

2015 Combined Claims Conference

March 10 -11, 2015

Hyatt Regency Orange County

Session Schedule as of October 20, 2014

(Submitted to the California and Texas Departments of Insurance for approval for continuing education credits – pending approval)

Tuesday, March 10
9:00 a.m. - 10:15 a.m.

Opening Session

Electrical Facts, Myths and Others

The course will provide the insurance student with basic knowledge and understanding of how electricity is produced, delivered to the home and subsequently used. This information will be applied to actual case studies from forensic engineering cases that were part of large insurance claims/losses. A demonstration of how the electrical system can cause fire and what to look for to prevent such fires will conclude the presentation. This shared insight will assist any insurance professional in gaining a more accurate perspective on how and what role electricity actually can play in fire investigations while debunking many preconceived notions and myths frequently associated with electricity.

Speakers:

Joe Nowikowski, PE, Western Region Electrical Division Manager, RIMKUS Consulting Group

Breakout Sessions:

10:45 a.m. - 11:45 a.m.

Property

Microbial Mayhem! Managing Legionella and Poria Claims

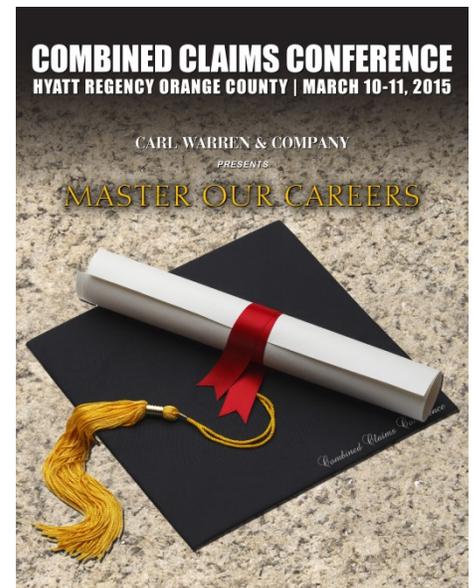
This session tackles the dynamics of two challenging environmental claims issues: 1) Legionella, the water-borne illness that causes the potentially fatal respiratory illness Legionnaire's disease, and 2) Poria incrassata the unique fungus that emerges from the soil and consumes wood structures en masse. It will address the foundational science behind these agents, outbreak investigations, remediation options, prevention strategies and common areas of contention and litigation. Attendees will emerge with a greater understanding of the dynamics of these issues and a framework for preventing and responding to claims.

Speakers:

Megan Rabinowitz, MPH, CIH, Senior Project Manager, Forensic Analytical Consulting Services

Ben Kollmeyer MPH, CIH, Chief Science Officer, Forensic Analytical Consulting Services

Claims Professional or Attorney/TBA



Liability

Is It a Dangerous Condition?

The goal of this session is to educate the participants from the perspective of automobile carrier and a governmental entity perspective (contrary positions) as to a dangerous condition claim. The panel will discuss simple steps a government entity can take to avoid being a defendant in a dangerous condition claim and guidance on how to utilize the law and simple practices and policies (prophylactic measures) to put the government entity in the best possible position to avoid a lawsuit. If an incident does occur, we discuss how the government entity can best investigate the incident and prepare for litigation. The panel will provide analysis from the perspective of the automobile carrier as to how to identify a dangerous condition. The presentation will be interactive and utilize real life examples/situations. The Risk Manager will also encourage participation from the audience by discussing prior experiences. This presentation will benefit both insurers and insureds.

Speakers:

Joshua Bordin-Wosk, Partner, Bremer Whyte Brown & O'Meara
Kelly Ogle, Manager, Carl Warren & Company
Risk Manager from a local government entity

SIU

Vehicle Fire Investigations: Don't Get Burned!

This program utilizes visually compelling fire cases to illustrate effective vehicle forensic fire investigation involving: Private Passenger Vehicles, Recreational Vehicles, Trucks, and Heavy Equipment. The insurance claims professional's responsibilities include the demanding challenge of evaluating the technical abilities of experts. The investigation, evaluation, and resolution of coverage, liability and, damages require good judgment to discharge their contractual responsibilities to their customers. They aren't expected to be experts. They are expected to use good judgment and work with evaluating experts. This workshop is designed to provide thoughtful understanding among claims professionals to provide some tools and perspective to cost effectively utilize experts in the context of the overall claim resolution goals.

