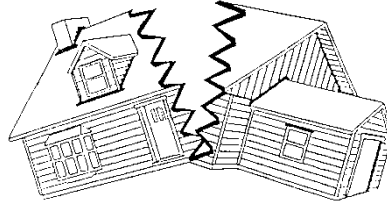




1993 - 2018

West Coast Casualty's



**Construction Defect Seminar
May 16th, 17th and 18th, 2018
The Disneyland Resort Hotel
Anaheim, California, USA**

The Speakers Information and Topic Submission Package for 2018

Since 1993 . . .

America's Largest ... America's Favorite ... America's Best...

Construction Defect Event !!!



*From a sea of seats . . .
. . . . to a sea of suits*



. . . and beyond . . .



*The world's largest Construction Defect Event seeks your participation
So think about submitting a topic, it's good for you professionally, it's
good for your organization and it's good for your community*

Welcome to the 25th Anniversary of West Coast Casualty's Construction Defect Seminar

Dear Friends and Colleagues,

It seems like yesterday, but 25 years ago in 1993, 47 people gathered in a small meeting room at the Universal Sheraton Hotel to discuss the problems of construction defect claims and litigation, a subject that was relatively new and distinct to California.

In the late 1990s, they said construction defect claims and litigation would die off like many of the specialized claims and litigation brought in the 1980s.



But here we are going into 2018 and construction defect claims continue across the United States with no end in sight.

Since 1993, the West Coast Casualty Construction Defect Seminar series has become the undeniable leader regarding education of the construction defect community. Many say our seminar has become an institution, a staple and a landmark for construction defect issues across the globe and the only reason we have achieved that status is because we concentrate our efforts on the most important people in this community, the attendees of our yearly events. Over the years, we dedicated a lot of time to listening to those we serve at our seminars and we prepare our events with the ideas, suggestions and goals of the attendees in mind. Toward that end, we use our knowledge and experience to make positive changes for both our attendees and our speakers which started with our questionnaire process that took place in September 2017 and which will culminate with the seminar itself.

With this Speakers Packet and its accompanying documents, you will begin to see some of the changes we have implemented for our seminar in 2018. At the time of the printing of this packet and in the weeks ahead, we will be looking at many new technological achievements and advances whose tools we will be using at our 2018 seminar, a number of them you will see here and some we continue to work on. As you go through this speakers packet, click on the interactive links to see what others have said about our event and get a taste of one of the sessions that make our seminar so nationally and internationally famous.

The theme of our 25th annual construction defect seminar will be *“25 years of Struggles and 25 years of Successes”* Our 2018 theme was selected by those who attend our events as a hot topic which continues to affect this community nationally. But like in past years, while we seek topics that focus on our central theme, we are always looking for hot topics of interest and topics on the emerging trends of this specialized area of claims and law so feel free to submit a topic that you believe is important to you, your industry and/or the construction defect community at large.

In May of 2017, over 1600 people ventured to Anaheim, California to hear our speakers' views and opinions on the controversial topics of construction defect claims and litigation including our specialized course offerings regarding coverage. Many came to keep abreast of current case law, current technologies, current and developing techniques in this field of specialty. Many came to glimpse into the future of where construction defect claims and litigation will be going and what is emerging on the horizon. Many came to meet their colleagues, other counsel, judges, mediators, the vendors as well as the other attendees in the world's oldest and largest venue regarding the educational aspects of construction defect claims and litigation.

While no one can say with absolute certainty what the future will bring in this area of specialized claims and litigation, one thing is certain and we continue to believe that through the contribution of information and educational exchange by all members of this community, we all benefit. Working together, we'll reduce the cost, effort and frustration in this ever-expanding specialized area of claims handling.

So whether you are a returning speaker who seeks to speak again or someone who has never spoken at our yearly event before but wish to do so in 2018, I urge you to review these materials and use the submission process discussed in our main pages as your guide to being selected for inclusion in our 2018 seminar. If you believe you have an idea or a process that benefits this community as a whole, I invite and urge you to consider participation in our ongoing seminar series. Please feel free to contact me at any time as I'll always look forward to hearing from you.

With best regards,

West Coast Casualty Service, Inc.

David Stern

David Stern, RPA, President and Corporate Secretary
davestern@westcoastcasualty.com

**The Topics and Speakers Committee of
West Coast Casualty's
2018 Construction Defect Seminar**



Linda Tonkovich

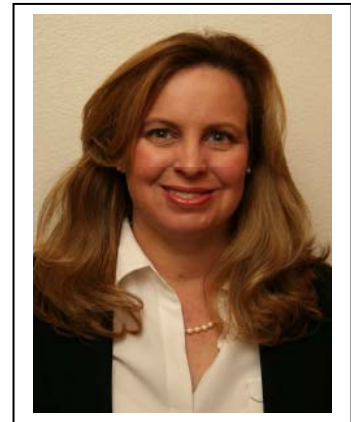
Gallagher Bassett
Committee Chair



Ross W. Feinberg, Esq.
Mediator – JAMS



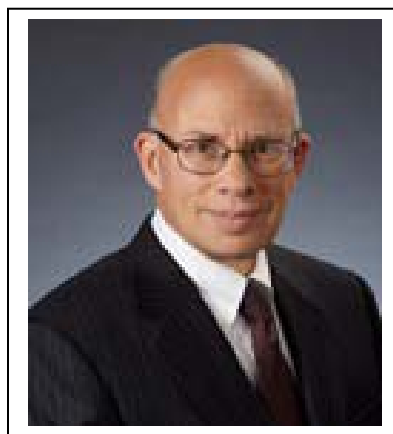
Glenn Barger, Esq.
Chapman, Glucksman,
Dean, Roeb and Barger



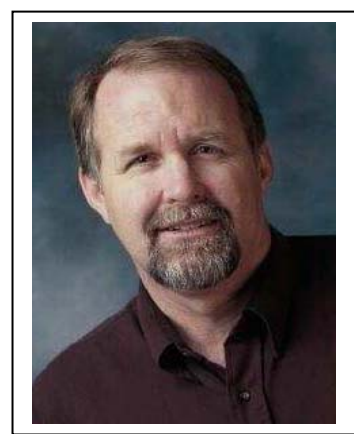
Cynthia Castro
RSUI Group



Phyllis Modlin
Markel



Kenneth Kasdan, Esq.
Kasdan Lippsmith
Weber Turner, LLP



Bruce Wick
California Professional Association
of Specialty Contractors

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"The greatest crime in the world is not developing your potential. When you do what you do best, you are not only helping yourself, but the world. "

Roger Williams

TOPIC SUBMISSIONS DUE BY WEDNESDAY NOVEMBER 1, 2017

**Mission Statement
for
West Coast Casualty's
Construction Defect Seminar**

West Coast Casualty's officers, directors and employees have made a permanent commitment to their continuing role in the ongoing education process for the betterment of all members of the construction defect community through West Coast Casualty's seminars, events and publications.

West Coast Casualty Service recognizes that the construction defect community is a diverse group of individuals and parties consisting of, but not necessarily limited to, the specific interest of homeowners, developers, design professionals, specialty trade subcontractors, material suppliers, real estate agents, real estate brokers, lenders, attorneys, insurance personnel, government agencies, and legislative agencies. In that regard, West Coast Casualty will make every attempt to work with all members of this community to create methods and mechanisms to effectively and efficiently resolve construction defect related claims and litigation in the best interest of this community and all of its participants.

West Coast Casualty Service, Inc is proud to present West Coast Casualty's Construction Defect Seminar as a public service to all members of this community.



Our Commitment

At all West Coast Casualty sponsored events, we're committed to use, whenever possible, all Made in the USA products as well as those products which are recyclable or that have been made from recycled goods and materials. We'll insist on it from our product and services suppliers and vendors because it's good for our national economy and it's great for the planet.

***Some Facts and Figures of West Coast Casualty's
Construction Defect Seminars***

Seminar	Site	Attendees	
1 st	Construction Defect Seminar	Universal Sheraton	47
2 nd	Construction Defect Seminar	Universal Sheraton	130
3 rd	Construction Defect Seminar	Magic Castle	200
4 th	Construction Defect Seminar	Anaheim Hilton	480
5 th	Construction Defect Seminar	Anaheim Convention Center	945
6 th	Construction Defect Seminar	Disneyland Resort Hotel	785
7 th	Construction Defect Seminar	Disneyland Resort Hotel	978
8 th	Construction Defect Seminar	Disneyland Resort Hotel	1,200
9 th	Construction Defect Seminar	Disneyland Resort Hotel	1,254
10 th	Construction Defect Seminar	Disneyland Resort Hotel	1,365
11 th	Construction Defect Seminar	Disneyland Resort Hotel	1,401
12 th	Construction Defect Seminar	Disneyland Resort Hotel	1,504
13 th	Construction Defect Seminar	Disneyland Resort Hotel	1,584
14 th	Construction Defect Seminar	Disneyland Resort Hotel	1,591
15 th	Construction Defect Seminar	Disneyland Resort Hotel	1,708
16 th	Construction Defect Seminar	Disneyland Resort Hotel	1,522
17 th	Construction Defect Seminar	Disneyland Resort Hotel	1,686
18 th	Construction Defect Seminar	Disneyland Resort Hotel	1,608
19 th	Construction Defect Seminar	Disneyland Resort Hotel	1,597
20 th	Construction Defect Seminar	Disneyland Resort Hotel	1,641
21 st	Construction Defect Seminar	Disneyland Resort Hotel	1,517
22 nd	Construction Defect Seminar	Disneyland Resort Hotel	1,418
23 rd	Construction Defect Seminar	Disneyland Resort Hotel	1,437
24 th	Construction Defect Seminar	Disneyland Resort Hotel	1,461



The Trashcan Trio entertains at our 2010 and 2011 events



Too much water
in that stucco!



Scaffolding? Who needs
Scaffolding?

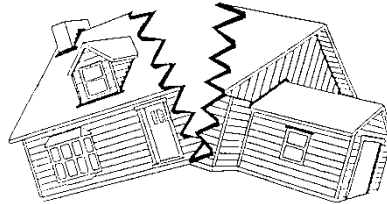


Not Me! It was the other subcontractors
fault or the general contractor but not me!



1993 - 2018

West Coast Casualty's



**Construction Defect Seminar
May 16th, 17th and 18th, 2018
The Disneyland Resort Hotel
Anaheim, California, USA**

***A special message and request from Seminar Coordinator
David Stern to members of the Judiciary, Mediators and Arbitrators***

On May 16th, 17th and 18th, 2018, West Coast Casualty will conduct its 25th Anniversary of West Coast Casualty's Construction Defect Seminar, the largest seminar of its kind worldwide. While we are just in the planning stages at this time, given the nature and significant importance of the topics and subjects that will be discussed at our seminar, I would ask that you please accept this short note as my personal request to avoid planning any important trial dates, mediations or arbitrations for May 16th, 17th and 18th, 2018.

This event is of significant importance to many attendees as attending our event helps shape their own career paths in the legal and insurance communities.

In years past, we have had numerous requests for our handout material and the majority of those requesting copies were parties who told us that they were unable to attend the seminar due to scheduled trials, ongoing mediation and/or arbitration sessions. Those parties were disappointed to learn that the many thoughts and ideas exchanged at the seminar were those that they could have benefited from in their day to day handling of these cases. We want everyone to have an equal opportunity to share in this experience.

These seminars have been created as a tool to provide the very best educational value in an informal, comfortable and neutral venue so all parties that make up the construction defect community can be kept up to the minute on this ever changing field of specialized claims handling and benefit from the ideas that are exchanged at our seminars.

