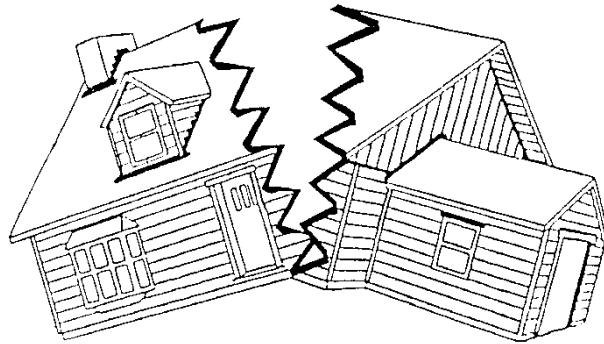




1993 - 2018

West Coast Casualty's



**Construction Defect Seminar
May 16th, 17th and 18th, 2018**

Statement of Course Objective



1150 West Magic Way, Anaheim, California 92802

West Coast Casualty's Construction Defect Seminar for 2018

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

Public Statement of Rationale for Judgment of Determining MCLE/CE/CPE Compliance and Request for Credits

February 22, 2018

The curriculum and goals of West Coast Casualty's seminars are designed to achieve the program outcomes as listed below and in doing so are designed to foster independent learning while enabling the attendees to contribute to a profession or field of study in the subject being taught.

We believe, based on our experiences, that in order to do so, we must achieve the following goals:

1. Work individually with members of this community on educational issues;
2. Work with groups of community members on educational issues;
3. Consult with other professionals and administrators concerning the community's educational and developmental needs;
4. Provide information and understanding to all members of this community in the areas of educational and social planning;
5. Conduct, facilitate and support local research efforts;
6. We will only agree to support courses which require independent and professional competency in the field being taught by the finest and most experienced instructors in the field.

Each educational program offered by West Coast Casualty is approved by either West Coast Casualty's own professional staff or through a series of committees selected from the community, that oversee the educational aspects of each program, and then by the administration of West Coast Casualty. Proposals and program changes are initiated by either West Coast Casualty's own professional staff or through a series of committees that oversee the educational aspects of each program through the review of the program(s) offered.

West Coast Casualty uses every method possible to ensure that appropriate levels of student achievement in attaining those outcomes are made. Based on the outcomes and assessment criteria through our own evaluation processes, we review those indicators, and make improvements in student achievement by addressing features of curricula, instructors and/or the learning environment.

West Coast Casualty encourages and supports the ongoing professional development of its instructors in the following way(s):

1. Each instructor documents professional development in his or her field by preparing an annual Instructor Qualification form as prescribed and approved by the California Department of Insurance (446-4, Rev. 8/2001).
2. The Instructor Qualification form lists all professional programs taught as well as other necessary criteria for instructor qualifications.
3. The form also seeks documentation for a minimum of three year's experience within the last five years in the course subject matter.
4. That experience may include holding an appropriate insurance license for the subject being taught.
5. That experience may include possession of a college degree in the subject matter being taught.
6. That experience may include possession of a related recognized professional designation in the subject matter being taught.
7. That experience may include possession of a related recognized professional credential in the subject matter being taught.
8. West Coast Casualty Service, Inc. attests that all of its activities will conform to the minimum standards for approved educational activities prescribed by those states and organizations from which West Coast Casualty seeks continuing education accreditation.
9. In all courses administrated by this organization, we will not arbitrarily put in any word(s), comment(s), phrase(s) or sentence(s) into our materials to trigger any continuing education board or committee to give us any specific type of credits. What we do is carefully examine the course being presented, the person(s) presenting the course as well as the original submission of the topic materials to determine whether or not such course will meet MCLE / CE / CPE / CLE credits for specific/special credits.
10. In all courses administrated by this organization, we will assign an experienced member of the staff to man the MCLE / CE / CPE / CLE booth for the purposes of verification of MCLE / CE / CPE / CLE attendee(s) sign in and sign out, for those attendees at our events which mandate such requirement(s).

A Special Notation Relating to Request for Ethics Credits and any other Specialized Credits for Attendees at our Seminars and Events

This statement has been prepared regarding our request for ethics and/or any other specialized related credits for lawyers, insurance agents and adjusters.

Today's insurance environment and the claims/litigation practice in this specialized arena of law is complex and challenging and lawyers and insurance personnel are often faced with difficult ethical dilemmas as well as conflicts of law and claims handling practices. As a party involved in this complex multi-party, multifaceted cases, it's not enough to want to practice with the impression of integrity, you must have the practical guidance and tools necessary to recognize ethical issues as they appear and resolve them in compliance with government and industry regulations.

In addition to meeting continuing education requirements, our courses are focused on helping insurance producers, agents, brokers, claims personnel and attorneys broaden their understanding of ethical issues, as well as to remain current on all issues while making sound and ethical decisions throughout their careers.

Within this statement of course objective material, there are descriptions of ethical and unethical behaviors in a variety of professional scenarios that abound throughout the handling of construction defect related risk. Many of these subjects whether they hit directly on ethical responsibilities or not increase the awareness that producers, agents, brokers, claims personnel and attorneys hold toward their policyholders, clients, the public, other parties in the case as well as regulatory agencies within the government and the industry. The subject matter specifically identified as ethics or other specialty subjects outlined herein are geared to increase the attendee's ethical decision-making throughout all areas of their involvement in these cases whether they are a client, policyholder, claimant, or any other party involved in the loss. Topics covered include, but are not limited to:

- Federal and state laws concerning ethics, lawful conduct and fraud;
- Consumer protection;
- Fair claims, and underwriting practices;
- Market conduct;
- Fiduciary duties;
- Consumer privacy, and;
- Product suitability

Thomas Paine once said, "The harder the conflict, the more glorious the triumph." But he obviously wasn't talking about ethical conflicts and navigating through construction defect cases since ***each and every case*** creates its own minefield of conflicts and ethical dilemmas for the parties involved.

Our courses are also meant to enforce Rule 3-310 of the California Rules of Professional Conduct (Avoiding the Representation of Adverse Interests) which provides that a lawyer may not "represent a client in a matter and at the same time in a separate matter accept as a client a person or entity whose interest in the first matter is adverse to the client in the first matter." (*See Flatt v. Superior Court*, 9 Cal. 4th 275, 287 (1994), *State Farm Mutual Automobile Ins. Co. v. Federal Ins. Co.* (72 Cal. App. 4th 1422 (1999) as well as other states having similar rules, regulations and case law.

Ethical behavior on behalf of all parties in these cases remains a constant quest, and a constant problem due to the constant clashing of regulatory and case law application in this specialized area. Our courses are designed to reinforce a participant's ethical competence as well as contribute to a participant's understanding of the complexities of ethical decision-making in the legal community as well as in the insurance industry as it relates to construction defect claims and we seek to provide tools to help those who attend our seminars and events to identify, prevent, and constructively resolve ethical dilemmas.

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

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, property owners, 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 makes 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 for all of its participants.

West Coast Casualty's Construction Defect Seminar is provided as a public service to all members of this community.

The diverse opinions that may be expressed in West Coast Casualty's course books, seminar handouts, publications or expressed at our seminars and events are those of the authors and speakers and do not necessarily reflect the policy and opinion of West Coast Casualty Service.



West Coast Casualty seeks and encourages participation at its events 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. West Coast Casualty agrees to provide any reasonable accommodation for those requiring same, upon formal request to West Coast Casualty in order to achieve this goal.

SEMINAR SCHEDULE

Wednesday, May 16th, 2018

Seminar Registration 12:00 PM – 5:30 PM

1:00 PM – 1:10 PM

Welcome Remarks

1:10 PM – 2:00 PM

Struggles and Successes of the Past 25 Years

Brian Kahn, Esq., Joseph Vogel, John Osorio, Esq.,
Wilson Townsend, Ross Feinberg, Esq. and Chelsea Zwart, Esq.

2:00 PM – 3:00 PM

***Unwrapped and Unraveled - An insightful (or inciteful?) play at the
changing nature of the relationships between the parties in a wrap program
who thought the wrap was supposed to take care of everything***

Adrienne Cohen, Esq., Hon. Rex Heeseman (Ret.), David Harris Esq.,
Mathew Adler, Ed Schmidt Esq. and Tim Earl Esq.,

3:00 PM – 3:30 PM

Afternoon Break

3:30 PM – 4:30 PM

***East Coast Meets West Coast –
Hot Construction Defect Issues and Coverage Cases from the Other Coast***

Anthony Miscioscia, Esq., Mark Parisi, Esq. and Mark McGivern

4:30 PM – 5:30 PM

How to Conduct Your Claim Investigation and Early Claims Handling To Avoid Bad Faith Traps

Jennifer Crow, Esq. Julia Manganaro, Melanie Brown, Brendan Keeley and Lee Wright

SEMINAR SCHEDULE

Thursday, May 17th, 2018

Registration and Breakfast - 7:30 AM - 8:30 AM

Breakfast Sponsored by



S.C. Wright Construction, Inc.

www.scwright.com

www.scwright.com

8:30 AM – 9:30 AM

Recent Important Appellate Decisions in California, Nevada, and Arizona

Jon Turigliatto, Esq. and Barry Vaughn, Esq.

9:30 AM – 10:30 AM

Litigating In The Western States - A Judge's Perspective

Holly Davies, Esq. Hon. Justice Michael Cherry,
Hon. Sue Kurita, Hon. Carl Butkus and Hon. Peter Swann

10:30 AM – 10:45 AM

Morning Break

Morning Break Sponsored by



www.jamsadr.com

10:45 AM - 11:45 AM

***“Subrogation is not the type of intervention I need.
How a subrogated insurer affects construction defect matters.”***

Ryan W. Baldino, Esq., Kim Arnal Esq., Paul Nolan Esq. and Al Clarke Esq.