Speakers:

Don Perkins, President, Fire Cause Analysis
Ulises Castellon, Chief Operating Operator, Fire Cause Analysis
Kelly Kyle, Regional Claims Manager, Hertz Claims Management

Workers' Comp

The State of Workers' Compensation

California pays 1/5 of the nation's workers' compensation costs, and the costs continue to increase. This session will help claims professionals understand the numbers and cost drivers behind the trends. An update of recent case law will discuss the impact on the day-to-day job of managing claims and how these decisions affect the cost of maintaining a workers' compensation program.

Speakers:

Jeff Rush, Workers Compensation Program Manager, California JPIA
Catherine Casper, Esq., Senior Associate, Hayford & Felchlin
Elizabeth Gonia, Esq., Partner, Robin, Carmack & Gonia

Noon - 1:30 p.m.
Luncheon and Keynote Speaker

Hitting a Home Run! Tips to Inspire Your Claims Team!

Insurance coverage helps protect people and businesses against the uncertainties and perils inherent in everyday life. As Vice President of the major league baseball team Baltimore Orioles, Mr. Angelos knows all about leadership, valuation and risk. John's experiences in professional baseball can be applied to the insurance industry. From his experiences, he will discuss valuable lessons in leadership, negotiation and how to better communicate with coworkers. He'll address how one uses negotiation skills to mediate disputes in handling insurance claims and how to diffuse challenging situations in order to help adjusters in the resolution of their cases. The attendees can also apply the lessons learned to build and sustain a quality work environment. Don't miss this amazing championship presentation!

Speakers:

John Angelos, Vice President, Baltimore Orioles

Breakout Sessions

1:45 p.m. - 2:45 p.m.

Property

Losses Arising Out of Defense of Defective Construction: Rethink What You Thought You Already Know!

There has been a lot of change in the world of construction defect claims over the past year. This course will discuss these changes, including but not limited to what is required under recent case law to assert a construction defect claim, how these changes impact subrogation, how a carrier needs to increase its bad faith situational awareness in light of these changes and how the claims process requirements can be used by a carrier as both a shield and a sword. This course will also provide a general overview of the construction defect claims process. The concepts within this course range from basic to advanced.

Speakers:

Robert A Von Esch IV, Attorney, Von Esch Law Group, ALC

Susan M Benson, Attorney, Susan M Benson & Associates, LLP

Hugh W. Black, CPCU, ARM, AIC, CCLA, Forensic Expert, Witness/Consultant

Liability

The Exposure Dilemma - How do I Know What my Case is Worth?

Every day claims adjusters and counsel are faced with deciding the exposure a claim presents. The goal of the session is to assist claims professionals in improving their skills in evaluating cases. The objective is to give the audience insight into the process of evaluating the exposure a case presents in order to make better decisions about whether to try to settle or take the case to trial. The audience will be walked through two real cases, from start to conclusion. The audience will be presented with the evidence as it developed during the cases (from the initial client meeting to the depositions of experts). At each stage, there will be discussion with the audience about their thoughts concerning the case, what decisions should be made, and the assessment of the exposure the case presents at that time. The audience will be confronted with making decisions as the evidence develops, their understanding of the facts change, and their risk tolerance is challenged. A key focus will be on the

interaction between counsel, client and the TPA/risk pool and how those relationships work together to obtain the best results possible.

Speakers:

Carl L. Fessenden, Attorney/Shareholder, Porter Scott
Heather Fregeau, Senior Excess Liability Claims Specialist, CSAC Excess Insurance Authority
Claims Manager, Carl Warren & Company

SIU

The "Not So Perfect EUO"

The goal is to teach investigators, adjusters and attorneys how to address the pitfalls of the "not so perfect EUO" and how to be ready to respond to a myriad of problems that may ensue.

