



# Managing Law Firms “Cost of Risk” Associated with E-Discovery Issues

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Independence Chapter

Association of Legal Administrators

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# Law Firms “Cost of Risk” Associated with E-Discovery”

- ◆ **MANAGEMENT COMMITTEE, GENERAL COUNSEL, PRACTICE GROUP LEADERS, LAWYERS, ADMINISTRATORS, IT MANAGERS, OTHER MANAGERS & STAFF TIME AND DOLLARS SPENT ON DEVELOPING & \OR UPDATING POLICIES AND PROCEDURES RELATED TO MANAGING ELECTRONIC DOCUMENTS**
- ◆ **COST OF SERVICES PROVIDED BY E-DISCOVERY ATTORNEYS, OUT-SIDE COUNSEL (GC), RECORDS MANAGEMENT VENDORS, LITIGATION SUPPORT VENDORS, COMPUTER FORENSIC VENDORS, E-DISCOVERY VENDORS, RISK MANAGEMENT CONSULTANTS, BROKERS & OTHER VENDORS IN DEVELOPING & \OR UPDATING THE AFOREMENTIONED POLICIES AND PROCEDURES**
- ◆ **COST OF LEGAL SERVICES PROVIDED BY LAW FIRMS IN HANDLING LITIGATION STEMMING FROM E-DISCOVERY RELATED PROFESSIONAL LIABILITY CLAIMS**
- ◆ **LOSS OF ASSETS AND COST OF PAYMENTS MADE TO THIRD PARTIES FOR JUDGMENTS, SETTLEMENTS & PENALTIES IN CONNECTION WITH E-DISCOVERY RELATED PROFESSIONAL LIABILITY CLAIMS**
- ◆ **COST OF PROFESSIONAL LIABILITY INSURANCE**

# ELECTRONIC DISCOVERY RELATED LAWYERS PROFESSIONAL LIABILITY RISKS

- ◆ **When representing clients in litigation lawyers errors in communications with client, counsel and/or court that lead to: sanctions for spoliation such as an adverse inference, monetary penalties or even judgment on the merits for your adversary**
- ◆ **“Before” a malpractice claim is made against the firm, a lack of appropriate policies and procedures in connection with: Email Usage, Internet Usage and/or electronic discovery preservation and processing protocol (Shoemakers children with holes in their shoes)**

# LAWYERS PROFESSIONAL LIABILITY TRENDS

## IMPACTING ON LAW FIRMS “COST OF RISK”

### Consider

- ◆ AMENDMENTS TO FEDERAL RULES OF CIVIL PROCEDURE IN CONNECTION WITH DISCOVERY OF ELECTRONICALLY STORED INFORMATION
- ◆ 60% GROWTH IN CLAIMS VALUED AT MORE THAN \$2,000,000
- ◆ GROWTH IN % OF CLAIMS IN CONNECTION WITH LITIGATION RELATED ACTIVITIES
- ◆ GROWTH IN % OF CLAIMS IN CONNECTION WITH PERSONAL INJURY DEFENSE PRACTICE
- ◆ SHARING INFORMATION WITH UNDERWRITERS ABOUT FIRMS POLICIES AND PROCEDURES THAT MITIGATE ABOVE EXPOSURE – THAT ARE NOT REQUESTED IN APPLICATIONS – WILL IMPROVE COST AND BREATH OF COVERAGE AVAILABLE TO LAW FIRMS WHEN LAWYERS PROFESSIONAL LIABILITY RENEWS

# Electronic Discovery Model -7 Step Process

Step 1-Create Your E-Discovery Plan

Step 2-Preserve- Plan for Preservation order-Be pre-emptive. Assure hold on back-up tape rotation

Step 3-Identify Collection - Maintain chain-of-custody. Determine forensic issues or needs

Step 4-Collect -Potentially responsive data –Inventory collection

Step 5-Analyze then Process –De-duplicate, refine and cull-via keywords. issues and date parameters

Step 6-Review–Use Internal or External Solutions - Secure Web Repository

Step 7-Production – Caution in assuring proper segmentation of data (privileged from non-privileged)

## Create Discovery Plan :

### Identify Data Sources - Maintain Chain-of-Custody. Assess Forensic Need

### Preservation

Scope & Define Data Management Needs & Gather Client Requirements

Develop Focused Strategic Electronic Discovery Plan

Collect Data from all relevant systems, applications and stored data

Analyze Data- "Pre-Process" to identify file types, proper handling and related issues

