New Topics, Debates and Practical Panels for 2017 Include:

- How Geopolitical Events Are Shaping the World And the Implications for D&Os
  - What impact will Brexit and the Trump administration vote have on regulation & enforcement?
- The Rise of Collective Investor Actions in Europe
- Third Party Litigation Funding
- Environmental risks including global climate change
- Taking Advantage of The Rise of Whistle-Blowers from the D&O Perspective
- How the European Union General Data Protection Regulation (GDPR) will impact D&Os?
- In-Depth Analysis of the FI Post-Crisis Period

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Michael Rieger-Goroncy
Head of Global Corporates, FINPRO
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Cristiana Báez-Safa
Head of European Financial & Specialty Markets
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▷ Claims manager
▷ Insurance Broker
▷ Reinsurer
▷ Insurance buyer, risk manager or compliance officer
▷ Cyber insurance expert
▷ Financial lines insurance expert
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✓ The regulation & enforcement framework emerging from Trump’s administration and Brexit and its impact on senior executives
✓ The Challenging Role of a Risk Manager & Engagement with the Board
✓ How far D&O policies will expand in terms of coverage
✓ Ongoing and emerging risks:
  • Bribery and Corruption enforcement and its implications on the D&O market globally
  • Existing laws and regulations on HR, Tax, Cyber and environment
✓ The Rise of Whistle-Blowers from the D&O Perspective
✓ How to Make Sure that D&O Policy Will Be Able to Respond As Soon As Possible In Case Of Internal Investigations?
✓ Potential implications on the D&O side of international sanctions and the extent to which that influences FI coverage and even D&O coverage
✓ The rise of collective investor actions
✓ How third party litigation funding can help the claimant pursue the claim
✓ Analysing D&Os Exposure In Light of Antitrust Enforcement
✓ Key Considerations on the Claims Environment and its Impact on D&O Policies
✓ Current market for the FI Insurance in a post-financial crisis era
✓ Cyber liability, GDPR, data security breaches and cyber exposures: A Board level issue

Why should you be a part of Europe’s Leading D&O Liability Insurance Forum?

Directors and Officers are facing an uncertain era due to the geopolitical changes across the Western world. There are also increased threats on the compliance and liability side including cyber related exposures, bribery and anti-corruption, environmental risks and money laundering.

Now more than ever before insurers and reinsurers need to provide the coverage their clients want, whilst minimising their exposure to claims which will impact upon their profits. All areas of the insurance market are facing very intense competition and are under pressure to ensure that they can differentiate themselves from the rest of the market.

C5’s 26th D&O Liability Insurance Forum will feature a specific session on the role of the Risk managers and the difficulties they encounter when engaging with the Board. It will also feature a dedicated afternoon on FI Insurance running in parallel with a Cyber Liability Insurance afternoon; which will once again provide practical insights on the latest developments and challenges facing your industry.

This forum comes at a critical time where the challenges facing D&O liability insurers are greater than ever. Bringing together a senior level audience of leading D&O liability insurers, reinsurers, top insurance brokers, risk managers and the most highly regarded lawyers in this area, you will benefit from the extensive learning and business development opportunities.

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Join the Conversation  @C5Live  #C5Insurance
Day One:
Tuesday 25th April 2017

08.00
Registration and Coffee

09.00
Opening Remarks from the Chair
Michael Rieger-Goroncy
Head of Global Corporates, FINPRO
Marsh GmbH

09.15
How Geopolitical Events Are Shaping the World and Implications on D&Os

The speakers will cover the impact that Brexit and the new US government will have on regulations & enforcement

Kevin M. LaCroix, Esq.
Partner
RT ProExec

Francis Kean
Executive Director
Willis Towers Watson

Noona Barlow
Head of Financial Lines Claims, EMEA
AIG

Dynamics in the world today from the US standpoint
- Regulation & enforcement framework emerging from Trump’s administration and impact on senior executives
- Impact of Trump’s administration on US security laws
- Measurement on how enforcement is changing
- Regulation and enforcement increasing their toolkit, remedies, sanctions...