I would like to extend my thanks to all those judges and mediators who "went dark" during our seminars in the past years as well as all those events which were not calendared for those dates. I would, once again, ask that you please be mindful of this seminar and its importance to the construction defect community when planning your diary for May 16th, 17th and 18th, 2018, and if at all possible, please accept this short note of thanks if you can avoid planning any activity for these dates.

Very truly yours,

West Coast Casualty's Construction Defect Seminar

David Stern

David Stern, RPA
Seminar Coordinator

While we want you to know about our seminar . . .

. . . it's more important to see what others say about our seminar

Matt Argue on West Coast Casualty's Benefits to Attendees

<https://www.youtube.com/watch?v=-4AOTBoZwac>

Gary Baumann Explains New Trends for Construction Defect Litigation

<https://www.youtube.com/watch?v=YRRh2iFKfrY>

Interview of Michael Ruetz

<https://www.youtube.com/watch?v=hUueKUIYZ1E>

Interview of Mark Bourassa

<https://www.youtube.com/watch?v=5oeiypudi58>

Current Inefficiency of Construction Defect Litigation – Jim Kurkhill

<https://www.youtube.com/watch?v=mOQfnHWu5es>

Interview of Jim Orland

https://www.youtube.com/watch?v=A4_5NIRSiaU

Rick Righi on WCC's Takeaway's for the Construction Industry

https://www.youtube.com/watch?v=3g4_tS0xRpg

*Get an idea about our presenting at our event,
right from your seat . . . right now*

Value Engineered-Alternative Dispute Resolution by Ed Martinet

https://www.youtube.com/watch?v=jh7h0yCA_cE

A New Business Model for Construction Defect Litigation

<https://www.youtube.com/watch?v=nxu-keXyHdg>

Video's supplied to West Coast Casualty's Construction Defect Seminar
as a courtesy by

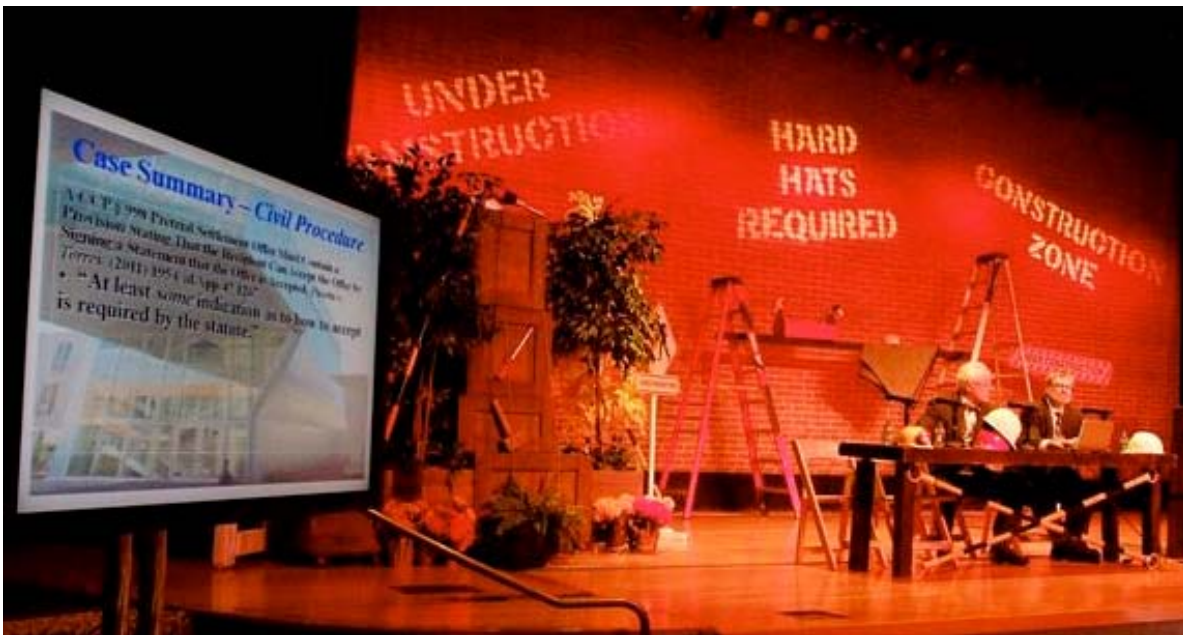
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Our Commitment to You, Our Speakers

When you are asked to put in the effort and the time to prepare a presentation at our seminar, our commitment to you is just as important as our commitment to our attendees to bring this community a first class top rated event. When you sit on our stage, you'll face the largest audience of your peers in this community worldwide, all of whom came to see you and listen to what you have to say. Behind you will be our support network doing everything we need to do to make sure you have the tools and the support to make your presentation the best it can be.



At West Coast Casualty's Construction Defect Seminars, conferences or any programs we participate in, we'll never ask our speakers to pay, contribute or sponsor as part of our speaking arrangement with that speaker or their co-panelist. Only your topic submission package gets you to our stage and in front of the worlds largest audience on construction defect claims.

If anything. . . , we throw 100% of our support behind you in supplying you and your co-panelist with EVERYTHING YOU NEED to make your presentation the best it can be for you and our attendees so take a look through this package and see how we support our speakers.

Our Commitment to You, Our Speakers

Staging, Lighting, Special Effects, Props, et al.
Whatever it takes to make sure your presentation is top notch
We're behind you 100%



Updated technology is important to the success of an event such as ours so the speakers and attendees can receive as much benefit as possible from its use

The chart below describes the use of our app for 2017 and some of the things we'll be using in 2018

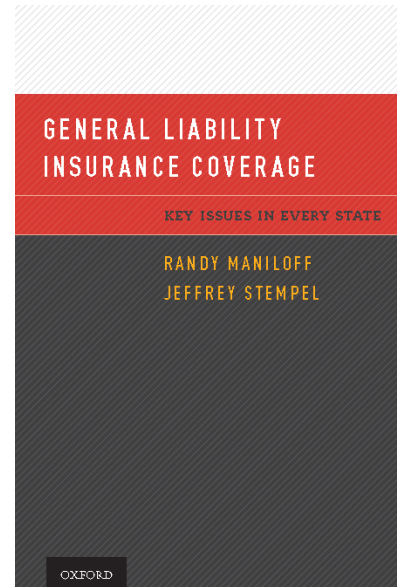
2016 WCCS CDS Item Description	Module Description	WAS USED IN 2017?	TO USE IN 2018?
Announcements & Push Notifications	Announcements appear in the Activity Feed within the App; Push Notifications will be pushed to attendees even when they are out of the app.	YES,	YES, can be used to remind attendees to respond to surveys and other requests
Agenda	Meeting agenda	YES	YES
Articles	Link to a mobile optimized blog site.	YES	YES
Attendees	Full attendee list; fields include first name, last name, email address (same as username), & password. Optional fields: Company, Title, Phone, Bio, Website	YES	YES
Documents	PDF documents	YES	YES
InfoBooth	General information for attendees	Yes	YES
Social Networks	Twitter Handle/Hashtag, Facebook Account, LinkedIn Account	YES	YES
Survey	Survey questions & options.	YES	YES
Video	Link to videos.	YES	YES
Web View	Can provide a link to a web page.	YES	YES
Venues	This links to google maps of specific venues (i.e. venue, hotel, etc.)	NO	YES
Banner Ads	Revolving ads at the bottom of the app featuring different sponsors with links to the web pages.	YES	YES
Exhibitors	List of all your exhibitors. Can be linked to the Interactive Map.	YES	YES
Live Polling	Live polling & messaging for speakers	YES	YES

2016 WCCS CDS Item Description	Module Description	WAS USED IN 2017?	TO USE IN 2018?
Speakers	Speaker Information, bios, headshots.	YES	YES
Sponsors	Lists all of our sponsors	YES	YES
Exhibitor Files **new feature**	Allows exhibitors to share sales materials with attendees virtually and paper free	YES	YES
Gallery	Photos	YES	YES
Log in	Requires a log in username and password to log into the app.	YES	YES
My Briefcase ** new feature **	Attendees can save documents to their briefcase and email	YES	YES
My Exhibitors	Attendees can save a list of their favorite exhibitors.	YES	YES
My Notes	Allows attendees to take notes in the app and email them to themselves.	YES	YES
My Profile	Allows attendees to personalize their profile and information displayed in the app.	YES	YES
My Schedule	Attendees can customize their schedule based on the agenda sessions,	YES	YES
Search	Allows attendees to search for keywords in the app.	YES	YES

Throughout the remainder of 2017 and through early 2018, we'll continue our quest to search for the most updated technology to use for our event so the speakers and attendees can receive as much benefit as possible from its use

Special Events, Special Features and Surprises are a Tradition at West Coast Casualty's Construction Defect Seminar Series

At West Coast Casualty's Construction Defect Seminar for 2011 we were extremely proud to provide a complementary copy of *General Liability Insurance Coverage* (Oxford University Press 2011) to each of our attendees at our 2011 event. This book was co-authored by Randy Maniloff, Esq., a partner at the law firm of White and Williams in Philadelphia, PA. The book was designed to give those involved in the claims process ready access to the law of all 50 states on the most important liability insurance issues to quickly learn and assess state law relevant to coverage disputes. Most experienced in coverage issues know that insurance coverage disputes raise issues in which laws and outcomes regularly vary from state to state and this book addresses most, if not all, of those issues. Mr. Maniloff attended our event as both a speaker and author. He was kind enough to participate in our first book signing event involving this special event.

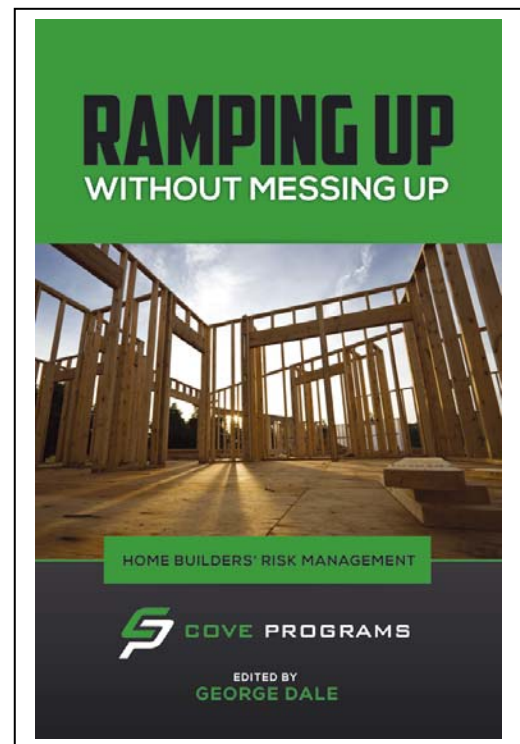


* * *

At West Coast Casualty's Construction Defect Seminar for 2013 with the U.S. National economy improving and new construction leading the charge, it was only timely that this new book, *Ramping Up Without Messing Up* entered the construction arena bringing with it a collection of lessons learned and helpful tips from 17 risk management experts. The topics ranged from insurance to quality control, debt & operations to subcontractor selection and qualification. Each chapter focuses on how homebuilders can maintain high standards while growing their companies.

"Ramping Up without Messing Up reflects the overriding sentiment we hear from homebuilders as we approach an improving market with renewed cautious optimism.

This book was developed to help the homebuilder market gain insight from the lessons of past business cycles and put in place the most prudent risk management procedures as things start to get busy. Each chapter in the book is written by a separate expert from the legal, insurance, quality control, safety, business operations and subcontractor industries as well as from the perspective of two trade associations.



Whether it's a book introduction/signing, a special panel of judges, a special panel of plaintiff attorneys, a special panel of insurance carriers, a photo contest, a special panel of experts, a special event, the introduction of an idea, a concept, a technology, the birth of a new organization or a new company.

