

**REGISTRATION
BROCHURE**

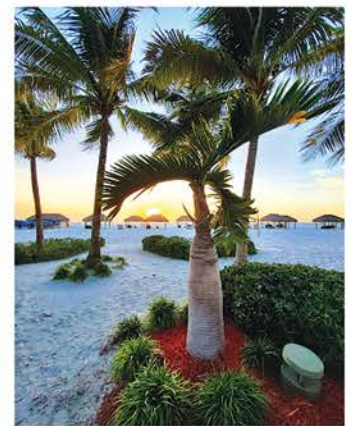
NASP



COME TO THE ISLAND

**MARCO ISLAND FLORIDA
NOVEMBER 6-9, 2022**

J.W. MARRIOTT BEACH RESORT
ANNUAL CONFERENCE
SUBROGATION.ORG



NATIONAL ASSOCIATION OF SUBROGATION PROFESSIONALS



WELCOME LETTER

WELCOME TO THE 2022 NASP ANNUAL CONFERENCE IN MARCO ISLAND, FLORIDA!

We are thrilled that you are planning to “Come to the Island” and join your fellow NASP community for education, networking and, yes, fun in the sun and surf at the beautiful JW Marriott Marco Island Beach Resort. What better reason to visit warm, sunny, coastal Florida in November than to attend the first in-person Annual Conference since 2022. We aim to build on the overwhelmingly-positive feedback from those who attended the Spring Conference in person earlier this year in Tucson and keep the momentum going as we return to normal.

In keeping with our theme, NASP made sure we truly get immersed in this tropical location, so come prepared to spend some time on the beach and poolside! Please make sure to check in with the itinerary and take full advantage of the events these four days will offer.

Monday and Tuesday morning will kick off with keynote speaker presentations worthy of their marquee billing. Make sure to take a walk on the beach, get your coffee and head straight over to the main hall as you do not want to miss these! Educational sessions will take place over two days with a diverse slate of industry speakers. They will be presenting on a variety of fresh and current topics in focused tracks dedicated to Auto, General, Health, Management, Property, Product Liability, Subro Fundamentals, and Workers’ Compensation. Additional programming, entertainment, and events will take place over the four days of the conference.

To our friends who are unable to attend in person, enjoy the virtual option through recorded sessions, and we hope to see you soon at a future conference.

The JW Marriott Marco Island Beach Resort is truly the picture of tropical elegance. The beachfront location is second to none. You can enjoy stunning views of the Gulf, beach, pool, or the tropical grounds of the resort from your private balcony, as well as many luxury amenities. You will not want to miss the views at sunset!

We have no doubt you will leave this conference feeling smarter, better connected to your subrogation colleagues and tanner than you were when you arrived.

SEE YOU SOON!

Adrienne Gross and Christopher Capalbo

Conference Co-Chairs

REGISTRATION AND EXHIBITOR INFORMATION

REGISTRATIONS

IN-PERSON: Includes all educational sessions / Sunday night reception / breakfast, lunch, refreshment breaks, and receptions on Monday and Tuesday / breakfast, and beach bash on Wednesday

MEMBER – \$995 | NON MEMBER – \$1,250

VIRTUAL: Only the General Session and Keynote Presentations on Monday and Tuesday will be live-streamed. All other educational sessions will be available as recordings for 30 days post-conference and are not eligible for CLE or CE.

MEMBER – \$1,495 | NON MEMBER – \$1,750

CONTINUING LEGAL EDUCATION (CLE)* \$275 (in-person only)

Credit hours may vary based on state's rules/regulations/approval.

CONTINUING EDUCATION (CE)* \$225 (in-person only)

Licensees must attend one session from each concurrent breakout and general session for continuing education credit eligibility. No partial credit will be awarded.

**In order to achieve continuing education credits, virtual attendees must participate in each session they attend by answering all polling and survey questions.*

NOTE: Credit hours may vary depending on each state's specific accreditation requirements.

ATTENDEE LIST

Attendee List will be provided to all attendees after the conference along with a post-conference survey.

ATTENDEE CANCELLATIONS

Cancellations are not eligible for a monetary refund. However, substitutions of an attendee may be done at any time up to 24 hours prior to the conference at NO CHARGE.

NOTE: Credits are nontransferable.

EXHIBITOR CANCELLATIONS

By Reserving A Booth, You Agree To The Following Cancellation Policy:

If written notification is received on or before January 1, 2022, exhibitor will receive a refund of all fees, less a \$150 cancellation fee. If written cancellation notification is received on or before March 1, 2022, exhibitor will receive a 50% refund. All cancellations and/or no shows after March 2, 2022 are not eligible for a refund.

BECOME A NASP MEMBER AND \$AVE

Members receive significant discounts on conference registrations. Join now to receive the member conference rate, and take advantage of ALL the benefits that a NASP membership has to offer. For more information email info@subrogation.org or call 1-800-574-9961.

EXHIBITOR PACKAGES

ONE (1) COMPLIMENTARY REGISTRATION

(unless otherwise noted)

PRE / POST REGISTRATION LIST

**DRAPED TABLE, TWO (2) CHAIRS,
AND WASTE CAN**

NOTE: Exhibitors are welcome to bring banner ups, as long as they fit completely behind the exhibitor's draped table.

PREMIER

Cost \$20,000

- Table INSIDE General Session
- Intro Keynote / 60-sec Marketing
- Complimentary Monitor with HDMI to Upload Marketing Materials to Run Throughout the Show
- Sponsorship of Dinner
- Hospitality Room (includes bar and 25 drink tickets)
- Four (4) Registrations

DIAMOND

Cost \$10,000

- Table INSIDE Breakout Session
- Complimentary Monitor with HDMI to Upload Marketing Materials to Run Throughout the Show
- Sponsorship of Lunch and Coffee Station
- Three (3) Registrations

PLATINUM

Cost \$7,500

- Table INSIDE Breakout Session
- Complimentary Monitor with HDMI to Upload Marketing Materials to Run Throughout the Show
- Sponsorship of Breakfast
- Two (2) Registrations

GOLD

Cost \$5,000

- Table OUTSIDE Breakout Session
- Complimentary Monitor with HDMI to Upload Marketing Materials to Run Throughout the Show
- Coffee or Refreshment Station at Table During One Break

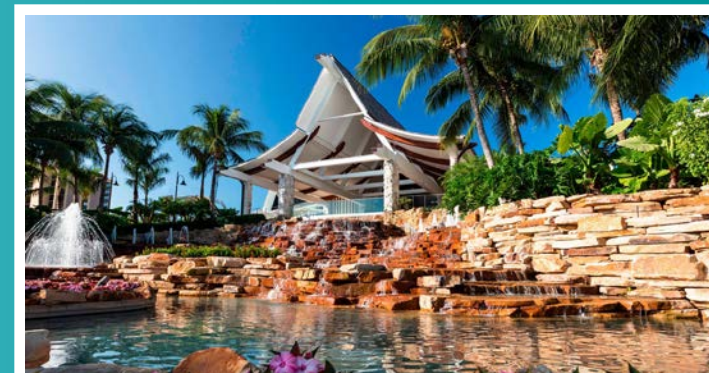
SILVER

Cost: \$3,750

- Table OUTSIDE Breakout Session
- Complimentary Monitor with HDMI to Upload Marketing Materials to Run Throughout the Show

For more information on Exhibitor packages, please contact Elle Wiernik at Elle.Wiernik@subrogation.org.

1-800-574-9961



ACTIVITIES

BEACH YOGA

SUNDAY, NOV. 6 AT 7:00 AM

JW Marriott Resort & Spa, Marco Island

The hotel will provide the yoga instructor, your brand provides a healthy start to the conference!



NASP BEACH BASH!

WEDNESDAY, NOV. 9
FROM 10:00 AM - 2:00 PM

JW Marriott Resort & Spa,
Marco Island

Get ready for a day of fun in the sun at NASP's 2022 Beach Bash! Let's celebrate being back in person with food, beverages and music on the beach, while challenging colleagues to games like cornhole, putting greens, ladder ball and giant pong! Chairs, umbrellas and towels will also be provided.

Mark your calendars and plan to spend the day with us!

THERE IS
NO CHARGE
FOR THIS EVENT.



SAVE THE DATE
FEBRUARY 16-17, 2023
RITZ-CARLTON, AMELIA ISLAND, FLORIDA
NATIONAL ASSOCIATION OF SUBROGATION PROFESSIONALS



HOTEL INFORMATION

J.W. MARRIOTT MARCO ISLAND, FL

ROOM RATE \$284

This rate is effective three days prior to the NASP Conference, subject to availability of rooms at the time of reservation.

Reservations can be made via the Conference page of the NASP website. NASP room block expires November, 12, 2022.
Rooms are limited, so be sure to make your reservation early!