11:45 AM – 12:15 PM

***“Ollie”, “Legends” and
Silver Stars
Awards Presentation***

SEMINAR SCHEDULE

Thursday, May 17th, 2018

12:15 PM - 1:30 PM

Lunch

Proudly Sponsored by



A|E|C Consulting, Forensics, Management

www.ccaco.com

(Seminar Registration Will be Closed During Lunch)

1:30 PM – 2:30 PM

What Comes Around (Sometimes) Goes Around: Dealing with Recalcitrant Carriers

Elaine Fresch, Esq., Karen Rice, John Thompson, Carolyn Crawford and Jay Sever, Esq.

2:30 PM – 3:00 PM

Afternoon Break

Afternoon Break Sponsored by

Engineering and Scientific Consulting

www.exponent.com

3:00 PM - 4:00 PM

Effective Use of Experts

Adrienne Cohen, Hon. Rex Heeseman (Ret.), Ken Kasdan Esq.,
Joyia Greenfield Esq., Denise Anderson Esq. and Tim Fitzpatrick

SEMINAR SCHEDULE

Thursday, May 17th, 2018

4:00 PM - 5:00 PM

Claims Managers Speak - A Retrospective & Prospective Discussion

Rachel Ehrlich, Esq., Karen Rice, Todd Schweitzer,
Linda Tonkovich, Steve Lokus, and Phyllis Modlin

5:30 PM – 6:30 PM

Cocktail Reception

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SEMINAR SCHEDULE

Friday, May 18th, 2018

7:30AM - 8:30AM
Registration and Breakfast
Breakfast Sponsored by



www.centextlegal.com

South Ballroom

8:30 AM – 9:30 AM

Known Knowns and Known Unknowns, the Ins and Outs of Extrapolation

Tracy Myers,
Elizabeth Rhode Esq.
and Dwight Duncan

Grand Ballroom

8:30 AM – 9:30 AM

Risk Transfer Alphabet Soup - A twelve-year lookback on legislative tinkering with anti-indemnity statutes - where are we now?

Jim Kurkhill, Esq. James Orland Esq.,
Larry Kent, Esq., Gary Baumann, Esq.
and Jack Rubin, Esq.

North Ballroom

8:30 AM – 9:30 AM

Florida - Opening Pandora's Box and How to Close It

Joseph Miele, Esq.,
Mark Boyle, Esq.
and Lisa Unger

South Ballroom

9:30 AM – 10:30 AM

An Update on California's Right to Repair Act, featuring McMillin Albany et al. v. Superior Court

Andrew Morgan, Esq., Jill J. Lifter, Esq., Susan Benson, Esq.
and Mayo Makarczyk, Esq.

Grand Ballroom

9:30 AM – 10:30 AM

Finding Evidence for your Coverage Case

John Podesta, Esq.
and Sherrienne Hanavan

North Ballroom

9:30 AM – 10:30 AM

Northwest Insurance Coverage and Extra-Contractual Issues

Tom Lether, Esq.,
Sharon Heiden
and Edward McKinnon

10:30 AM – 11:00 AM

Morning Break

SEMINAR SCHEDULE

Friday, May 19th, 2017

South Ballroom

11:00 AM – 12:00 PM

Subcontractor Wars: The Last AI

Richard D. Seely, Esq.,
Alex M. Chazen, Esq.,
Adam C. Flury, Esq.,
Sheila M. Totorp, Esq.
and Michael Chorak

Grand Ballroom

11:00 AM – 12:00 PM

Mediating the Luxury Single Family Home Construction Defect Case

Ross Feinberg, Esq.,
Scott Albrecht, Esq., Brian Kahn, Esq.
Rosemary Nunn, Esq.
Jeffrey Carvalho, Esq.
and Kory Kruckenberg

North Ballroom

11:00 AM – 12:00 PM

Creative Solutions to the Florida Problem: Making No Contribution and No State Law Work for You

Rebecca Appelbaum, Esq.,
Scott Rembold, Esq.,
Christine Gudaitis, Esq.,
Lee Kantor, Esq.
and Mary Rowe

South Ballroom

12:00 PM – 1:00 PM

Everyone is a Small Player

Paloma Ramirez, Esq.,
Patrick Mendes Esq.,
Paul Nolan Esq.,
Anne Goyette Esq.
and Carolyn Crawford

Grand Ballroom

12:00 PM – 1:00 PM

Real World Solutions to the Real Problems Presented By Wrap Up Programs

Robert Closson, Esq.,
Bruce Wick, Keith Koeller, Esq.
and Brian Chien, Esq.

North Ballroom

12:00 PM – 1:00 PM

When Mother Nature Attacks, Are you Covered?

Robert Carlson, Esq.,
William Noonan,
Diane Kelly
and John Lupfer, Esq.

West Coast Casualty's
Construction Defect Seminar
May 16th 17th and 18th, 2018

Continuing Education
Statement of Course Objective

Grand Ballroom

Wednesday May 16th 2018
1:00 PM – 2:00 PM

Course Title:

Struggles and Successes of the Past 25 Years

Brian Kahn, Esq., Joseph Vogel, John Osorio, Esq.,
Wilson Townsend, Ross Feinberg, Esq. and Chelsea Zwart, Esq.

Overview of Course Offering:

The panel is comprised of a moderator and a group of veterans (20-25 years of experience) and their rookie counterparts (2-5 years of experience). A veteran and new counsel; veteran and new claims professionals. Half of the panel will be comprised of people who have not spoken at the conference before. This presentation will provide insight as to what issues will likely persist with construction defect litigation and which will come and go. This will help the audience identify strategies for dealing with each and how to be pro-active with changes in the industry. The panel will use PowerPoint and interactive audience participation technology. A handout with substantive information will also be provided

Major Item or Discussion Point:

Discussion of issues that the industry faced 25 years ago and comparison to the issues of today.

Sub Topic(s):

- In some cases the underlying issues have remained the same but have changed in character. 10 Minutes
- We will discuss litigation trends of the early 90's (mold BI claims, etc.), 10 Minutes
- How the claims evolved to where they are today, 10 Minutes
- Where the panelists see the claims going based upon this historical perspective. 10 Minutes
- Historical discussion of internal litigation issues. 5 Minutes
- The panelists will discuss what worked and did not work in the past, compare it to present day and how they see the issues progressing. 15 Minutes

Target Audience:

Experienced/Intermediate Attorneys, Adjusters, Corporate Counsel, Claims, Risk Managers, Brokers, Underwriters and MGA's

Educational Level of this Course:

Intermediate and Advanced

Special Ethics Related Credit Application for Attorneys: N/A

Special Ethics Related Credit Application for Insurance Professionals: N/A

National Association of State Boards of Accountancy (NASBA): A review of the details and contents of this topic submission reveals that it will meet the requirements for credits in the NASBA in the subject of, and in the area of Business Management and Organization.

West Coast Casualty's
Construction Defect Seminar
May 16th 17th and 18th, 2018

Continuing Education
Statement of Course Objective

Grand Ballroom

Wednesday May 16th 2018
2:00 PM – 3:00 PM

Course Title:

Unwrapped and Unraveled - An insightful (or inciteful?) play at the changing nature of the relationships between the parties in a wrap program who thought the wrap was supposed to take care of everything

Adrienne Cohen, Esq., Hon. Rex Heeseman (Ret.), David Harris Esq.,
Mathew Adler, Ed Schmidt Esq. and Tim Earl Esq.,

Overview of Course Offering:

The panel will provide an advanced exploration of the various complexities of wrap participation, including ethical challenges inherent in the process to include:

1. Contract negotiations – Who is wrapped – Who is left out in the cold.
 - a. Bid reductions/Net bids versus deduct bids/Rigging?
 - b. OCIP Manuals – Is anyone responsible for what it says?
 - c. OCIP Policy and the Hokey Pokey – Parties in/Parties out, Costs in/Costs out
 - d. After contract endorsements – Burning limits/Gaps in coverage
 - e. Collection of deductibles – Let the fights begin

2. Cooperation for litigation?
 - a. Cross-Complaints between participants – Who's the surety now?
 - b. Sharing of defense counsel, possible and impossible conflicts of interest
 - c. Better to burn the house down? – Street view of defense within or addition to limits
 - d. Gaps in coverage/The Banana Republic of claims
 - e. Shall we Dance: The WRAP, The Practice Policy, the Pollution Policy and Professional Policy
 - f. Effect of coverage issues on contractual indemnity rights and vice versa

Major Item or Discussion Point:

1. Contract negotiations – Who is wrapped – Who is left out in the cold. 10 Minutes

Sub Topics I:

- a. Bid reductions/Net bids versus deduct bids/Rigging?
- b. OCIP Manuals – Is anyone responsible for what it says?
- c. OCIP Policy and the Hokey Pokey – Parties in/Parties out, Costs in/Costs out
- d. After contract endorsements – Burning limits/Gaps in coverage
- e. Collection of deductibles – Let the fights begin 20 Minutes

Sub Items II:

2. Cooperation for litigation?
 - a. Cross-Complaints between participants – Who's the surety now?
 - b. Sharing of defense counsel, possible and impossible conflicts of interest

- c. Better to burn the house down? – Street view of defense within or addition to limits
 - d. Gaps in coverage/The Banana Republic of claims
 - e. Shall we Dance: The WRAP, The Practice Policy, the Pollution Policy and Professional Policy
 - f. Effect of coverage issues on contractual indemnity rights and vice versa
- 20 Minutes

Target Audience:

Experienced/Intermediate Attorneys, Adjusters, Corporate Counsel, Claims, Risk Managers, Brokers, Underwriters and MGA's

Educational Level of this Course:

Intermediate and Advanced

Special Ethics Related Credit Application for Attorneys: N/A

Special Ethics Related Credit Application for Insurance Professionals: N/A

National Association of State Boards of Accountancy (NASBA): A review of the details and contents of this topic submission reveals that it will meet the requirements for credits in the NASBA in the subject of, and in the area of Business Management and Organization.