If it's a "first" for the construction defect community, one thing is certain, you'll see it here first.

A Sampling of West Coast Casualty's Construction Defect Seminar Continuing Education Accreditation

Since 1996, West Coast Casualty's Construction Defect Seminar has received some level of Continuing Education Accreditation from the following organizations:

Insurance Department, State of:

AL, AS, AZ, AK, CA, CO, CT, D.C., FL, GA, ID, IL, IN, IO, KN, KY, LO, MA, MD, MI, MN, MO, NE, NV, NM, NY, NC, ND, OH, OK, OR, PA, SD, TN, TX, UT, VT, WI, WY

Insurance Related

Chartered Insurance Institute (London)
Registered Professional Adjuster (RPA)
Chartered Property and Casualty Underwriter (CPCU)
Certified Insurance Specialist in Construction (CISC)

Judicial Education Credits

CA - Judicial Counsel of California
NV – Board of Legal Continuing Education

State Bar Associations MCLE/CLE

Alabama, Arizona, California, Colorado, Florida, Georgia, Hawaii, Illinois, Maine, Minnesota, New York, Nevada, North Dakota, Ohio, Oregon, Pennsylvania, South Carolina
Texas (State Bar and State Bar College), Utah and Washington

Other

Certified Public Accountants (NASBA)
Chartered Property Casualty Underwriter (CPCU)
Registered Professional Adjuster (RPA)



Special Notation: Not every organization listed above is applied for each and every year of our events due to the specific needs of the attendees. We encourage our attendees to visit our websites to determine if their state or organization has granted us continuing education accreditation and if not, the attendee is encouraged to contact us and ask that we apply to their state or organization for continuing education credits prior to the seminar.

**The Official Rules of Protocol and Procedure
for Participation in West Coast Casualty's
Construction Defect Seminar, Events and Publications**

Speakers at West Coast Casualty's Construction Defect Seminar, the world's largest and premier industry event for those involved in construction defect claims and litigation, are cutting-edge individuals. They are skilled practitioners in their respective crafts, business visionaries and recognized leaders who offer inspired ideas, breakthrough strategies and fresh perspectives on current and future industry trends and best practices of the construction defect community. They are those willing to share their thoughts, ideas and experiences with others in the community.

Proposals should focus on innovative and unique aspects of problem solving and educating those in the construction defect community. The subjects should be of interest to those of the construction defect community which will assist them in managing and developing solutions to the everyday problems for their clients and companies.

Submissions should be of an educational nature and provide fresh perspectives on current and future trends affecting the construction defect community as well as supporting traditional industry best practices. Topics must be specific and directed towards one of the following attendee levels: entry, intermediate, senior or executive. All sessions should include strategies for attendees and may include interactive components, your personal experiences and case studies.

The high quality and diverse views provided at the educational sessions of West Coast Casualty's seminars and events are mainly what make our events so successful. One of the reasons we have been able to maintain such a high level of quality is that we take great pride and care in our selection of the speakers who participate at our events and the rules and regulations which govern our events. Therefore, we have created these Official Rules of Protocol and Procedure for West Coast Casualty's seminars and events which must be strictly adhered to in order to assure that the high quality of these events is maintained.

1. Topic selection for seminars and events sponsored by West Coast Casualty are either on a solicitation or an "open to the public" invitation basis. If the "open to the public" basis is utilized, topic suggestions are sought from the public and assigned on a "first in time, first in line" basis upon receipt of the topic(s) by an authorized agent of West Coast Casualty.
2. All seminars and events which West Coast Casualty conducts, sponsors, co-sponsors and/or participates in are considered to be business and educational events. All participants are expected to act and dress in a businesslike fashion at all times during these functions.
3. Any and all display(s), exhibits, handout material, and/or "giveaways" utilized by a presenter at a West Coast Casualty sponsored event must receive prior written approval from an authorized agent of West Coast Casualty prior to its distribution (A photograph, copy or complete description of the display, exhibit and/or "giveaway" may be submitted to West Coast Casualty for prior approval).
4. West Coast Casualty and/or its authorized agents reserve the right to limit and/or restrict displays, exhibits, handout material, articles and/or "giveaways" that West Coast Casualty, in its own judgment, finds dangerous or detrimental to the safety and general order of its events, seminars and/or publications. Parties subject to this section shall be notified of the restriction and basis regarding same as soon as possible.

5. No participant at a West Coast Casualty sponsored seminar or event may, at any time, infringe upon the rights of any other participant.
6. At certain times and during certain events, West Coast Casualty seeks participation in creating its events through the voluntary cooperation of members of the community. These participants are commonly referred to as West Coast Casualty's "Speakers and Topics Committee".
 - West Coast Casualty, at its sole discretion, retains the right to choose who may participate as a member of its committee for its seminars and events.
 - West Coast Casualty encourages unbiased opinions and recommendations from those who participate on its committees in the selection process of topics and speakers for West Coast Casualty sponsored events.
 - Once a topic has been selected subject to the provisions of (1) above, the topic receives a vote by each member of the committee for participation in the event. Topics must receive a majority vote in order to be chosen for the event. In the event of a tie, the chairperson of the event or his designate may vote in order to break the tie.
 - It is considered a violation of these rules for any proposed speaker or any of their agents to contact or solicit, in any fashion whatsoever, any member of the committee to seek favoritism towards participation in a West Coast Casualty sponsored event. Such action is strictly prohibited and the proposed speaker will not be considered for participation in the event.
7. Once selected, West Coast Casualty expects all speakers, unless arrangements have been made otherwise, to prepare written materials for distribution to the seminar attendees. While all materials should reflect or enhance the speaker's presentation, speakers can also submit copies of their overheads, PowerPoint presentations and/or specific detailed exhibits of their presentation. The submission of materials by a speaker grants West Coast Casualty the right to re-publish such materials in the handout materials for West Coast Casualty's seminars. The speaker, by submission of the materials, warrants that he or she has the authority to submit such materials for use at the West Coast Casualty event and that no infringement or copyright violation exists.
8. Panels and panelists selected by West Coast Casualty for its events will be limited to no more than five (5) participants including the moderator unless other arrangements have been made with West Coast Casualty. We believe based on our experiences that panels in excess of five (5) do not permit the appropriate inter-play with the audience as well as with the other panelists.
9. West Coast Casualty subscribes to all the provisions of the rules of professional conduct presented by the National Association of Newspaper and Magazine Publishers when publishing any of its written materials. As the publisher, West Coast Casualty understands its obligation to provide informative, educational and unbiased reporting of stories, topics and informative articles affecting the construction defect community. When using an article from another source, West Coast Casualty requests that the speaker receive permission from the original author for use of the submitted materials. The opinions expressed in our course materials are those of their authors and contributors and do not necessarily reflect the policies and opinions of West Coast Casualty.

10. When an event sponsored by West Coast Casualty receives approval for continuing education accreditation, the event shall be undertaken in strict compliance with the rules and regulations of the organization granting such accreditation. West Coast Casualty warrants that it will require compliance with the minimum requirements of any organization granting approval for continuing education accreditation.
11. All those serving in public office and/or by government appointment (e.g. sitting judges, state senators, state insurance department representatives, county clerks, building/safety/health department representatives, etc.) and anyone on active military service shall not incur any admission and/or registration fees associated with the actual event as such admission and/or registration fees shall be waived.
12. West Coast Casualty will waive its admission fee(s) to any of its events for any case involving an attendee who is experiencing a hardship situation; financial or otherwise which will be reviewed on an individual basis and;
 - any waiver of any fee(s) may be granted directly by the seminar chairperson at his or her sole discretion, without restriction;
 - any interested party who knows about the problem, may bring it to the attention of the President, Vice President, Secretary and/or CEO of West Coast Casualty Service, Inc;
 - the situation may be verbalized, but must also be documented on paper to the satisfaction of the President of West Coast Casualty Service, Inc and;
 - this consideration is made on a case-by-case basis;
 - after reviewing and considering the particulars of the individual case, the President of West Coast Casualty will make a decision as to the validity of the case and will make a professional judgment regarding the individual case. This judgment can supersede the congressional methodology calculated above. Any request for disclosure of such request regarding a hardship case will not be provided to third parties without the written consent of those affected by such request.
 - or if it is a matter of law, rule or regulation.
13. Corporate Sponsorship Policy - West Coast Casualty accepts and encourages corporate sponsorship for certain portions of its events and seminars. Corporate sponsorship includes sponsorship of meals, audio/visual requirements, sponsored “breaks”, websites, corporate “giveaways” with seminar logos, door prize drawings, receptions, et al. Details are available directly from West Coast Casualty Service, Inc.
14. The unauthorized use or reproduction of any of West Coast Casualty’s logos are strictly prohibited.
15. Private Party Policy – During certain portions of the yearly Construction Defect Seminar, it has become tradition for numerous organizations to conduct private parties for their guests and participants of the seminar. Those persons interested in sponsoring an “after seminar” party should make arrangements directly with the facility of their choice. Such activities are considered outside the scope of the seminar event itself and shall not interfere with the regular schedule of the seminar. At no time shall a private party be scheduled during any portion of the educational portion of our seminar.

16. *“Buy a Banner, Support a Charity”* – West Coast Casualty Service is very proud and committed to *“give back”* to the community we serve through our support and contributions to charitable organizations.
- *“Buy a Banner, Support a Charity”* works this way: A sponsor may choose a charity of its choice and make a contribution to that charity. The sponsor forwards its check, payable to the charity, to West Coast Casualty Service. West Coast Casualty then forwards the check to the charity with an explanation of the *“Buy a Banner, Support a Charity”* program. West Coast Casualty would then prepare a banner to hang in the public areas of its seminar and events which would bear the name of the charity, the sponsor and the event itself. The sponsor, if it chooses to do so, may keep the banner.
 - Since most charitable contributions are tax deductible, the sponsoring organization receives a full and complete tax deduction, the charity receives the full amount of the sponsor’s donation, West Coast Casualty gets the opportunity to be the vehicle which gives back to the community, the sponsor receives full recognition for its donation by the hanging of the banner at the event as well as recognition in the event handout and, most importantly, those in need benefit.
17. Vendor Fair Participation - At each construction defect seminar, West Coast Casualty presents a vendor fair. Participation is subject to the execution of West Coast Casualty’s Vendor Agreement and payment of all required fees. Vendors are accepted on a “first come, first served” basis. West Coast Casualty reserves the right to limit the number of vendors representing any specific trade and/or service so as not to overburden the attendees with any one specific trade and/or service.
18. West Coast Casualty seeks and encourages participation from all members of the community regardless of race, creed, religion, sex, national origin and/or sexual preference. West Coast Casualty further encourages and seeks participation from members of the physically challenged community. In that regard, West Coast Casualty will only agree to hold its events at sites and locations that meet or exceed the minimum requirements of the Americans with Disabilities Act (ADA) and Title 21 of the California Administrative Code.
19. All participants in West Coast Casualty’s events, seminars and/or publications by their submission, participation and/or attendance agree to the terms and conditions as set forth herein.

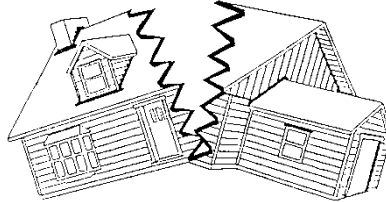


Past Jerold Oliver Award of Excellence, the “Ollie” Award winners at our 2013 event



1993 - 2018

West Coast Casualty's



**Construction Defect Seminar
May 16th, 17th and 18th, 2018
The Disneyland Resort Hotel
Anaheim, California, USA**

The results are in . . .

