

NASP

2020 ANNUAL CONFERENCE

ROARING
SUBRO

NOVEMBER 16-17

VIRTUAL



WELCOME LETTER

WELCOME!

LIKE ALL OF YOU, THIS IS OUR FIRST “VIRTUAL”

ANNUAL CONFERENCE. The disruption caused by COVID-19 has affected every aspect of our work and personal lives. Across our industry - adjusters, experts, vendors, and lawyers have had to adapt to working remotely. Courts have had to abandon centuries old procedures and move from in person hearings to virtual ones. Working from home means playing the dual role of parent and employee, sometimes working files while restless kids run throughout the house. It has forced us to be resilient and to rethink the way we handle files. Will the future involve more remote hearings and depositions? Will claims be adjusted via Zoom? Regardless of what changes are in store, we know that NASP will be at the forefront of educating and advocating for our industry, and this conference is a perfect example of adapting to our current world.

As the conference date approaches, we can tell you that educational content this year is the best we have seen. We look forward to new topics and new presenters from law firms, expert firms, vendors and the insurance industry. There are some excellent and very timely topics, such as the role of mobility technology in auto claims, failures involving new battery technologies, food recalls, Uber and Lyft claims, modern fire investigation, and more. The board and conference chairs have been working hard behind the scenes for months to make sure that NASP continues to deliver the best content available for everyone from newly minted adjusters to seasoned managers.

While we wish we could see all our friends, clients, and vendors in person to shake hands and share a drink, we know that will not be possible this year. Even though we will not be together in person, the educational programming we have assembled will shine on screens large or small. See you online in November!

JESSE COHEN & NATALIE MANSOUR

Conference Co-Chairs

REGISTRATION AND EXHIBITOR INFORMATION

REGISTRATION

INCLUDES ALL EDUCATIONAL SESSIONS AND FREE CLE OR CE.

MEMBER: \$750 | NON MEMBER: \$1,225

RESERVE A VIRTUAL BOOTH

\$3,745 INVESTMENT INCLUDES:

- A virtual, multiple touchpoint booth branded to your organization which will allow attendees to chat with you, demo your products or schedule a one-on-one meeting
- A 60 second promotional video produced by NASP, which will run through the educational sessions during the virtual conference and will be yours for your future marketing purposes
- One complimentary, full conference registration
- Priority Booth Selection points
- The 2020 Annual Conference exhibit treasure hunt
- A pre-conference attendee mailing list
- A post-conference attendee mailing list
- Access to all educational sessions
- Access to the keynote presentation and all receptions
- Recognition in NASP's *Subrogator* magazine

FREE CONTINUING LEGAL EDUCATION (CLE) CREDITS AND CONTINUING EDUCATION (CE) CREDITS FOR ADJUSTERS

In order to achieve credits, attendees must participate in each session they attend by answering all polling questions.

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

REGISTRATION AND EXHIBITOR INFORMATION

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, 2020, exhibitor will receive a refund of all fees, less a \$150 cancellation fee. If written cancellation notification is received on or before March 1, 2020, exhibitor will receive a 50% refund. All cancellations and/or no shows after March 2, 2020 are not eligible for a refund. Due to the Global Pandemic, exhibitors may request a non-transferable credit on their account, which must be used by December 31, 2021..

ATTENDEE LIST

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

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.

ENTERTAINMENT

VIRTUAL YOGA

MONDAY, NOVEMBER 16TH, 6:30 AM – 7:30 AM PT



Kick off your day with movement, breath, and meditation. Pure Power Yoga's Annie Federoff will be leading a 60 minute live yoga class via zoom.

Suitable for all levels of experience, the class will include an introduction to the practice of yoga and its postures, breathing techniques, and conclude with a guided meditation.

We will press the pause button on the busyness of life, and constant doing, to quiet our minds and calm our bodies. This introductory class will provide you with techniques and tips that will be helpful both on your yoga mat, and off it, in your daily life. Set to an energizing playlist, expect to leave this class feeling relaxed, yet invigorated for the day ahead.



TEXAS GYPSIES

Texas Gypsies is a collection of well-seasoned players, comprised of Grammy winners and musicians who have backed many of today's top jazz, swing and pop performers. The band is known for their unique take on music from the 1920's Gatsby era. Join us for some cool hep cat sounds and virtual entertainment FUN!

EXHIBITOR COMMERCIALS



Our exhibitors are more than just experts at providing valuable services and products to the subrogation industry – they're stars! Get a sneak peek at what our exhibitors have to offer by watching their 60-second commercials between educational sessions and during breaks. Then, visit the virtual exhibit hall to learn even more!