Preserve Relevant Legacy Data  
Implement On-going Preservation

### Processing

### Review

### Production

### Defense of Process

Apply or adjust De-Duplication algorithms and search criteria

De-Duplicate, search, annotate load data to Review Platform-In-house or Hosted

Prepare Review Strategy. Perform Online Review

Produce responsive data in requested format . Generate Report for Audit trail

Prepare for potential Defense-of-Process Train potential witnesses



# Electronic Discovery Implications for Insurers: Entity Risk & Operational Risk

- ◆ **Entity Risk = Insurer party to litigation or regulatory investigation - potential for non-compliance with e-discovery obligations**
- ◆ **Operational Risk = Insured's' e-discovery duties, exposure and responsibilities of insurers via contract coverage obligations**



# Zubulake v. UBS Warburg LLC case, No. 02 Civ. 1243 (SAS), 2004 WL 1620866 (S.D.N.Y. July 20, 2004) ("Zubulake V")


- UBS and its counsel take "all necessary steps to guarantee that relevant data was both preserved and produced." *Id.* at 7
- monitor compliance;
- familiar with retention policies and architecture;
- advise about "litigation hold";
- communicate directly with "key players";
- instruct employees to produce e-data; and
- ensure that back-up tapes are preserved



Coleman(Parent) Holdings Inc., v. Morgan  
Stanley & Co., Inc Case No.502003  
( March 1, 2005 15<sup>th</sup> Jud. Cir. Fla.)


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- ◆ Accounting fraud
- ◆ Problems with Morgan Stanley's production
- ◆ Certification -- 1,600 backup tapes surfaced
- ◆ Court found "offensive" and grossly negligent
- ◆ Adverse inference instruction
- ◆ RESULT - \$1.45 billion award



Coleman(Parent) Holdings Inc., v. Morgan Stanley & Co., Inc Case No.502003  
( March 1, 2005 15<sup>th</sup> Jud. Cir. Fla.)

Morgan Stanley stated publicly that it may sue its former counsel for the \$ 1.5 billion verdict it suffered because the court determined that its law firm did not respond appropriately to discovery requests for electronically stored documents



# Qualcomm Inc. v Broadcom Corp.

## Case No. 05cv1958-B (BLM)

### ( S.D. Cali. Jan. 7, 2008 )

U.S. Magistrate Judge Barbara L. Major sanctioned Qualcomm for “suppressing” approximately 46,000 electronic files. The court also sanctioned six counsel retained by Qualcomm. Major found misconduct by several attorneys :


- ◆ Retained attorneys turned blind eye to evidence, or choosing not to look in proper locations and accepted “the unsubstantiated assurances of an important client that its search was sufficient”
- ◆ Retained attorneys failed to conduct reasonable inquiry into Qualcomm’s discovery production before making specific factual and legal arguments to the court.
- ◆ Experienced Retained attorneys should search thoroughly and novice attorneys should seek help from supervisors



# Pension Committee of University of Montreal Pension Plan v. Bank of America Securities, LLC ( S.D.N.Y. January 11, 2010 )

The court identified the following e-discovery failures as sufficient to show gross negligence :

- ◆ Failure to issue a written litigation hold at time when duty to preserve documents first attached
- ◆
- ◆ Failure to identify the key players and to ensure that their electronic and paper records are preserved
- ◆ Failure to cease the deletion of email or to preserve the records of former employees and reserve backup tapes when they are the sole source of relevant information or relate to key players
- ◆ Failure to sufficiently supervise or monitor their employees document collection



# Network Computing Services Corp. v Haynsworth Sinkler Boyd etal. , Civil Action No. 08-CP-40-4233

A Richmond County circuit court has ordered one of South Carolina's largest law firms to pay a \$12,000 fine for misconduct in electronic discovery in an action over alleged legal malpractice and breach of fiduciary duty :

- ◆ The Courts Jan. 11 order followed a September hearing on NCSC's motion to further compel and its motions for contempt and discovery sanctions
- ◆ In the order Judge Russo said he imposed the sanction because the firm had violated a May 2009 order to produce electronically stored information
- ◆ Managing director of the law firm said the deviation from the e-discovery order was highly technical and was necessary to meet the substance of plaintiff's discovery request
- ◆ Judge Russo said the defendants practice of deleting emails was "astonishing"



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- **Management**
- **Training & Supervision**
- **Client & Matter Intake**
- **Conflict Avoidance & Docket Control**
- **Technology**

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# Technology – Data Management