We asked . . .

and you responded

America's CD community replies

Dear Colleagues,

In September 2017, West Coast Casualty sent out approximately 6500 e-mails to members of this community seeking ideas for suggested topics.

The questions we asked the participants to respond to appear below in **bold** and we have consolidated the answers which appear in [blue](#) in order to save space and time for review.

This year we made the decision to only include those suggested topics sent to us by our audience which are discussed in the following pages.

Additionally, this year's survey asked for what areas of construction defect claims and litigation the attendee would like to see by the categories of Coverage, Case law, Ways to streamline cases, Ways to reduce cost, time and expense, Technology, Expert Issues, "How to" topics, Specific State Issues, Independent Counsel Issues, and Updated Insurance Forms and Endorsements and those replies follow the questions at the end of this section.

Your suggested topic (and who you would like to see present it):

- The lack of clear case law guidance on the AI carrier reimbursement claim against non-defending subcontractors in a multi-party construction defect case. The “Travelers problem.” We have seen conflicting decisions of courts and It would be interesting to hear a panel of appellate and trial judges speak on this topic.
- The typical mediation involving single family homes often takes several mediations leading to an MSC to resolve. Arrival at the first mediation often reveals very few parties in attendance and many without settlement authority, apparently doing “information gathering.” What gives? Should not the first mediation include the complete set of parties in attendance ready to make reasonable offers, and the balance be “clean-up” because of special circumstances?
- Would like to hear about innovative mediation strategies from mediators outside the usual CA suspects. Ken Feinberg is a person with a national mediation reputation, well deserved, and would be a great addition to the conference. Steve Nelson does a great job in Texas, but I’ve never seen him at West Coast. David Geronimus, Judge Keefe from NJ, some of those folks would be a great panel at West Coast because most of the CD adjusting community is working nationwide.
- Fire & Life Safety – Fire Risk Assessment in the CD realm. Let me know if you need a speaker.
- The recent CA case Pulte v. American Safety will have HUGE ramifications for insurance companies and must be talked about.
- As many adjusters handle cases across the country, especially now that CD litigation in the Southwest and Northwest have dwindled, we need more sessions dealing with the individual idiosyncrasies of dealing with CD litigation in other parts of the country. We have seen a large increase in CD cases in the Southeast US and on the East Coast. A few years ago, you had sessions with panels from these areas, but I have not seen them since, with the exception of Florida, which truly is the largest hotbed now for CD litigation. The center of the CD universe is no longer in the West, so while it is important, it isn’t the be-all anymore of the CD world. I realize a majority of the attorneys in attendance are from the West, so perhaps expanding the topics to include other states, might open up your conference as an attractive option to attorneys from outside the area.
- For Nevada, a discussion on how the changes in Chapter 40 have worked—how it has effected CD litigation (which has seen a significant drop).
- More topics with a plaintiff focus and more focus on other states, especially Arizona
- I think plaintiffs are more willing to mediate CD claims so I'd like to hear from Lee Jay Berman or Stacy LaScala on trends they see as mediators. I'm happy to be on panel with them from a carrier or TPA perspective. Maybe Steve Henning or Keith Bremer from an attorney perspective.
- With it being the 25th anniversary I'd like to see an honor roll of the Ollie Award winners and Lifetime achievement winners and have them discuss what's changed in the industry and whether they think it's changed for the better and what they foresee for the future.
- What are the real world (not pie in the sky “the way it should be” suggestions that are not practicable in the real world) solutions to dealing with carriers that do not deal fairly with co-carriers, such as ignoring tenders, using unenforceable escape clauses, claiming an exclusion applies without providing support for applying the exclusion (example: claiming a prior work exclusion applies because the work was completed two years before the policy incepted, so some damage must have already occurred). The carrier knows the amount in question is too small to sue for and knows you will not report what is happening to the state’s insurance department.

- I would like to see the discussion regarding the success and/or failures of wrap policies as well as possible solutions.
- Most significant case law updates.
- Discussion regarding AI obligations in various states.
- The problem of late intervention by a Travelers or other AI carriers.
- Survey of controlling case law from most jurisdictions addressing coverage.
- Illustrate prevalent factual scenarios that give rise to liability claims for defective workmanship and explain how these were determined and what courts would accept.
- Describe recent significant developments in the law regarding the duty to settle third-party claims against insureds (i.e. Florida, Washington, Oregon and Arizona).
- Identify how insurers can discharge the duty to reduce the risk of bad faith liability (i.e. Florida and Washington).
- Examine when the duty to settle third-party claims against insureds arises and the unusual circumstances which are now becoming more day to day issues.
- Explore whether an insurer has an affirmative duty to engage in settlement negotiations in the absence of a settlement demand on a third-party claim especially given current emerging case law around the country.
- Identify effective methods of achieving realistic claim evaluation
- Describe new or improved approaches to shorten the litigation timeframe and control litigation expenses
- Have coverage counsel explain approaches to analyze technical, insurance coverage, and legal issues in the “problem” states and how to effectively work around them.
- Demonstrate skills and techniques to participate in meaningful mediation
- How to spot warning signs of bad-faith exposure in third-party contexts
- On the issues of “Occurrence”:
 - Review the tests used by courts to determine the number of occurrences under CGL policies
 - Analyze recent "occurrence" litigation and examine how the courts are presently applying these tests to different types of CD losses
 - Investigate and critique the newest strategies used by policyholders and insurers to establish the number of occurrences
 - Develop practical approaches to assess how many occurrences are involved in a casualty claim

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- Examine the duty to investigate prior to providing a coverage position
- Evaluate the meaning of “suit” as set forth in the CGL Insuring Agreement especially now that “proceedings” in Right to Repair/Opportunity to Repair are under attack across the country.
- Explore the insured’s right to independent counsel and what are “reasonable” attorney’s fees and how they are addressed in various jurisdictions.
- Explore methods to achieving co-operation between multiple insurers when their insureds are parties to common CGL policies.
- Identify new and emerging risks that CGL insurers should be prepared to adjust
 - Analyze liability policy language relevant to adjusting these emerging risks
 - Explore how courts may resolve coverage disputes involving emerging risks claims
 - Discover proactive strategies for effective claims resolution of emerging CGL risks claims
- Examine approaches for handling high-value liability claims and suits from factual investigation to settlement or trial
- Recognize issues surrounding the need, retention and appropriate use of experts
- Review the latest research on what works in mediation settings and what doesn’t
 - Identify the preparation needed prior to mediation
 - Apply mediation techniques to common factual scenarios involved in casualty claims
 - Describe post-mediation efforts to resolve disputes
- Examine theories for allocating defense and indemnity costs among multiple concurrent insurers
- Analyze how courts have distinguished primary and excess insurance
 - Describe the differing roles and responsibilities between primary and excess insurers
 - Assess how these two types of insurance can cohesively respond to a claim or loss
 - Develop strategies to deal with conflicts between primary and excess insurance
 - Discuss “drop down” issues and when they apply or don’t apply
- Identify risks and consequences of a failure to provide a proper reservation of rights letter
 - Recognize which liability policy defenses require a written reservation of rights
 - Examine likely policyholder responses to a reservation of rights and explore effective methods for addressing them
- Specify procedural and tactical concerns when settling claims directly with the plaintiff
- Identify common negotiation mistakes and understand how to avoid them
- Recognize potential ethical issues and illustrate approaches to proactively avoid or lessen problems
 - Explore various alternatives to resolve ethical problems and mitigate any damage that may arise from potential violations
 - Describe ethical reasons in an adjuster's decision to split or not split the claim file
- Pinpoint opportunities to use technology to improve claim handling while maintaining a strong customer service focus

- Describe current enhancements to ISO Commercial Lines forms to address constriction risks special needs
- Examine emerging trends, issues and challenges to underwriting this brand of risk to include:
 - Green issues;
 - Technology issues, and;
 - Newest building trends
- Identify emerging issues and potential repercussions in underwriting and claims
 - Investigate emerging trends potentially negatively impacting this line of coverage
- How to effectively manage defense of a client who has an active in house counsel while balancing the needs and wants of all involved.
- With regard to CD cases that went to trial, what went wrong to make them end up in trial? – Judges from around the country who have had CD trials.
- The use of collaborative agreements in defending construction claims.
- The “Watermill” case;
 - What went right;
 - What went wrong, and;
 - What can be learned for both plaintiff and defendants
- “Crawford” allocated defense counsel attorney fees. When paid who receives the proceeds if the AI carriers have paid developer counsel fees and costs. Does any of these collected fees and costs go back to the named insured to re-imburse them for their paid SIR?
- With the highly publicized case of the Berkeley apartment deck collapse which killed 6, what impact will apartment litigation and the availability of coverage for contractors working on apartments have especially in light of residential and prior work exclusions.
- I would like to see a panel of insurance carriers that currently adjust for subcontractors address insurance coverage, analysis and settlement of fee demands.
- Across the USA, mediation and mediation styles vary so that it is not uncommon to hear references to “East Coast” style, “West Coast” style, and “the California experience.” In CD cases, what is the approach that works best and why?
- I would like to know how we get parties and their insurers to appear at MSC’s and participate meaningfully in mediation so a bunch of money does not have to be spent on discovery especially since the case will resolve if these people will actually show up. What can the courts do to plaintiffs and defendants who fail to appear as well as their insurers.
- Why are there no topics on the abuse of the use of extrapolation?
- From an underwriter’s perspective, what documents are most critical for defense counsel to have in the event of a CD claim? I also appreciate knowing specific trends in varies states regarding construction defect in the area of legislation, products used, possibility for liability transfer, etc.
- How about another judge’s panel from multiple jurisdictions like you have had in the past? I would like to hear about changes in case law from various jurisdictions and how things are being done in other states besides California.

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- What endorsements seem to be working and what endorsements aren't to contain or expand coverage?
- Why are we not seeing the use of joint defense experts?
- How can carriers work together toward resolving cases more effectively and efficiently?
- What is the state of Construction Litigation Defect Law in Texas and Florida especially in light of the hurricanes there
- What can be done to mitigate expenses while providing a full and complete defense to policyholders
- As an adjuster who handles claims in 50 states I would love to see more breakout sessions that deal with the current state of the law and procedures in the different states.
- What things have we learned that prepares us for the future of construction defect cases, both for coverage, prosecution and defense?
- How technology & what types, will address the future of construction defect claims and litigation.
- Everything you should know about mediation, everything that you think you know about mediation, and everything you don't know about mediation. Mediation is used extensively across the country in connection with CD cases. Lawyers and claims professionals alike think that they know what they can and can't do in mediation, what is and is not confidential, and what it really means to go to mediation "with full authority". Scratch the surface and you realize that people are actually laboring under dangerous misapprehensions about mediation. Possible speakers include mediators who have multi-jurisdictional expertise in this subject and attorneys who have a keen understanding of these issues.
- What effect will this trend of cost controls, driven by the insurance industry have on cases going to trial as it appears more of them are despite efforts to resolve them early.
- Why does it appear that the central focus of developer's counsel is running up their bills and seeking reimbursement (sometimes multiple times over) from subcontractors and their carriers, as opposed to the focus being on actually defending the claims being asserted by plaintiffs?
- What new procedural developments are developing in the CD area?
- How a builder can craft the most effective Right to Repair process. – this needs to be a detailed road map for implementing actual processes by a good builder and led by a real builder (perhaps a division manager) with maybe an attorney who actually works with builders to design Right to Repair processes. Perhaps a builder's General Counsel would be good to be on the panel. They could elaborate on the legal nuances of actual implementation and the tension with internal builder processes.
- Best Practices/Primer of "Do's and Don'ts" for defending builders and subcontractors.
- Best and Worst Practices for Insurance Defense counsel in CD cases (Top CD Claim Supervisors/Major Insurers)
- We should have a presentation on the state of Morris/Damron in Arizona. I would like to hear from Arizona counsel who deal with these issues on a regular basis.