West Coast Casualty's
Construction Defect Seminar
May 16th 17th and 18th, 2018

Continuing Education
Statement of Course Objective

Grand Ballroom

Wednesday May 16th 2018
3:30 PM – 4:30 PM

Course Title:

*East Coast Meets West Coast –
Hot Construction Defect Issues and Coverage Cases from the Other Coast*

Anthony Miscioscia, Esq., Mark Parisi, Esq. and Mark McGivern

Overview of Course Offering:

This course will, in an hour's time, seek to educate the audience as to a number of key construction defect and construction defect coverage cases/issues commonly faced by East Coast plaintiff, defense and coverage counsel and claim representatives. We will discuss several key cases (noted below) relevant to the underlying construction litigation as well as other cases relevant to coverage issues.

Major Item or Discussion Point:

A. Discussion of Construction Defect Pleadings and Assessing Duty to Defend

1. Strategy of plaintiffs' attorneys -- seeking to plead into coverage and at least implicate a duty to defend -- emphasizing "consequential damages" allegations in all states, and the Indalex issues in Pennsylvania.
2. Strategy of defense attorney -- identifying other parties to join and evaluating potential statute of limitations/repose issues (including discussion of recent NJ decision in *The Palisades at Fort Lee Condominium Association, Inc. v. 100 Old Palisades, LLC*, N.J. Sup. Ct (Albin, J.) (holding that a construction-defect cause of action accrues at the time that the building's original or subsequent owners first knew or, through the exercise of reasonable diligence, should have known of the basis for a claim; from that point, the plaintiff has six years to file a claim; emphasizing that a subsequent owner stands in no better position than a prior owner in calculating the limitations period. If a prior owner knew or reasonably should have known of a basis for a construction-defect action, the limitations period began at that point.)
3. Discussion of how claim rep/coverage counsel evaluate and respond to tender -- noting differences between East Coast jurisdictions as to "occurrence", trigger and scope of duty to defend (four corners v. extrinsic evidence); and discussing importance of non-general RoR letter (followed by updating), including discussion of *Harleysville Group Ins. v. Heritage Cmtys., Inc.*, 2017 S.C. LEXIS 119 (S.C. 2017).

B. Discussion of Efforts to Bring Litigation to a Close

1. Again discussing issues of interest to both plaintiff and defense attorneys, as well as work that coverage counsel and claim reps can and should be doing to identify potentially covered and non-covered damages, possible need to intervene and/or efforts to schedule an early mediation
2. Mediation – discussing how, in appropriate case (typically multipart case with many AI and contractual indemnity tenders) costs of litigation are such that early mediation makes sense. But will need information on damages, timing
3. Retention and use of experts – discussing how early retention of expert can be invaluable – both in preparing your affirmative or defensive case, but also in getting matter ready for an early, productive mediation

30 Minutes

Sub Items:

1. Discussing issues of interest to both plaintiff and defense attorneys, as well as work that coverage counsel and claim reps can and should be doing to identify potentially covered and non-covered damages, possible need to intervene and/or efforts to schedule an early mediation. 5 Minutes

2. Mediation – discussing how, in appropriate case (typically multipart case with many AI and contractual indemnity tenders) costs of litigation are such that early mediation makes sense. But will need information on damages, timing of damages, and allocation as between trades and consequential/non-consequential damages.

3. Retention and use of experts – discussing how early retention of expert can be invaluable – both in preparing your affirmative or defensive case, but also in getting matter ready for an early, productive mediation 5 Minutes

4. Presentation will include a discussion of Harleysville Group Ins. v. Heritage Cmtys., Inc., 2017 S.C. LEXIS 119 (S.C. 2017) -- and emphasizing the need to issue a non-general reservation of rights, as well as the better practice to issue supplemental letters s more facts/details become known about the claim and damages, and their relation to the insured's work/product. 5 Minutes

5. Summary of Harleysville Group Ins. v. Heritage Cmtys., Inc., 2017 S.C. LEXIS 119 (S.C. 2017) - and noting what level of detail is required, potential consequences of not having that detail, and mention of independent counsel, DJ, intervention and allocation issues in the letter. 5 Minutes

6. Discussion of what claim rep should do to provide required detail in RoR letter, as well as stressing the need to supplement the letter as time goes by and more is learned about the damages, the timing/allocation, and the potential applicability of various exclusions. 5 Minutes

Target Audience:

Experienced/Intermediate Attorneys, Adjusters, Corporate Counsel, Claims, Risk Managers, Brokers, Underwriters and MGA's

Educational Level of this Course:

Intermediate and Advanced

Special Ethics Related Credit Application for Attorneys: N/A

Special Ethics Related Credit Application for Insurance Professionals: N/A

National Association of State Boards of Accountancy (NASBA): A review of the details and contents of this topic submission reveals that it will meet the requirements for credits in the NASBA in the subject of, and in the area of Administrative Practices.

West Coast Casualty's
Construction Defect Seminar
May 16th 17th and 18th, 2018

Continuing Education
Statement of Course Objective

Grand Ballroom

Wednesday May 16th 2018
4:30 PM – 5:30 PM

Course Title:

How to Conduct Your Claim Investigation and Early Claims Handling To Avoid Bad Faith Traps

Jennifer Crow, Esq. Julia Manganaro, Melanie Brown, Brendan Keeley and Lee Wright

Overview of Course Offering:

This topic will delve into claims handling practices in multiple states.

Major Item or Discussion Point:

The objective will be to assist claims handlers, insurance professionals, and counsel in ensuring that claims are responded to within the time provided by statute, provide an overview of both an insurer's duties and counsel's duties, set forth the conduct that may give rise to claims against insurers, and provide tips and tricks that will allow insurers and attorneys to avoid being caught in a bad faith trap down the road. Claims professionals and counsel constantly have to evaluate the duties owed to an insured/client for a particular claim and their conduct is measured against standards set by each state - standard that are known to personal counsel for those clients and to plaintiff counsel. This course will provide insight into determining the duties owed, how to conduct an investigation and defense to make sure those duties are met, and how to avoid traps that lead to bad faith litigation.

Sub Items:

Discussion of the requirements owed under each state's laws and tips on how to make sure that the requirements are being complied with for each claim, knowing that professionals have to balance dozens of claims at a time. This discussion will involve how to conduct claim investigations, what to include in your coverage position correspondence and reservation of rights letters, and the potential consequences. A major topic will be to hit on each state's unique requirements and the items that are most litigated in bad faith actions, as they differ between the states. This will discuss the major things that get litigated and include the panel's recommendations on how to avoid not complying with those requirements.

20 Minutes

How to conduct claims Investigations. This topic will include an insurer's duty to investigate, how to conduct those investigations while making sure to comply with all good faith requirements, what timelines to keep in mind, and how best to update the insured throughout the investigation.

20 Minutes

How to use coverage correspondence to avoid bad faith traps. Once bad faith litigation is started, coverage correspondence always becomes a key exhibit. This topic will discuss how to use your acknowledgement letters, update letters, reservation of rights correspondence, and ultimate coverage positions to avoid bad faith traps. These letters can be used to show compliance with an insurer's duties when they are well written, so the panel will provide tips from their experience on how to draft these to keep an insurer out of hot water.

20 Minutes

Target Audience:

Experienced / Intermediate Attorneys, Adjusters, Corporate Counsel, Claims and Risk Managers

Educational Level of this Course:

Intermediate and Advanced

Special Ethics Related Credit Application for Attorneys: Due to the specific nature of the subject matter of this presentation and its specific content, the requirements for honesty, ethical behavior and fair dealing as well as the requirement to be in compliance with numerous state ethics rules regarding handling these matters with “Good Faith and Fair Dealing”, this subject meets or exceeds the minimum requirements for ethics credits for both attorneys and insurance professionals. Accordingly, it meets and/or exceeds the American Bar Association’s model rules of professional conduct in that attorneys attending this course will be able to develop a better understanding of their ethical responsibilities regarding avoiding failure to act competently, advising against the violation of law for unlawful gain, avoiding interests adverse to a client and avoiding the representation of adverse interests. (Specifically for California MCLE, these issues are specific to attorney conduct found in the California Code of Professional Conduct under Rule 3-110, Rule 3-210, Rule 3-300 and Rule 3-310).

Other state requirements for MCLE/CLE/CPE/CE have similar specific sections of ethics law which also apply to this session for attorneys, adjusters, claimants, insureds and anyone else involved in the claims process of construction defect claims or construction defect lawsuits.

Special Ethics Related Credit Application for Insurance Professionals: *Due to the specific nature of the subject matter of this presentation and its specific content, the requirements for honesty, ethical behavior and fair dealing as well as the requirement to be in compliance with numerous state Insurance Department regarding claims handling in “Good Faith and Fair Dealing”, this subject meets or exceeds the minimum requirements for ethics credits for both attorneys and insurance personnel. Additionally, the provisions of Chapter 12 of the California Insurance Code, commonly referred to as the "Insurance Frauds Prevention Act," California Penal Code, Sections 549-550 and California Labor Code, Section 3700.5 also applies to attorneys, adjusters, claimants, insureds and anyone else involved in the claims process of construction defect claims or construction defect lawsuits where insurance proceeds are applicable.*

Other state requirements for MCLE/CLE/CPE/CE have similar specific sections of ethics law which also apply to this session for attorneys, adjusters, claimants, insureds and anyone else involved in the claims process of construction defect claims or construction defect lawsuits.

National Association of State Boards of Accountancy (NASBA): A review of the details and contents of this topic submission reveals that it will meet the requirements for credits in the NASBA in the subject of, and in the area of Regulatory Ethics.

West Coast Casualty's
Construction Defect Seminar
May 16th 17th and 18th, 2018

Continuing Education
Statement of Course Objective

Grand Ballroom

Thursday May 17th 2018
8:30 AM – 9:30 AM

Course Title:

Recent Important Appellate Decisions in California, Nevada and Arizona

Jon Turigliatto, Esq. and Barry Vaughan, Esq.

Overview of Course Offering:

This session will present a summary of recent cases from California, Nevada, Arizona and relevant federal jurisdictions that impact construction defect litigation, claims, and coverage.

Major Item or Discussion Point:

Recent case law regarding construction defect and insurance law from California, Nevada, Arizona and relevant federal jurisdictions.