What is the impact of Brexit on D&O insurance?
- What will be the impact on the regulatory framework and how is that going to impact the litigation climate?
- Regulatory side & heavy dependency from the UK insurance markets on markets outside the UK: carrying on the Insolvency II and other regulation.
- Analysing the risk of Non-admitted when a FoS country stops being a FoS country
- Enforcement activity from the FCA and FSO
  » How does this fit in with the DOJ and FCC?
- What additional stress is Brexit putting on Boards and management?
  » Swinging to the right in Europe and the smaller sense of protectionism.
  » What could the consequences of a soft/hard Brexit be regarding companies and executives?

10.15
The Challenging Role of a Risk Manager & Engagement with the Board

Cristiana Báez-Safa
Head of European Financial & Specialty Markets
QBE Insurance (Europe) Limited

Guillaume Deschamps
Director – Head of FINEX
Marsh GmbH

Socrates Coudounaris
Executive Director, Senior Risk Management Officer – EMEA
AIG

Dirk Wegener
Global Head Corporate Insurance
Deutsche Bank Group

Rajat Baijal
Head of Enterprise Risk
BGC Partners | Cantor Fitzgerald

Don’t adopt the ostrich-head in the sand approach: the risk is there: What challenges are your clients experiencing? Why would your clients choose a D&O liability over another? A discussion with clients to understand companies’ needs, exposures, threats and D&O insurance choices
- To understand the risks, evaluate them and make sure that the D&Os are well protected
- Risk managers and compliance: It is always the responsibility of the risk manager to report to the board and to inform the individual of accountability for corporate wrongdoing
- How to get boards to appreciate the value of a certain insurance policy and the benefits it will bring
- How a good D&O insurance can limit reputation damage in case of breach/cyber-attack
- What are the issues for the D&Os to be aware of?
  » Indemnity limit
  » DIC policies
  » What is the material risk of company collapse?

11.15
Morning Refreshments

11.45
An International Approach to Coverage: Does your D&O policy Capture All Your Needs?

David Nayler
Executive Director | Head of F&PS Legal & Claims Practice
Aon

Francis Kean
Executive Director
Willis Towers Watson

Jacquetta Castle
Partner
DWF LLP

- Pros and Cons of broader coverage
- How to avoid D&O policy wording overlap with other policies
- Misalignment between marketing of the product and the purchasing of the product
- Business models: Pros and Cons of Pull Vs Push Strategy
- How can the current wording cause your company problems in the future and how can you overcome this?
- What is the policy limit available on D&O insurance?
- Is it appropriate for the consequences of a cyber-attack?
- Disputes arising from unclear wording
- How to interpret your policy in case of claims
- The effect of the Insurance Act on policy wording

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The recorded archives of the presentations will be available for you to view after the conference, so you can re-watch sessions, or view any sessions you may have missed.
Surviving in a World of Ongoing and Emerging Risks

12.30
Corruption and Anti-bribery enforcement and how it leads to D&O claims
Chris Warrior
Head of Management
Hiscox

Judy Krieg
Partner | Commercial Disputes and Regulation
Shepherd and Wedderburn LLP
• Cross-jurisdictional issues - Ongoing investigations on the Petrobras case:
  » Claims filed in the US against Brazilian Companies.
• Panama Leaks
  » Is this going to be a D&O matter?
  » Why is the information going public?
  » How may this have been used by prosecutors?
  » Can civil people use information that has been stolen?
  » Who is behind the shell company?

13.00
Existing laws and climate change liability
Alice Garton
Senior lawyer
Client Earth
13.30
Networking Lunch

14.45
Taking Advantage of The Rise of WhistleBlowers
Douglas Robare
Global Head Financial Lines Underwriting
Generali
• D&Os responsibilities in regards to whistle-blowers
• Differences in whistle-blower procedures across the globe
• You can’t follow the money any more: How you can fight against the sophisticated techniques that people may be using to hide money:
  » Encouraging cooperation and people revealing problems
  » Whistle-blower procedures:
    - How do you find them?
    - How do you reward them?
    - How do you protect them?
    - What would those rewards would look like?
    - How do we know when we see it?
    - How do we quantify it?
    - How do we determine what those benefits look like?

15.15
Afternoon Refreshments and Speed Networking
The speed networking session will place you in an interactive format with your peers for a short space of time, allowing you to network and forge invaluable business relationships with key decision makers and thought leaders.