SESSIONS BY TRACK

MONDAY, NOVEMBER 7, 2022



AUTO

SPONSORED BY



- M.1.1 How a Human Factors Expert Can Assist on Subrogation Claims
- M.2.1 Med-Pay: A Forgotten and Overlooked Subrogation Recovery
- M.3.1 Maximizing Recoveries on Automobile Product Defect Claims
- M.4.1 Interstate Trucking From Loading to Unloading: Digital Forensics



PROPERTY

SPONSORED BY



- M.1.2 Arson Fires – Where Subrogation Burned
- M.2.2 Wrong People, Wrong Decisions: The Effects of Having Unqualified or Underqualified Individuals Making Decisions That Affect Life Safety
- M.3.2 Playing with Fire Without Being Burned – Fire Investigation and Fire Modeling Decoded
- M.4.2 Managing Complex Fire Investigations



HEALTH

SPONSORED BY



- M.1.3 Top 10 List of What Every Subro Professional Needs in their Health Care Subro File
- M.2.3 Food Safety – It's Not Just a Gut Feeling
- M.3.3 Estate/Wrongful Death Claims and ERISA's Probate Exception
- M.4.3 A Busy Year for Medicare Advantage Subrogation



MANAGEMENT

SPONSORED BY



- M.1.4 Leadership Skills – Choosing Talent and Developing it Well
- M.2.4 Subro College Management (Part 1)
- M.3.4 Subro College Management (Part 2)
- M.4.4 Subro College Management (Part 3)

MONDAY, NOVEMBER 7, 2022 (CONT.)



WORKERS' COMP

- M.1.5 Building a Workers' Compensation Recovery from a Construction Accident
- M.2.5 State-Specific Subrogation Coast to Coast (Part 1)
- M.3.5 State-Specific Subrogation Coast to Coast (Part 2)
- M.4.5 Navigating the Pitfalls of Subrogation in Workers' Compensation



GENERAL

SPONSORED BY



- M.1.6 The Evidence is Gone – Now What?
- M.2.6 Back to the Future – Zoom Depositions, Tips, Tactics, and Tricks (Part 1)
- M.3.6 Back to the Future – Zoom Depositions, Tips, Tactics, and Tricks (Part 2)
- M.4.6 Dram Shop & Social Host Liability – Nailing the Blame Game



PRODUCT LIABILITY

SPONSORED BY



- M.1.7 Smart Cities
- M.2.7 Solar Energy Panels: Blind Spots and Risks for Insurers and Owners
- M.3.7 Small Dollar, High Volume Product Liability Claims
- M.4.7 What Do Pipes, Grass and the Beach Have in Common...Plastics!



SUBRO FUNDAMENTALS

- M.1.8 Ethics in Negotiations
- M.2.8 Know Your Role – The Interplay of Experts Throughout Your Subrogation Cases
- M.3.8 Case Presentation for Filers
- M.4.8 Check the Pipes – Plumbing Subrogation 101

SESSIONS BY TRACK

TUESDAY, NOVEMBER 8, 2022



AUTO

SPONSORED BY



- T.1.1 A Survivor's Guide to PIP Recovery in NY & NJ
- T.2.1 Emerging Trends in Auto Subrogation (Part 1)
- T.3.1 Emerging Trends in Auto Subrogation (Part 2)
- T.4.1 Subrogating Autonomous Vehicle Accidents



PROPERTY

SPONSORED BY



- T.1.2 Marine Fire Losses v. Other Fire Losses - Is There a Difference?
- T.2.2 Let's Get Physical - Considerations When Conducting Physical Experiments in Fire Investigations
- T.3.2 Climate Change is Expected, Weather is What We Gets
- T.4.2 Code Compliance/Process Safety Cannabis Industry



HEALTH

SPONSORED BY



- T.1.3 Surf the Subrogation Waves: Discovering Healthcare Subrogation in Surf Spots around the World
- T.2.3 Healthcare Reform Update: Are We There Yet?
- T.3.3 Bugged Down in the Subro Trenches
- T.4.3 Mass Tort Update



MANAGEMENT

SPONSORED BY



- T.1.4 Titans of Subro
- T.2.4 Post-Pandemic Challenges: Beyond the Water Cooler (Part 1)
- T.3.4 Post-Pandemic Challenges: Beyond the Water Cooler (Part 2)
- T.4.4 Subrogation Scoop: Tips and Trends on Timely Topics

TUESDAY, NOVEMBER 8, 2022 (CONT.)



WORKERS' COMP

- T.1.5 Say Goodbye to the "Golden Rule" 1/3-1/3-1/3 - How Carriers are Recovering More in Tough Liability Cases
- T.2.5 Teamwork Makes the Dream Work! Tips for Carriers, Employers, Injured Workers, and Counsel Cooperating to Maximize Workers' Compensation Subrogation Recoveries
- T.3.5 Ethical Considerations – Slip and Fall
- T.4.5 Unearthing the Secrets to Investigate, Evaluate and Pursue Workers' Compensation Subrogation Recoveries in Excavation and Trench Collapses



GENERAL

SPONSORED BY



- T.1.6 Ethical Dilemmas in Subro - Fabrications and Misstatements
- T.2.6 New Developments on Subrogation in Canada
- T.3.6 Remote Subrogation Two Years Later – What Has Changed and What Has Remained the Same
- T.4.6 Pursuing Financial Institutions



PRODUCT LIABILITY

SPONSORED BY



- T.1.7 The Imitation Game – Using Exemplars for Product Examinations
- T.2.7 Beat the Heat – Common HVAC Challenges
- T.3.7 Our Sprinkler System Destroyed Our Building – Who is to Blame?
- T.4.7 Don't Get Burned Online – Subrogation vs. Amazon & Other Online Retailers



SUBRO FUNDAMENTALS

- T.1.8 Don't Leave Your Subrogation Settlement to Luck
- T.2.8 Swimming for Subro: An Overview of Ocean Marine Losses
- T.3.8 When Your Subrogation Loss Goes to Court
- T.4.8 Understanding the Subrogation Potential with Fire Protection and Life Safety Systems

CONFERENCE AGENDA

SUNDAY, NOVEMBER 6, 2022

The Registration Desk will be open from 11:00 AM – 5:30 PM.

9:00 AM – 12:00 PM	CSRP* EXAM Osprey 9 <i>*Examinees must have already matriculated and enrolled for exam.</i>
11:00 AM – 4:00 PM	EXHIBITOR INSTALLATION
11:00 AM – 6:30 PM	EXHIBITOR REGISTRATION
2:00 PM – 6:30 PM	ATTENDEE REGISTRATION
4:30 PM – 5:30 PM	FIRST-TIME ATTENDEE ICEBREAKER Are you a first-time attendee to the NASP Conference? If so, please plan to attend this icebreaker and learn how to get the most of your conference experience, make new friends, and build networks. Invitations will be emailed in September. RSVP is necessary for this event.
6:00 PM – 8:00 PM	WELCOME RECEPTION Sunset Terrace

MONDAY, NOVEMBER 7, 2022

The Registration Desk will be open from 7:00 AM – 6:45 PM.

7:30 AM – 8:15 AM	BREAKFAST WITH EXHIBITORS GENERAL SESSION AND KEYNOTE PRESENTATION: BOB MONGELUZZI  <p>NASP is proud and honored to welcome National Trial Lawyer Hall of Fame inductee ROBERT J. MONGELUZZI. He will be presenting to our subrogation community on opening statements, capturing the jury's attention and strategic decision making in maximizing recoveries.</p> <p>Mr. Mongeluzzi's presentation will start off with an emotional tour de force presentation of an opening statement in a workplace burn injury case that resulted in an eight-figure recovery. Next, Mr. Mongeluzzi will present on litigation strategic decision making, overcoming obstacles and case theories and choices in the context of a high-profile Salvation Army collapse killing 7 resulting in a nine-figure recovery. Last, but certainly not least, he will be joined by</p>  <p>his partner JEFFREY P. GOODMAN for a special presentation on the litigation and settlement of the Surfside condo collapse that killed 98 and resulted in a ten-figure recovery.</p> <p>No matter what your subrogation role is, this is a presentation has something for each of us to come away with – you will not want to miss it!</p>
8:15 AM – 10:30 AM	
10:30 AM – 11:00 AM	REFRESHMENT BREAK IN EXHIBIT FOYER
11:00 AM – 12:00 PM	CONCURRENT SESSIONS #1
	M.1.1 AUTO HOW A HUMAN FACTORS EXPERT CAN ASSIST ON SUBROGATION CLAIMS <i>David Danaher</i> <p>After an accident, subrogation adjusters must determine the collision's cause. This presentation will provide a framework for analyzing collisions out of the human factors perspective. In general, experts are asked to answer four questions: (1) The "physics" – dealing with the information physically available to the driver for the detection of another vehicle and for the correct prediction of its future location; (2) The "possibility" – dealing with the question if the driver had the ability to use the available information; (3) The "probability" – asking how likely normal drivers use the information; and (4) The "normality/causality" – explaining if the driver acted within the realm of normal behavior.</p>

CONFERENCE AGENDA

11:00 AM – 12:00 PM CONCURRENT SESSIONS #1 (CONT.)