SESSIONS BY TRACK

MONDAY, NOVEMBER 16, 2020

AUTO

- M.1.1 Using ADAs in Cars & Trucks as a Subrogation Technique
- M.2.1 Predictive Analytics for Auto Subrogation
- M.3.1 Smart(er) Subrogation in the Age of Smart Mobility
- M.4.1 Collecting from the Uncollectible: Using the MCS-90 Endorsement and Other Federal/State Financial Responsibility Rules to Facilitate a Subrogation Recovery When Coverage Has Been Denied
- M.5.1 Where's the Beef? Subrogating Livestock Vehicle Collisions

PROPERTY

- M.1.2 Wildfires, Unpeeling the Onion - A Panel Discussion of the Steps Required to Litigate Wildfire Cases in California (Part 1)
- M.2.2 Wildfires, Unpeeling the Onion - A Panel Discussion of the Steps Required to Litigate Wildfire Cases in California (Part 2)
- M.3.2 Recent Development, Trends, & Decisions in Property Subrogation
- M.4.2 Fire Suppression Systems - For Real!
- M.5.2 Spoliation and Evidence Issues in Canada

HEALTH

- M.1.3 Ladies and Gentlemen, Welcome to Subro Jeopardy
- M.2.3 It Seemed Like a Good Idea at the Time: Things Health Subrogation Professionals Need to Know About Ethics
- M.3.3 Medicare: The Easy Path to Recovering Double Damages From Liability, No-Fault, and Work Comp Carriers (And How They Can Avoid It)
- M.4.3 Healthcare Reform Update: Election Recap – What Will HealthCare look like 2020 and Beyond?
- M.5.3 Yearly Update of Healthcare Subrogation Cases

MANAGEMENT

- M.1.4 Sleepless in San Diego
- M.2.4 Benchmarking
- M.3.4 No Management Session at This Time
- M.4.4 Developing Strong Leaders in a Subrogation Organization
- M.5.4 Easy Reference Subrogation Training Materials for Your First-Party Adjuster

SESSIONS BY TRACK

MONDAY, NOVEMBER 16, 2020 (CONT.)

WORKERS' COMP

- M.1.5 The Everything Case
- M.2.5 No Retreat, No Surrender: How to Transform Your Insured's Failure to Follow Warnings into a Great Products Case (Combined w/Product Liability)
- M.3.5 No Coattails to Ride: Pursuing Subrogation When the Employee Won't, Can't, or Doesn't Get Involved
- M.4.5 Effectively Managing Counsel and Experts in a Complex Case
- M.5.5 Employer Immunity and Other Urban Legends

GENERAL

- M.1.6 Am I Appealing?
- M.2.6 Don't Lose Now - Avoiding Pitfalls with Expert Reports and Disclosures
- M.3.6 Canadian Product Liability Claims - Issues and Pitfalls North of the Border
- M.4.6 Effectively Handling Mid-Range Subrogation Claims
- M.5.6 Bailment, Breach of Contract, and Related Issues

PRODUCT LIABILITY

- M.1.7 A Look Inside - Product Defects Up Close
- M.2.7 No Retreat, No Surrender: How to Transform Your Insured's Failure to Follow Warnings into a Great Products Case (Combined w/Workers' Comp)
- M.3.7 Rechargeable Subrogation - An Overview of Product Failures in New Technology
- M.4.7 Investigating Appliance Failures (Part 1)
- M.5.7 Investigating Appliance Failures (Part 2)

SUBRO FUNDAMENTALS

- M.1.8 Proper Measures of Damages for Property Subrogation
- M.2.8 Negotiations
- M.3.8 The Top 10 Expectations of Forensic Experts
- M.4.8 Recovery and Beyond: The Past, Present, and Future of Subrogation
- M.5.8 Proving Complex Damages: Total Loss and Uninsured Motorist Payment

SPECIALTY

- M.2.9 Fire Scene Safety Considerations in the Post-Fire Environment (Part 1)
- M.3.9 Fire Scene Safety Considerations in the Post-Fire Environment (Part 2)
- M.4.9 Romaine Calm: Lettuce Discuss Food Recalls and the Recoveries You've Been Leaving on the Table
- M.5.9 Marine and Marina Fire Investigation and Subrogation