Sub Items:

Listing and discussion of recent case law regarding civil procedure and evidence from California, Nevada, Arizona and relevant federal jurisdictions. Participants will leave with an understanding of the basic holdings in relevant recent cases, which panels can build upon in subsequent presentations.

60 Minutes

Target Audience:

Experienced/Intermediate Attorneys, Adjusters, Corporate Counsel, Claims, Risk Managers, Brokers, Underwriters and MGA's

Educational Level of this Course:

Intermediate and Advanced

Special Ethics Related Credit Application for Attorneys: N/A

Special Ethics Related Credit Application for Insurance Professionals: N/A

National Association of State Boards of Accountancy (NASBA): A review of the details and contents of this topic submission reveals that it will meet the requirements for credits in the NASBA in the subject of, and in the area of Business Management and Organization.

West Coast Casualty's
Construction Defect Seminar
May 16th, 17th and 18th, 2018

Continuing Education
Statement of Course Objective

Grand Ballroom

Thursday, May 17th 2018
9:30 AM – 10:30 AM

Course Title:

Litigating In The Western States - A Judge's Perspective

Holly Davies, Esq. Hon. Justice Michael Cherry,
Hon. Sue Kurita, Hon. Carl Butkus and Hon. Peter Swann

Overview of Course Offering:

A perspective from a group of sitting judges from a variety of states who handle construction defect matters

Major Item or Discussion Point:

This panel is comprised of all sitting judges from a variety of states across the United States, all of which are facing construction defect related issues. While many have claims in commonality, some have distinct claims relative laws in their own jurisdictions. This session will have each judge discuss a common emphasis in their own state involving specific issues regarding things like Case Management Orders, Settlement Conferences and Discovery. Each jurist would have a few moments to discuss his/her own specific state's uniqueness on these specific topics above or choose a specific common topic(s) and interact on it amongst themselves on the stage.

Sub Items:

The panel's discussion will focus on:

- How practitioners, litigants, and even lower courts deal with division of opinions at appellate level and changes in direction of the law
- Effective dispositive motions and efforts to bifurcate issues, including affirmative defenses trends in CD cases they deal with and which ones are going to trial
- Suggestions for working with judges in these states
- To provide a better understanding of how these jurisdictions and their judges handle issues
- relevant to CD in their courtrooms
- Provide insight and direction for dealing with the courts in these jurisdictions.
- Take-aways will include practice tips and a better understanding of how these jurisdictions and their judges want to see matters handles in their courtrooms.

60 Minutes

Target Audience:

Experienced/Intermediate Attorneys, Adjusters, Corporate Counsel, Claims, Risk Managers, Brokers, Underwriters and MGA's

Educational Level of this Course:

Intermediate and Advanced

Special Ethics Related Credit Application for Attorneys: Due to the specific nature of the subject matter of this presentation and those who are involved in the teaching of this session, the requirements for honesty, ethical behavior and fair dealing as well as the requirement to be in compliance with numerous state ethics rules regarding handling these matters with “Good Faith and Fair Dealing”, this subject meets or exceeds the minimum requirements for ethics credits for both attorneys and insurance professionals. Accordingly, it meets and/or exceeds the American Bar Association’s model rules of professional conduct in that attorneys attending this course will be able to develop a better understanding of their ethical responsibilities regarding avoiding failure to act competently, advising against the violation of law for unlawful gain, avoiding interests adverse to a client and avoiding the representation of adverse interests. (Specifically for California MCLE, these issues are specific to attorney conduct found in the California Code of Professional Conduct under Rule 3-110, Rule 3-210, Rule 3-300 and Rule 3-310).

Other state requirements for MCLE/CLE/CPE/CE have similar specific sections of ethics law which also apply to this session for attorneys, adjusters, claimants, insureds and anyone else involved in the claims process of construction defect claims or construction defect lawsuits.

Special Ethics Related Credit Application for Insurance Professionals: *Due to the specific nature of the subject matter of this presentation and those who are involved in the teaching of this session, the requirements for honesty, ethical behavior and fair dealing as well as the requirement to be in compliance with numerous state Insurance Department regarding claims handling in “Good Faith and Fair Dealing”, this subject meets or exceeds the minimum requirements for ethics credits for both attorneys and insurance personnel. Additionally, the provisions of Chapter 12 of the California Insurance Code, commonly referred to as the "Insurance Frauds Prevention Act," California Penal Code, Sections 549-550 and California Labor Code, Section 3700.5 also applies to attorneys, adjusters, claimants, insureds and anyone else involved in the claims process of construction defect claims or construction defect lawsuits where insurance proceeds are applicable.*

Other state requirements for MCLE/CLE/CPE/CE have similar specific sections of ethics law which also apply to this session for attorneys, adjusters, claimants, insureds and anyone else involved in the claims process of construction defect claims or construction defect lawsuits.

National Association of State Boards of Accountancy (NASBA): A review of the details and contents of this topic submission reveals that it will meet the requirements for credits in the NASBA in the subject of, and in the area of Regulatory Ethics.

West Coast Casualty's
Construction Defect Seminar
May 16th 17th and 18th, 2018

Continuing Education
Statement of Course Objective

Grand Ballroom

Thursday May 17th 2018
10:45 AM – 11:45 AM

Course Title:

*“Subrogation is not the type of intervention I need.
How a subrogated insurer affects construction defect matters.”*

Ryan W. Baldino, Esq., Kim Arnal Esq., Paul Nolan Esq. and Al Clarke Esq.

Overview of Course Offering:

This presentation will discuss a Complaint-in-Intervention filed by a carrier seeking subrogation for monies it paid on behalf of its policyholder Travelers. These carriers affect the ability of a subcontractor to settle a construction defect matter. The intervention actions filed by these carriers have led to confusion, delay, and sometimes an inability for even a small peripheral subcontractor to settle out of construction defect litigation. As a subcontractor's counsel, it is not uncommon to attend mediation with two separate demands for the same defense fees. One demand is from Developer of its allocation of the Subcontractor's Crawford fees and a second demand is from the developers carrier in subrogation seeks to recoup the defense fees and costs it has paid the Developer. Even if a settlement agreement can be reached with Developer's counsel, the language contained in the release may exclude the pending subrogation claim brought by its insurer.

Major Item or Discussion Point:

The discussion will begin with walking through how a subrogation claim brought by a developers carrier affects how a mediator and Developer approach obtaining settlement.

Sub Topics:

- Whether or not a developers carrier can be brought into a global settlement with all parties. 5 Minutes
- Is it an advantage for the developer's claims being carved out of any settlement? 5 Minutes
- If the developers carrier is not included in the settlement, how does the subcontractor's counsel obtain finality of litigation. 10 Minutes
- Once Developer provides a release and dismisses its claims with prejudice, does developer's carrier still have the right to stand in that Developer's shoes for subrogation purposes and why or why not. 15 Minutes
- What discovery does a subcontractor need to complete in order to prepare its defense from the developers subrogation claims. 15 Minutes

Target Audience:

Experienced/Intermediate Attorneys, Adjusters, Corporate Counsel, Claims, Risk Managers, Brokers, Underwriters and MGA's

Educational Level of this Course:

Intermediate and Advanced

Special Ethics Related Credit Application for Attorneys: Due to the specific nature of the subject matter of this presentation and its specific content, the requirements for honesty, ethical behavior and fair dealing as well as the requirement to be in compliance with numerous state ethics rules regarding handling these matters with “Good Faith and Fair Dealing”, this subject meets or exceeds the minimum requirements for ethics credits for both attorneys and insurance professionals. Accordingly, it meets and/or exceeds the American Bar Association’s model rules of professional conduct in that attorneys attending this course will be able to develop a better understanding of their ethical responsibilities regarding avoiding failure to act competently, advising against the violation of law for unlawful gain, avoiding interests adverse to a client and avoiding the representation of adverse interests. (Specifically for California MCLE, these issues are specific to attorney conduct found in the California Code of Professional Conduct under Rule 3-110, Rule 3-210, Rule 3-300 and Rule 3-310).

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Special Ethics Related Credit Application for Insurance Professionals: *Due to the specific nature of the subject matter of this presentation and its specific content, the requirements for honesty, ethical behavior and fair dealing as well as the requirement to be in compliance with numerous state Insurance Department regarding claims handling in “Good Faith and Fair Dealing”, this subject meets or exceeds the minimum requirements for ethics credits for both attorneys and insurance personnel. Additionally, the provisions of Chapter 12 of the California Insurance Code, commonly referred to as the "Insurance Frauds Prevention Act," California Penal Code, Sections 549-550 and California Labor Code, Section 3700.5 also applies to attorneys, adjusters, claimants, insureds and anyone else involved in the claims process of construction defect claims or construction defect lawsuits where insurance proceeds are applicable.*

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West Coast Casualty's
Construction Defect Seminar
May 16th, 17th, and 18th, 2018

Continuing Education
Statement of Course Objective

Grand Ballroom

Thursday, May 17th 2018
1:30 PM – 2:30 PM

Course Title:

What Comes Around (Sometimes) Goes Around: Dealing with Recalcitrant Carriers

Elaine Fresch, Esq., Karen Rice, John Thompson, Carolyn Crawford and Jay Sever, Esq.

Overview of Course Offering:

This course will discuss the inefficiencies, dangers and perils associated with recalcitrant insurers. The course will:

- (1) provide an in depth analysis of some of the disputes among insurers,
- (2) analyze whether your company/client is operating in a recalcitrant manner,
- (3) discuss some of the consequences, intended and unintended, that arise from insurer recalcitrance, and,
- (4) provide detailed recommendations as to how to prevent and address such disputes.

Major Item or Discussion Point:

Analyzing defense/indemnity issues associated with litigation with recalcitrant carriers, including how to resolve equitable contribution and subrogation claims between primary insurers, additional insurers, and excess insurers. The course will address what obligations each carrier owes to the other, when each carrier should tender or participate in the defense, and each carrier's obligation to settle in good faith. The course will assist attorneys and insurance professionals in determining how to identify and deal with these issues to ensure their client/company's financial interests are preserved, yet each carrier contributes fairly to the defense and if applicable for indemnity payments.

