

## **Attendee Recap | 34th Annual Northeast Surety & Fidelity Claims Conference**

By Mark L. Pickett October 31, 2023

The 34<sup>th</sup> Annual Northeast Surety & Fidelity Claims Conference, held September 20-23, 2023 at the Ocean Casino Resort in Atlantic City, New Jersey, proved to be a great success, bringing together a wide range of professionals across the surety industry. This year's conference continued the three-decade-plus tradition of featuring presentations from both outside counsel and in-house surety claims professionals who provided both legal insights and practical tips for handling surety and fidelity claims. In addition to the educational opportunities, the conference also fostered networking opportunities new and old.

Bovis Kyle attorneys David Harris and Mark Pickett were grateful to be in attendance and enjoyed learning from and connecting with other industry professionals. David and Mark returned from Atlantic City with fresh perspectives on their surety work and new connections in the industry.

### **Key Takeaways:**

The conference programming kicked off with a joint morning session on Thursday covering general topics applicable to both surety and fidelity claims, including presentations on E-Discovery, ethical issues that pop up during deposition witness preparation, discoverability of internal surety communications, and confidentiality issues related to surety consultants.

Thursday afternoon's session was split between surety and fidelity tracks. Those who chose the surety track were treated to an array of engaging topics covering issues such as surety implications of the federal Supremacy Clause, defending lien bond actions, a walk-through of traditional commercial surety areas as well as a fascinating look at the frontier of new industries requiring bonding. Fidelity track attendees received a fidelity law update, tips for litigating employee dishonesty claims, a "back to the basics" session, and a list of the top ten things counsel should do in fidelity claims.

Friday morning was dedicated to a hypothetical case study carefully designed to incorporate information discussed in Thursday's programming and was a great opportunity for attendees to "show what you know."

### **Insight on the conference from Mark Pickett's perspective:**

As a recent addition to the Surety & Fidelity practice group at Bovis Kyle, I was taking my first dip into the world of surety and fidelity legal conferences. Any potential anxieties were allayed, however, upon arriving for dinner at the Resort on Wednesday night. Every professional I spoke with was more gracious and welcoming than the last, and everyone was more than happy to share their advice with me.

Although the conference programming was designed for more experienced professionals to get tips and



tricks on how best to handle bond claims, the programming also served as a two-day crash course in all things surety and fidelity. My main takeaway from the conference (and from my earliest exposure to surety law) has been surprise at how many areas of law surety bonds touch.

I enjoyed learning so much from industry experts, including surety representatives, consultants, and outside counsel. Of particular interest to me was Thursday afternoon's presentation on the current status and coming trends of commercial bonds. My past impression of commercial bonds was that they were relatively "small potatoes" in comparison to construction performance and payment bonds. In their presentation, however, Lee Brewer of Lipson Neilson and Nancy Stangel of CNA walked through the historical mainstays of commercial bond products before looking forward to the new areas in which these bonds are becoming increasingly common. The new hot button areas of commercial bonds include medical marijuana, cryptocurrency, residential leases, and more.

Overall, I thoroughly enjoyed my time at NESFCC. Thanks to all of the conference presenters as well as everyone who took the time to speak with me and give me some much-appreciated advice. I am already looking forward to my next conference and to next year's NESFCC.