SESSIONS BY TRACK

TUESDAY, NOVEMBER 17, 2020



AUTO

- T.1.1 Recalibration Challenges
- T.2.1 LYFToff to SUBERgation Success
- T.3.1 A Look at the Property and Casualty Industry Today and Tomorrow
- T.4.1 Don't Take No for an Answer: Challenging Wrongful Denials in Motor Vehicle Accidents



PROPERTY

- T.1.2 Prohibition Against Subro? Recoveries in Losses Involving a Landlord/Tenant Relationship
- T.2.2 A Case Study in Litigating Construction Losses and Related Issues
- T.3.2 Don't Mess With Mother Nature!
- T.4.2 Reverse Engineering: Forensic Alarm Science Investigations Yield Mission Critical Information for Subrogation Recovery



HEALTH

- T.1.3 Read the Fine Print: Roaring Disability Subrogation Claims in 2020
- T.2.3 Splitting the Pie: Determining What Portion of a Settlement is Payment for Medical Expenses
- T.3.3 Avoiding the Sting: The ABA Model Rules Implicated When "Just File to Protect the Statute" Doesn't Work
- T.4.3 No Health Session at This Time



MANAGEMENT

- T.1.4 Continuity and Succession Plans for Subrogation Professionals - Hindsight is 20/20
- T.2.4 Subro College Management (Part 1)
- T.3.4 Subro College Management (Part 2)
- T.4.4 Subro College Management (Part 3)

SESSIONS BY TRACK

TUESDAY, NOVEMBER 17, 2020 (CONT.)



WORKERS' COMP

- T.1.5 Unsafe by Design: Winning Design Defect Cases Using Core Safety Engineering Concepts (Combined w/Product Liability)
- T.2.5 Best Practices Reboot! An Industry Insider Panel and Attendee Discussion on Complex Relationships that Impact Lien Recoveries
- T.3.5 State Specific Subrogation Coast to Coast (Part 1)
- T.4.5 State Specific Subrogation Coast to Coast (Part 2)



GENERAL

- T.1.6 Ethics - Game Show Edition
- T.2.6 Confronting and Resolving Ethical Issues in Subrogation Claims
- T.3.6 The Future is Here: Next Generation Scene Documentation, Evidence Preservation, & Case Presentation Using Matterport
- T.4.6 Distilling Information from Technology: Using Smart Home Devices to Help Drive Recoveries and Mitigate Damages



PRODUCT LIABILITY

- T.1.7 Unsafe by Design: Winning Design Defect Cases Using Core Safety Engineering Concepts (Combined w/Workers' Comp)
- T.2.7 Subrogation Investigations of Avoidable Corrosion Failure and Forensics at the Microscopic Level
- T.3.7 The Twists and Turns of Catastrophic Property Losses: An EGGcellent Example (Part 1)
- T.4.7 The Twists and Turns of Catastrophic Property Losses: An EGGcellent Example (Part 2)



SUBRO FUNDAMENTALS

- T.1.8 The Ever-Important Insured
- T.2.8 Building Blocks - Five Easy Ways to Build a Better Subro Claim
- T.3.8 Fire Investigation in the 21st Century - Tactics, Tools, & Tech
- T.4.8 On the Road Again: Fundamentals of Subrogating Shipping Losses Under the Carmack Amendment

CONFERENCE AGENDA

MONDAY, NOVEMBER 16, 2020

7:45 AM PT	<p>CELEBRITY WELCOME MESSAGE YOU WON'T WANT TO MISS IT!</p>
8:00 AM – 10:00 AM PT	<p>GENERAL SESSION AND KEYNOTE PRESENTATION: REEFER MADNESS WITH MATT MOORE</p> <p>It is 2020 and you can now purchase marijuana for recreational use in 11 states and the District of Columbia. While opinions vary about the highway safety implications of legal recreational marijuana, preliminary studies from the Insurance Institute for Highway Safety and the Highway Loss Data Institute indicate that marijuana is related to an increase in crash risk. This presentation will talk about marijuana and what the most current data says about its use and impact on highway safety.</p> <p>MATT MOORE is senior vice president of the Highway Loss Data Institute, where he oversees HLDI's research program, the collection of vehicle information and the production of loss data. HLDI processes insurance data from companies that represent approximately 85 percent of U.S. private passenger auto insurance market. Matt joined HLDI in 1999 as a programmer. During his 20 years at HLDI Matt has held a variety of positions of increasing responsibility and scope. He is the author of numerous research papers and has led several projects that resulted in studies that were world firsts on topics such as collision avoidance technologies, legal recreational marijuana and motorcycle ABS. Before coming to HLDI, Mr. Moore worked in higher education, conducting institutional research, designing data systems and creating web sites. He holds an M.B.A. and a bachelor's degree from Saint Francis University in Pennsylvania..</p>
10:00 AM – 10:30 AM PT	<p>WELLNESS BREAK WITH EXHIBITOR COMMERCIALS AND ENTERTAINMENT</p>