M.1.2 PROPERTY ARSON FIRES – WHERE SUBROGATION BURNED

Ulises Castellon, Sally Noma

This session is designed to help develop the skills necessary to ensure a thorough and effective fire claim investigation. Claims professionals will receive tools and perspectives needed to: ensure cost effective utilization of experts; to avoid common dangerous mistakes; and to minimize exposure to legal liability in the context of the overall claim resolution goals. This engaging program will discuss NFPA 921, Guide for Fire and Explosions Investigations, from the adjuster's perspective, utilizing visually compelling fire case examples to illustrate the current state of the art/science of forensic fire investigation, helping the claim's professional to ensure complete and proper investigation of fire-related claims.

M.1.3 HEALTH TOP 10 LIST OF WHAT EVERY SUBRO PROFESSIONAL NEEDS IN THEIR HEALTH CARE SUBRO FILE

Laura Schmidt

You wouldn't come back to the island without your top 10 beach essentials (shades, sunscreen, etc.). So don't go back to work without the top 10 things to have in your subro file. This session will open a treasure chest made just for health care, and discuss the top 10 things every subrogation professional should have in a subro/reimbursement file. Insurance claim professional? service provider? This top 10 list of gems will apply equally to your files to increase your recoveries. We will also discuss strategies on how to handle files that don't include the top 10.

M.1.4 MANAGEMENT LEADERSHIP SKILLS – CHOOSING TALENT AND DEVELOPING IT WELL

Carl Van

The two most important responsibilities of any leader are to hire the right people and then make sure those hires develop into the most effective employees possible. Based on concepts from his book, The Eight Characteristics of the Awesome Employee, our presenter will offer some quick and easy tips. First, on how to identify the best candidates. Second, some things to keep in mind when trying to develop them into long-term, exceptional employees.

11:00 AM – 12:00 PM CONCURRENT SESSIONS #1 (CONT.)

M.1.5 WORKERS' COMP BUILDING A WORKERS' COMPENSATION RECOVERY FROM A CONSTRUCTION ACCIDENT

John Popilock, Patrick Timoney

Construction accidents are the leading cause of catastrophic workplace injuries in the United States. This presentation will address how the subrogation professional should investigate common construction accidents with a view toward third-party recovery. It will address accidents involving falls from heights, fall protection, excavations, floor openings, fixed and erected scaffolds, leading edge work, ladders, and aerial boom trucks and scissors lifts. The presentation will address the various governmental standards applicable to these types of accidents including OSHA standards for construction work and ANSI standards for construction machinery and tools. The presentation will address how to avoid evidence spoliation issues that are prevalent in construction accident cases because of constantly changing construction sites, and the need to promptly investigate these accidents due to transient witness employees for material suppliers and other subcontractors. Lastly, the presentation will address the sensitivities that oftentimes surround the investigation of construction accidents in light of construction contracts, indemnification agreements, and other potential impediments to third party recoveries, including employer liability issues, and how to reasonably address or avoid these pitfalls.

M.1.6 GENERAL THE EVIDENCE IS GONE – NOW WHAT?

Stephen Cyr, Mary Grecz

This presentation will involve a case study discussion on a multi-million dollar subrogation claim where the physical evidence was discarded by the adverse party, and the case was able to proceed forward in litigation. We will also discuss best practices when it comes to evidence preservation, when preservation is required, what needs to be preserved, and what remedies are available to either side when evidence is destroyed.

M.1.7 PRODUCT LIABILITY SMART CITIES

Andrew Snowwhite

This presentation will provide an overview of smart cities and associated considerations. It begins with an introduction of the presenter's background and experiences along with an exploration of what "smart" means. This will be followed by a case study of one of the most successful new smart and sustainable cities, Songdo, South Korea. Additional examples will be provided regarding smart cities that have been successful, and others that have failed. A moderated discussion and audience Q&A will explore a range of topics such as smart mobility, data collocation and usage, connected devices, 5G, and relevant product innovations (e.g., fire monitoring sensors).

M.1.8 SUBRO FUNDAMENTALS ETHICS IN NEGOTIATIONS

Sonia Esfahbodirad, Rob Stern

This session will take you through the steps of how to: (1) prepare; (2) what facts to present, and how and when to present; (3) develop the strengths for your claim; (4) determine when to talk and when to pause; and (5) react when the negotiation fails or stops abruptly. Also, this session will address how the novice moves forward to reach the ultimate goal of a successful recovery!

12:00 PM – 1:00 PM

LUNCH WITH EXHIBITORS IN EXHIBIT FOYER

CONFERENCE AGENDA

1:00 PM – 2:00 PM

CONCURRENT SESSIONS #2

M.2.1 AUTO

MED-PAY: A FORGOTTEN AND OVERLOOKED SUBROGATION RECOVERY

Katherine Sandoval, Mark Solomon

Med Pay and PIP Subrogation 101 is a one-hour presentation focused on the basic overview of subrogating Med Pay and PIP losses throughout the country. The presentation will focus on the applicable coverages, no fault laws, contractual and statutory subrogation provisions, the made whole doctrine, the common fund doctrine, and interstate conflicts of law.

M.2.2 PROPERTY

WRONG PEOPLE, WRONG DECISIONS: THE EFFECTS OF HAVING UNQUALIFIED OR UNDERQUALIFIED INDIVIDUALS MAKING DECISIONS THAT AFFECT LIFE SAFETY

Scott Nacheman, Bruce Moss

Drawing upon the presenters' experience investigating three major construction failures of the past decade: The 2011 Indiana State Fair collapse, the 2018 FIU Bridge collapse, and the 2022 New Orleans Hard Rock Hotel collapse, these case studies will include a brief background regarding the design and construction of the structures, in addition to the deficiencies in the decision making process that resulted in the catastrophic failures and unfortunate loss of human life. The legal focus of the presentation will focus on the myriad of parties involved with complex construction projects such as those mentioned above, and the challenges in identifying responsibility, standard of care, and recovery opportunities in such matters.

M.2.3 HEALTH

FOOD SAFETY – IT'S NOT JUST A GUT FEELING

Allison Stock

In 2022 already, there have been several recalls of food. Some of these include a popular brand of peanut butter, strawberries, and chocolate candy. There can also be severe illnesses caused by food safety issues from local restaurants. During COVID, many restaurants moved from dine-in to take-out. This created new potential opportunities for food-borne illnesses. Attendees will leave the session with a stronger understanding of food safety, food-borne illnesses key questions to any subrogation investigation involving food safety: the top 5 pathogens that cause food illnesses; the main types of food-borne illnesses; the best methods of preventing food-borne illnesses.

M.2.4 MANAGEMENT

SUBRO COLLEGE MANAGEMENT (PART 1)

John Foster

Focusing on the behavioral characteristics today's subro manager needs to possess. We will raise the question as to whether today's subro manager needs to display claim "technical abilities." We will explore why such technical skills are important in today's subrogation operations. We will explore the challenge/opportunities of building lasting relationships with our frontline claim force. Using case studies, we will discuss how leaders may utilize personality traits and technical claim skills in building appropriate relationships with the frontline.

1:00 PM – 2:00 PM

CONCURRENT SESSIONS #2 (CONT.)

M.2.5 WORKERS' COMP

STATE-SPECIFIC SUBROGATION COAST TO COAST (PART 1)

Joe Nemo, William McNulty, Geri O'Brien Williams, Laura Schmidt, Steven York, Mark Ferguson

Do you have trouble understanding the nuances of a particular state's workers' compensation subrogation laws? Workers' compensation subrogation law is highly regulated and statutorily dependent, with considerable variation across the country. For anyone handling claims in multiple states, this can make daily practice confusing. We will examine the "nuts and bolts" of subrogation in select jurisdictions, significant legislative and case law developments across the United States in the past year, and strategies for maximizing recovery in particular jurisdictions. Lead by subrogation professionals practicing in these states, you will learn the essential features of the law and have an open forum for questions.

M.2.6 GENERAL

BACK TO THE FUTURE – ZOOM DEPOSITIONS, TIPS, TACTICS, AND TRICKS (PART 1)

Patrick Jarosch, Allison Pettey, Tim Poeschl, Paul Rocheford

At the start of the pandemic, resolving cases was hampered until we embraced the technology showcased in Back To The Future, Part II. Some reluctantly used Zoom depositions but quickly went back to person proceedings. But factors like cost, efficiency, and COVID 19 variants found us going Back to the Future. We will discuss how to make Zoom depositions easier for everyone involved, as well as ethical considerations. We will hear from a claim representative's perspective on Zoom proceedings. We will also hear from a mediator on how to prepare your case for a successful zoom mediation. Great Scott!