Sub Topics I:

When and to whom to tender – This subtopic will discuss when carriers have an obligation to tender and to whom a tender should be directed. It will discuss the ramifications for not tendering timely and discuss how courts in various jurisdictions have dealt with the issue. It will also address “targeted tenders” and issues arising from insurers tendering to other insurers.

20 Minutes

Sub Topics II:

Use of Appointed Counsel – This subtopic will discuss how to resolve disputes between carriers after they've agreed to defend but dispute which counsel to use. This subtopic will discuss the general rules regarding this conflict and reservation of rights options for insurers. Indemnification and Settlement – This subtopic will discuss carriers' duty to defend and requirements to participate in settlement negotiations in good faith. This subtopic will include real life examples of settlement conferences and meditations that insurers have participated in, and whether various courts interpreted their preparation and authority as bad faith. This subtopic will also discuss the potential penalties associated with not participating in good faith.

30 Minutes

Target Audience:

Experienced/Intermediate Attorneys, Adjusters, Corporate Counsel, Claims, Risk Managers, Brokers, Underwriters and MGA's

Educational Level of this Course:

Intermediate and Advanced

Special Ethics Related Credit Application for Attorneys: Due to the specific nature of the subject matter of this presentation and its specific content, the requirements for honesty, ethical behavior and fair dealing as well as the requirement to be in compliance with numerous state ethics rules regarding handling these matters with “Good Faith and Fair Dealing”, this subject meets or exceeds the minimum requirements for ethics credits for both attorneys and insurance professionals. Accordingly, it meets and/or exceeds the American Bar Association’s model rules of professional conduct in that attorneys attending this course will be able to develop a better understanding of their ethical responsibilities regarding avoiding failure to act competently, advising against the violation of law for unlawful gain, avoiding interests adverse to a client and avoiding the representation of adverse interests. (Specifically for California MCLE, these issues are specific to attorney conduct found in the California Code of Professional Conduct under Rule 3-110, Rule 3-210, Rule 3-300 and Rule 3-310).

Other state requirements for MCLE/CLE/CPE/CE have similar specific sections of ethics law which also apply to this session for attorneys, adjusters, claimants, insureds and anyone else involved in the claims process of construction defect claims or construction defect lawsuits.

Special Ethics Related Credit Application for Insurance Professionals: *Due to the specific nature of the subject matter of this presentation and its specific content, the requirements for honesty, ethical behavior and fair dealing as well as the requirement to be in compliance with numerous state Insurance Department regarding claims handling in “Good Faith and Fair Dealing”, this subject meets or exceeds the minimum requirements for ethics credits for both attorneys and insurance personnel. Additionally, the provisions of Chapter 12 of the California Insurance Code, commonly referred to as the "Insurance Frauds Prevention Act," California Penal Code, Sections 549-550 and California Labor Code, Section 3700.5 also applies to attorneys, adjusters, claimants, insureds and anyone else involved in the claims process of construction defect claims or construction defect lawsuits where insurance proceeds are applicable.*

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National Association of State Boards of Accountancy (NASBA): A review of the details and contents of this topic submission reveals that it will meet the requirements for credits in the NASBA in the subject of, and in the area of Regulatory Ethics.

West Coast Casualty's
Construction Defect Seminar
May 16th, 17th, and 18th, 2018

Continuing Education
Statement of Course Objective

Grand Ballroom

Thursday, May 17th 2018
3:00 PM – 4:00 PM

Course Title:
Effective Use of Experts

Adrienne Cohen, Hon. Rex Heeseman (Ret.), Ken Kasdan Esq.,
Joyia Greenfield Esq., Denise Anderson Esq. and Tim Fitzpatrick

Overview of Course Offering:

The panel will explore effective strategies for taking an expert's deposition and the utilization of depositions in various forums, including trial, arbitration and mediation.

Major Item or Discussion Point:

New strategies for direct and cross-examination of experts will be explored, including expert preparation, expert advocacy and expert support for percipient testimony. Plaintiff's approach to minimize the impact of the developer defendant having the hands-on contractor testimony, as well as a retained expert.

20 Minutes

Sub Items:

a) Expert preparation

10 Minutes

b) Expert Advocacy and Expert Support for Percipient Testimony

10 Minutes

c) Strategies for preparing and cross-examining expert witnesses in all forums, including trial and arbitration.

10 Minutes

Target Audience:

Experienced / Intermediate Attorneys, Adjusters, Corporate Counsel, Claims and Risk
Managers

Educational Level of this Course:

Intermediate and Advanced

Special Ethics Related Credit Application for Attorneys: N/A

Special Ethics Related Credit Application for Insurance Professionals: N/A

National Association of State Boards of Accountancy (NASBA): A review of the details and contents of this topic submission reveals that it will meet the requirements for credits in the NASBA in the subject of, and in the area of Administrative Practices.

West Coast Casualty's
Construction Defect Seminar
May 16th, 17th, and 18th, 2018

Continuing Education
Statement of Course Objective

Grand Ballroom

Thursday, May 17th 2018
4:00 PM – 5:00 PM

Course Title:

Claims Managers Speak - A Retrospective & Prospective Discussion

Rachel Ehrlich, Esq., Karen Rice, Todd Schweitzer,
Linda Tonkovich, Steve Lokus, and Phyllis Modlin

Overview of Course Offering:

A look at the evolution of CD Claims across the US from those claims people who were there at the beginning and those who are in it now.

Major Item or Discussion Point:

An interactive panel discussing audience responses and their own experiences and perspectives on such subjects as: What CD was like in the 1980's and 1990's and then what it has become and how it has evolved in the 2000's and 2010's. A diverse panel of current claims managers/executives moderated by a former national coverage lawyer and claims executive turned mediator. Learning objectives:

1. Information that gives perspective on how CD claims got to where they are today. What might be revived from the past that could benefit the present. What from the past should stay in the past.
 2. Understanding of the complex nature of CD across the country and that one size does not fit all.
 3. What claims managers think is important in the current and future handling of CD claims.
- Audience polling is an important part of this presentation.

Sub Items:

Claims management, insurance coverage, and litigation management all in the context of construction defect claims. How CD claims got to where they are today. Discussion will include the influence of particular jurisdictions (e.g. CA, FL, TX, and WA) on how CD claims are handled and resolved across the country.

35 Minutes

Contrasting jurisdictions. How the laws of various jurisdictions impact the way cases are handled.

20 Minutes

What is important in handling and resolution of CD claims today and why. Discussion of current pressures and the evolution of insurance policies and the law.

20 Minutes

Target Audience:

Experienced/Intermediate Attorneys, Adjusters, Corporate Counsel, Claims, Risk Managers,
Brokers, Underwriters and MGA's

Educational Level of this Course:

Intermediate and Advanced

Special Ethics Related Credit Application for Attorneys: Due to the specific nature of the subject matter of this presentation and its specific content, the requirements for honesty, ethical behavior and fair dealing as well as the requirement to be in compliance with numerous state ethics rules regarding handling these matters with “Good Faith and Fair Dealing”, this subject meets or exceeds the minimum requirements for ethics credits for both attorneys and insurance professionals. Accordingly, it meets and/or exceeds the American Bar Association’s model rules of professional conduct in that attorneys attending this course will be able to develop a better understanding of their ethical responsibilities regarding avoiding failure to act competently, advising against the violation of law for unlawful gain, avoiding interests adverse to a client and avoiding the representation of adverse interests. (Specifically for California MCLE, these issues are specific to attorney conduct found in the California Code of Professional Conduct under Rule 3-110, Rule 3-210, Rule 3-300 and Rule 3-310).

Other state requirements for MCLE/CLE/CPE/CE have similar specific sections of ethics law which also apply to this session for attorneys, adjusters, claimants, insureds and anyone else involved in the claims process of construction defect claims or construction defect lawsuits.

Special Ethics Related Credit Application for Insurance Professionals: *Due to the specific nature of the subject matter of this presentation and its specific content, the requirements for honesty, ethical behavior and fair dealing as well as the requirement to be in compliance with numerous state Insurance Department regarding claims handling in “Good Faith and Fair Dealing”, this subject meets or exceeds the minimum requirements for ethics credits for both attorneys and insurance personnel. Additionally, the provisions of Chapter 12 of the California Insurance Code, commonly referred to as the "Insurance Frauds Prevention Act," California Penal Code, Sections 549-550 and California Labor Code, Section 3700.5 also applies to attorneys, adjusters, claimants, insureds and anyone else involved in the claims process of construction defect claims or construction defect lawsuits where insurance proceeds are applicable.*

Other state requirements for MCLE/CLE/CPE/CE have similar specific sections of ethics law which also apply to this session for attorneys, adjusters, claimants, insureds and anyone else involved in the claims process of construction defect claims or construction defect lawsuits.

National Association of State Boards of Accountancy (NASBA): A review of the details and contents of this topic submission reveals that it will meet the requirements for credits in the NASBA in the subject of, and in the area of Regulatory Ethics.

West Coast Casualty's
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May 16th, 17th and 18th, 2018

Continuing Education
Statement of Course Objective

South Ballroom

Friday, May 18th 2018
8:30 AM – 9:30 AM

Course Title:

Known Knowns and Known Unknowns, the Ins and Outs of Extrapolation

Tracy Myers, Elizabeth Rhode Esq. and Dwight Duncan

Overview of Course Offering:

In this presentation, we will examine the use and misuse of extrapolation in the context of construction defect litigation. This panel will cover the legal basis for admissibility of expert witness testimony, discuss related jury instructions, and take a look at court cases around the country that have resulted in the standards that are currently applied to the admissibility of expert witness testimony. Senior forensic architect and expert witness Tracy Myers will walk the audience through several case studies in which unknown, concealed conditions were at issue. She will also discuss the expert witness's role in assuring that data collection and analysis is reliably performed as well as extrapolation challenges from a design and construction perspective. Finally Dwight Duncan, an experienced statistician and economist, will discuss the importance of using statistics and extrapolation correctly, cover the most frequent abuses of data and the admissibility of extrapolated evidence during litigation, discuss how to present statistics to triers of fact, and analyze several case studies that turned based on methods of extrapolation.