10:30 AM – 11:30 AM PT

CONCURRENT SESSIONS #1

M.1.1 AUTO

USING ADAS IN CARS & TRUCKS AS A SUBROGATION TECHNIQUE

Given the rapidly advancing autonomous-lite or ADAs technology contained within both cars and commercial vehicles, is there a potential third-party claim against the manufacturer of the vehicle or the collision mitigation system in your collision? Did the automatic emergency braking system perform as designed? Would a technologically and economically feasible collision mitigation system have prevented or mitigated your crash? Real-world testing, research, and applications of this novel approach will be presented.

M.1.2 PROPERTY

WILDFIRES, UNPEELING THE ONION – A PANEL DISCUSSION OF THE STEPS REQUIRED TO LITIGATE WILDFIRE CASES IN CALIFORNIA (PART 1)

California Wildfires continue to be front-page news, be it the fires themselves or the litigation that lasts for years after the fire has been contained. This presentation brings together a panel of professionals who have been part of the leadership group litigating California wildfires. We will walk the audience, using wildfire case examples, through the process of investigating and proving the cause of a wildfire. The panel will also include professionals specializing in government relations as well as bankruptcy, both of which have become an important aspect of recent California wildfires.

M.1.3 HEALTH

LADIES AND GENTLEMEN, WELCOME TO SUBRO JEOPARDY

This presentation will be a Jeopardy or quiz show format. The categories will consist of various lines of business and topics of interest to healthcare subrogation professionals. The clues will open up the discussion and provide attendees with detailed information about each topic. This is an interactive presentation that will provide attendees with additional tools to “win big” and bring in higher recoveries.

M.1.4 MANAGEMENT

SLEEPLESS IN SAN DIEGO

Ethics?! Ethics?! We don't need no stink'en ethics! We are subrogation professionals! No one wants to know how the sausage is made - who cares how we get to the end result as long as we are settling cases and making fat stacks of cash, right?! But seriously, as subrogation professionals, we encounter ethical dilemmas that people that practice in other areas of law do not encounter. This presentation will have real life (humorous) scenarios involving attorneys, claims professionals and vendors that will keep you guessing on the outcome and end result.

M.1.5 WORKERS' COMP

THE EVERYTHING CASE

Rarely does one case have it all. This case did. In 2010, a worker at a salvage yard was severely burned in a flash fire while using an oxyacetylene torch. The total economic losses were estimated to be as high as \$18 million. The case was litigated over five years. During that time, nearly every conceivable concept arose: jurisdiction over a foreign company; choice of venue; strict liability design defects; traditional negligence; a focus group study; mediation; trial; and more. This presentation is designed to show how all these esoteric issues play out in the life of a real case.

M.1.6 GENERAL

AM I APPEALING?

So, you just lost a tough one. What should you do next? This presentation will give a comprehensive overview of the considerations a lawyer and his/her client must make when deciding whether to appeal an adverse judgment or decision. We will look into all aspects of the decision-making process, addressing the perspective of the attorney as well as what processes an insurer must take into account internally. Costs, precedent, and even pride all often come into play, and this discussion will provide you the tools needed to make an informed and objective decision when the time comes.