M.2.7 PRODUCT LIABILITY

SOLAR ENERGY PANELS: BLIND SPOTS AND RISKS FOR INSURERS AND OWNERS

Ben Dae, Steve Winning

Installation of roof-mounted and ground mounted solar panels may involve potential risks of fire, roof collapse, business interruption, flooding, wind born damage, water intrusion, etc. Design, installation and maintenance of solar panels vary in each case depending on the project characteristics. This presentation aims to scrutinize the underlying risks associated with development of the new solar projects. Environmental risks such as alteration in snow load, wind load, ice load, and gravity load and potential water leakage issues resulting from solar panel installation are briefly explained. The potential liabilities of solar farm are discussed. The lessons learned and active case laws from forensic investigations will be reviewed. Liability of owners, designers, insurers and installers are briefly analyzed and subrogation claims opportunities in such losses will be reviewed.

M.2.8 SUBRO FUNDAMENTALS

KNOW YOUR ROLE – THE INTERPLAY OF EXPERTS THROUGHOUT YOUR SUBROGATION CASES

Tim Anderson, Tom Paolini, Christine Pongratz, Mike Wallace

This presentation will discuss issues that arise during settlement negotiations and after all parties have agreed upon a settlement figure. The panel will utilize case examples to illustrate the best time to commence settlement negotiations and issues that can ruin your settlement. The panel will discuss the importance of sending a settlement confirmation outlining the terms. The presentation will discuss mediations and the importance of documenting all terms at the conclusion. The panel will identify and analyze problematic clauses that routinely appear in releases and the proper parties to execute releases. Lastly, the presentation will analyze motions to enforce, the requisite terms for any dismissal documents to be filed and the timing of filing.

2:00 PM – 2:15 PM

MOVEMENT BREAK

CONFERENCE AGENDA

2:15 PM – 3:15 PM

CONCURRENT SESSIONS #3

M.3.1 AUTO MAXIMIZING RECOVERIES ON AUTOMOBILE PRODUCT DEFECT CLAIMS

Susan Benson, Tom Lepper, Joe Pleasant

Too often, automobile product defect claims are overlooked as potential subrogation. One looks to a responsible third-party driver to seek reimbursement, but in many instances, a vehicle accident or loss is due to a defect in the vehicle. A thorough investigation and preservation of evidence is required in order to establish a claim against the vehicle manufacturer, dealership, and/or supplier to protect subrogation rights. This session will detail how to conduct a thorough investigation at the outset and what is needed to ascertain all responsible parties. The panel will discuss how to preserve the vehicle in a way that is cost effective for the claim, and current defects to watch for, as well as how the growth of electric car sales may result in a host of new risks and claim scenarios for manufacturers, dealerships, suppliers and insurers.

M.3.2 PROPERTY PLAYING WITH FIRE WITHOUT BEING BURNED – FIRE INVESTIGATION AND FIRE MODELING DECODED

Joseph Ellington, Ken Levine

The presentation describes how modern fire investigation has evolved from an intuitive and experience based approach into a formal methodology grounded in the scientific method. An explanation of what fire models are is provided along with a discussion of their limitations and criticisms and criteria for assessing their value and usefulness in fire related subrogation claims.

M.3.3 HEALTH ESTATE/WRONGFUL DEATH CLAIMS AND ERISA’S PROBATE EXCEPTION

John Kolb

This session will examine how the death of a plan member affects a health plan’s right to be reimbursed for medical expenses paid on behalf of the decedent. The session will include a review of different state laws, estate claim filing procedures, wrongful death allocations, and the probate exception to federal jurisdiction. Finally, the session will explore alternative ways to seek recovery.

M.3.4 MANAGEMENT SUBRO COLLEGE MANAGEMENT (PART 2)

John Foster

Subrogation gets attention from time to time. It’s difficult for subrogation to have continuous attention from upper leadership that it really deserves. Are we getting the right people in our subro operations? Can we be sure we get the best people? This portion of the program will address these important issues. Utilizing discussion and two specific exercises, we gain a better understanding of the critical importance of support from upper leadership. Further, we will see why author Jim Collins says, “We have to have the right people on the bus!”

2:15 PM – 3:15 PM

CONCURRENT SESSIONS #3 (CONT.)

M.3.5 WORKERS’ COMP STATE-SPECIFIC SUBROGATION COAST TO COAST (PART 2)

Joe Nemo, William McNulty, Geri O’Brien Williams, Laura Schmidt, Steven York, Mark Ferguson

Do you have trouble understanding the nuances of a particular state’s workers’ compensation subrogation laws? Workers’ compensation subrogation law is highly regulated and statutorily dependent, with considerable variation across the country. For anyone handling claims in multiples states, this can make daily practice confusing. We will examine the “nuts and bolts” of subrogation in select jurisdictions, significant legislative and case law developments across the United States in the past year, and strategies for maximizing recovery in particular jurisdictions. Lead by subrogation professionals practicing in these states, you will learn the essential features of the law and have an open forum for questions.

M.3.6 GENERAL BACK TO THE FUTURE – ZOOM DEPOSITIONS, TIPS, TACTICS, AND TRICKS (PART 2)

Chris Capalbo, Adrienne Gross, Allison Pettey, Tim Poeschl, Paul Rocheford

In Part 2 of this session, a panel of experts will share real-life experiences participating in virtual depositions and mediations. This will be an interactive session to share stories, lessons learned, and an opportunity to ask questions to a panel who has been there and done that.

M.3.7 PRODUCT LIABILITY SMALL DOLLAR, HIGH VOLUME PRODUCT LIABILITY CLAIMS

Amy Hildebrand, Mike Jacob, Aaron Plamann

Product liability claims are complex and difficult subrogation files to recover. The nature of the claim demands expert investigation to confirm a product defect, and manufacturers are sensitive to any claim that their product caused property damage. Manufacturers hire and train individuals to handle a high volume of these claims, allowing for consistent defense messaging and arguments. A panel of subrogation professionals will lead a “Jeopardy!” style presentation to discuss initial tactics in investigating a products liability claim, common defense schemes, and how to maximize the recovery of smaller product liability subrogation claims.

M.3.8 SUBRO FUNDAMENTALS CASE PRESENTATION FOR FILERS

Sonja Jacobson

When the arbitration decision reveals a lack of recovery, or the recovery is less than anticipated, the question is—why? Learn case presentation strategies to optimize the potential of recovery in arbitration, including best practices for arguing and supporting liability and non-liability recovery arguments. Discover filer damage dispute pitfalls, and specific considerations when presenting damages, including how to present when only damages are in dispute. This session features a group activity in which you will review two separate arbitration cases and collaborate to answer questions regarding presentation quality.

3:15 PM – 3:45 PM

REFRESHMENT BREAK IN EXHIBIT FOYER

CONFERENCE AGENDA

3:45 PM – 4:45 PM

CONCURRENT SESSIONS #4

M.4.1 AUTO INTERSTATE TRUCKING FROM LOADING TO UNLOADING: DIGITAL FORENSICS

Rebecca Wright

Semi-trucks, tractor-trailers, and other heavy vehicles are more than just larger automobiles. They're larger in every way, from their velocity to the potential for damages, handling these cases requires special considerations. Things like required coverages and waybills are covered by federal laws, while other things, like electronic data, are surprisingly not. Roll on into this session to learn about the special circumstances and alternative standards you need to know to handle trucking cases, because while there may be 18-wheels on a big-rig, there are many more ways that they can become your next subrogation claim.

M.4.2 PROPERTY MANAGING COMPLEX FIRE INVESTIGATIONS

Kevin Hays, Joe Rich

Sometimes it's like herding cats when you have a multi-party fire investigation. We all know the maxims – preserve evidence and place parties on notice – but if it's your fire scene, how do you maintain order among the chaos? Become the “Horrible Boss” and manage the fire investigation, organizing the process and overseeing the activities of interested parties. Most fire investigation presentations focus on how to determine origin and cause, whereas this session will explore how to manage the overall process from the time you get the file and place parties on notice until you collect your evidence and release the scene.

M.4.3 HEALTH A BUSY YEAR FOR MEDICARE ADVANTAGE SUBROGATION

Brian Bargender, Ryan Woody

2022 began with new legislation that encouraged injury carriers to identify Medicare Advantage liens, a False Claims Act suit against hundreds of automobile insurers, and a half dozen federal appellate cases focused on Medicare Advantage recovery rights. All of this activity still leaves unanswered questions about Medicare Advantage plans' recovery rights and responsibilities. Find out which developments really matter and whether they have the same meaning for health plans, recovery vendors, plan members, and injury carriers.

