

*firm created an environment for mentorship with an open door policy and consistently helped me build a career track and advance my skills. There was professional feedback, constructive criticism and words of encouragement. These are the foundation to any strong mentor. Similarly today, CNA offers a platform for encouragement, development, and growth. It is important to find an organization that values open communication and mentorship.*

What changes do you think companies, generally, can make that would help to increase the percentage of women in leadership roles?

**FL:** *Companies should increase their diversity and awareness training and make gender diversity a business priority. Businesses should also look to enhance their recruiting practices and foster the success of women in leadership roles by closing gender gaps in hiring, promotions, and compensation. Companies should factor into consideration the need for greater work-life balance and flexible work arrangements. It has been clear to me that CNA*

*is dedicated to diversity and awareness, as this company instills so many of these practices across the entire business. CNA supports diversity and inclusion, encourages it and its employees realize the value and benefit of it.*

Any advice for those struggling with work-life balance?

**FL:** *Take a moment and create a list. When you get overwhelmed and feel like you are being pulled in a million different directions (and believe me we have all been there at least once or twice or more!) at work or at home or both—take a deep breath. Take a minute to reorganize and refocus yourself. I make to-do lists and reprioritize them daily to help me focus, stay on track, and not let anything slip through the cracks.*

Any other nuggets of wisdom, including any advice you might give your younger self as you started out?

**FL:** *Learn to listen and hear what people around you are saying. You may not always agree with what you hear or decide to implement the recommendation, but it*

*opens the door to creative decision making. This is another area where diversity and inclusion help, as it often sparks innovation. D&I reflects the world in which we live. It creates a dynamic work environment that fosters trust, innovation, and excellence, while providing an atmosphere where every employee feels respected, motivated, and empowered to perform at peak level.*

Thank you, Florence, for sharing the story of your path to leadership, and your tips for success. We can definitely all learn from each other as we work collectively to increase diversity in law firms and the insurance industry.

Finally, you recently gave up New York City living in exchange for the Garden state of New Jersey. How has that been and can you settle this once and for all for us: who has the best pizza, bagels?

**FL:** *The transition has been great, and I am certainly enjoying the extra closet space. Luckily, I still work in the City so I can still get my fix of the Big Apple. New York pizza and bagels—hands down! ■*

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## Practicing Well: Know Your Limits

**Patty Beck, Minnesota Lawyers Mutual Insurance Company**

Some lawyers have described the legal profession as a pie eating contest where the prize for winning is more pie. Consistently receiving new work assignments and professional opportunities can be a great thing, but it can also be challenging when trying to manage

existing caseloads and professional commitments (on top of personal responsibilities). Many lawyers and legal professionals struggle with saying “no” to new opportunities, whether they include a new client assignment, CLE presentations, committee involvement,

etc. This is understandable because lawyers rely on new work and developing relationships with clients and colleagues to thrive in their careers (and there are certainly many benefits to contributing to the legal community as well).

But problems can arise when lawyers do not know their limits (or disregard them) and agree to take on more than they can handle. This can cause relationships with clients and colleagues to deteriorate if you are unable to deliver high quality work product as promised and can even lead to malpractice and ethics violations if you are too busy to complete the work in a competent and diligent manner.

One way to be aware of your limits is to keep a current list of active case files, professional commitments, and personal commitments so that when presented with a new assignment or opportunity, you can properly evaluate whether you *can* and *should* say “yes.” We often focus on evaluating availability based on our caseload and professional commitments, but it is important to also consider your personal commitments so that you are better able to maintain work-life balance.

When the situation inevitably arises where you cannot take on a new assignment or opportunity, a good way to respect your limits without jeopardizing client and/or professional relationships is learning to say “no” without actually

saying “no.” For example, if you are an associate and are asked to assist on a new assignment but know you are at your limit, be honest in explaining your workload and offer to be available at a later date (i.e., later that week, the following week, etc.), or identify when you can have the project completed and let the assigning attorney decide whether that will meet the client’s needs. For attorneys accepting new assignments from clients, find out what the assignment entails and the client’s deadline before accepting. If you are not able to do your best work within the client’s time frame, it is far better to explain that to the client than to simply say “yes” and then fail to meet expectations. Another option is to refer the matter to a colleague with the availability and expertise, as this will allow you to meet the client’s needs, maintain the professional relationship, and deepen the client’s connection with your firm.

Admittedly, some clients and colleagues may not enjoy being told that you are unavailable in that moment, but there are far worse consequences to overpromising and underdelivering. There are many clients who would prefer work-

ing with a lawyer who is honest about his or her capabilities and occasionally turns down work when necessary, rather than a lawyer who always says “yes” but does not provide high quality work (or misses deadlines) due to other commitments. Knowing and respecting your limits is crucial to maintaining work-life balance. Balance does not happen overnight, but instead requires discipline in doing the little things, which will ultimately allow you to thrive in both your personal and professional lives. ■



#### About the AUTHOR

**Patty Beck** is a Claim Attorney with *Minnesota Lawyers Mutual Insurance Company*, where she manages

litigation involving legal malpractice claims, advises attorneys facing existing and potential ethical dilemmas, and resolves complex pre-suit malpractice claims on behalf of MLM insureds. She is Co-Chair of the MSBA’s Life and The Law Committee and frequently speaks on topics related to ethics, legal malpractice, and attorney wellness.

## Recent Developments of Note in Insurance Agent and Broker E&O

**Peter J. Biging**, *Goldberg Segalla, LLP*

### I. INTRODUCTION

This Fall has seen some interesting and, in some ways, truly significant developments in insurance agent/broker E&O. The following is a brief summary of three such decisions with impacts on: determination of accrual of broker negligence claims for purposes of determining whether applicable statutes of limitations have passed; the effec-

tiveness of affidavits inconsistent with prior admissions of failure to request coverage in a last ditch effort to avoid summary judgment dismissal of broker negligent failure to procure claims; and the applicability of standard contractual choice of law provisions in broker services agreements in determining choice of law with regard to alleged broker malfeasance.

### II. RECENT CASE DECISIONS OF NOTE

In *Pape v. Braaten*, 2019 WL 4750036 (N.D. Ill. Sept. 30, 2019), after Plaintiff was induced to cease making payments on his life insurance policy and replace it with two new large insurance policies, and borrow more than two million dollars to do so, he claimed

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