JAMISON RISK SERVICES

*“A computer lets you make more mistakes faster than any invention in human history – with the possible exceptions of handguns and tequila”*

**Mitch Radcliffe**

**Internet and Media**

**Consultant**



# Key Electronic Discovery Risks

- ◆ (Mis)Use and improper retention of electronic mail
- ◆ Improper definition and retention of backup tapes
- ◆ Uncontrolled volume and distribution of data
- ◆ The lack of a defined litigation response plan that addresses, preservation and defense-of-process
- ◆ Outdated records management programs that do not properly incorporate electronic data

# POTENTIAL SOURCES OF EVIDENCE

- ◆ EMAILS & METADATA
- ◆ VOICEMAIL
- ◆ IM – INSTANT MESSAGING
- ◆ FILE SERVER \ DEPARTMENT SHARE DRIVES
- ◆ DOCUMENT MANAGEMENT SYSTEMS
- ◆ HUMAN RESOURCES INFORMATION AND RATING SYSTEMS
- ◆ POLICIES AND PROCEDURES
- ◆ INTERNET CACHE AND HISTORY ( AKA REPLICANT DATA)
- ◆ COOKIES & EMBEDDED DATA
- ◆ BACKUP DATA ( ARCHIVED VS. DISASTER RECOVERY RULES-BASED )
- ◆ REMOVABLE DATA – PORTABLE STORAGE DEVICES
- ◆ HANDHELD DEVICES
- ◆ FORENSICALLY RECOVERABLE DATA



# Key Electronic Discovery Risks

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- ◆ **Outdated records management programs that do not properly incorporate electronic data**



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# AMERICAN BAR ASSOCIATION LAWYERS PROFESSIONAL LIABILITY STUDY OF 155,352 CLAIMS BETWEEN 1983 & 2007

JAMISON RISK SERVICES

## NUMBER OF CLAIMS BY TYPE OF ALLEDGED ERROR

<u>1985</u>	<u>1995</u>	<u>1999</u>	<u>2003</u>	<u>2007</u>	
45%	47%	56%	47%	47%	- Substantive Errors
<b>27%</b>	<b>27%</b>	<b>16%</b>	<b>28%</b>	<b>29%</b>	<b>- Administrative Errors</b>
17%	17%	19%	15%	11%	- Client Relations
11%	9%	9%	10%	14%	- Intentional Wrongs



# AMERICAN BAR ASSOCIATION

## LAWYERS PROFESSIONAL LIABILITY STUDY

### MOST COMMON ALLEGED ERRORS

JAMISON RISK SERVICES

<u>1985</u>	<u>1995</u>	<u>1999</u>	<u>2003</u>	<u>2007</u>	
10%	11%	22%	11%	12%	Failure to Know / Properly Apply Law
4%	4%	2%	4%	11%	Failure to File Document No Deadline
9%	11%	3%	8%	9%	Planning Error / Procedure Choice
<b>9%</b>	<b>10%</b>	<b>6%</b>	<b>10%</b>	<b>8%</b>	<b><u>Inadequate Discovery \ Investigation</u></b>
11%	7%	7%	5%	8%	Failure to Calendar Properly
7%	7%	15%	7%	7%	Failure to Know / Ascertain Deadline
4%	3%	2%	3%	5%	Fraud
9%	10%	12%	6%	5%	Failure to Obtain Consent Inform Client
3%	4%	5%	6%	5%	Conflict of Interest
5%	9%	5%	9%	4%	Procrastination in Performance \ Follow-up



# AMERICAN BAR ASSOCIATION LAWYERS PROFESSIONAL LIABILITY STUDY

## BREAKDOWN OF CLAIMS BY AREA OF LAW

JAMISON RISK SERVICES

<u>1985</u>	<u>1995</u>	<u>1999</u>	<u>2003</u>	<u>2007</u>	<u>Practice Area</u>
29,227	19,158	36,844	29,637	40,486	
<u>Claims</u>	<u>Claims</u>	<u>Claims</u>	<u>Claims</u>	<u>Claims</u>	
25%	21%	25%	19%	22%	Personal Injury-Plaintiff
23%	14%	17%	16%	20%	Real Estate
3%	3%	4%	10%	3%	Personal Injury - Defense
10%	8%	8%	8%		Collection and Bankruptcy
8%	9%	10%	10%	10%	Family Law
7%	8%	9%	9%	10%	Estate, Trust & Probate
3%	4%	4%	4%	5%	Criminal
5%	9%	9%	6%	5%	Corporate/Business Organization