CONFERENCE AGENDA

10:30 AM – 11:30 AM PT	CONCURRENT SESSIONS #1 (CONT.)
<p>M.1.7 PRODUCT LIABILITY A LOOK INSIDE – PRODUCT DEFECTS UP CLOSE While we may be familiar with product defect claims and terminology, how often do we really get to visualize the defects and how they cause accidents? In this session, we will take a highly visual look at the nature of product defects. We will use extensive images and videos to focus on the design of the products themselves, and where those designs have failed from a safety standpoint. Extensive technical discussion and demonstration will help attendees understand the nuances of product defect cases.</p>	
<p>M.1.8 SUBRO FUNDAMENTALS PROPER MEASURES OF DAMAGES FOR PROPERTY SUBROGATION This presentation focuses on recoverable damages in a subrogation action. State-specific examples will be used throughout. The real property/building damages discussion provides an overview of ACV, RCV, diminution in value, repair cost and total loss situations, and some special use/unique damage situations. The contents damages discussion analyzes the ACV/RCV dynamic and the subjectivity of depreciation. The business interruption discussion looks at the documents and Forensic Accounting Expert reports needed to properly support the BI claims, including the recoverability of ALE damages.</p>	
11:30 AM – 12:30 PM PT	LUNCH BREAK WITH EXHIBITOR COMMERCIALS AND ENTERTAINMENT
12:30 PM – 1:30 PM PT	CONCURRENT SESSIONS #2
<p>M.2.1 AUTO PREDICTIVE ANALYTICS FOR AUTO SUBROGATION The presentation will cover what predictive analytics is and the process involved in setting up these capabilities. We will cover why predictive analytics can be utilized and how it can be beneficial in auto subrogation. We will have examples of how we have used predictive analytics for auto subrogation and the benefits we have realized from this effort.</p>	
<p>M.2.2 PROPERTY WILDFIRES, UNPEELING THE ONION – A PANEL DISCUSSION OF THE STEPS REQUIRED TO LITIGATE WILDFIRE CASES IN CALIFORNIA (PART 2) California Wildfires continue to be front-page news, be it the fires themselves or the litigation that lasts for years after the fire has been contained. This presentation brings together a panel of professionals who have been part of the leadership group litigating California wildfires. We will walk the audience, using wildfire case examples, through the process of investigating and proving the cause of a wildfire. The panel will also include professionals specializing in government relations as well as bankruptcy, both of which have become an important aspect of recent California wildfires.</p>	

12:30 PM – 1:30 PM PT	CONCURRENT SESSIONS #2 (CONT.)
<p>M.2.3 HEALTH IT SEEMED LIKE A GOOD IDEA AT THE TIME: THINGS HEALTH SUBROGATION PROFESSIONALS NEED TO KNOW ABOUT ETHICS Development of a high-level subrogation practice often includes ideas and practices that, well, later resulted in unanticipated consequences. This session offers a chance to share our subrogation tales of well-intentioned plans gone awry or stated more honestly, the strategies that didn't turn out as planned. This includes subrogation during investigation, litigation, negotiation and trial.</p>	
<p>M.2.4 MANAGEMENT BENCHMARKING The goal of NASP Benchmarking is to provide meaningful information that can be used to identify best practices, establish meaningful industry comparisons and provide insight to help improve performance. In partnership with BRIC, (Business Risk International Consulting, LLC), NASP commissioned a 2020 PROP Benchmarking Study. Participants' proprietary information is strictly confidential and never compromised during the process. In addition to the overall study, participating companies received a report comparing their results against the entire group of participants. This session will discuss the benefits of these studies and benchmarking in general as well as provide insight as to how benchmarking can assist new decision makers in creating an effective subrogation department.</p>	
<p>M.2.5 WORKERS' COMP NO RETREAT, NO SURRENDER: HOW TO TRANSFORM YOUR INSURED'S FAILURE TO FOLLOW WARNINGS INTO A GREAT PRODUCTS CASE (COMBINED W/PRODUCT LIABILITY) Warnings in products cases cause headaches. You think you have a great case only to find out the insured did not follow a warning or instruction in the manual, which the defense then uses to deny your claim. Don't give up! You can turn the tables on them! We will explore using this defense to your advantage to build a product liability case against and argue that the actual warnings or instructions were themselves defective and incapable of being followed. Taking the fight to the manufacturer is sometimes the best way to abolish the defense. No retreat, no surrender!</p>	
<p>M.2.6 GENERAL DON'T LOSE NOW – AVOIDING PITFALLS WITH EXPERT REPORTS AND DISCLOSURES During the presentation, the panelists will discuss the requirements for expert reports and disclosures. The panelists will explain the differences between expert reports and disclosures, along with the significance of both and how they may impact the case. The panelists will also discuss the common pitfalls that can lead to experts' opinions being challenged and potentially excluded. The panelists will utilize expert reports and disclosures from case examples to demonstrate the magic language required in reports and disclosures. The panelists will discuss the timing of the disclosures, and whether a rebuttal report is necessary or warranted.</p>	
<p>M.2.7 PRODUCT LIABILITY NO RETREAT, NO SURRENDER: HOW TO TRANSFORM YOUR INSURED'S FAILURE TO FOLLOW WARNINGS INTO A GREAT PRODUCTS CASE (COMBINED W/WORKERS' COMP) Warnings in products cases cause headaches. You think you have a great case only to find out the insured did not follow a warning or instruction in the manual, which the defense then uses to deny your claim. Don't give up! You can turn the tables on them! We will explore using this defense to your advantage to build a product liability case against and argue that the actual warnings or instructions were themselves defective and incapable of being followed. Taking the fight to the manufacturer is sometimes the best way to abolish the defense. No retreat, no surrender!</p>	