16.00
How to Make Sure that D&O Policy Will Be Able to Respond As Soon As Possible In Case Of Internal Investigations?
Ann M. Longmore
Managing Director
Marsh FINPRO
Francis Kean
Executive Director
Willis Towers Watson

Judy Krieg
Partner | Commercial Disputes and Regulation
Shepherd and Wedderburn LLP
• What coverage D&O policies should provide once the internal investigation is triggered?
• How to tailor the investigation to the scope of the wrongdoing?
• Can your D&O insurance policy foot the bill for an expensive investigation?
• Effective approach in case of regulatory investigation:
  » Cooperating with the authorities
  » Scope and consequences of the Yates Memorandum

16.45
Key Considerations on the Claims Environment and its Impact on D&O Policies
Leslie Kurshan
Head of Product Development FINPRO Practice
Marsh
Thomas Sheffield
Vice President, Specialty Claims
QBE North America
• Assessing the current claims environment in Europe:
  » Which claims have been bought and by whom?
  » Which are the current trends for claims?
  » Which countries are particularly challenging in terms of claims?
  » Which decisions must insurers heed and how should policies be adapted accordingly?
  » How has the Insurance Contracts Act 2015 affected the claims environment and what have insurers done to prepare?
• The shift in M&A claims in the US due to recent Court decisions
• How to prepare for shareholder losses leading to D&O claims
• Overlap and cyber getting accidently into policies
• What are the factors triggering D&O disputes?
• Descriptions of claims:
  » What were the main categories of D&O claims that could potentially happen (Investigation, class action, IVI claims…)?
• The use of data to help the client understand their level of exposure: analytic tools specially for D&Os; helping to raise the client’s profile and reveal the risks they are facing
  » Understanding if the programme is consistent with the exposure of the client
  » A different approach to help the client to structure the D&O programme differently & to better understand the exposure:
    - If the D&O claim happens, what could be the financial consequences for your client’s company in terms of amount paid and costs?

17.45
Day One Adjourned

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Day Two:
Wednesday 26th April 2017

08.00
Registration and Coffee

09.00
Opening Remarks from the Chair
Cristiana Báez-Safa
Head of European Financial & Specialty Markets
QBE Insurance (Europe) Limited

09.10
The Rise of Collective Investor Actions
Ann M. Longmore
Managing Director
Marsh FINPRO
Tom Ielapi
Underwriter, Management Liability
BEAZLEY

Europe
• A critical review of the latest legal developments and the rise of Collective Actions within Europe
• An update on recent cases including Volkswagen, Tesco and Fortis
• Looking ahead: an important update on the European Commission’s position for change
• A review of the impact of D&O policies analysed

Litigation US
• The essential round-up of the latest US Class Actions
• Analysing the current status of class actions in the US and Canada and the effect of policies
• Is the product being under-priced in light of the increasing exposure?
• How are the insurers managing the increase in collective investor actions?

10.15
Morning Refreshments

10.45
How Third Party Litigation Funding is Affecting the Claims Environment
Ross Clark
Chief Risk Officer
BURFORD CAPITAL
• What is the legal framework for litigation funding?
• Where is it permitted?
• What kind of disputes are supported by litigation funding?
• Typical processes that funders will follow
• Intermediaries and immediate access to the Funds: Pros and Cons
• How third party litigation funding can help the claimant
  » Encouragement to pursue the claim
  » Avoidance of financial risk
• Beyond the funding of individual cases
• How the Litigation Funder is remunerated

11.30
A Comparison of German and UK D&O Insurance
With a particular focus on claims by the Policyholder against its directors/officers, including:
Simon Hilditch
Partner
Simmons&Simmons
Felix Zimmermann
Managing Associate
Simmons&Simmons

12.15
A Deeper Look into the Effects of International Sanctions on D&O Liability Insurance
Ann M. Longmore
Managing Director
Marsh FINPRO
• Impact of US presidential elections on Sanctions:
  » Developments in Russia, Iran and Ukraine
  » Approach of Trump’s administration to Cuba
• How are sanctions affecting insurers and brokers?
• Understanding sanctions: penalties and fines:
  » When and why are sanctions insurable?
  » What coverage can insurers offer?
  » Where does the law allow offering of this coverage?
• Be ready for claims arising from payment of fines

13.00
Networking Lunch

14.00-17.00
Running In Parallel:
A. Cyber Liability Insurance Afternoon
B. & Fi Insurance