Speakers:

Jonathan Colman, Attorney, Colman Law Group
Dawnde Pence, Claims Manager, AAA

Workers' Comp

The Future of Workers' Compensation: CAAA Update

The California Applicants' Attorney Association (CAAA) proclaims it is "the most powerful and most knowledgeable legal voice for the injured workers of California" since its founding in 1966. The CAAA Winter Convention, scheduled for January 22-25, 2015, is the essential educational event for defense and applicant attorneys wanting to stay in the forefront of emerging statutory, regulatory and case law developments. Employers and insurers can look forward to continuing challenges by CAAA to tweak the reforms of 2012's SB 863. Our presenter will present the hot topics, strategies and tactics we can expect to see in the coming year so that claims professionals will be better prepared to handle claims through every phase, from medical management to investigations to successful defense to closure.

Speakers:

Lori A. Wenderoff, Esq., Wenderoff Solomon LLP

Breakout Sessions

3:15 p.m. - 4:15 p.m.

Property

Let's Talk About Meth: Clandestine Laboratory Testing & Cleanup

Some methamphetamine labs literally go up in flames as fires and explosions are telltale signs of chemistry gone bad. However; most go undetected by police. In reality, law enforcement busts only a fraction of clandestine laboratories. So what happens to undetected labs and what are the procedures for identifying contamination and cleaning the structures so they are safe for re-occupancy? Our speakers will outline identifying the danger of clandestine laboratories – specifically Methamphetamine Laboratories - and will also explain the steps involved from the testing process all the way through to the specific steps of clean up as recommended by the EPA.

Speakers:

Vinh Pham, VP of Operations, Envirocheck, Inc.
Steve Hinde, RDHS, CIH/ Sr. Industrial Hygienist, County of Riverside

Liability/Ethics

Claims Handling and Fire Investigation Ethics

This presentation will focus on the source and development of one's personal and business ethics, with emphasis on the adjustment of first-party, property insurance claims. The presentation will then focus on the legal and ethical considerations that often arise in the selection of experts in general, the standards to which they should adhere and how the evolving science of fire investigation requires both fire investigators and those who retain them to keep abreast of evolving investigation methodology. Participants in this interactive course will have the opportunity to discuss hypothetical situations and, through discussion, better appreciate how what they do [or fail to do] will be perceived by others.

Speakers:

Steve Huchting, Partner, Morris Polich & Purdy, LLP

Richard Knapp, Partner, Knapp & Spurlock, LLP

SIU

Entertainment and Media Impact on Your Claims

See if art does indeed imitate life in this dynamic, multi-media session as we experience and analyze the portrayal of workplace fraud in various entertainment and media sources including popular television shows, hit movies, news coverage, U-tube and social media. Learn the influence of this messaging and the impact on our ability to investigate and combat fraud. This insightful presentation provides information as to what the public is viewing and learning about fraud, what investigative tools are being exposed and how we can leverage this valuable information to understand the viewers' perceptions regarding fraud.

Speakers:

Dalene Bartholomew, CFE, CIFI, Certified Fraud Examiner, Certified Insurance Fraud Investigator, Vice President, Probe Information Services, Inc.

Jennifer Lentz Snyder, Head Deputy, Healthcare Insurance Fraud, Los Angeles County District Attorney's Office

Workers' Comp

California Employment Law is Making Me Crazy! Help!!!

Workers' compensation presents challenges to employers beyond just the cost of a claim. Employers who err in the handling of employment practices are exposed to risks of discrimination, poor morale and badly-run operations. Claims professionals who are aware of these risks will be better prepared to act in concern with the employer and avoid inadvertently aggravating a bad situation.

Speakers:

Nicole Davis Tankham, Partner, Collins Collins Muir & Stewart LLP

Rebecca Yee, Risk Manager, Community Development Commission of the County of Los Angeles and the Housing Authority of the County of Los Angeles

Yumi Higa, Claims Adjuster, Carl Warren & Company

Wednesday, March 11

Breakout Sessions

9:00 a.m. - 10:00 a.m.

Property

ZERO DARK 48 – A Large Loss Mission

The course will provide in-depth study of a real building loss scenario. Focusing on the specifics of the actual building type, the building's history, construction methods and even how occupancy affects recovery. The course will enlighten attendees on how to assess damages while factoring in limited resource availability when their loss occurs during a regional event. The attendees will learn how to determine and cull emergency response participants, obtain knowledge of systems to stabilize the building and then provide some tools to begin preparation of a detailed scope of repairs. Participants will explore the myriad of mitigation services available to them throughout the restoration industry. Attendees will acquire procedures to set recovery priorities, assess content recovery tactics and control business personal property inventories. They will learn and interact with others in the course while all share personal pitfall experiences. Attendees will explore means and methods that could lessen business interruption coverage. Their mission will include a guided path to successfully travel over expected or unexpected hurdles placed by environmental issues, ordinances, codes and other reconstruction delays.