CONFERENCE AGENDA

12:30 PM – 1:30 PM PT	CONCURRENT SESSIONS #2 (CONT.)
<p>M.2.8 SUBRO FUNDAMENTALS NEGOTIATIONS 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!</p>	
<p>M.2.9 SPECIALTY FIRE SCENE SAFETY CONSIDERATIONS IN THE POST-FIRE ENVIRONMENT (PART 1) This session will provide an overview of the health and safety issues faced by everyone who enters the post-fire environment. From insurance adjusters and agents to attorneys and clean-up crews, all who enter the post-fire scene need to be aware of the many health hazards that are present and understand the necessary safety precautions that need to be taken.</p>	
1:30 PM – 1:45 PM PT	WELLNESS BREAK WITH EXHIBITOR COMMERCIALS AND ENTERTAINMENT
1:45 PM – 2:45 PM PT	CONCURRENT SESSIONS #3
<p>M.3.1 AUTO SMART(ER) SUBROGATION IN THE AGE OF SMART MOBILITY During the last decade, the insurance industry adapted to a transportation world much broader than planes, trains, and automobiles. Now, that world includes Uber, Lime, and Getaround. What will the next decade of this age of “smart mobility” bring the insurance industry? The session will provide an overview of related legislation and litigation and discuss how developments in smart mobility, particularly the rise of peer-to-peer mobility, can affect claim handling and subrogation recovery.</p>	
<p>M.3.2 PROPERTY RECENT DEVELOPMENT, TRENDS, & DECISIONS IN PROPERTY SUBROGATION What are the latest court decisions, statutes and resulting trends impacting property subrogation? This presentation will identify and discuss the facts and rulings behind the latest developments in the field of property subrogation. Attendees will be asked to play judge based on the facts of actual cases. Did the court get it right? What are the differing views and interpretations of the facts? How do these cases affect our jobs as subrogation professionals? Learn what you need to know to stay on top of your game and ahead of your opponent.</p>	

1:45 PM – 2:45 PM PT	CONCURRENT SESSIONS #3 (CONT.)
<p>M.3.3 HEALTH MEDICARE: THE EASY PATH TO RECOVERING DOUBLE DAMAGES FROM LIABILITY, NO-FAULT, AND WORK COMP CARRIERS (AND HOW THEY CAN AVOID IT) Bad habits and outdated thinking expose liability, no-fault and workers’ compensation carriers to huge litigation risk that Medicare Advantage plans can leverage to recover injury payments. This session will examine case studies based on real world examples to illustrate how Medicare Advantage plans have succeeded in recovering payments from other carriers, how some efforts have failed and how smart injury carriers can minimize both Medicare compliance and litigation risks.</p>	
<p>M.3.4 MANAGEMENT NONE AT THIS TIME</p>	
<p>M.3.5 WORKERS’ COMP NO COATTAILS TO RIDE: PURSUING SUBROGATION WHEN THE EMPLOYEE WON’T, CAN’T, OR DOESN’T GET INVOLVED In worker’s’ compensation subrogation, the employee often takes the lead in pursuing recovery, while the compensation payer ‘rides coattails.’ But what can and should the compensation payer do when the employee fails to file suit, ‘settles around’ or drops out before recovery is obtained? This interactive presentation will focus on the rights, obligations, strategies and best practices applicable in such situations and the pitfalls to avoid. Example scenarios will highlight creative and proactive approaches to maximizing subrogation opportunities when the employee fails to take the lead.</p>	
<p>M.3.6 GENERAL CANADIAN PRODUCT LIABILITY CLAIMS – ISSUES AND PITFALLS NORTH OF THE BORDER This presentation will provide an overview on a variety of topics to assist you in handling, protecting, and advancing your subrogated product liability claims from coast to coast in Canada. The presentation will focus on key topics such as the general principles applicable to product liability claims in Canada, the key product liability statutes, including the Quebec Civil Code, evidence preservation and spoliation, and the use of experts at trial. During this presentation the presenters will also discuss recent decisions in product liability cases.</p>	
<p>M.3.7 PRODUCT LIABILITY RECHARGEABLE SUBROGATION – AN OVERVIEW OF PRODUCT FAILURES IN NEW TECHNOLOGY This panel will delve into new technologies that subrogation professionals will encounter in future losses. Their case studies have the common theme of new technologies that employ lithium batteries as a power source. The products reviewed in the case studies include items such as: e-cigarettes, hoverboards, laptops, lawn equipment, and vehicles. After the review of new technologies, the speakers will address best practices for subrogation investigations involving these products. This portion of the presentation will include scene examination protocols and expert selection recommendations.</p>	

CONFERENCE AGENDA

1:45 PM – 2:45 PM PT

CONCURRENT SESSIONS #3 (CONT.)