M.4.4 MANAGEMENT SUBRO COLLEGE MANAGEMENT (PART 3)

John Foster

This session will deal with methods for building relationships with counsel and our vendor partners. These relationships are important, but do they really get the regular attention they need? Reviewing two factual cases we will look at how proper attention or lack thereof, may impact these relationships. Working in small groups, attendees will apply subrogation specific leadership perspective as to the following: (1) how might the issue be resolved; (2) what if anything might have prevented the issue from occurring; and (3) as a result of this situation, are there any company policy or procedural issues that may need to be instituted or revised?

3:45 PM – 4:45 PM

CONCURRENT SESSIONS #4 (CONT.)

M.4.5 WORKERS' COMP NAVIGATING THE PITFALLS OF SUBROGATION IN WORKERS' COMPENSATION

Lee Mendelson

This session will discuss theories of third party liability in the workers' compensation context and those pesky obstacles that can slow you down. Here is your chance to learn how to avoid the pitfalls so that you can represent your client and obtain a greater recovery!

M.4.6 GENERAL DRAM SHOP & SOCIAL HOST LIABILITY – NAILING THE BLAME GAME

Aurora Levinson, Nadia Moore, Chantal Roberts

Many auto premises liability claims involve some level of alcohol impairment. Commercial establishments where alcoholic beverages are served (e.g., bars, restaurants) and social hosts who serve alcohol in non-commercial settings may find themselves allegedly liable for damage, injury, and/or death caused by alcohol-related accidents involving individuals they have served. Subrogation professionals will learn from this engaging one-hour session (1) key considerations for a dramshop and social host adjuster investigation; (2) the potential effects of alcohol and how alcohol tests are performed and interpreted; the Widmark equations importance on testing; and (4) a case study to illustrate inebriation levels .

M.4.7 PRODUCT LIABILITY WHAT DO PIPES, GRASS AND THE BEACH HAVE IN COMMON... PLASTICS!

Phil Carroll, Antoine Rios

Plastics oxidize and deteriorate over time, just as our body ages over time. Exposure to sunlight causes oxidation in both plastics and our skins. Exposure to chlorinated water causes oxidation in some plastics as well. Add high temperature to the mix and then oxidation accelerates exponentially. Plastics, specifically polyethylene, used in plumbing can be exposed to a combination of sunlight, chlorine and high temperature during their lifetime. Therefore, understanding how these factors affect plastics and how can they lead to water leaks is important in understanding the how and why plastics can fail in these applications. Where does grass fit in all this? It just happens that artificial grass can be made out of polyethylene, and it can fail in similar ways due to oxidation when exposed to sunlight and heat.

M.4.8 SUBRO FUNDAMENTALS CHECK THE PIPES – PLUMBING SUBROGATION 101

Kris Cherevas, Michelle Feduccia

This is an overview of plumbing basics with hands-on exemplars. This presentation will cover a broad section of water losses. We break it down in simple terms and quick reference checklists: (1) what kind of plumbing system is it; (2) what does it do; what material is it made of; (3) how did it fail? (3) what to look for; and (4) what to ask, who to call, and why it matters? This presentation will leave attendees with a better understanding of plumbing functionality, common failures, and checklists to prepare for the next water loss and potential subrogation recovery.

5:00 PM – 6:30 PM

NETWORKING RECEPTION
Sunset Terrace

CONFERENCE AGENDA

TUESDAY, NOVEMBER 8, 2022

7:30 AM – 8:30 AM

BREAKFAST WITH PRESENTATION: BRAIN HEALTH ACROSS YOUR LIFESPAN BY PAUL NUSSBAUM

Calusa Foyer

The human brain is the single greatest most magnificent system in the universe. Weighing but 3 pounds, composed of 60% fat, and demanding 25% of the blood and oxygen from every heartbeat, this miracle sitting between our ears is the origin of our identity. Dr. Nussbaum tells the story of the human brain in an informative, fun, and personal manner. New discoveries of the brain will be reviewed including the power of plasticity and our ability to shape our brain for health at any age. Basics of neuroanatomy will be tied to behavior in practical ways. Given that your brain is the maestro of the body and carries the blueprint for real health and wellness it is important to learn about this beautiful part of you and discover how empowered you are.

8:30 AM – 10:00 AM

KEYNOTE PRESENTATION: JOE STEPHENSON

From machine learning technologies to telematics, the amount of data insurers has available is growing exponentially. But that internal data is only the tip of the iceberg. The pandemic changed a lot of things, from how we worked to how we interacted, and as a result we saw an adaptation in the data that was being created. Moreover, we saw a fundamental change in who was creating it. People in their 70s learning how to use Zoom and 25-year-olds creating Facebook accounts, both “firsts” in their respective lives. As 2025 rapidly approaches, with it will be a shift in how insurers leverage their workforce and claims investigations are conducted. Is your company poised for the technological hurdles that are just a few years away? Join us for a discussion about the current trends in digital data and social media, particularly ephemeral videos and similar content, that will reshape how claims and fraud investigations are conducted. Find out what data exists outside the norm, how natural language process will adapt to emojis and hashtags, and why analytics will be the primary driver in claims settlement, litigation, and subrogation. Learn about new technologies that already exist that can help you handle and analyze larger volumes of data, like videos, and consider what policies and procedures you need to start framing now, to be prepared for the future.



JOE STEPHENSON is the Director of Digital Intelligence for INTERTEL, Inc. and an internationally recognized expert in the field of social media, Open-Source Intelligence (OSINT), and insurance fraud. With over 30 years of investigative experience in both the private and public sectors, Joe spearheads the development of innovative products for fraud detection and analytics, particularly those that draw from social media, IoT, and unstructured data. Joe is a former Board of Director for IASIU and Northeast IAATI, and past President of the New England Chapter IASIU. He is a regular contributor to SIU Today and the AFA newsletter, where he discusses practical online techniques, adjusters can use in their day to day investigations. You are encouraged to connect with Joe via LinkedIn, and as always, never hesitate to reach out to him with questions you may have.

10:00 AM – 10:30 AM

REFRESHMENT BREAK IN EXHIBIT FOYER

CONFERENCE AGENDA

10:30 AM – 11:30 AM

CONCURRENT SESSIONS #1

T.1.1 AUTO

A SURVIVOR'S GUIDE TO PIP RECOVERY IN NY & NJ

Noah Gradofsky, Jan Meyer

This presentation provides a summary of NY and NJ PIP recovery laws. We include an overview of both states' statutes identifying the particular instances in which PIP is recoverable including at-fault parties and concurrent coverage as well as some of the key distinctions between NY and NJ. Topics include: when is PIP recoverable, the procedure for recovery, relevant statutes of limitation, the interaction between PIP claims and the insured's BI claim, common misunderstandings of each state's PIP laws, and latest updates on PIP laws including the interaction of PIP laws with rideshare companies such as Uber and Lyft.

T.1.2 PROPERTY

MARINE FIRE LOSSES V. OTHER FIRE LOSSES – IS THERE A DIFFERENCE?

Michael Hill, Rick Maleski, Ben Mills

The focus of this presentation will be a panel discussion and case study concerning marine fire losses to include their potential causes and how they are similar to other fire related losses regarding subrogation. The presentation will examine marine fires along with where and how they commonly occur along with discussing potential subrogation issues that exist in vessel or marina fires. The panel will discuss how a marine fire should be investigated along with the involvement of counsel in the investigation and the progression of the matter. This presentation will also allow for open discussion and questions with the attendees.

T.1.3 HEALTH

SURF THE SUBROGATION WAVES: DISCOVERING HEALTHCARE SUBROGATION IN SURF SPOTS AROUND THE WORLD

Jamie Izlar

Welcome to the Subrogation Island! Travel along as we visit popular surf destinations while also discovering subrogation opportunities around the world. Catch a subrogation wave in countries such as Australia, Canada, Dominican Republic, Mexico, New Zealand, and the United Kingdom, to name a few. We will explore case law and statutes that affect recovery actions of medical benefits in each surf spot. You will also get a chance to meet professional surfers who will share their experiences mastering the waves. Subrogation professionals will leave the subrogation Island equipped with the proper tools to maximize recoveries abroad while avoiding rip currents.

T.1.4 MANAGEMENT TITANS OF SUBRO

Jeff Baill, Elliott Feldman, Ryan McIntosh

Join us in a conversation with industry titans. With a combined 80 years of subrogation and litigation experience our presenters will share their thoughts on lessons learned during their distinguished careers, the importance of managing people and relationships, the characteristics of high-performing companies and their visions for the future of our industry. This is a rare opportunity to engage with true titans of subro that you will not want to miss.

10:30 AM – 11:30 AM

CONCURRENT SESSIONS #1 (CONT.)