Speakers:

Dave Warters, BELFOR Property Restoration

Ed Cross, President, Law Offices of Edward H. Cross & Associates

Liability

Who Ran the Red Light? How Video Analysis can be Used to Answer the Question

Who ran the red light? The question is not a simple answer and comes loaded with numerous qualifiers and variables. You can't go anywhere these days without being videotaped. The goal and takeaway of the session is to educate attendees on how signals function and what information we can learn from timing plans, site inspections and witness statements. Participants will also gain an understanding of the depth of information contained in video evidence and how video analysis can be leveraged to provide a foundation for expert opinions. Examples will be shown along with an overview of how different sources of video (surveillance video on board, or dash cam) can be applied to specific cases.

Speakers:

Cole Young, Project Engineer, MEA Forensic Engineers & Scientists

John Epps, Examiner, Carl Warren & Company

SIU

Current SIU Collision Scams

The goal of this session is to expose the participants to the current scams being submitted to the insurance companies; how to recognize the inconsistent damage patterns to the involved vehicles; how to compare the alleged post-impact movements of the involved vehicles with the laws of physics; and what potential injuries could be expected.

Speakers:

Mallie D Donohoe, Traffic Accident Reconstructionist, D&S Investigations
John De Hann, SIU Manager, Reliant General Insurance

Workers' Comp

Mock Depo

Depositions can make or break a case. Through this mock deposition and commentary, attendees will learn the key elements of an effective deposition and how to guide their activities to contribute to a successful outcome. They will see how a defense attorney's choice of questions can lead to different results and learn why an attorney never wants to ask a question he or she doesn't know the answer to!

Speakers:

John Floyd, Esq., Floyd, Skeren & Kelley
Diana J. Rich, ARM-P Risk Manager, Foundation Building Materials

Breakout Sessions

10:45 a.m. - 11:45 a.m.

Property

Loss Scene Management Issues for First-Party Property Adjusters

Loss Scene Management Issues for First-Party Adjusters will be presented utilizing case studies, excerpts from Benchmarking Studies and sample documents. Participants will gain a better understanding of the value of subrogation to the insured, the carrier and to society and learn how to avoid the various pitfalls involved in the changing climate of the industry. The audience will be asked challenging questions throughout the lecture to promote audience participation. Questions will be accepted at any time and a question and answer period will be conducted at the conclusion of the program.

Speakers:

Leslie Wiernik, CSRP, Executive Director, National Association of Subrogation Professionals (NASP)
M. Christopher McPadden, President of NASP & Second VP, Travelers, NASP

Liability

Contractual Indemnity - The Subcontractor, G.C./Developer and Carrier Perspectives

To provide litigation strategies and general course education on contractual indemnity, key statutes and insurance policy impact.

Speakers:

Gregory J. Newman, Partner, Selman Breitman, LLP
John H Toohey, Partner, Bremer Whyte Brown & O'Meara, LLP
Scott Stewart, Program Manager, Carl Warren & Company

SIU

Fraud Impacting the Workers' Compensation System

Insurance Professionals involved in workers' compensation are unaware of the many fraud schemes impacting the system. This presentation will provide an overview of those frauds and how they impact the cost of coverage, claim handling and the health and well being of the general public.

Speakers:

Gordon Oard, Senior SIU Investigator, Berkshire Hathway Homestate Companies
Eric Danowitz, Attorney at Law, Knox, Ricksen LLP

Workers' Comp

Medicare Compliance Update

Compliance with Medicare set-asides in claims settlements are complicated and require the assistance of multiple partners. Knowing the role of each partner and the steps that have to be followed to bring claims to successful conclusion with improve a claims professional's ability to manage files.

Speakers:

Jennifer Jordan, Esq., General Counsel, MEDVAL
Brian Moss, Managing Partner, Manning & Kass Ellrod Ramirez & Trestor
Debbie Nichols, Risk Management, BJ's Restaurants

Breakout Sessions

1:30 p.m. - 2:30 p.m.