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- A new trend – Coverage for Defective Work – What states either through case law or legislative action are adopting coverage for defective work.
- What’s the newest and best way(s) to get a subcontractor out of a case early to include;
 - Settling out?
 - Settling around?
 - AI issues?
 - Assignments?
- The Top 10 Most Important Decisions in Construction Defect Cases from across the United States and a discussion on them.
- Settle Now, Allocate Later – This topic discusses reallocation and the new surge of “reallocation lawsuits” post settlement. Since there are less and less remaining A/I carriers and most are related to non-target subcontractor policies, we are seeing more reallocation suits. Could these reallocation claims be dealt with during the settlement negotiations of the underlying lawsuit? Would the carriers be putting their interest before their Insured’s? Can the A/I carriers be part of the underlying release?
- We need a topic on how are we going to resolve ongoing carrier disputes (equitable contribution/subrogation claims) between the primary carriers, the additional insured carriers and any excess carriers as well as recalcitrant carriers.
- An Updated CD Claims Managers Crossfire - This topic will include a panel discussion involving a number of claims managers from construction defect units across the United States discussing common problems and practical solutions to insurance related issues.
- What New Products are available for both Destructive Testing and Repairs - This topic will focus on the discussion about the use (or misuse) of new technologies for reduction in cost of destructive testing as well as alternative repair methodologies which will reduce the cost of repair but also satisfy current building code requirements.
- What is the law when it comes to late notice and voluntary payments? Why is it evolving now and what do I need to know to address it?
- Why can’t new strategies for settlement opportunities be developed amongst the defendants and their insurers to resolve cases in the early stages such as:
 - A) Remove Plaintiffs from the equation by resolving the cases early with Plaintiffs, cutting off discovery and establishing total amount of indemnity. Then work on allocating the loss amongst the responsible defendants;
 - B) Remove Developer and Intervening Additional Insurer from the process after initial discovery—resolve early with subs and Plaintiff, capping amount of Developers’ fees and costs.
 - C) Developer and insurers enter into agreement to retain one counsel to fight Plaintiffs’ claims.
- With more and more products being attacked in CD cases, what is the latest news? What are the allegations? What are the defenses and what are the cross claims with regard to the installers?
- I am hearing more and more on the issues surrounding “Rip and Tear” what does it actually mean? How are courts interpreting it with regard to damages and insurance coverage?

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In that same e-mail, we asked several questions in the hope of eliciting replies that would help our speakers prepare their topics with some input from the community. The good news is that whether you are a speaker or not, we can all learn from the anonymous replies received during our survey.

1-What you dislike most about current construction defect processes and procedures (claims and/or litigation stages) and what would you like to see changed about them?

- Most dislike: Travelers destructive AI strategy with Pulte and the mess it has created! Now we have a new court of appeals decision that pushes these issues into the forefront yet again. Also dislike adjusters who come to mediation unprepared, no authority, no clue how to proceed, no strategy, but expect others to carry the water for them and they will just be a gap filler . . . come on. Those days are over. If you can't do your own work, at least don't be an impediment for others. Inconsistent coverage positions: If you are taking inconsistent positions depending on whether you are primary or excess, we all know that. Don't think we won't remember it next time. If the facts of the claims are really distinguishable, then tell me that, but don't pretend that you don't know anything about the position taken by the person who sits next to you, last week, on the opposite side of this same issue.
- Still too many mediations, and mediations that are set when not enough discovery has been done. Mediations should be set only when enough investigation has been done so the mediation is actually productive.
- As an Arizona plaintiffs' lawyer, the biggest problem is the inherent conflict between our Purchaser Dwelling Act with a mandatory right to repair and the alternative dispute resolution requirements drafted into CC&Rs.
- Eliminate the pre-litigation nonsense that never solves anything.
- It still takes too long to gather information and attempt resolution. Why can't we share experts and share information sooner and with less expense so that we can get to resolution more quickly. Hardly any claims go to a jury right so let's cooperate more as co defendants to defeat the plaintiffs case or to resolve it together more quickly.
- Originally CD claims/litigation followed the normal litigation process. After spending thousands on litigation, it was hard to obtain settlement money. So the process was revised so that an attempt to settle came before the expensive discovery process. This is fine for the smaller claims, but does someone really expect me to offer \$500,000 simply because the plaintiffs say that is how much it will cost? No expert information is provided regarding liability or repair cost. Also, demands are based on how much it costs to repair the insured's work which is not covered, and nothing is provided on what it cost to repair the resulting damage which is covered.
- Carriers are no longer discussing coverage, time on risk, or developing an action plan for resolution or they argue about them.
- I dislike early mediations when claim adjusters have no information to make a coverage decision on. No mediation should be scheduled until all the information has been supplied by developer to allow a coverage decision and evaluation of the claim. Early mediations are a waste of time.
- I also dislike forced court appearances when developer has not provided any information on the claim. With early information, many cases could be settled without having to retain defense and increasing the expense of the claim.
- Right to repair delays resolution and increases everyone's costs

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- A couple of thoughts:
 - A) There are probably a number of ways to look at various components of “green” technology and how it affects coverage and claims
 - B) This is a very broad topic, but have you considered the huge topic of economics? It could be everything from a housing industry country overview, the effect of Brexit on the insurance industry,
 - C) I know the economics of a CD case would be interesting but not one the lawyers would really like to discuss, etc.
- Right to Repair: a roundtable or debate on whether it is working or not. . . and why? and why not?
- CD attorneys often need to have a better understanding of the key aspects of their cases and not rely blindly on their experts for basic case evaluation. Too often, attorneys struggle with common construction processes making the litigation less efficient. Problem areas include (in no particular order)
 - a) understanding how projects are actually designed and built,
 - b) understanding basic construction documentation (i.e. relevance of material submittals, shop drawings, plans, details and specs, and
 - c) a working knowledge of relevant standards as defined by the contract documents, specifications, building code, common practices.
- The lack of respect for other people’s time, the lack of preparation coupled with attempts to blame others for that failure. We see this at mediation, many parties are not ready to enter into good faith settlement discussions. These are typically the smaller parties who most likely thought they didn’t need to be ready as they can’t settle until the ‘big players’ do.
- I dislike the level of laziness with many in the industry – both on the counsel and claims side. I believe there needs to be better training and interaction/communication for all involved.
- Being held hostage with a minor subcontractor only because you have an AI favoring the developer/GC.
- Incompetent experts who provide baseless arguments without any recourse by the offended parties. Seems to be little interest in eliminating junk science from the process.
- Mediations held where carriers do not attend.
- The current system of attempting to settle the claims before discovery is done has been in place since I began my CD career back in 2000 The problem is, we are being asked to attempt settlement based on the unsupported claims of the plaintiffs. Some middle ground needs to be found. Limited discovery needs to be conducted BEFORE the carriers are asked to pay tens of thousands for the claims hidden behind door number three. Some carriers take unreasonable coverage positions because it is too expensive to sue. In cases of carrier vs. carrier on coverage issues, the loser should pay ALL the winner’s legal fees.
- The courts need to make all mediations mandatory and subject to sanctions if a plaintiff or carrier does not attend.
- Stearman abuses are high on my list of annoyances (i.e. experts run amok before they even know if there are any defects). I also hate cases involving contractual prevailing party attorneys’ fee clauses in the context of CD. Because a 100% defense verdict is nearly impossible, such cost shifting begs for abuse.

- Why is Travelers suing everyone for no good reason, except to rack up attorney's fees, and why shouldn't carriers wrongfully sued get their attorney's fees and cost back from Travelers and any other carrier that sues others carriers wrongfully? Carriers themselves make themselves targets by not resisting this kinds of baseless and unfounded lawsuits.
- When will we see a real process of allocation of additional insured expenses instead of "why just because you were the doorknob installer, you have to pay 100% of the developer's attorney's fees because you had an AI on 30% of the houses in the project?"
- When will the courts really start to enforce CMO's?
- Regarding Florida
 - Why is there no contribution on defense in Florida?
 - Why can't I allocate AI defense in Florida?
 - Why must we always play "chicken"
 - Why is good behavior by carrier's punished and bad behavior by carriers rewarded?
 - When will the Florida Department of Insurance or the courts wake up?
- I would like to see earlier participation of carriers in the litigation process and participation in early mediation. I believe it would be educational for one or more insurance representatives to attend a first mediation to understand some of the issues that prevent early settlement.
- Insurers are quite often not knowledgeable about State specific CD coverage issue and more importantly, particulars of individual state claim handling procedures. We regularly see non-compliant reservation of rights letters and on the flip-side, unnecessary form letters used on a nationwide basis which makes the insurer's claim handling look more generalized and not specific to a particular claim. These "form" letters may be necessary, for instance, in California but not in Florida. Some letters I have seen have numerous generic topics with check marks next to them.
- The solution is to have state specific manuals available. Coverage counsel in every state would be happy to provide a 10 page summary for ease of reference. I provide a 2-4 page summary/check-list for Florida specific claim handling requirements. Insurer representatives should be limited to a specific geographical area thus making it easier to learn the applicable law and claim handling requirements.
- Recalcitrant or late entry subs who delay forward progress. Would like to see greater use of Equitable Remedies such as Specific Performance, Account of profits, injunction-restitution, declaratory relief, used to greater extent
- What I dislike the most is when developer's attys hold onto the most peripheral party keeping them in the litigation even though they are fully aware that there is no liability and no damage that could potentially link them to the case. I would love to see a change in the way the 998 (Offer of Judgment) is handled with CD cases so that Attys fees could be granted and not just experts costs to help alleviate those parties spending thousands of dollars in litigation when it is clearly not necessary
- Inefficiencies of initial mediation meetings- defense firms are not always very interested due to lack of information collected in the case. They often view it as a waste of time.
- I think the long delay before commencing discovery leads to unnecessary delay. These cases often don't settle until the carriers get actual evidence of (covered) damages, and aren't satisfied with a mediation-protected Statement of Claims. Therefore, waiting a year (and have multiple fruitless mediations) just wastes time

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- Certain plaintiff attorney and developer attorney firms not acting reasonably to try to quickly resolve typical C/D cases. Instead, they throw in other allegations which cause the expenses to increase dramatically. In Wraps, this is not cost-effective (especially when the subcontractors are brought in by plaintiff counsel)! Recommend informal meetings (or mediations – with a GOOD mediator who understands coverage issues) between plaintiff and defense counsel and the adjuster(s) involved to discuss coverage issues, the lack of any other possible insurance, limitations on plaintiffs’ recovery, etc.
- Attorneys acting upon claimed defects with no expert analysis and no personal expertise or experience in the industry. This is a total waste of time and energy and to all parties involved. Length of time the process takes.
- Counsel and insurers that disregard MSCs or refuse to participate in meaningful settlement discussions. More voluntary and serious participation (too easy to say no over the phone).
- Skyrocketing expert fees and new and increasing costs being included in the bills: (While controversial and potentially problematic, perhaps carriers will begin to more frequently impose reasonable billing practices on experts as well as defense counsel)
- Varying and Conflicting Litigation Guidelines when Multiple Carriers are on the Same File (Flexibility in Billing/Litigation Guidelines: An early conversation among defense counsel and carriers re: conflicting billing and reporting guidelines)
- None of the CD mediators ever listen to subcontractors issues and it is the same story every time.
- Mediators are afraid to challenge developers' and plaintiff's attorneys for fear of not getting work.
- If mediators would do their jobs and pressure all parties, the process will move smoothly.
- The fact that so many claims are made without foundation or evidence continues to be a real problem.
- I believe that if there are Carrier Coverage Mediations that require all representatives who will respond to coverage to be present in person, the first mediation would be more beneficial.
- There is an atmosphere of distrust and adversarial posturing (between counsel and carriers on the various sides of the table) that makes it more difficult, longer, more expensive, and less pleasant to get to the bottom of cases and try to settle them than there needs to be.
- It appears that all involved do not recognize the issues and wait until the last minute to deal with it. I suppose trial dates are the only thing that get carriers and lawyers alike to get moving. It is truly a shame since so much money is spent. I don't know what to suggest in this arena unless the carrier group gets control.
- Carrier reps who no longer attend mediations and those carriers who do attend are still on “fact-finding” missions or still dispute scope of work issues late in the game (when info was already provided or discussed); and
- Unrealistic extrapolation.
- I think there needs to be more of a focus on the resolution of the defect claim. The Crawford demands have hijacked the process, and all c.d. actions now become money collection cases first, defect resolution second. I still think that developer / g.c. evaluation needs to focus on actual scope of work allocations, instead of pass through allocations that don't address the g.c.'s involvement with the existing defects at the site. If a demand is given for \$1 million, it will be hard to resolve the issue if the g.c./developer takes the demand and says to the subs: “you figure this out and get back to me.”