# AMERICAN BAR ASSOCIATION

## LAWYERS PROFESSIONAL LIABILITY STUDY BREAKDOWN OF CLAIMS BY AREA OF LAW

JAMISON RISK SERVICES

<u>1985</u>	<u>1995</u>	<u>1999</u>	<u>2003</u>	<u>2007</u>	<u>Practice Area</u>
29,227	19,158	36,844	29,637	40,486	
<u>Claims</u>	<u>Claims</u>	<u>Claims</u>	<u>Claims</u>	<u>Claims</u>	
3%	11%	4%	3%	5%	Business Transactions
.04%	1%	.02%	.04%	2%	International
2%	2%	1%	2%	1%	Securities (S.E.C.)
.50%	1%	1%	2%	2%	Patent Trademark & Copyright
1%	1%	2%	1%	1%	Labor Law
2%	2%	1%	1%	1%	Taxation
1%	1%	1%	2%	1%	Civil Rights Discrimination
.11%	.23%	.26%	.13%	.13%	Environmental Law

**All other areas of practice represented less than 1% of Claims**



# ALAS STUDIES OF CLAIMS AGAINST FIRMS WITH 35 OR MORE ATTORNEYS FREQUENCY ANALYSIS

<u>Area of Practice</u>	<u>2001</u>	<u>2008</u>	<u>% Increase</u>
Patent\Trademark\ Copyright	147	282	91%
Estate & Trust	505	731	45%
Litigation	2,979	4,169	55%
Bankruptcy	219	306	40%
Corporate	2,503	3,222	29%
Securities	360	450	25%

# ALAS STUDIES OF CLAIMS AGAINST FIRMS WITH 35 OR MORE ATTORNEYS

## AVERAGE PER CLAIM SEVERITY BY PRACTICE AREA

<u>Area of Practice</u>	<u>2001</u>	<u>2006</u>	<u>2007</u>	<u>2008</u>
Banking ( including S & L )	\$ 1,336,737	\$ 1,390,090	\$ 1,470,100	\$ 1,436,400
Administrative	\$ 1,015,677	\$ 500,847	\$ 1,035,200	\$ 1,343,400
Securities	\$ 872,757	\$ 833,729	\$ 891,500	\$ 801,900
Corporate	\$ 462,225	\$ 677,592	\$ 625,300	\$ 585,400
Patent Trademark & Copyright	\$ 1,308,539	\$ 580,679	\$ 560,200	\$ 624,000
Litigation	\$ 110,626	\$ 123,356	\$ 122,500	\$ 104,900



# Intellectual Property Issues: Retention and Preservation

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## Scientist's Notebooks

- They never throw them away...they take them home
- Changing format from paper to electronic
- When is litigation reasonably anticipated?
- Change focus from retention to preservation

## Electronic Mail

- What do I need to keep?
- Is this a "record"? RMP controls
- If not "record", then can destroy it in \_\_\_ days
- Suspend destruction if litigation pending or threatened



# AMERICAN BAR ASSOCIATION LAWYERS PROFESSIONAL LIABILITY STUDY

## TYPE OF ACTIVITY GIVING RISE TO CLAIMS

JAMISON RISK SERVICES

<u>1985</u> <u>Claims</u>	<u>1995</u> <u>Claims</u>	<u>1999</u> <u>Claims</u>	<u>2003</u> <u>Claims</u>	<u>2007</u> <u>Claims</u>	<u>Type of Activity</u>
<b>22%</b>	<b>16%</b>	<b>25%</b>	<b>23%</b>	<b>26%</b>	<b><u>Prep, Filing &amp; Transmittal Documents</u></b>
8%	13%	8%	19%	11%	Pre-Trial , Pre-Hearing
26%	29%	16%	16%	17%	Commencement Action\Proceeding
11%	12%	7%	15%	12%	Advice
8%	11%	6%	8%	8%	Settlement/Negotiation
7%	7%	5%	5%	6%	Trial or Hearing
5%	1%	13%	4%	5%	Title Opinion