Property

Storm Related Assessment of Residential and Commercial Roofing Systems

The course will cover some basic physics associated with wind and hail related damage, review examples of storm related roof damage, review conditions that are not storm related but that could affect the function of the roof and use a number of case studies of real-life examples throughout the presentation to bring the concepts together. The instructors will provide a mock-up and demonstrate different examples of manufactured hail. Audience members will have an opportunity to participate.

Speakers:

David P. Amori, PE, RRC, Vice-President, Engineering, EFI Global, Inc.
Eric Dupree, AIC, AINS, Associate Vice President, Senior Claims Manager, QBE

Liability

Time Limit Demands

The number and complexity of time limits demands that claim representatives receive continues to increase. The plaintiff's bar keeps adding conditions to the demands. Timely compliance with these conditions can be problematic. Plaintiff attorneys want the limits for modest cases. Plaintiff attorneys with catastrophic cases will hide the ball and hope you turn down their policy limit demand. Plaintiff attorneys can obstruct the investigation in hopes the insurer will just pay the claim to get rid of it. This course will instruct the attendees how to initially respond to the demand, how to communicate with the insured about the demand, how to comply with conditions of the demand, how to properly request clarifications of the demand, writing letters of acceptance and making sure all claims are included in the demand and all insureds are going to be released. We will explain what happens if a reasonable demand within the policy limits is rejected and a verdict in excess of the policy limit results. This course relates to the everyday

adjustment of insurance claims, particularly when the policy limits are modest or equal to the state-required minimum. This course will help them with strategies to eliminate extra-contractual liability.

Speakers:

Jay Boomer, Director of Claims, Sentry Insurance Co.

Chris Purcell, Attorney, Purcell Law

Jim Abeltin, Attorney, Abeltin & Migoya, LLP

SIU

On The Record: The Value of Cell Phone Records in Suspicious Claims Investigations

This session is designed to assist attendees in determining when and how to obtain cell phone records as well as the most effective ways to use the records and data in claims investigations.

Speakers:

Paula Shaw, Esq., Attorney, McDowell, Shaw, & Garcia

Gianina Dimitria, Esq., Attorney, McDowell, Shaw, & Garcia

Kim Perbix, SIU Claim Manager, Alliance United

Workers' Comp / Ethics

The Ethics of Medical Marijuana for Casualty Claims: A Guide for Insurance Professionals

The insurance claims professional's responsibilities extend beyond the technical ability to resolve issues of coverage, liability and damages. The processes of investigation, evaluation and resolution rely on the ethical application of good judgment to discharge legal and contractual obligations to insureds, injured parties and other stakeholders. This workshop is designed to foster thoughtful dialogue among claims professionals, and provide perspective and tools to create an understanding of the implications of decriminalization of marijuana on the many duties attendant on the claims professional. The moral and ethical issues surrounding medical marijuana are as important to understand as the legal issues if claims professionals are to fairly discharge their fiduciary and practical duties. Review of real-world claims situations will allow participants to discuss these issues and understand how to apply those lessons to the insurance industry.

Speakers:

D. Levi Harrison, MD, Orthopedic Surgery/Hand and Upper Extremity Surgery

Estelle Freeman, Claim Supervisor, Carl Warren & Company

Closing Session

2:30 p.m. - 3:45 p.m.

Be a Master at Negotiation: How to Achieve Maximum Results in Negotiation and Mediation

This panel session will bring all of the education from the conference together in a culmination to assist every attendee (whether Liability, SIU, Property or Workers' Compensation) with a critical part of their roles in claims handling – negotiation. Negotiation is the heart of every specialty in the insurance and claims field. This panel will provide attendees with an understanding of advanced negotiation skills and techniques and tips that can be used immediately. The panel will address the negotiation skills required to manage and take control of a negotiation or facilitated negotiation (mediation). This interactive panel workshop will also give attendees hands-on and practical ideas and skills for working with outside counsel and mediators to maximize results in negotiations and mediation.

Speakers:

Brenda Radmacher, Partner, Wood, Smith, Henning, and Berman, LLP
Lee Jay Berman, Mediator, Arbitrator, Umpire, PMA Dispute Resolution
W. Scott Hart, Program Manager, Carl Warren & Company
W/C Panelist TBD