T.1.5 WORKERS' COMP

SAY GOODBYE TO THE "GOLDEN RULE" 1/3-1/3-1/3 – HOW CARRIERS ARE RECOVERING MORE IN TOUGH LIABILITY CASES

Jim Golkow, Dan Hessel

This presentation will discuss the common position taken by judges, mediators and attorneys whereby the workers compensation insurer is requested to reduce its lien for settlement under the Golden Rule formula: claimant, claimant's counsel and the insurer split the proceeds on an equal basis regardless of the amount offered, the lien amount or the carrier's lien rights. This scenario typically occurs in tough liability cases and also where the lien is large and the claimant's injuries are questioned. This presentation will include: mock mediation, strategies and techniques to avoid compromising, tips to maximize recovery including actual case studies.

T.1.6 GENERAL

ETHICAL DILEMMAS IN SUBRO – FABRICATIONS AND MISSTATEMENTS

Steven Alsip, Rebecca Wright

How important is that oath to tell the truth, really? Don't lawyers lie all the time? In spite of what a million jokes might have lead you to believe, lawyers are bound to be truthful and to avoid presenting information that is not true to the court. We know that you would never tell a lie, but what if the tortfeasor lies? Or a witness, or worse, the insured? In this session, we'll discuss both perjury and subornation of perjury. You'll learn the very serious ramifications for lying in subrogation court proceedings, and what to do if you discover that someone else has or is going to lie, including the very real ethical issues that situation raises for the attorney. In addition, we'll cover what to do if you (accidentally, of course) misrepresent something to the court.

T.1.7 PRODUCT LIABILITY

THE IMITATION GAME – USING EXEMPLARS FOR PRODUCT EXAMINATIONS

Matt Ferrie, Jeremiah Pratt, Gus Sara, Mike Stoddard

For any origin and cause investigation involving products, subrogation professionals and their experts must consider whether an undamaged exemplar of the product is necessary or would be helpful for determining whether the product failed and the reason for its failure. We often find, particularly in fire losses, that the evidence was significantly damaged. Damage to products can hinder the expert's ability to fully analyze the product and understand its potential failure modes. This presentation will discuss the various factors that need to be considered when deciding whether to use exemplars as part of the investigation. This presentation will also provide general tips and best practices for selecting and utilizing exemplars.

T.1.8 SUBRO FUNDAMENTALS

DON'T LEAVE YOUR SUBROGATION SETTLEMENT TO LUCK

Casey Highlands, Alexendra Torriero, Mike Wallace

This presentation will discuss the roles your experts play during the pursuit of your subrogation cases from initial investigation through trial. The panel will discuss the selection and costs in retaining the proper experts and the role of each expert. A discussion will be held regarding testifying versus non-testifying experts as well as their communication and disclosure requirements. The panel will address the importance of communications amongst your experts during report preparation, deposition and trial. Real case examples will be utilized to demonstrate the successful interplay of liability and damage experts in the pursuit of complex subrogation cases. Lastly, the panel will analyze issues involving the interplay of experts at trial.

11:30 AM – 12:30 PM

LUNCH WITH EXHIBITORS IN EXHIBIT FOYER

CONFERENCE AGENDA

12:30 PM – 1:30 PM

CONCURRENT SESSIONS #2

T.2.1 AUTO EMERGING TRENDS IN AUTO SUBROGATION (PART 1)

Tim Christ, Joe Minnella

This 2-hour session includes a 1-hour panel discussion plus 1-hour workshop to discuss key emerging trends in auto subrogation. Many factors can impact insurers – from climate change to labor shortages to inflation, increasing total loss claims and repair prices to growing vehicle and repair complexity. In addition, the ability to digitize subrogation management can be enabled by advancements in AI and network technology. The workshop is designed around concepts presented by the Harvard Business School to help attendees leverage innovative problem-solving techniques to address core insurance business challenges and build insurance solutions, subrogation processes, strategies, and teams for optimal performance.

T.2.2 PROPERTY LET’S GET PHYSICAL – CONSIDERATIONS WHEN CONDUCTING PHYSICAL EXPERIMENTS IN FIRE INVESTIGATIONS

David Fisk, Todd Metzger

Conducting a physical experiment can be expensive, but it may be a necessary expense to assist the fire investigator in making a reliable fire cause determination and to establish the liability of a defendant. Clients need to understand the costs involved and what their return on investment will be before a physical experiment is conducted. Other legal considerations include who should conduct the testing – the testifying expert or a consulting expert – and the admissibility of the testing – the danger of unfair prejudice, confusion of the issues, and misleading the jury.

T.2.3 HEALTH HEALTHCARE REFORM UPDATE: ARE WE THERE YET?

Chris Aguiar

Another year removed from election, and significant problems impacting the country, has the Biden Administration made any progress on one of the key issues on his election campaign platform - Health Reform?! With the Country facing significant issues, an electorate desperate for relief, and a political landscape rife with deadlock, has the Administration been able to move the needle, and is there any of the “relief” in sight thought to be upon us when “The Blue Wave” took over America?

12:30 PM – 1:30 PM

CONCURRENT SESSIONS #2(CONT.)

T.2.4 MANAGEMENT POST-PANDEMIC CHALLENGES: BEYOND THE WATER COOLER (PART 1)

Wendy Clayton, Maura Droney, Kim Drew, Jason Wright

The panel will explore post pandemic challenges, experiences, and learnings over the past two years. Topics will cover leading teams across multiple locations and remote, hybrid and in-office environments; recruiting and retention strategies; training challenges/opportunities; litigation impacts; evolving communication needs; acceleration of technology/digitization; maintaining company culture; and navigating evolving environmental factors that impact our people and our recoveries. The session is designed to be interactive with the audience to explore how the world we live in has been fundamentally reshaped as new business realities continue to unfold. We are looking forward to an engaging two- part session with you!

T.2.5 WORKERS’ COMP TEAMWORK MAKES THE DREAM WORK! TIPS FOR CARRIERS, EMPLOYERS, INJURED WORKERS, AND COUNSEL COOPERATING TO MAXIMIZE WORKERS’ COMPENSATION SUBROGATION RECOVERIES

Joe Nemo, William McNulty, Steven York, Mark Ferguson

Lien recoveries are difficult to achieve in the best of times and the process can be highly adversarial. However, this should not be the case. This presentation will provide attendees with essential tips demonstrating how cooperation between the participants streamlines the recovery process and serves to advance the interests of all parties to the case. We define the participants’ roles and use case studies to show how carriers, employers and injured workers will protect their interests and maximize their respective recoveries using this cooperation model on subrogation, workers’ compensation and third-party claims.

T.2.6 GENERAL NEW DEVELOPMENTS ON SUBROGATION IN CANADA

Jana Smith

This session will review a number of recent changes in the law of subrogation in Canada relating to damage to vehicles and contents, damage to cargo, and medical benefits, where the losses arise from automobile accidents. This will include changes in the law specific to different provinces.

T.2.7 PRODUCT LIABILITY BEAT THE HEAT – COMMON HVAC CHALLENGES

Zachary Ball, Zachary Jett

This presentation will provide an overview of common HVAC subrogation claims. This presentation will begin with taking a top-level look at the operating principles of HVAC systems and the corresponding components that are required for successful operation. Next, we will discuss additional considerations regarding HVAC systems related to installation and support structures. Finally, we will explore three case studies putting the previously obtained knowledge into real-world scenarios. This presentation allows those overseeing claims and suits to fully understand the technical information and make better informed decisions.

T.2.8 SUBRO FUNDAMENTALS SWIMMING FOR SUBRO: AN OVERVIEW OF OCEAN MARINE LOSSES

Ashley Baurele, Rob Phelan

Is a Himalaya Clause a real thing? Yes, it’s a real thing. Does Allision mean the same as Collision? No, they’re different. In this presentation, we’ll take you through the murky waters of subro cases on the open water and under marine policies.

CONFERENCE AGENDA

1:30 PM – 1:45 PM

MOVEMENT BREAK

1:45 PM – 2:45 PM

CONCURRENT SESSIONS #3

T.3.1 AUTO EMERGING TRENDS IN AUTO SUBROGATION (PART 2)

Tim Christ, Joe Minnella, Kim Stafford

This 2-hour session includes a 1-hour panel discussion plus 1-hour workshop to discuss key emerging trends in auto subrogation. Many factors can impact insurers – from climate change to labor shortages to inflation, increasing total loss claims and repair prices to growing vehicle and repair complexity. In addition, the ability to digitize subrogation management can be enabled by advancements in AI and network technology. The workshop is designed around concepts presented by the Harvard Business School to help attendees leverage innovative problem-solving techniques to address core insurance business challenges and build insurance solutions, subrogation processes, strategies, and teams for optimal performance.