M.3.8 SUBRO FUNDAMENTALS

THE TOP 10 EXPECTATIONS OF FORENSIC EXPERTS

Understanding and meeting expectations is the key to success in most of life's endeavors. In this presentation, a three-person panel consisting of: a management level insurance professional, a highly experienced mechanical forensic engineer and a long time subrogation attorney will discuss the To 10 Expectations of Forensic Engineers in Subrogation Investigations presented in the spirit of David Lettermen's Late Show Top 10 List.

M.3.9 SPECIALTY

FIRE SCENE SAFETY CONSIDERATIONS IN THE POST-FIRE ENVIRONMENT (PART 2)

This session will provide an overview of the health and safety issues faced by everyone who enters the post-fire environment. From insurance adjusters and agents to attorneys and clean-up crews, all who enter the post-fire scene need to be aware of the many health hazards that are present and understand the necessary safety precautions that need to be taken.

2:45 PM – 3:15 PM PT

WELLNESS BREAK WITH EXHIBITOR COMMERCIALS AND ENTERTAINMENT

3:15 PM – 4:00 PM PT

CONCURRENT SESSIONS #4

M.4.1 AUTO

COLLECTING FROM THE UNCOLLECTIBLE: USING THE MCS-90 ENDORSEMENT AND OTHER FEDERAL/STATE FINANCIAL RESPONSIBILITY RULES TO FACILITATE A SUBROGATION RECOVERY WHEN COVERAGE HAS BEEN DENIED

Have you ever spent countless hours analyzing a case with flawless liability to later realize that the at-fault party lacks insurance coverage? What if you could magically create an avenue to recovery out of thin air? Although not so whimsical, knowledge of the MCS-90 Endorsement can be used to get paid by the adverse insurance carrier even when there is no coverage. This familiarity with the MCS-90 Endorsements could mean the difference between an uncollectable default judgment and complete reimbursement. This presentation will introduce you to how the MCS-90 Endorsement can be used to maximize recovery potential on subrogation claims.

M.4.2 PROPERTY

FIRE SUPPRESSION SYSTEMS - FOR REAL!

The presentation will involve actual visual examination of suppression system components and design configuration at the Hilton San Diego Bayfront, conference venue, or via virtual means. The group will be divided into two groups for a guided tour of the sprinkler riser room and a second occupied area within the venue. Actual components and installation details will be discussed. Following the walkthrough, the group will reconvene in the room to review basic ITM documents and ask questions. A legal expert and a subject matter expert from will guide each group.

3:15 PM – 4:00 PM PT

CONCURRENT SESSIONS #4 (CONT.)

M.4.3 HEALTH

HEALTHCARE REFORM UPDATE: ELECTION RECAP – WHAT WILL HEALTHCARE LOOK LIKE 2020 AND BEYOND?

Whether you call it RomneyCare, ObamaCare, or TrumpCare, Health Reform has been among the hottest topics and has been on quite the roller-coaster over the last decade. The current administration has done everything in its power to repeal, or at least minimize the impact of The Affordable Care Act (“the ACA”) passed in 2010. What has the administration done? Has it worked? And what might the ACA look like in 2024 after four years under the freshly elected administration and Congress?

M.4.4 MANAGEMENT

DEVELOPING STRONG LEADERS IN A SUBROGATION ORGANIZATION

Leadership matters. This program will explore the process of developing leaders in the specific environment of a subrogation organization. The focus will be on the ways in which future leaders can be identified and developed. We will also discuss creating a culture that promotes and encourages leadership with or without a title.

M.4.5 WORKERS' COMP

EFFECTIVELY MANAGING COUNSEL AND EXPERTS IN A COMPLEX CASE

This presentation will cover the selection and management of counsel and experts in a complex case with real case examples. It will include topics such as relevant expertise, location, familiarity with the venue, fees/expenses, establishing deadlines and the importance of setting budgets. It will also include the necessity of making sure the theories advanced by counsel and the expert will pass a Daubert challenge including techniques to make the expert “Daubert Proof”. It will conclude with how to prosecute the case from start to resolution through early investigation, settlement, mediation, arbitration including special arb and hi-low agreements to maximize recoveries.