Cyber Liability Afternoon
14.00
How the European Union General Data Protection Regulation (GDPR) will affect D&Os
ICO Speaker TBC
• Cyber as new responsibilities for individuals acting as D&Os
  » A Board level issue:
  » Responsibility of D&Os to comply with existing regulations and to be prepared for regulations soon to be implemented
• EU regulations on data privacy:
  » Will Brexit mean a different set of data privacy rules in the UK?
  » What will the impact be on the EU?
  » International data transfers and applicability of the Safe Harbour Rule
• What are the fines imposed by the GDPR for noncompliance?
• What are the implications for D&Os?
• Key question on the GDPR:
  » What would it mean to directors?
  » How will regulators implement it?
• Essential role of the Information Commissioner Office (ICO):
  » How the ICO is going to implement the regulation?
  » ICO’s role in enforcing fines on directors.
  » What is the role of the FCA in terms of enforcement?

14.30
Afternoon Refreshments
15.20
How to Overcome Lack of Customized Wording on Cyber Policies: Go Beyond Changing the Jurisdiction Clause
Shannan Fort
Assistant Vice President
Aon
• How do you assess a cyber-incident?
• How insurance can protect the company against a cyber-attack
• Do cyber policies overlap with coverage that may already be there under the general liability policy?
• When you buy, are you truly supplementing your existing insurance programme?
• Cyber as a larger exposure: coverage for large and small companies
• What are the investigation costs associated with a cyber-related attack? Are they covered by the D&O policy, general insurance policy or cyber policy?

16.10
Understanding How Sophisticated Fraud Aimed at Directors Leads to D&O Claims
Mark Smith
Portfolio Manager
QBE
Eleni Petros
Senior Vice President
Commercial Crime Practice Leader and Senior Management Liability Specialist
Marsh | FINPRO Practice
Thomas Sheffield
Vice President, Specialty Claims
QBE North America
• Identifying potential fraud crime scenarios that may lead to D&O claims:
  » External fraud: CEO impersonation
  » Spear phishing
  » Pretexting
• Social engineering
  » How cyber security issues lead to D&O claims:
  » Is this a D&O issue if the company loses money?
  » Should the company have been aware of the exposure?
  » Should the company have informed employees of potential threats?
  » Should they have implemented internal procedures such as specific fraud/crime policy?
• D&Os’ Protection against cyber security from a technical and organizational points of view.
• Cyber related claims against D&Os as a result of large claims in the US:
  » Where has litigation got to?
  » Where are we now in terms of regulatory obligations?
  » How to ensure that directors have cyber coverage?

14.00
In-Depth Analysis of the FI Post-Crisis Period
Douglas Robare
Global Head Financial Lines Underwriting
Generali
• What developments affected FI during the financial crisis?
• Post-crisis period
  » Where is the market place now?
  » Where is the D&O insurance market place for banks and insurance companies?
  » How has it changed as the financial crisis has receded
  » Is now the time to think about FI again?
  » Are there covert risks that could emerge?
  » What are the coverage issues?
  » What are the other exposures?

14.50
Afternoon Refreshments

15.20
The Financial Landscape In Light of the Changing Regulatory and Enforcement Environment
Douglas Robare
Global Head Financial Lines Underwriting
Generali
• The regulatory involvement in banking:
  » Capital requirements
  » Whistle-blower procedures
  » Corruption
• What is the likelihood of another banking crisis? Are companies and insurers prepared for this?
• Accountability regime for D&Os
• Regulatory side from an international perspective:
  » Are we seeing an easing of regulatory activities in Trump’s administration?
  » How is this affecting the EU and UK market?
  » What is the FCA enforcement activity and what can we expect in 2017?

16.10
Most Recent Trends and Developments of Claims Across the Globe
Nina Nayee
VP Financial Lines Major Loss Claims – Europe
AIG
Carlos Fane
Senior Claims Counsel
Tokio Marine HCC
Moderator:
Cristiana Báez-Safa
Head of European Financial & Specialty Markets
QBE Insurance (Europe) Limited
• Essential overview of the latest FI cases involving major banks
• How to properly assess the exposure and identify the hot claim areas.
• How can D&O respond to these claims? How does the policy need to be customised?
• What are the lessons learned from recent claims?
• What claims do insurers see emerging and why?
• What are the settlement trends?

17:00
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