T.3.2 PROPERTY CLIMATE CHANGE IS EXPECTED, WEATHER IS WHAT WE GET

Brian Huang, Matt Peaire, Mike Rimoldi

Why is subrogation ignored or missed after natural disasters? This session will reveal tips to help subrogation professionals nail subrogation potential after a catastrophe. Attendees will also better understand how learning about building code basics can help subrogation potential. The session also covers the proper steps to pursue subrogation against roofers, contractors, or manufacturers. This session will discuss (1) key questions to ask on catastrophe claims to uncover potential subrogation; (2) building code basics that can be relevant to subrogation and roof claims; (3) how to identify the outliers when investigating structures that could lead to subrogation potential; and (4) subrogation legal issues on catastrophe losses

T.3.3 HEALTH BOGGED DOWN IN THE SUBRO TRENCHES

Lisa Boero, Matt Falk, Sara Skrzeczkoski, Joel Tilleson

Subrogation professionals know that the practice is not easy. The list of legal issues that bog us down seems to be getting longer all the time. This session tackles some of those issues including the relationship between inhouse and outside counsel, litigation liens, hospital liens, balance billing, letters of protection, the No Surprises Act and more. We will explore the rules of the rule that provide the framework for working through these issues. So, buckle up and get ready to contribute your own issues in this action-packed session.

1:45 PM – 2:45 PM

CONCURRENT SESSIONS #3 (CONT.)

T.3.4 MANAGEMENT POST-PANDEMIC CHALLENGES: BEYOND THE WATER COOLER (PART 2)

Wendy Clayton, Maura Droney, Kim Drew, Jason Wright

The panel will explore post pandemic challenges, experiences, and learnings over the past two years. Topics will cover leading teams across multiple locations and remote, hybrid and in-office environments; recruiting and retention strategies; training challenges/opportunities; litigation impacts; evolving communication needs; acceleration of technology/digitization; maintaining company culture; and navigating evolving environmental factors that impact our people and our recoveries. The session is designed to be interactive with the audience to explore how the world we live in has been fundamentally reshaped as new business realities continue to unfold. We are looking forward to an engaging two- part session with you!

T.3.5 WORKERS' COMP ETHICAL CONSIDERATIONS – SLIP AND FALL

Joe Nemo, William McNulty, Laura Schmidt

Almost any type of hazard can result in a slip and fall accident. As a general rule, businesses owe a legal duty to customers and others they allow onto their property. Slip-and-fall claims and other premises liability cases, however, can raise complex legal issues. We are here to discuss the ethical considerations associated with slip and fall incidents.

T.3.6 GENERAL REMOTE SUBROGATION TWO YEARS LATER – WHAT HAS CHANGED AND WHAT HAS REMAINED THE SAME

Tony Morrone, Collin Seguin, Steve Winning

March 2020 changed many processes in our world, including the means by which we pursue subrogation. This presentation will explore the changes that our industry experienced, which occurred almost instantaneously. We will examine the use of Zoom depositions, remote court appearances, and even participation in evidence or scene exams utilizing technology as opposed to in person attendance. For many of our claims, mediation is a great means of achieving resolution; how has that process changed and also remained the same? Despite all the changes, there is only one “real world” and nothing can truly replace it.

T.3.7 PRODUCT LIABILITY OUR SPRINKLER SYSTEM DESTROYED OUR BUILDING – WHO IS TO BLAME?

Stuart Brody, Adam Farnham, Bradley Hamblock, Todd Hetrick

This presentation focuses on the handling of a sprinkler system loss and the necessary steps to maximize recovery. This includes understanding the different types of sprinkler systems (dry v. wet v. fire suppression), hiring the right experts, addressing the insured’s duties, and potential contributory negligence. The presentation will identify potential adverse parties and placing the proper parties on notice to avoid spoliation issues. We will review the applicable NFPA standards, as well as inspection, testing and maintenance of fire suppression systems. The presentation will incorporate specific loss examples and case studies showing the different ways a sprinkler system may fail, including the expert’s perspective in determining causation and establishing liability.

CONFERENCE AGENDA

1:45 PM – 2:45 PM

CONCURRENT SESSIONS #3 (CONT.)

T.3.8 SUBRO FUNDAMENTALS WHEN YOUR SUBROGATION LOSS GOES TO COURT

Chris Konzelmann

This presentation will identify and discuss issues that subrogating insurers and counsel must address during the litigation process including the differences between federal and state court filings, proper party identification, discovery of claim file and investigative materials, expert testimony admissibility, and other practical concerns that arise during the litigation process.

2:45 PM – 3:00 PM

MOVEMENT BREAK

3:00 PM – 4:00 PM

CONCURRENT SESSIONS #4

T.4.1 AUTO SUBROGATING AUTONOMOUS VEHICLE ACCIDENTS

Ashton Kirsch, Elizabeth Hernandez, Kim Stafford

Autonomous vehicles will improve road safety and reduce injuries, death, and property damage. The average size of claims, however, could increase significantly, meaning fewer fender benders and more catastrophic injuries and deaths, subrogation of which will require immediate investigation, experts, and product liability lawyers to subrogate these losses. Simple auto accidents will now become infinitely complex product defect cases involving possible product defects. Claims professionals will need to become familiar with the technology involved and develop a relationship with qualified automotive experts. As H.G. Wells famously said, “Adapt or perish, now as ever, is nature’s inexorable imperative.”

T.4.2 PROPERTY CODE COMPLIANCE/PROCESS SAFETY CANNABIS INDUSTRY

Bruce Rottner, Jared Elster

The legal cannabis industry continues to grow exponentially, and manufacturing of cannabis products by those not fully versed in fire protection and prevention is common. The extraction process, specifically Butane Hash Oil (BHO) extraction, presents a challenge to property protection. In this sessions attendees will delve into the cannabis production process, the chemicals and components used, and how those substances must be properly protected from the risks of fire and explosion.

T.4.3 HEALTH MASS TORT UPDATE

Greg McNamee, Patrick Timoney

This presentation is a detailed discussion of recent developments relating to current mass tort or multi-district litigations where healthcare payers have the opportunity to secure substantial recoveries from product manufacturers relating to product defects or other wrongful conduct that causes harm to multiple individuals or causes the healthcare payer to make improper or excessive payments. The presentation will cover both recent judicial opinions as well as the current status of litigations and settlement programs. The discussion will emphasize current large-scale recovery opportunities that extend across state lines.

3:00 PM – 4:00 PM

CONCURRENT SESSIONS #4 (CONT.)

T.4.4 MANAGEMENT SUBROGATION SCOOP: TIPS AND TRENDS ON TIMELY TOPICS

Tara McClary, Sarah Powell, Dustin Sandlin, Kim Stafford, Jason Wright

Our expert panel of subrogation enthusiasts will engage in an interactive session on a variety of industry tips and trends. They’ll weigh in on relevant topics such as engaging Gen Zers and the next generation of Subro professionals, hiring and retaining talent in the current market, promoting Diversity and Inclusion in your organization, partaking in the NASP Benchmarking Study, and integrating technology in the subrogation process.

T.4.5 WORKERS’ COMP UNEARTHING THE SECRETS TO INVESTIGATE, EVALUATE AND PURSUE WORKERS’ COMPENSATION SUBROGATION RECOVERIES IN EXCAVATION AND TRENCH COLLAPSES

Jason Randle, Brett Tishler

Excavations and trenching are among the most hazardous activities in construction. Examples include trenching for utilities and excavating for below grade floors which are regular activities in the construction industry. Hazards include cave-ins, struck-by/crushing hazards, falls from heights, and others. When excavations and trench activities go wrong personal injuries including fatalities and property damages may result. This presentation will provide attendees with tools to help unearth the various details of excavations and trenching incidents, including technical and practical definitions, investigation and discovery best practice, relevant standards and regulations, and which protective measures are expected from all parties prior to beginning excavation and trenching activities.

T.4.6 GENERAL PURSUING FINANCIAL INSTITUTIONS

Frank Goldstein

Terrorists! Ponzi Schemers! Drug Cartels! Insurance Fraudsters! What do these all have in common?!! Then cannot and do not operate without a bank aiding and abetting their criminal conduct. Recovering money back from a bank that has aided and abetted a crime ring is often complex and complicated. But, it can and has been done. This presentation will take you through a real life, real world civil recovery from one of the biggest banks in the world, that aided and abetted dozens of fraudulent medical clinics, in one of the largest insurance fraud schemes, in Florida history!

T.4.7 PRODUCT LIABILITY DON’T GET BURNED ONLINE – SUBROGATION VS. AMAZON & OTHER ONLINE RETAILERS

Michael Ciamaichelo, Chris Konzelmann

More than ever in history, consumers are purchasing nearly every kind of product imaginable from online retailers such as Amazon, Walmart, eBay, Etsy, etc. Many of these products come from third-party sellers, rather than directly from the online retailers. When third-party products are defective, online retailers attempt to shield themselves from liability and argue that the third-party seller should be the target, but the seller is often uninsured. This presentation will explore how third-party products are sold online, insurance requirements for third-party sellers, defense arguments raised, and decisions involving online retailers.