- Parties who don't respond or stick their heads in the sand.
- No early and realistic demands to peripheral defendants.
- Additional Insured carriers and their named insureds are locked in to a case because they have insurance favoring a developer, even if exposure to the named insured is minimal
- I think there needs to be more of a focus on the resolution of the defect claim. The Crawford demands have hijacked the process, and all c.d. actions now become money collection cases first, defect resolution second. I still think that developer / g.c. evaluation needs to focus on actual scope of work allocations, instead of pass through allocations that don't address the g.c.'s involvement with the existing defects at the site. If a demand is given for \$1 million, it will be hard to resolve the issue if the g.c./developer takes the demand and says to the subs: "you figure this out and get back to me."

2-What you like most about current construction defect processes and procedures (claims and/or litigation stages) and is there room for improvement. If so, what should be improved or how can this community implement such improvements?

- Like those carriers and adjusters who are willing to get realistic on early resolution and look for ways to get a deal done and move on. We don't see enough of that but when we do, it is always a good thing.
- I'm a fan of alternative fee arrangements with defense counsel so that we all have a vested interest in fast, fair, and efficient resolution. I'm also a proponent of joint defense agreements and involving the excess carrier earlier in the process. I'd like to see excess carriers contributing some defense dollars before their layer is triggered to help get the file resolved before their loss layer is penetrated so we work together sooner. .
- Well, it would be nice if carriers all played fair. I would like to see the losing carrier pay the winning carrier's legal fees in coverage litigation. I understand that reasonable people might disagree, but ignoring tenders and not proving exclusions is not disagreeing, it is taking advantage of the cost of litigation.
- A better understanding of each carrier's policies, and how to work through various coverage issues.
- While this is an area that has improved because of technology, Developers need to provide needed information at the early stages to allow the claim to move along without all the delays
- The use of joint experts among defendants, and even between plaintiffs and defendants on some specific issues on order to help minimize overall litigation costs.
- Most CD attorneys on both sides are congenial and understand the common goals necessary to get a case settled. That said, one area that could stand significant room for improvement would be the timing when expert reports are prepared and exchanged. The earlier the reports are generated, the quicker defense counsel and their carriers can respond to the claim. When drafting CMO's, parties should also consider incorporating or adopting some of the well-considered federal-style rules governing expert reports (FRCP Rule 26).
- CMO's should also incorporate specific known coverage issues that may affect settlement funding. Too often, key coverage issues are first addressed at mediation.

- There isn't anything I can say I like about the CD procedures. It is kind of like asking what I like the most about doing laundry. I appreciate that procedures have been set up to attempt to save money. But I think we need to be realistic about things. For example, I've handled claims involving alleged leaking windows. The project contains twelve hundred windows and only three are tested. One is found to leak. So it is alleged that 400 of the windows leak. And if that one window had not leaked, would the plaintiffs have conceded that none of the windows leaked? If there are twelve hundred windows, is it unreasonable to ask that at least twelve (1%) of the windows are tested?
- The interpersonal relationships and trust that is developed within our community among most members allows more efficient and honest resolution. While entire cases or claims against a particular party may not be resolved, these relationships allow the resolution of non-dispositive issues in an efficient manner.
- The sophistication of counsel has allowed the process to become fairly efficient. Unfortunately, with the changes in party viability and insurance coverage products, there has to be a new focus on procedural and substantive efficiency across both counsel and insurance lines.
- I don't like the way most carriers handle claims from an efficiency perspective and State specific compliance requirements. As mentioned above, carrier rep. knowledge would streamline the process by, more accurately analyzing the case, and at the least, eliminate subsequent bad faith litigation.
- Collaborative agreements among subs to share costs of experts and to be bound by their findings. Cost effective and gets to faster resolution.
- Mediation Readiness conference. Cuts down on wasted time or delays in settlement. Saves on costs
- I like that there are more states enacting right to repair statutes, enabling the possibility for more developers to conduct a fix and limit the number of homes in the litigation. I just want to know if they are working or not or if all the processes are just a waste of time.
- Early mediation when the parties are actually prepared to resolve the case.
- Legislate some new procedures. Also, the ADR processes need to be revamped for CD cases.
- There is room for improvement- by sharing important (evidentiary) information, cases can resolve faster and with less expenses involved.
- The level of professionalism among most of the lawyers in this "cottage industry" is appreciated and notable, especially when you step out into other areas of the law and encounter how other lawyers conduct their affairs.
- The new CD form interrogatories are big step in the right direction, I think but they need to be expanded beyond San Diego.
- When developer attorneys challenge issues in the complaint, especially statute issues or foreclosure issues.
- Give walk away settlements to minor parties. Don't hold them hostage because of AI obligations. Let those who have the real exposure stay in the case and pay their "fair" share" It may move cases faster to resolution that way.

TOPIC SUBMISSIONS DUE BY WEDNESDAY NOVEMBER 1, 2017

- Developers need to acknowledge they will need to contribute towards settlement especially with exhausted policies, missing parties, their own responsibility, etc...
- At every seminar I go to, including yours, all the presenters, especially attorneys and mediators say they want to work together to resolve cases and limit expenses. However I have seen the opposite. Carriers, who pay the bills should enforce this.
- Roundtable discussions between defense counsel and carrier adjusters and decision-makers in high exposure cases well before mediation
- The industry as a whole has gotten much better about the expectations in these cases and in the evaluation process. I think we are much better about dealing with the plaintiffs' bar as a whole and communicating the needs of the industry in certain cases.
- Collegiality and cooperation. Complex claims are resolved every day in a fair manner for reasonable amounts for all sides. This community promote collegiality and cooperation despite all of its ongoing problems.
- CMO practice is much more efficient than it used to be. Preliminary and Final Defect Lists are a matter of course. Digital transmission of discovery documents should be mandatory in every case.
- Case law in Nevada is needed and it appears that the current Supreme Court is willing to undertake this approach. When will this happen?
- The Right to Repair law is working better than anticipated when you get a good mediator and the parties strive for resolution not just playing the same old game.

3-What insurance products could be developed for future construction products?

- Many insurance companies are considering going back to AI coverage for any and all work, not just for ongoing operations. And historically, insurance companies have never charged an extra premium for adding this coverage. Carriers need to better assess this risk and charge a premium for it. Perhaps the party asking for the coverage (the developer or GC) should pay a premium for the coverage. Subcontractors who enroll in wrap policies are asked to pay towards the wrap.
- Insurance that actually protects builders such that they get what they think we are getting, and agents that will help them navigate coverage to ensure the builders get what they think they are buying and are protected.
- I'd like to see defense erode the limit more often. Would love to see that once the underlying recognizes that the excess will be triggered then the excess helps with defense dollars. Given the cost of engineers and reconstruction experts, I'd like to see that cost erode limits if I am a carrier or see defendants and plaintiffs motivated to share the info earlier.
- It isn't that there should be new insurance products, but that the construction industry, e.g., developers, general contractors, subcontractors, design professionals, should be required to purchase the appropriate insurance product. We know there are surety products and builder's risk policies. Retail brokers and agents should be recommending these products and emphasizing the value of the products, such as quick resolution and payment of covered claims, and a significant decrease in defense costs and protracted tort and insurance coverage litigation.
- Warranty policies that pay for the repair of the insured's work.

- Wraps are not successful because it appears the underwriters didn't understand what needed to be covered, or how long, or how much coverage would be needed for a ten-year tail. We need to simplify policies so all policies issued would have exposure for the loss and each carrier would share in the claim.
- Carriers could offer products that cover subcontractor default (as with Zurich's subguard product) that covers defects that manifest after completion and cause property damage. This would fill the gap created by the work and product exclusions in GL and Wrap policies.
- Coverage for damages allowed for by statute – such as SB800 claims that have no resultant damage allegations.
- The theory behind WRAP policies is good, but the practical approach fails. The use of these types of arrangements can be expanded and approved.
- Instead of AI endorsements or Wraps, I would think a defense only policy paid for by the subs could eliminate the need for Crawford or AI disputes. It would also avoid the morass that OCIPs so often turn into.
- How about something that covers damages that clearly did not occur until after the policy on the risk during the construction process expires. The prior work exclusion is a killer when this occurs. How about forcing claim representatives to sign something that says they understand that exclusions must be proved – not assumed.
- Products which provide coverage to GCs or subs for gaps left by traditional insurance coverage.
- Broader version of First Party Builder's Risk coverage.
- Why re-invent the wheel? OCIPs and CIPs are designed to avoid most of the issues we continue to disagree about. Maybe the current product just needs to be improved in the area(s) that policyholders and consumers alike need coverages for. This way everyone wins, underwriters get to charge more for the product, policyholders get the coverage they need and consumers can get their defects repaired quicker and more efficiently.
- Great question – it would be great to have a seminar about how the various insurance structures have evolved over time to respond to CD claims and particularly on whether the products have or have not responded well to SB800 - maybe a compare and contrast the following types of insurance products: traditional insurance Builder has theirs Subs have their own – not very well); OCIP policies and lastly the HBPP which was the OCIP/Warranty product....then suggestions for the next evolution of insurance product.
- Sub-contractor Wrap SIR and Wrap gap/exhaustion insurance.
- In Colorado WRAP policies could be helpful for all contractors (GCs and *subs*). I believe these types of policies are effective in aligning the interests of the GC and subs against *the* homeowners.
- Excess policies with duties to defend upon exhaustion of primary policy limits. Uniform change may decrease primary policy premiums and allow subs to make more money.
- Need for excess coverage of wrap coverage which is consistent with the underlying coverage for the policyholder requirements.

TOPIC SUBMISSIONS DUE BY WEDNESDAY NOVEMBER 1, 2017

4-What construction product, technology and/or procedures could be implemented, changed and/or modified to reduce exposures and/or expense for future construction defect claims?