# AMERICAN BAR ASSOCIATION LAWYERS PROFESSIONAL LIABILITY STUDY

## LITIGATION RELATED ACTIVITY GIVING RISE TO CLAIMS

JAMISON RISK SERVICES

1985	1995	1999	2003	2007	<u>Type of Litigation Activity</u>
<b>8%</b>	<b>13%</b>	<b>8%</b>	<b>19%*</b>	<b>17%</b>	<b>- Pre-Trial , Pre-Hearing</b>
26%	29%	16%	16%**	17%	- Commencement Action\Proceeding
8%	11%	6%	8%	8%	- Settlement/Negotiation
7%	7%	5%	5%	6%	- Trial or Hearing
3%	3%	1%	2%	2%	- Appeal Activities
<b>3%</b>	<b>3%</b>	<b>1%</b>	<b>2%</b>	<b>2%</b>	<b>- Post Trial or Hearing</b>

**\* Increase in claims from this activity is unprecedented in 20 year history of ABA Study**



# Litigation Related Professional Liability Claims to Consider

Firm represented a contractor in a complicated construction dispute. **Associate left in charge of discovery, missed several deadlines, resulting in sanctions, the inability to defend the underlying action and waiver of potential recovery items.** Claimant brought a malpractice action alleging \$14M in damages. Recent events, including an adverse appellate decision, lead to insurer increase of reserves from \$1M indemnity/\$100k expense to \$4.25M indemnity/\$750k in expense. The case is still pending, but liability is established.

# Amendments to the FRCP Concerning Electronic Discovery Address Five Issues

- ◆ Rules 16 & 26(f) encourage early attention & discussion during discovery planning conference of electronic discovery issues
- ◆ Rule 26(b)(5) addresses issue of asserting privilege over documents inadvertently disclosed during discovery
- ◆ Rule 26(b)(2) places limits on discovery of electronically stored information that is “not reasonably accessible because of undue burden and cost” – “Two Tier” approach
- ◆ Rules 33 and 34 address the mechanics of requesting and producing electronic data
- ◆ Rule 37 creates “safe harbor” from sanctions under the Rules for the destruction of electronic evidence occurring in the routine, good-faith operation of an electronic information system and “absent exceptional circumstances”

# Discovery Related Professional Liability Claim to Consider

An associate, who was left in charge of discovery, missed several deadlines, resulting in sanctions against the claimant, the inability to defend the underlying action and waiver of potential recovery items. Claimant brought a malpractice action alleging \$14M in damages. Recent events, including an adverse appellate decision, lead to lawyers professional liability insurer increase of reserves from \$1M indemnity/\$100k expense to \$4.25M indemnity/\$750k in expense. The case is still pending, but liability is established and the dispute rests entirely on damages, which will be substantial.

# Discovery Related Professional Liability Claim to Consider

Law firm hired to defend a client in a wrongful death action. Claims included allegations that the firm mishandled discovery resulting in exclusion of crucial defense evidence, that through the firm's negligence the answer was stricken resulting in serious compromise to their settlement position. They also alleged that the firm missed several good settlement opportunities through various forms of negligence. Payout: \$8.5 million indemnity/\$1.3 million in expenses and fees.





- **Management, Training & Supervision**
- **Client Intake**
- **Conflict Avoidance & Docket Control**
- **Records Management**
- **Efficient Use of Technology**



Calendar, Docket, File Management & Law Firm Financial Analysis

If firm waits until litigation begins to identify privileged documents the following steps will mitigate risks of involuntary disclosure:

- ◆ Lawyers should meet with all legal and non-legal staff who will be reviewing documents to tell them how to recognize privileged documents
- ◆ Once all privileged documents are set aside, an experienced lawyer should review the documents and make the final determination about which documents, or portions of documents, should be designated as privileged and not subject to production
- ◆ After all privileged documents are identified, other non-privileged recipients of the documents should be identified and copies of such documents retrieved or marked as privileged.
- ◆ Privileged documents should be clearly marked as such, entered on a privilege log, and set aside, removed from documents that will be produced. Hours of labor can be undone in a matter of minutes if privileged documents are stored side-by-side with discovery material



JAMISON RISK SERVICES

- New employees
- Lateral Hires
- Mergers
- Acquisitions

# *Louis Harris & Associates Study of 224 Large Firm*

- ◆ 35% OF THESE CLAIMS INVOLVED ACTS OF A LATERAL HIRE OR LAWYER FROM AN ACQUISITION.
- ◆ 47% OF THE ABOVE CLAIMS AROSE OUT OF ACTIVITIES IN THE PREVIOUS FIRM .
- ◆ 27% OF THE ABOVE CLAIMS AROSE FROM CLIENT BROUGHT TO THE NEW FIRM FROM THE PRIOR FIRM
- ◆ 7% OF THE ABOVE CLAIMS AROSE FROM A NEW PRACTICE AREA THE LATERAL DEVELOPED AT FIRM