CONFERENCE AGENDA

3:00 PM – 4:00 PM	CONCURRENT SESSIONS #4 (CONT.)
T.4.8 SUBRO FUNDAMENTALS UNDERSTANDING THE SUBROGATION POTENTIAL WITH FIRE PROTECTION AND LIFE SAFETY SYSTEMS <i>Phil Keena</i> This presentation will focus on the fire protection and life safety systems and components within most buildings and discuss the subrogation potential. The presentation will not only discuss the potential as it relates to the specific systems or equipment, but will also discuss the importance of these systems being: (1) properly designed by licensed design professionals; (2) installed by competent, trained and certified technicians; (3) tested and commissioned by the design and installation team, and witnessed by the authority having jurisdiction; and (4) properly inspected, tested and maintained by the building owner or their designated representative.	
4:00 PM – 5:30 PM	NETWORKING RECEPTION IN EXHIBIT FOYER
4:45 PM	EXHIBITORS' DOOR PRIZE DRAWING
5:30 PM	EXHIBITOR TEAR DOWN

WEDNESDAY, NOVEMBER 9, 2022

8:30 AM – 9:30 AM	NASP ANNUAL MEETING / CONTINENTAL BREAKFAST Calusa 6 -7 Join us for the NASP Annual Meeting and Continental Breakfast.
10:00 AM – 2:00 PM	NASP BEACH BASH Party like it's 2022 on JW Marriott Marco Island's private beach, and celebrate being back to in-person networking events! Our DJ will bring the energy, while you enjoy food, drinks, prizes, and more! Admission is FREE!

EXHIBITOR RULES AND REGULATIONS

SETUP & DISMANTLING

The exhibit area at J.W. Marriott Marco Island will be available for setup on Sunday, November 6, 2022 from 11:00AM – 4:00PM. Exhibits must be fully installed no later than 4:00PM on Sunday, November 6, 2022. Prior to setup, please have ALL company representatives check in individually at the NASP registration desk to receive badge. The NASP registration desk will open for exhibitors at 11:00AM on Sunday, November 6, 2022. General registration for conference attendees will begin at 2:00PM. Exhibitors who do not complete setup of their booth before 4:00PM on Sunday, November 6, 2022 automatically forfeit the exhibit space unless previous arrangements have been made with the NASP office and approved by the CEO. The disposition of the booth will be entirely at the discretion of NASP. No refunds will be granted nor will previous payments be credited to any future event or other purpose.

Please note: Name badges must be worn at all times during the NASP Conference. Badge sharing, splitting and/or reprinting is strictly prohibited.

Dismantling and repacking of exhibits is scheduled from 5:30PM – 9:00PM on Tuesday, November 8th. Exhibitors are not permitted to dismantle their booths prior to these times. Any exhibitor who does not adhere to the stated dismantle times will automatically forfeit priority towards future events.

USE OF SPACE

NASP enforces the IAEM Guidelines for Display Rules and Regulations, 2005 Update. These guidelines have been adopted by NASP to ensure consistent and fair exhibiting standards for our event. By agreeing to exhibit at a NASP conference, you are agreeing to abide by the IAEM guidelines, NASP's rules.

A single exhibit booth may be occupied by only one company and must be occupied by the same company for the duration of the show.

No firm or organization not assigned exhibit space will be permitted to display products, distribute circulars or promotional material or solicit business in the show area or in any public area of J.W. Marriott Marco Island during the conference. Persons who violate this rule will be asked to leave the conference and will be banned from future NASP events with no refund. Please report violations to the Board of Directors, Conference Chairs or any NASP staff member.

SPECIAL, OVERSIZED OR NOISEMAKING DISPLAY COMPONENTS

Any display that exceeds normal display regulations must be approved in writing prior to the show. Permission must also be granted and arrangements made for any oversized display that may require early setup. Displays that do not conform to specifications herein and have not been approved by NASP prior to the show will not be accepted. Exhibitors needing approval for special setup arrangements must contact Elle Wiernik at the NASP Office at 800-574-9961 at least 30 days in advance of the show. Upon approval, exhibitors will be directed to the appropriate person to arrange an early setup time.

HOSPITALITY ROOMS AND SUITES / OUTSIDE ACTIVITIES

No exhibitor or any affiliate thereof shall conduct any onsite or offsite event during show hours, which would encourage attendees away from the exhibition or conference sessions/activities. Use of hospitality rooms and suites should be coordinated with the NASP office. The NASP office will have final approval of any hospitality rooms and suites during the conference. Only hotel beverages will allowed. There will be no exception. ALL charges will be paid by the host. For further information, please contact Leslie Wiernik at NASP at 800-574-9961.

EXHIBITOR INFORMATION

BOOTH OPERATIONS

Exhibits which include the operation of radios, talking motion picture/video equipment, public address systems or any other noise generating devices must be conducted or arranged so that the resulting noise will not disturb adjacent exhibitors. Operators of noise-generating exhibits must secure approval of operating methods and outputs prior to the exhibits opening.

Distribution of circulars or promotional material may be made only within the booth assigned to the exhibitor presenting such material. A company or organization not assigned exhibit space will not be permitted to solicit business within the exhibit area or in any public space in J.W. Marriott Marco Island.

Storage crates, boxes or other extraneous materials may not be stored in the exhibit area during the show. Arrangements must be made with Fedex for pickup, storage and return at regular drayage rates.

Exhibitors or exhibitors' agents shall not injure or deface the walls of the building, the booths or the equipment of the booths. Exhibitors are not permitted to drive tacks, nails or screws into the walls or woodwork. When such damage appears, the exhibitor is liable to the owner of the property so damaged. The use of placards, stickers and decals is limited to the exhibitor's own display. All material used in displays must be flameproof and meet local fire regulations. All electrical wiring must conform to local codes.

NASP reserves the right to restrict exhibits which, because of noise, method of operation, materials or for any other reason, become objectionable. At its own discretion, NASP reserves the right to decline or cancel any exhibit contract due to cause. NASP also reserves the right to prohibit any exhibit which, in the opinion of show management, may detract from the general character of the show as a whole. In this event, NASP is not liable for any refund of fees, etc.

EXHIBITOR INFORMATION

SECURITY & LIABILITY

During setup and dismantling hours, and in the period before and after exhibit hours, overall security will be provided in the exhibit hall. During exhibit hours, the exhibitor's representative will be responsible for security in the booth. Any items of value should be removed from the area when the show is not in session. Exhibitors wishing to insure goods should do so at their own expense.

The exhibitor hereby assumes entire responsibility and hereby agrees to protect, defend, indemnify and save the NASP and the hotel, its owners, its operator, and each of their respective parents, subsidiaries, affiliates, employees, officers, directors and agents harmless against all claims, losses or damages to persons or property, governmental charges or fines and attorney's fees arising out of or caused by its installation, removal, maintenance, occupancy or use of the exhibition premises or a part thereof, excluding any such liability caused by the sole gross negligence of the hotel and its employees and agents.

The exhibitor shall obtain and keep in force during the term of the installation and use of the exhibit premises, policies of Comprehensive General Liability Insurance and Contractual Liability Insurance, insuring and specifically referring to the Contractual liability set forth in this Exhibit Agreement, in an amount not less than \$2,000,000 Combined Single Limit for personal injury and property damage.

PHOTOGRAPHY & VIDEOGRAPHY

NASP maintains the exclusive rights to all photography and videography from the official show photographer and videographer. Exhibitors are not allowed to photograph any booths other than their own at the show.

OWNERSHIP OF EVENT RIGHTS

NASP maintains the exclusive right to control all photography and video and audio recordings of the show and the exclusive right to the publication, reproduction and distribution of such recordings. NASP may grant exclusive or non exclusive licenses to individuals or entities that may allow the individuals or entities to record the show and/or publish, reproduce and/or distribute such recordings upon terms negotiated between the parties.

EXHIBITOR CODE OF CONDUCT

Exhibitors and their representatives shall, at all times, conduct themselves in a professional manner and shall not disparage, harass or defame fellow exhibiting companies, attendees, NASP leadership or the employees of aforementioned organizations, or engage in other activities detrimental to the event.

CANCELLATION BY MANAGEMENT OR INABILITY TO HOLD EXHIBITS

If NASP management cancels the conference on or before November 1, 2022 for causes beyond the control of NASP management which prevent the planned holding of the conference, the Exhibitor will be refunded 100% of their rental fee. Management will not be liable for any other expenses the exhibitor might incur.

APPLICATION ACCEPTANCE

Acceptance of an application does not mean endorsement by NASP management of the applicant's service or product. Rejection of the application does not imply disapproval of the applicant's service or product.

INTERPRETATION

NASP management has total authority of interpretation and enforcement of these Terms, Conditions, Rules and Regulations, and reserves the right to amend them at any time for the benefit of NASP. Exhibitors and their representatives who violate these Terms, Conditions, Rules and Regulations, and who, in the opinion of NASP management, conduct themselves unethically, may be dismissed from the conference without refund or other appeal and may be excluded from participation in future conferences.





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