- The best idea would be actually supervising the work of the subs.
- it would be interesting to see if there are X-ray technologies or infra-red technology to see through the walls from the inside and outside without having to do destructive testing or proactively before we insure the building so we can find preexisting damage or defects earlier before the damage is as extensive. Drones can be used more often to check out roofing issues and even an entire area to see if the damage is specific to the building or not and hence other causes of loss.
- I'd like to also see simplification or some tool to assist with allocation and time on risk. Excel has so many more attributes we need to be better power users.
- The rapid transition to discovery through electronic records has already provided a market for programs purporting to assist in the voluminous review and organization of records. Thus far, our experience with the majority of these programs is that they have potential to be beneficial, but are not specific to construction. This creates all kinds of headaches for those tasked with using them. We anticipate there will be major advances in the area of electronic record storage, maintenance and review that is more specific to the construction process and will likely transform the way we all practice law.
- If the plaintiffs and developers would be a little more forthcoming with information needed to support their claim, we would not have to spend so much time going back and forth asking for the information. I once received a proof of something where EVERYTHING (yes, everything – the page was 99% black) was redacted except for the insured's name.
- Plaintiffs and developers should be required to provide all information necessary to evaluate a claim before mediations can be scheduled, and they should have a deadline for providing same after the filing of a cross-complaint
- Hiring a developer's attorney prior to construction to assist in risk management, someone who can review contract language and insurance documents to make informed decisions while considering risk tolerance.
- Better QC and documentation of course of construction, both from administrative and technical aspects.
- Third-party construction administrators hired by owner and developer/contractor with oversight authority to make sure the project is being built properly
- All projects would benefit by better pre-completion QA/QC programs, more expansive and professional photo documentation, including aerial progress photos. Showing how the project was built can prevent costly DT.
- We have all seen goofy legislation and case law come from the states. Why can't some sort of "task force" be developed that legislatures and courts can go to so they can find out the "real" story before enacting laws that really benefit no one. West Coast Casualty, or its seminars could be such a place to act as a clearing house for this proposal.
- As long as there are lying incompetent experts, no amount of quality control will matter.
- I would like to see a policy that somehow rewards a policyholder for getting cases resolved earlier rather than go through all this litigation nonsense only to pay the same amount.

- Specific endorsements to cover defense fees of an indemnitor with specific limits. Self-insured endorsements that specifically provide for satisfaction by parties other than the named insured.
- Better communication and documentation of the parties' intent and expectations. Understanding the laws in Cd arena and quickly arriving at a fair solution for all parties will serve to decrease expense and anguish associated with CD cases.
- How about a policy that actually covers what the policyholder does for a living instead of a 20 page policy that has 35 pages of endorsements or exclusions that seek to disclaim coverage for everything the policyholder does for a living?
- I also spoke briefly about the use of drones to inspect properties which can be very beneficial for both parties to confirm or discount damages.
- Standardization of 3rd party QA standards (scope) during construction
- Continued documentation during construction of what occurred, who did what and when. A more formal documentation procedure/program.
- Counsel and experts that have not embraced technology are inefficient at what they do and drive costs upward – but technologically advanced firms need to realize the rate of change of others and cannot force change until it's time. Thus, a push toward uniform technology that all can live with (both large and small).
- Documentation of the construction and related processes is very handy in addressing claims. For instance, if a framing subcontractor photographed/videoed its work before leaving the job and having the walls closed up, or the stucco or drywall subs did the same thing, it would reduce (arguably) their liability because at the mediation stage these materials could be provided to the experts and considered in their analysis.
- Cloud-based document depository where actual documents (not just indexes) can be accessed at a reasonable cost. This would put an end to wasted mediations that end when someone says: "I'll have to get that from the depository..."
- Video-conference mediations?
- Efficient use of the Internet and FTP sites to share and access documents and information.
- The CMO needs to be modified to allow for relevant discovery to be obtained, to eliminate the privileges currently allowed for documents. CMO should have some teeth or enforcement procedures for noncompliance.

TOPIC SUBMISSIONS DUE BY WEDNESDAY NOVEMBER 1, 2017

As indicated earlier, we took a survey and we asked what areas of construction defect claims and litigation the attendee would like to see by the categories below and alongside those categories are the numbers of replies:

- Coverage 916
- Case law 654
- Ways to streamline cases 232
- Ways to reduce cost, time and expense 701
- Technology 256
- Expert Issues 111
- “How to” topics (please specify) 4
- Specific State Issues (CA, NV, HI, FL, TX, CO, AZ, WA, OR, SC, NJ,) 312
- Independent Counsel Obligations 37
- Updated Insurance Forms and Endorsements 332

I would like to extend my thanks to all those who participated in this survey (*) which helps us create a great learning experience for all those involved in this community.

Very truly yours,

West Coast Casualty’s Construction Defect Seminar

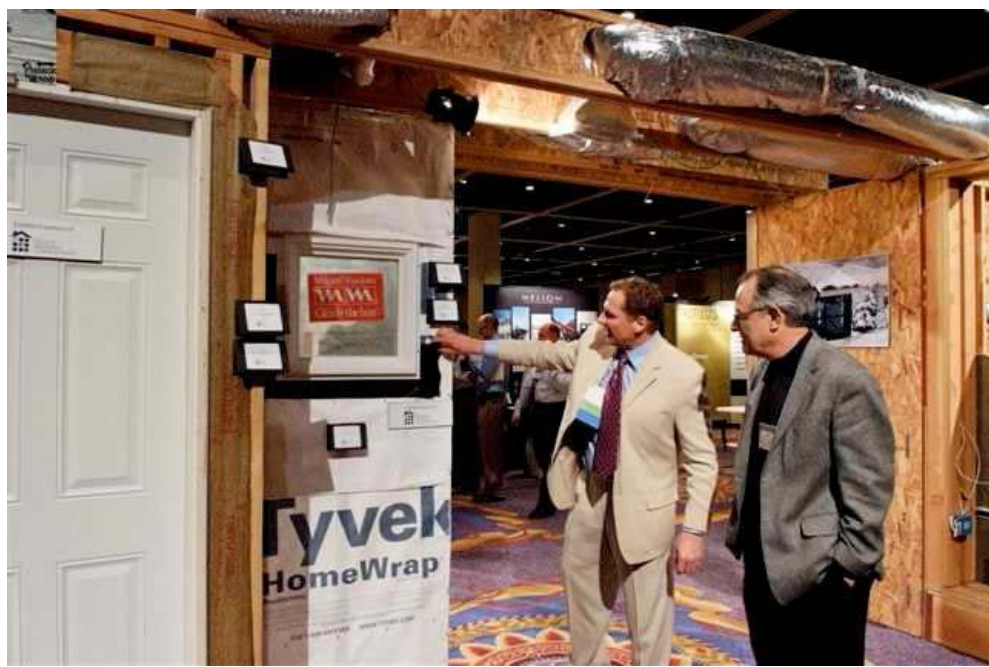
Dave Stern

David Stern, RPA
Seminar Coordinator

(*) Some duplicate replies were consolidate to save space.

“To every person there comes that special moment when he is tapped on the shoulder to do a very special thing unique to him. What a tragedy if that moment finds him unprepared for the work that would be his finest hour. ”
Winston Churchill

TOPIC SUBMISSIONS DUE BY WEDNESDAY NOVEMBER 1, 2017



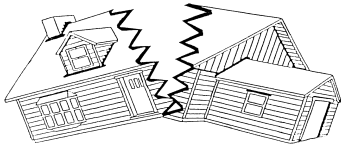
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West Coast Casualty's



**Construction Defect
Seminar**

**May 16th, 17th and 18th 2018
The Disneyland Resort Hotel
Anaheim, California, U.S.A.**

Buy a Banner

Support a Charity

Lift a Life

As in the past 19 West Coast Casualty Construction Defect Seminars, those wishing to receive recognition for the support of West Coast Casualty's Charity Program may purchase a banner to hang in the halls of the seminar event. The banner will acknowledge the name of the sponsor as well as the charity itself. The "*Buy a Banner, Support a Charity*" program is tax deductible(*) and sponsors of this program will be recognized in the seminar handout.

No matter who you donate the banner to or who it is named for, the results are that the proceeds will go to a worthy cause in the name of someone you knew or someone who touched your heart.

Please contact me to participate in this worthwhile cause. I'll always be available to take your calls, answer any questions and offer any assistance.

David Stern, President
West Coast Casualty Service, Inc.
5743 Corsa Avenue # 205, Westlake Village, CA 91362
Tel. 818 735 3595, Ext 112 - Fax. 818 735 3596
davestern@westcoastcasualty.com

West Coast Casualty's Construction Defect program, "*Buy A Banner, Support A Charity*" sponsorship program has helped over a 250 charitable organizations which proudly include, but are not limited to; *The City of Hope, Los Angeles Firefighters' Widows and Orphans Fund, Interval House Crisis Centers for Battered Women and Children of Long Beach, Shriners' Hospital, The Los Angeles Mission, Disabled American Veterans of Orange County, The American Parkinson's Association, Blind Children's Learning Center of Santa Ana, AIDS Walk Los Angeles, Susan G. Komen Walk for the Cure, Girl Scouts USA, USO, Smile Train, American Cancer Society, St Vincent De Paul Villages, Leukemia and Lymphoma Society, Orangewood Children's Foundation, Pediatric Cancer Research Foundation, UNICEF, Alameda County Community Food Bank, CASA Foundation, 999 for Kids, Los Angeles Children's Hospital, Olive Crest Children's Home, Make-A-Wish Foundation, Kindness, Inc. and Habitat for Humanity.*

(*) In order to receive tax deductible status, you should check with the charity and your financial planner to determine if you are eligible to take a tax deductible contribution in accordance with the tax law as established under the Internal Revenue Service Code and/or your state tax bureau.

Hon. Jerrold S. Oliver



The Jerrold S. Oliver Award of Excellence

Each year, *West Coast Casualty's Construction Defect Seminar* recognizes an individual who is outstanding or has contributed to the betterment of the construction defect community. This person is recognized by his or her peers by nomination and through a majority vote process by his or her peers in the construction defect community. The selected nominees are voted on by members of the construction defect community through an invitation provided by West Coast Casualty prior to the yearly seminar. The selected nominee receives a plaque at the seminar citing his or her achievement.

This award has been named after the late Appellate Judge, Jerrold S. Oliver who was truly a “founding father” in the alternate resolution process in construction defect claims and litigation. Judge Oliver’s loyalty and tireless commitment to this community will long be remembered by all those in it. The award, affectionately referred to as the “*Ollie*” is presented each year at our annual seminar to someone who has invoked the same spirit of commitment, contribution, loyalty and trust for the betterment of the entire construction defect community.

Along with the recognition of the award is a donation in the winner’s name to Habitat for Humanity as well as a local California and Nevada charity.

Past Jerrold S. Oliver Award of Excellence Award Winners Include:

- 1996 - Awarded to Ross R. Hart, Esq. (Mediator - American Arbitration Assoc.)
- 1997 - Awarded to Merv Thompson, Esq. (Mediator in private practice)
- 1999 - Awarded to Tom Craigo, (Adjuster - C.N.A. Insurance Company)
- 2000 - Awarded to Kristi Cole, (Adjuster - Safeco Insurance Company)
- 2001 - Awarded to Karen Rice, (Claims Manager - ACE / USA)
- 2002 - Awarded to Stephen Henning, Esq. (Wood, Smith, Henning and Berman, LLP)
- 2003 - Awarded to Ross Feinberg, Esq. (Feldscott, Lee, Feinberg, Grant and Mayfield LLP)
- 2004 - Awarded to Janet Shipes (Adjuster – C.N.A. Insurance Company)
- 2005 - Awarded to Edward Martinet (Expert – MC Consultants)
- 2006 - Awarded to Hon. Victoria V. Chaney (Judge – Los Angeles Superior Court)
- 2007 - Awarded to Bruce Edwards, Esq. (Mediator) JAMS
- 2008 - Awarded to Gerald Kurland, Esq. (Mediator) JAMS
- 2009 - Awarded to Keith Koeller, Esq. (Koeller, Nebecker, Carlson and Haluck, LLP)
- 2010 - Awarded to Terry Wolcott – (Construction Defect Manager – Travelers Ins. Co.)
- 2011 - Awarded to George Calkins, Esq. (Mediator) JAMS
- 2012 - Awarded to Joyia Greenfield, Esq. (Lorber, Greenfield and Polito, LLP)
- 2013 - Awarded to Margee Luper (Claim Manager – XL Insurance Group)
- 2014 - Awarded to Matt Liedle, Esq. (Liedle, Lounsbery, Larson & Lidl, LLP)
- 2015 - Awarded to Robert A. Bellagamba, Esq. (Special Master/Mediator, Castle & Dekker)
- 2016 - Awarded to Lisa Unger, (Senior Claims Examiner, Global Management Liability Market)
- 2017 - Awarded to Caryn Siebert, (Vice President, Claims, Knight Insurance Group)

West Coast Casualty's
Construction Defect Seminar

The Legend of an Era Award



“Legend” - One that inspires or achieves legendary fame based upon ones own achievement(s) which promises to be enduring.