- **Temporary Agencies & Part-time Document Reviewers**
- **Litigation Support Vendors**
- **Document Management Vendors**
- **E-Discovery Vendors**
- **Local Counsel or Lead Counsel**
- **Computer Forensic Vendors or Other Software/Hardware Vendors**



# Potential Expert Testimony in Malpractice Cases Alleging Law Firm Failure to Outsource E-Discovery

**“ The vast majority of lawyers are not experts in computers or electronic storage media. Even if they were, they do not have the familiarity with the client’s systems necessary to fully understand at an early stage of the case, if ever, the myriad of ways in which electronic records are stored across the company. Indeed, given the various formats and platforms in which electronic records are stored, merely locating potentially relevant material can itself sometimes be a real challenge”**

**G. Weiner, E-Discovery : It’s Getting Scary out There,  
Business Law Today  
March/April 2005 ( ABA 2005 )**



# Potential Expert Testimony in Malpractice Cases Alleging Law Firm Failure to Outsource E-Discovery

**“Prudent counsel also need to ensure that the obligations relating to preservation of evidence are fully understood by the actual users of client’s IT system, especially the key players in the events that resulted in the litigation. If outside counsel communicate only with in-house corporate or government counsel and IT managers, there is real risk that the very people for whom it is most important not to delete or destroy information will not be fully aware of their preservation responsibilities. ”**

**P. Grimm (USMJ), Ethical Issues Associated with  
The Duty To Preserve Electronically Stored Evidence  
ALI- ABA Course of Study , 210 ( ALI 2006)**



# Potential Plaintiff Theories in Malpractice Cases Alleging Law Firm Failure to Outsource E-Discovery

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## ◆ NEGLIGENCE

Law Firm vs. Outside Consultant

## ◆ BREACH of FIDUCIARY DUTY / GREED

Law Firm vs. Outside Consultant  
Failure to Advise  
Ethics?

## ◆ FRAUD

Representations Regarding Capabilities

# E-DISCOVERY RELATED MISTAKES TO AVOID

- ◆ Failure to advise client of need to impose proper preservation holds in pre-litigation setting
- ◆ Using the legend, “Attorney Work Product” when no litigation is anticipated and then claiming a protection from discovery of documents so marked in later litigation, thereby establishing the date on which a records hold should have been implemented.
- ◆ Failure to involve information technology personnel early enough in the discovery process
- ◆ Failing to comprehend the universe of electronically stored information
- ◆ Failing to comprehend the auto-delete or recycling processes in electronic information systems .

# E-DISCOVERY RELATED MISTAKES TO AVOID

(continued)

- ◆ **Failing to adequately identify “key” players, failing to identify the storage habits of key players and then failing to secure storage media of key players**
- ◆ **Failing to follow up with key players to ensure that preservation orders are being followed.**
- ◆ **Failing to produce electronic information in timely manner**
- ◆ **Making unilateral decisions in producing electronic information, particularly with respect to form of production and metadata**
- ◆ **Failing to communicate early and clearly with client, with opposing counsel and with the court regarding e-discovery issues.**



JAMISON RISK SERVICES

- **Clearly Defined Scope of Services**
- **Due Diligence**
- **Indemnification and Hold Harmless**
- **Proof of Insurance**

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# *Time's up!!*



# ANTHONY K. GREENE – CRM, CIC

Anthony is a Director at Herbert L. Jamison & Co., L.L.C., which has offices in Illinois, New York, New Jersey, Pennsylvania and Washington DC. He is a graduate of New York Military Academy and holds a Bachelors Degree in Business Administration from St John's University School of Risk Management and Actuarial Science. Anthony is a "Certified Risk Manager" and "Certified Insurance Counselor" .

Since joining Johnson & Higgins in 1977 , he has developed Risk Management & Insurance programs for: Directors + Officers of Corporations & Non-Profit Organizations, 1500 accounting firms and over 2500 Law Firms ( including over 600 Intellectual Property firms)

**He is a member of the Professional Liability Underwriting Society and American Bar Association National Legal Malpractice Data Center.** In addition Anthony currently serves as President of the Insurance Brokers Association of New York and on the Board of Directors of the Minority Corporate Counsel Association.

Anthony is the Past President and Trustee of the American Intellectual Property Law Education Foundation Inc. which deals exclusively with charitable & educational projects. He served on boards of the National Insurance Industry Association, Association of Professionals in Risk Related Disciplines & South Orange \ Maplewood Board of Education in New Jersey