Major Item or Discussion Point:

This presentation will cover the use, and misuse of statistical analysis and extrapolation in the context of construction defect litigation.

1. Participants will learn the legal standards for admissibility of expert witness testimony in construction defect litigation.
2. Participants will learn about common errors in the use of statistical extrapolation.
3. Participants will learn about the challenges of using extrapolation from a design and construction perspective.
4. Participants will learn how to ensure that data collection and extrapolation is performed and presented in such a way that it will hold up to challenges in court.

Sub Items I:

This presentation will cover the legal standards applied to expert witness testimony, and several cases that have defined the standards, including Frye v. United States, and Daubert v. Merrell Dow Pharmaceuticals, as well as cases in which various states have applied these standards to the use of extrapolation in construction defect litigation.

25 Minutes

Sub Items II:

This presentation will cover the real world challenges in conducting statistically valid sampling and extrapolation, through examination of case studies and discussion among the presenters about the results and impact on the case.

25 Minutes

Target Audience:

Experienced / Intermediate Attorneys, Adjusters, Corporate Counsel, Claims and Risk Managers

Educational Level of this Course:

Entry Level, Intermediate and Advanced

Special Ethics Related Credit Application for Attorneys: N/A

Special Ethics Related Credit Application for Insurance Professionals: N/A

National Association of State Boards of Accountancy (NASBA): A review of the details and contents of this topic submission reveals that it will meet the requirements for credits in the NASBA in the subject of, and in the area of Business Management and Organization.

West Coast Casualty's
Construction Defect Seminar
May 16th, 17th and 18th, 2018

Continuing Education
Statement of Course Objective

Grand Ballroom

Friday, May 18th 2018
8:30 AM – 9:30 AM

Course Title:

Risk Transfer Alphabet Soup - A twelve-year lookback on legislative tinkering with anti-indemnity statutes - where are we now?

Jim Kurkhill, Esq. James Orland Esq., Larry Kent, Esq., Gary Baumann, Esq.
and Jack Rubin, Esq.

Overview of Course Offering:

This will be a 12-year lookback on anti-indemnity statutes involving construction risk transfer and where are we now on this controversial subject.

Major Item or Discussion Point:

Provide a roadmap to navigate through the intent and result of multiple changes to Civil Code 2782 since 2005; review AB 758, AB 573, AB 2738, SB 972, SB 474 along with a discussion of the key cases which have formed the current state of risk transfer in California and how these laws and rules have affected other states.

20 Minutes

Sub Items:

The elements of risk transfer and indemnity will be discussed from different perspectives to include interpretation from the standpoint and viewpoint of

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| (1) coverage attorney, | 5 Minutes |
| (2) plaintiff's attorney, (inclusive of tendering the claims), | 5 Minutes |
| (3) defense counsel responding to the tenders, | 5 Minutes |
| (4) developers counsel responding to and making indemnity claims, and | 10 Minutes |
| (5) someone who handles transactional matters and who drafts and negotiates indemnity terms in construction contracts. | 5 Minutes |

Target Audience:

Experienced / Intermediate Attorneys, Adjusters, Corporate Counsel, Claims and Risk Managers

Educational Level of this Course:

Intermediate and Advanced

Special Ethics Related Credit Application for Attorneys: N/A

Special Ethics Related Credit Application for Insurance Professionals: N/A

National Association of State Boards of Accountancy (NASBA): A review of the details and contents of this topic submission reveals that it will meet the requirements for credits in the NASBA in the subject of, and in the area of Administrative Practices.

West Coast Casualty's
Construction Defect Seminar
May 16th, 17th and 18th, 2018

Continuing Education
Statement of Course Objective

North Ballroom

Friday, May 18th 2018
8:30 AM – 9:30 AM

Course Title:
Florida - Opening Pandora's Box
and How to Close It

Joseph Miele, Esq., Mark Boyle, Esq. and Lisa Unger

Overview of Course Offering:

A panel representing all participants in a typical CD coverage claim, discussing the concepts of Florida coverage and claim handling law and their respective peculiarities and issues. This panel will address Florida's "no-contribution" law precluding recovery for defense costs expenditures and possible strategies to circumvent it. They will discuss the duty to defend in the context of "right to repair" statutes; use of extrinsic evidence in determining the duty to defend; proper reservation of rights; rejection of a reservation of rights by the Insured and the consequences to the insurer of failing to defend; consent judgments; and, allocating between covered and un-covered claims.

Major Item or Discussion Point:

Insurance coverage and an Insurer's "Good Faith" claim handling obligations. Insurance coverage for Construction Defect claims both current and projected. How to properly reserve rights and addressing an Insured's rejection of the reservation; the duty to defend and the consequences of failing to defend; the duty to defend in the context of "right to repair" statutes; use of extrinsic evidence in determining the duty to defend; proper reservation of rights; rejection of a reservation of rights by the Insured and how an Insurer can address it; consent judgments; and, allocating between covered and un-covered claims in a judgment; common strategies for claim resolution and mediation.

Sub Topics:

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|--|------------|
| 1. Insurance coverage for Construction Defect claims both current and projected. | 10 Minutes |
| 2. How to properly reserve rights and addressing an Insured's rejection of the reservation | 5 Minutes |
| 3. The duty to defend and the consequences of failing to defend; | 5 Minutes |
| 4. The duty to defend in the context of "right to repair" statutes | 10 Minutes |
| 5. The use of extrinsic evidence in determining the duty to defend and how an Insurer can address it. | 10 Minutes |
| 6. Consent judgments issues. | 5 Minutes |
| 7. Allocating between covered and un-covered claims in a judgment; common strategies for claim resolution and mediation. | 10 Minutes |

Target Audience:

Experienced/Intermediate Attorneys, Adjusters, Corporate Counsel, Claims, Risk Managers, Brokers, Underwriters and MGA's

Educational Level of this Course:

Intermediate and Advanced

Special Ethics Related Credit Application for Attorneys: N/A

Special Ethics Related Credit Application for Insurance Professionals: N/A

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West Coast Casualty's
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Continuing Education
Statement of Course Objective

South Ballroom

Friday, May 18th 2018
9:30 AM – 10:30 AM

Course Title:

An Update on California's Right to Repair Act, featuring McMillin Albany et al. v. Superior Court

Andrew Morgan, Esq., Jill J. Lifter, Esq., Susan Benson, Esq. and Mayo Makarczyk, Esq.

Overview of Course Offering:

The California Supreme Court has finally weighed in and the implications of McMillin Albany v. Superior Court will have a severe impact on Right to Repair not only in California but across the country.

Major Item or Discussion Point:

The Court's decision will literally define for the entire state of California what constitutes a construction defect in residential home building. It will also outline the circumstances under which a homeowner is required to allow builders to inspect and attempt to fix any claimed defects before that homeowner can file a lawsuit. Specifically at issue is whether the statutory scheme known as SB800, through its various building standards, provides the exclusive remedy for residential construction defect claims brought by homeowners. The case will also decide whether homeowners can avoid SB800's supposedly 'mandatory' pre-litigation inspection and repair process by simply suing under common law theories such as negligence, as opposed to suing specifically for violations of SB800's building standards. The objectives for this panel discussion include helping attendees to learn the nuances of the California Supreme Court's new decision.

Sub Items:

- | | |
|--|------------|
| (1) What the new decision specifically clarified/held; | 10 Minutes |
| (2) Perhaps most important to practitioners and claims adjusters, what questions were left unanswered or were only ambiguously answered by the Court's decision; | 10 Minutes |
| (3) What the foreseeable points of contention about the decision will be in the future/i.e. areas that need to be further litigated; | 10 Minutes |
| (4) What effect the decision will have on non-builder entities participation in any pre-litigation right to repair process; and | 10 Minutes |
| (5) How the decision does or may affect other areas of construction defect law and procedure in light of other existing case and statutory law, etc. | 10 Minutes |

Target Audience:

Experienced/Intermediate Attorneys, Adjusters, Corporate Counsel, Claims, Risk Managers, Brokers, Underwriters and MGA's

Educational Level of this Course:

Entry Level, Intermediate and Advanced

Special Ethics Related Credit Application for Attorneys: N/A

Special Ethics Related Credit Application for Insurance Professionals: N/A

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West Coast Casualty's
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May 16th, 17th and 18th, 2018

Continuing Education
Statement of Course Objective

Grand Ballroom

Friday, May 18th 2018
9:30 AM – 10:30 AM

Course Title:

Finding Evidence for your Coverage Case

John Podesta, Esq. and Sherrienne Hanavan

Overview of Course Offering:

Preparation and anticipation are the keys to successfully resolving a coverage dispute. Whether the insurer must ultimately pay depends on what evidence can be considered by the court, and if the critical fact can be proven based on that evidence.

Major Item or Discussion Point:

The panel will help litigants to make better decisions, by explaining the difference between “the truth” as you know it, and “the likely outcome” with regard to defense and indemnity. We will survey key limits on the use of evidence from the liability case in several states. The panel will survey the current "duty to defend" landscape and what facts may be considered by an insurer in deciding whether to accept the defense. The panel will also review: (1) the key differences between litigating coverage for settlements as opposed to trial verdicts, (2) the parties' burden of proof relating to coverage, and (3) whether coverage issues could be injected into the liability trial. This topic will be done in the context of Construction Defect litigation, covering the typical coverage concerns affecting most cases, and provide a case example demonstrating how policyholders and insurers can approach the development and use of information learned during mediation and trial of a construction defect matter.

25 Minutes

Sub Items:

Evidence and Duty to Defend under a liability policy

10 Minutes

Admissible evidence concerning indemnity -- settlement versus trial

10 Minutes

Provide insurance coverage context to carriers and insureds so that they may more effectively use the substantive law, settlement and trial strategies covered elsewhere in the conference.

