2012, Jane has been named as a “Rising Star” by Massachusetts Super Lawyers. Outside of the office, Jane can typically be found on a sports field with her four young boys, who now range in age from two to eleven.

Jenna Macnair is an associate with the Nashville, Tennessee law firm of Manier & Herod practicing primarily in the areas of surety law, employment law, workers’ compensation, and general civil litigation. Ms. Macnair received her B.A. from Furman University in Greenville, South Carolina and her J.D. , *magna cum laude*, from the University of Tennessee College of Law, where she was a member of the Tennessee Law Review.

Scott Schwartz is a Senior Counsel at Clyde & CO., where he focuses his practice on representing international and domestic insurers in investigating claims, developing coverage analysis and litigating disputes. He has extensive experience addressing coverage issues from multiple angles and experience regarding complex electronic discovery issues that often arise in commercial litigation, as well as experience responding to government requests for information and investigations. Scott has given advice related to various types of policies, including D&O policies, E&O policies, property and casualty policies, and financial institution bonds. Scott joined Clyde & Co from Sullivan & Cromwell LLP, where his practice focused on insurance coverage, environmental law, antitrust and government investigations. Following law school, Scott clerked for one year for the Hon. Anthony J. Trenga in the US District Court for the Eastern District of Virginia.