“Era” - A fixed point of time from which a series of years is reckoned and an order of things prevail.

The Legend of an Era Award is the newest in the series of awards created to recognize those in the construction defect community who inspire, contribute, advocate and influence others for the benefit and betterment of this community, making it a better place. Candidates for this award will be chosen by those who sit on West Coast Casualty's Construction Defect Seminar's Speakers and Topics Committee for that year's event.

Along with the recognition of the Legend of an Era award is a donation in the winner's name to the designated charity of West Coast Casualty's Construction Defect Seminar. For 2010 the designated charity of West Coast Casualty's Construction Defect Seminar was the Westmark School of Encino, California

Past Legends of an Era Award Winners Include:

- 2010 - Awarded to Hon. Stephen Sundvold (ret) – JAMS – Orange, CA
- 2011 - Awarded to Lee Wright, Claims Manager, Harleysville Insurance Co, Nashville, TN
- 2012 - Awarded to Bert L. Howe, Expert – Bert Howe and Associates
- 2013 - Awarded to Ross R. Hart, Esq. (Mediator - AMCC)
- 2014 - Awarded to Hon. Alan R. Earl (Judge – Clark County District Court, Las Vegas, NV)
- 2015 - Awarded to Linda Tonkovitch (Claim Manager – Gallagher Bassett, Irvine, CA)
- 2016 - Awarded to Richard Glucksman, Esq. (Chapman, Glucksman, Dean, Roeb and Barger, Los Angeles, CA)
- 2017 - Awarded to Robin Kahn, (Assistant Vice President, Chubb, Chatsworth, CA)

Larry Syhre



The Larry Syhre Commitment to Service Award

This award named in honor of Larry Syhre (1948-1998), former claims manager of the Brea branch office of C.N.A., is awarded on a yearly basis to a claims professional who has dedicated themselves to providing ongoing service and commitment to the construction defect community. Along with the recognition of the award is a plaque in the winner's name as well as a donation to *The Larry Syhre Foundation*.

The Larry Syhre Foundation was established in Larry's name and its proceeds benefit an assortment of charities including The PADRE Foundation, (PADRE sponsors children at diabetes camps where they meet other children learning to live with the same challenge. PADRE also funds research towards curing diabetes), the Project HOPE School Foundation (funds are used to support the only school in Orange County dedicated to the education of homeless children) and the Larry Syhre Memorial "Cool to Care" Award at Larry's high school in Webster, South Dakota.

Past winners of the Larry Syhre Commitment to Service Award include:

- 2000 - Awarded to Rick Hardin, Esq. (Attorney - Hardin and Coffin, LLP)
- 2001 - Awarded to Thomas J. Lincoln, Esq. (Attorney - Lincoln, Gustafson and Cercos)
- 2002 - Awarded to Elaine K. Fresch, Esq. (Attorney - Selman Breitman)
- 2003 - Awarded to Keith Koeller, Esq. (Attorney - Mower, Koeller, Nebecker, Haluck and Carlson)
- 2004 - Awarded to Hon. Kevin M. Midlam (ret.) (Mediator - JAMS)
- 2005 - Awarded to Linda Tonkovich (Adjuster - OneBeacon Insurance Company)
- 2006 - Awarded to John Thompson (Claims Manager - Gerling America Insurance Company)
- 2007 - Awarded to Karen Rice (Claims Manager - OneBeacon Insurance Company)
- 2008 - Awarded to Cynthia Dunbar, (Major Case Manager - Travelers Insurance Company)
- 2009 - Awarded to Todd Schweitzer (Assistant Vice President - Zurich Insurance Company)

"Progress comes from caring more about what needs to be done than about who gets the credit. "

Dorothy Height

**The Frequently Asked Questions and Answers for Participating in
West Coast Casualty's
Construction Defect Seminar
May 16th, 17th and 18th, 2018**

1) I am a single practitioner so my time is limited in preparing a topic suggestion but I feel it is a good one and I feel it will benefit the community. Would you help me in contacting specific judges, experts, other counsel who could add to my presentation?

West Coast Casualty's Construction Defect Seminar has access to a pool of industry experts who have been successful in this arena and we would be happy to assist you in approaching someone to participate with you on a proposed topic.

2) I wish to submit a topic as a single presenter but your history indicates that panels appear to be the flavor of the seminar, do I stand a better chance as a panel presentation?

West Coast Casualty's Construction Defect Seminar seeks the best topics for its events so if you feel that your topic is best served as a single presenter, just tell us why and it will be given the same level of consideration as a panel presentation. Many single presenters are chosen to present at our events.

3) I have a number of topics that I would like to submit but I am not sure if they will be "strong enough" to be selected. Is there anything I should do to enhance them?

West Coast Casualty's Construction Defect Seminar's Speakers and Topics Committee has faced this situation many times. In consideration of a "strong" topic or idea, the Committee works toward either enhancing the topic itself or combining it with other submissions of the "like and kind" from other "strong" suggested topic submissions. Many of our panels are created this way.

4) I see many of your speakers are repetitive speakers. I would like to know if a prior speaker gets preferential treatment because they are either repetitive speakers or hold a position of authority (i.e. a sitting judge, mediator, someone in the building trade, etc)?

West Coast Casualty's Construction Defect Seminar is a leader in this community and is the largest event of its kind worldwide in this arena. Many see all of the benefits of speaking at our event as an enhancement for their own personal and professional growth. They also feel speaking at our event helps them become recognized as a leader in this field of specialty so they put in a concentrated effort to get selected to speak. This is the primary reason that you see repetitive speakers at our event. In certain cases, due to the specific topic at hand, we will ask particular people to speak at our events. But note that no prior speaker gets preferred treatment because they were a prior speaker or hold a position of authority in our community.

5) What are the time restraints and panelist restraints for proposed topics?

Generally our seminar's session time limits are now 60 minutes in length. From time to time, we will increase those limits as the need arises. We limit the panelist to no more than five (5) including the panel moderator.

6) I am not technically literate so I am unable to do a PowerPoint presentation or some of the fancy presentations I have seen at your seminars. Would you help me in this regard?

The use of multimedia equipment and visual presentations at our seminar is highly encouraged. However, if you are not technically proficient, we encourage the use of handouts and the use of overhead projector slides which also help you during your presentation. We always encourage handout materials so the audience has something to take home with them and something to remember your topic by. You may also seek the professional services of many of the outside vendors who can assist you in the preparation of your topic. However, for technology provided by us, we do provide full technical support as well as classes and webinars.

7) I do not have a topic submission in mind but I am available to speak since I do have a vast amount of experience in this field. Is there a way, I could “sign on” as a volunteer for those who might need my input and experiences as a possible panel member for their topic?

West Coast Casualty’s Construction Defect Seminar has access to a pool of industry experts who have been successful in this arena and would be happy to have you send us a brief overview of your experience which we would pass along to those making a request to have someone assist them on a proposed topic.

8) If my topic is selected, can I use the same topic and materials for presentation at other seminars subsequent to your event and can I say that this topic was selected and presented at your event?

West Coast Casualty’s Construction Defect Seminar has no objection for a repeat use of your seminar topic and materials at another event nor will we object to saying that it was presented at our event. However, we do restrict the use of any of our logos or copyrighted materials from our events and seminars.

9) Is there a minimum or maximum amount of materials that I should submit with my topic proposal?

Earlier this year *West Coast Casualty’s Construction Defect Seminar* made the decision to limit the supporting materials one can submit to ten (10) pages per topic submission although we have no minimum or maximum policy regarding the explanation portion of the submission package or the number of topics you can submit. We do encourage those submitting topics to be cognizant of our handout section entitled “*We Want You to Succeed*” that attaches to this packet of information which will greatly assist and enhance your chances at being selected.

10) You have been doing this and other seminars for over 24 years, what is your best advice for speakers who wish to speak at your events?

West Coast Casualty’s Construction Defect Seminar has placed a great amount of emphasis on advising how to participate in its events and seminars through the instruction and submission materials which we produce for proposed speakers but the goals are simple when it comes to advice for speakers:

- Know what you are talking about and feel comfortable about it
- The goal is to explain the materials to your peers as they are the majority of the audience
- Provide a number of potential topics
- Be specific and concise
- Deliver your presentation in a clear and rapid way in a short amount of time
- Be informative about *YOUR* subject
- Use examples with your presentations but not “war stories”

11) Do I have to pay anything to be a speaker?

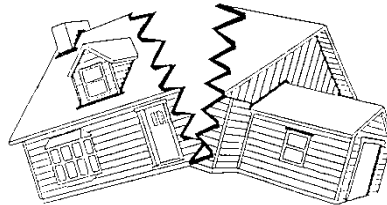
- *West Coast Casualty’s Construction Defect Seminar* makes no requirement of a speaker to pay anything to be selected to speak at our events. All you have to do is present a great topic and be prepared to present it in the most professional and educational way you can.





1993 - 2018

West Coast Casualty's



**Construction Defect Seminar
May 16th, 17th and 18th, 2018
The Disneyland Resort Hotel
Anaheim, California, USA**

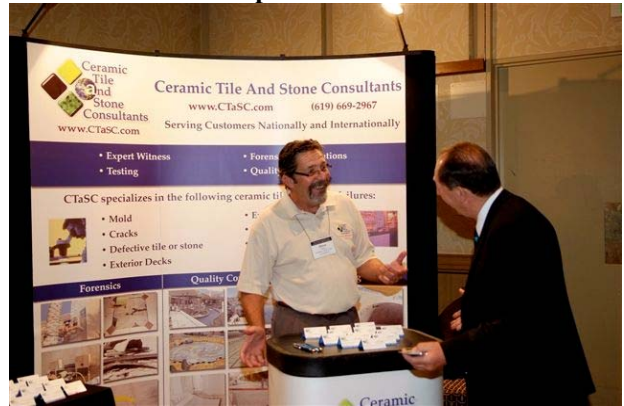
Of Interest to Sponsors and Vendors



Attendees gather in exhibit hall for breaks and/or meals



Attendees gather in exhibit hall for cocktail reception





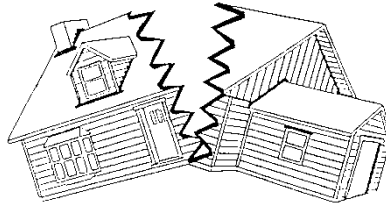
Sponsors and vendors packets become available December 1, 2017

*For further information or to receive a sponsor or vendors package,
please send an e-mail to davestern@westcoastcasualty.com*



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West Coast Casualty's



**Construction Defect Seminar
May 16th, 17th and 18th, 2018
The Disneyland Resort Hotel
Anaheim, California, USA**

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Construction Defect Event

West Coast Casualty's Construction Defect Seminar for 2018

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