10 Minutes

Target Audience:

Experienced / Intermediate Attorneys, Adjusters, Corporate Counsel, Claims and Risk Managers

Educational Level of this Course:

Intermediate and Advanced

Special Ethics Related Credit Application for Attorneys: N/A

Special Ethics Related Credit Application for Insurance Professionals: N/A

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West Coast Casualty's
Construction Defect Seminar
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Continuing Education
Statement of Course Objective

North Ballroom

Friday, May 18th 2018
9:30 AM – 10:30 AM

Course Title:

Northwest Insurance Coverage and Extra-Contractual Issues

Tom Lether, Esq., Sandra Heiden and Edward McKinnon

Overview of Course Offering:

This is a discussion involving Northwest coverage and extra-contractual claims issues impacting construction defect and developing at a rapid pace.

Major Item or Discussion Point:

This is a panel discussion that is consistent with changes in the various jurisdictions being discussed in this presentation. The Northwest is complex, with a large claim volume and significant extra-contractual claim exposure. The takeaway of this presentation is to provide a working understanding of coverage issues involving construction defect claims in the Northwest. In addition, it provides insight into the exposures arising from extra-contractual claims, such as claims for bad faith, and how to avoid such claims.

Sub Items:

- | | |
|---|------------|
| • Duty to defend and indemnify in Washington, Oregon, Alaska and Idaho. | 15 Minutes |
| • Additional Insured claims in the Northwest | 5 Minutes |
| • Extra-contractual claims in Washington, Oregon, Alaska and Idaho | 10 Minutes |
| • Common claims handling concerns and resulting extra-contractual exposures | 10 Minutes |
| • Coverage Issues. | 15 Minutes |

Target Audience:

Experienced/Intermediate Attorneys, Adjusters, Corporate Counsel, Claims, Risk Managers, Brokers, Underwriters and MGA's

Educational Level of this Course:

Intermediate and Advanced

Special Ethics Related Credit Application for Attorneys: N/A

Special Ethics Related Credit Application for Insurance Professionals: N/A

National Association of State Boards of Accountancy (NASBA): A review of the details and contents of this topic submission reveals that it will meet the requirements for credits in the NASBA in the subject of, and in the area of Business Management and Organization.

West Coast Casualty's
Construction Defect Seminar
May 16th, 17th and 18th, 2018

Continuing Education
Statement of Course Objective

South Ballroom

Friday, May 18th 2018
11:00 AM – 12:00 PM

Course Title:
Subcontractor Wars: The Last AI

Richard D. Seely, Esq., Alex M. Chazen, Esq., Adam C. Flury, Esq.,
Sheila M. Totorp, Esq. and Michael Chorak

Overview of Course Offering:

There is a change of Additional Insured endorsements, on the construction defect landscape. Now that carriers have shown the constant pattern of excluding AI obligations from the CGL policies, a new problem is rising around the edges of the settlement opportunities. Developer's counsel actually needs to raise defense money in addition to raising Plaintiff's settlement money, since AI carriers aren't paying the defense bills for the developers or general contractors. Therefore, the price for a subcontractor to get out of harm's way is rising and becoming more troublesome.

Major Item or Discussion Point:

This course will discuss a "carrier" seeking contribution, which has led to all the Buss actions, or the subrogation actions, and all the creativity involved with "arising out of" arguments being proffered. Panel members will present the different perspectives of subcontractor, developer, and plaintiff. A carrier perspective will also be presented. What we would discuss and analyze is how these few AI endorsements are affecting the mediation process, the coverage process, the contractual interpretation process and the trial itself. Also, recent decisions which have interpreted the language, the coverage triggers and the ramifications of such AI issues will be analyzed. These new developments will also lead to subcontractors and developers needing to revisit the way that contracts are structured, or how their insurance is procured, as it is at this early stage where some of these problems might be able to be avoided down the road.

10 Minutes

Sub Items:

The major item of discussion, as set forth above, will be the analysis of AI endorsements, the enforceability of the endorsements, and the ability to fund settlements both with plaintiff and developers due to the lack of endorsements.

10 Minutes

With the panelists' perspectives, we will converse about how AIs once again are contributing to the decision process seeking contribution to fund settlements or defenses.

10 Minutes

The secondary item of discussion will be new avenues of resolution facing construction defect litigants, both in the funding of settlements, the disbursement of the settlement funds regarding allocation towards damages or "Crawford" obligations, and preservation of coverage rights associated with the AI policies, endorsements or exclusions.

10 Minutes

The Pulte v. ASIC opinion will be included in our analysis, as well as trial court orders or findings regarding the interpretation of the AI obligations, such as those decisions in San Diego and Riverside Counties.

10 Minutes

Target Audience:

Experienced/Intermediate Attorneys, Adjusters, Corporate Counsel, Claims, Risk Managers, Brokers, Underwriters and MGA's

Educational Level of this Course:

Intermediate and Advanced

Special Ethics Related Credit Application for Attorneys: N/A

Special Ethics Related Credit Application for Insurance Professionals: N/A

National Association of State Boards of Accountancy (NASBA): A review of the details and contents of this topic submission reveals that it will meet the requirements for credits in the NASBA in the subject of, and in the area of Business Management and Organization.

West Coast Casualty's
Construction Defect Seminar
May 16th, 17th and 18th, 2018

Continuing Education
Statement of Course Objective

Grand Ballroom

Friday, May 18th 2018
11:00 AM – 12:00 PM

Course Title:
Mediating the Luxury Single Family Home Construction Defect Case

Ross Feinberg, Esq., Scott Albrecht, Esq., Brian Kahn, Esq.,
Rosemary Nunn, Esq., Jeffrey Carvalho, Esq. and Kory Kruckenberg

Overview of Course Offering:

This session will discuss the unique issues of mediating luxury high end homes and how they differ from standard single family production home.

Major Item or Discussion Point:

The major discussion points will identify the specific issues and challenges that high end luxury homes bring with them in construction defect cases and why they are sometimes more difficult to resolve than typical construction defect matters.

Sub Items

Identify specific issues unique to high end luxury homes	10 Minutes
Identify the uniqueness of dealing with celebrity high profile clientele	10 Minutes
Work with and resolve uncommon issues associated with items like move-in/move out, storage of high end items, "like and kind" relocation issues.	10 Minutes
Work with and resolve uncommon issues associated high end cost of repair	10 Minutes
Work with and resolve uncommon issues associated damages to items such as high end art work, high end home furnishing, high end flooring, et al.	10 Minutes
Understanding and working with all parties regarding the psychological needs and expectations of the high end homeowner.	10 Minutes

Target Audience:

Experienced/Intermediate Attorneys, Adjusters, Corporate Counsel, Claims, Risk Managers, Brokers, Underwriters and MGA's

Educational Level of this Course:

Intermediate and Advanced

Special Ethics Related Credit Application for Attorneys: N/A

Special Ethics Related Credit Application for Insurance Professionals: N/A

National Association of State Boards of Accountancy (NASBA): A review of the details and contents of this topic submission reveals that it will meet the requirements for credits in the NASBA in the subject of, and in the area of Business Management and Organization.

West Coast Casualty's
Construction Defect Seminar
May 16th, 17th and 18th, 2018

Continuing Education
Statement of Course Objective

North Ballroom

Friday, May 18th 2018
11:00 AM – 12:00 PM

Course Title:
Creative Solutions to the Florida Problem:
Making No Contribution and No State Law Work for You

Rebecca Appelbaum, Esq., Scott Rembold, Esq., Christine Gudaitis, Esq.,
Lee Kantor, Esq. and Mary Rowe

Overview of Course Offering:

This interactive course will first solicit gripes/problems with handling and litigating construction defect claims in Florida

Major Item or Discussion Point:

This panel will discuss construction defect cases from pre-suit notice through judgment from each perspective: Association, Contractor, Policyholder, and Insurer (including things like the "everything must be redone" expert, the runaway costs, the out of control Association, the "nothing gets done at the first mediation" attitude, the carrier who always gets punished for doing the right thing...). The panel will then address the existing legal rules, tools and decisions (i.e., the right to repair statute and the Altman decision, the in-person mediation attendance requirement, the Travelers vs. Amerisure decision, etc.) and discuss what works and what doesn't and what Florida can learn from the struggles and successes in the western states with more far developed construction defect bars (i.e., contribution, intervention, interpleader). Finally, the panel will attempt to provide creative solutions and alternative options for resolving these claims in a productive and efficient way.

Sub Topics:

Each "role" in a Florida construction defect claim agrees that the process needs improvement and each "role" can identify specific problems from their perspective: association/homeowner, contractor, carrier and policyholder. The major discussion point will be a look at the practical uses and effects of current Florida law (e.g., the no contribution law which everyone agrees is a problem) and the problems created from each perspective. 20 Minutes

The discussion of potential solutions will include a look at other state's and their laws including but not limited to: SC/CO legislating solutions, Intervention and Interpleader in California and whether the effects of allowing contribution solves the problems with the process as they exist in Florida, and places like Arizona that require carriers to treat pre-suit notices as "suits" and immediately defend. 15 Minutes

The final component will be a practical discussion of alternatives to the existing resolution model at each step of the litigation and from each perspective. 20 Minutes

Target Audience:

Experienced/Intermediate Attorneys, Adjusters, Corporate Counsel, Claims, Risk Managers, Brokers, Underwriters and MGA's

Educational Level of this Course:

Entry Level, Intermediate and Advanced

Special Ethics Related Credit Application for Attorneys: N/A

Special Ethics Related Credit Application for Insurance Professionals: N/A

National Association of State Boards of Accountancy (NASBA): A review of the details and contents of this topic submission reveals that it will meet the requirements for credits in the NASBA in the subject of, and in the area of Business Management and Organization.

West Coast Casualty's
Construction Defect Seminar
May 16th, 17th and 18th, 2018

Continuing Education
Statement of Course Objective

South Ballroom

Friday, May 18th 2018
12:00 PM – 1:00 PM

Course Title:
Everyone is a Small Player

Paloma Ramirez, Esq., Patrick Mendes Esq., Paul Nolan Esq.,
Anne Goyette Esq. and Carolyn Crawford

Overview of Course Offering:

Time and time again, attorneys in construction defect litigation seek to frame their clients as “peripheral parties.” The client is “just the electrician” or “just the plumber.” In an age where many of the “big targets” are out of business or their insurance policies are exhausted. This panel will discuss how we are left trying to resolve cases with nothing but “small players.” This panel will discuss litigation and settlement strategies where “everyone is a small player” including the impact of additional insured obligations and Crawford.

Major Item or Discussion Point:

Changes in Construction Defect Litigation - Over the years due to many different factors, it has become more prevalent that many of the "big players" (i.e. developer, framer, stucco subcontractor etc.) previously involved in construction defect matters are out of business and/or their insurance has exhausted. Thus, in many cases, the remaining parties are left to try and figure out how a matter will be litigated and resolved around minor/discrete issues and how, certain situations, mounting defense fees will be paid. This seminar will address Litigation Strategies when there is no developer; an inactive developer and/or no large subcontractors; Settlement Strategies from the perspective of the developer, subcontractor, carrier and mediator in these situations; and the effect this scenario has on reimbursement of defense fees.

Sub Topics:

- | | |
|--|------------|
| I. There are No More “Big Players” – Litigation Strategies | 10 Minutes |
| A. Oops! The Developer is Not in this One??? | |
| a. The Defense Needs to Meet and Confer to Determine Who Will Take the Lead or Alternative Strategies | |
| b. Are there any contracts? Proof that your client worked at the project? | |
| c. Share the Costs if Necessary | 20 Minutes |
| B. Developer is in the Game But Does Not Want to Do Anything | |
| a. The Defense Needs to Meet and Confer to Determine Who Will Take the Lead or Alternative Strategies | |
| b. Identify Relevant Discovery that Needs to be Completed | 20 Minutes |
| C. When the big players are out of business or have no insurance | |
| a. Determine this before talk of mediations and large expenditure of defense fees as it will become a controlling issue for resolution of litigation | |
| b. Discovery will be required with respect to Crawford allocations, defect allocations and defense cost of repair allocations. | |

c. Identify Relevant Discovery to be Completed and possible expert meetings to discuss true claims and expectations. 20 Minutes

Target Audience:

Experienced / Intermediate Attorneys, Adjusters, Corporate Counsel, Claims and Risk Managers

Educational Level of this Course:

Intermediate and Advanced

Special Ethics Related Credit Application for Attorneys: N/A

Special Ethics Related Credit Application for Insurance Professionals: N/A

National Association of State Boards of Accountancy (NASBA): A review of the details and contents of this topic submission reveals that it will meet the requirements for credits in the NASBA in the subject of, and in the area of Business Management and Organization.

West Coast Casualty's
Construction Defect Seminar
May 16th, 17th and 18th, 2018

Continuing Education
Statement of Course Objective

Grand Ballroom

Friday, May 18th 2018
12:00 PM – 1:00 PM

Course Title:

Real World Solutions to the Real Problems Presented By Wrap Up Programs

Robert Closson, Esq., Bruce Wick, Keith Koeller, Esq. and Brian Chien, Esq.

Overview of Course Offering:

A practical real world discussion of common wrap problems and suggestions for practical solutions to those problems.

Major Item or Discussion Point:

In this discussion, learning objectives to include:

1. Understanding the recent trends in wrap up programs, good and not so good.
2. Understanding how to deal with problems with a wrap up program that was improperly set up or administered.
3. Understanding how to deal with problems that can arise with a properly set up wrap up program.

Sub Items I:

1. Wrap trends over the past 10 years.
2. Statutory requirements from AB 2738, passed in 2009.
 - a. Self-Insured Retention (SIR) obligations.
 - b. Indemnity claims.
 - c. Disclosures.
3. What duties does a broker owe to the enrollees in a wrap?
 - a. Coverages, especially for mixed use projects.
 - b. Limits/SIRs.
 - c. Wrap administration.
 - d. Issues and solutions where the Builder/Developer purchased less than recommended coverages/limits.

20 Minutes

Sub Items II:

4. Builder/Developer defense attorney issues regarding the conflicts in defending the wrap up participants.
 - a. Large policy SIR where the builder's money is in direct conflict with potential subcontractor contributions.
 - b. Disclosure of conflicts as they arise.
 - c. Reservation of rights issues.
5. Builder/Developer coordinated defense considerations when the subcontractors are sued directly.
6. Considerations and options when the Builder/Developer sponsor is bankrupt, and can't pay the SIR.
7. Split enrollment date projects – some units / phases built before all subcontractors enrolled.
 - a. Subcontractor coverage issues for portion of project outside of Wrap.
 - b. Builder/Developer and coordinated defense considerations
 - c. Litigation and mediation consideration in the "split" project context.

40 Minutes

Target Audience:

Experienced/Intermediate Attorneys, Adjusters, Corporate Counsel, Claims, Risk Managers, Brokers, Underwriters and MGA's

Educational Level of this Course:

Entry Level. Intermediate and Advanced

Special Ethics Related Credit Application for Attorneys: N/A

Special Ethics Related Credit Application for Insurance Professionals: N/A

National Association of State Boards of Accountancy (NASBA): A review of the details and contents of this topic submission reveals that it will meet the requirements for credits in the NASBA in the subject of, and in the area of Business Management and Organization.

West Coast Casualty's
Construction Defect Seminar
May 16th, 17th and 18th, 2018

Continuing Education
Statement of Course Objective

North Ballroom

Friday, May 18th 2018
12:00 PM – 1:00 PM

Course Title:
When Mother Nature Attacks, Are you Covered?

Robert Carlson, Esq., William Noonan, Diane Kelly and John Lupfer, Esq.

Overview of Course Offering:

The learning objectives are to discuss the various environmental and natural disasters that impact the construction industry across the countries and the ways that exist to insure against them. The objectives are also to discuss ways to minimize risk associated with natural disasters such as hurricane, wind events, flood events and wild fires. It is not intended to be limited by geographic region but rather to discuss environmental and natural disasters that impact construction across the country in both private, state and federal projects.

Major Item or Discussion Point:

The insurance products available on the market such as: Builders Risk, Property, general liability, surety bonds, and subcontractor default insurance. We will discuss their application to various types of common environmental and natural disaster claims and how to navigate the process.

20 Minutes

Sub Topics:

- | | |
|---|------------|
| 1-The ways to prepare job site to minimize risk from environmental and natural disasters. | 10 Minutes |
| 2- The ways to formulate and prepare claims the result based on coverage frameworks associated with the varying different forms of coverages. | 10 Minutes |
| 3- Discussion of the various exposures that are present nationwide from mother nature and the insurance products that are on the market to best address them. This would also include how to prepare in advance for such events and the ways that such coverages are addressed. | 10 Minutes |

Target Audience:

Experienced/Intermediate Attorneys, Adjusters, Corporate Counsel, Claims, Risk Managers, Brokers, Underwriters and MGA's

Educational Level of this Course:

Entry level, Intermediate and Advanced

Special Ethics Related Credit Application for Attorneys: N/A

Special Ethics Related Credit Application for Insurance Professionals: N/A

National Association of State Boards of Accountancy (NASBA): A review of the details and contents of this topic submission reveals that it will meet the requirements for credits in the NASBA in the subject of, and in the area of Administrative Practices.

West Coast Casualty's
Construction Defect Seminar
May 16th, 17th and 18th, 2018

AFFIDAVIT

State of California }
 } ss:
County of Los Angeles }

David Stern, under the penalties of perjury, states as follows:

That I am the chairperson and chief coordinator for West Coast Casualty's Construction Defect Seminar to be held at the Disneyland Resort Hotel on May 16, 17 and 18, 2018.

That I am directly responsible for the coordination and implementation of the continuing education programs for all events sponsored by West Coast Casualty Service, Inc. I am aware of all the rules and regulations associated with the continuing education programs that West Coast Casualty seeks accreditation for. I personally prepare all of West Coast Casualty's programs and I certify that this activity conforms to the minimum standards for approved educational activities prescribed by those states and organizations from which West Coast Casualty seeks continuing education accreditation.

I have read all the preceding pages of this Continuing Education Statement of Course Objective and I affirm that this is a true copy of the Continuing Education Statement of Course Objective regarding all the seminar topics and speakers for West Coast Casualty's Construction Defect Seminar on May 16, 17 and 18, 2018. This affidavit further confirms that I have been in personal contact with each of the speakers and I confirm that each has indicated his/her willingness to participate in the topics described within this instrument.

In further support of this affidavit, I attest that I am in possession of the knowledge by means of personal and/or documentation that the persons participating in this seminar have and possess the qualifications to be instructors in the course matter being presented herein. Declarant further attests that the persons participating in this seminar have executed an Instructor Qualification Form (446-4 rev11/98) as prescribed by the California Department of Insurance for approval by the California Department of Insurance standards for Continuing Education or their participation in this event will be refused.

That the purpose of this affidavit is in support of West Coast Casualty's application for continuing education accreditation under the applicable regulations of all those we seek accreditation from..

Dated: February 22, 2018
Westlake Village, California

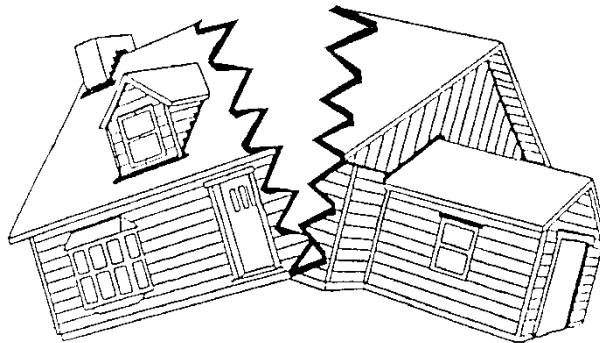


David Stern



1993 - 2018

West Coast Casualty's



**Construction Defect Seminar
May 16th, 17th and 18th, 2018**

Statement of Course Objective

West Coast Casualty's
Construction Defect Seminar for 2018

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