M.4.6 GENERAL

EFFECTIVELY HANDLING MID-RANGE SUBROGATION CLAIMS

We all know the difference between a promising large loss claim and a small dollar claim that limits the investigation budget, but many potential subrogation claims are squarely in the middle. These mid-range claims need effective attention and cost management to be successful -- nothing is worse than a mismanaged file that turns sour after significant investigation and expense. This presentation will address the need to handle mid-range claims efficiently, effectively, and ethically. Emphasis will be on cost management; evidence coordination; evaluation of the “strong tort claim” but “bad contract claim”; and, effective case management for litigated files.

M.4.7 PRODUCT LIABILITY

INVESTIGATING APPLIANCE FAILURES (PART 1)

Toilets are a common plumbing fixture in everyone's home. The ceramic components are cured in a kiln at a precise high temperature for a set amount of time. Unfortunately, improperly cured toilets can spontaneously fracture creating a potential water loss failure. The nature of the fracture often points to causation due to defect, installation errors, or abuse. This presentation will help adjusters review to help classify the potential cause of failure of toilet fractures. A review of toilet tank component failures including toilet fill valves and flush valves will also be discussed.

CONFERENCE AGENDA

3:15 PM – 4:00 PM PT	CONCURRENT SESSIONS #4 (CONT.)
<p>M.4.8 SUBRO FUNDAMENTALS RECOVERY AND BEYOND: THE PAST, PRESENT, AND FUTURE OF SUBROGATION We will look at the history of subrogation, focusing on important early achievements and offering the perspectives of leaders in the industry who oversaw the growth of the field. The session will then transition into examining current trends in subrogation and will conclude with a look into the future with perspectives from current subrogation professionals on potential changes. The goal of the presentation is to offer a view of how the industry has evolved and where it is headed.</p>	
<p>M.4.9 SPECIALTY ROMAINE CALM: LETTUCE DISCUSS FOOD RECALLS AND THE RECOVERIES YOU’VE BEEN LEAVING ON THE TABLE Recently there has been an increase in food recall claims. From listeria to salmonella, contaminated lettuce to eggs, allergens, etc., food recall issues are more prominent than ever. Conservative estimates place the average cost of a food recall to a business at \$10 million. This trend has caused manufacturers to procure insurance to protect themselves from such risk. With increased underwriting of these claims, comes the potential for subrogation as well. This presentation will expose the audience to this niche field and educate them on the unique aspects of subrogating in the food arena.</p>	
4:00 PM – 4:15 PM PT	WELLNESS BREAK WITH EXHIBITOR COMMERCIALS AND ENTERTAINMENT
4:15 PM – 5:00 PM PT	CONCURRENT SESSIONS #5
<p>M.5.1 AUTO WHERE’S THE BEEF? SUBROGATING LIVESTOCK VEHICLE COLLISIONS You think you’ve seen it all – then you get an animal case. Your insured is driving down the roadway and strikes a cow, horse, deer, or other animal. These types of cases pose additional challenges for recovery. With the right investigation and knowledge of how to analyze the unique case law of each state, recovery on these losses can be successful. We will go over what to look for in your initial evaluation, what defenses to expect, and what curveballs you will expect to be thrown in this very unique, but common, type of loss.</p>	
<p>M.5.2 PROPERTY SPOILIATION AND EVIDENCE ISSUES IN CANADA This session is an introduction to the various Canadian legal regimes for spoliation as both a legal remedy and a tort, other procedural remedies dealing with the destruction of evidence, and statutory rules established to ensure trial fairness. The presenters will also review various other evidentiary issues present in the Canadian legal system and contract them with such issues in the US.</p>	

4:15 PM – 5:00 PM PT	CONCURRENT SESSIONS #5 (CONT.)
<p>M.5.3 HEALTH YEARLY UPDATE OF HEALTHCARE SUBROGATION CASES Significant developments have occurred over the past year in the area of healthcare subrogation involving issues of venue, breach of fiduciary duty, sufficiency of plan documents and more. Stay abreast of the latest in this ever-evolving area of subrogation law.</p>	
<p>M.5.4 MANAGEMENT EASY REFERENCE SUBROGATION TRAINING MATERIALS FOR YOUR FIRST-PARTY ADJUSTER This program is will provide easy reference materials for management to provide to first-party adjusters in their companies. The content provides standard operating procedures for the first-party adjuster to follow to recognize various subrogation fact patterns, understanding specific issues concerning statutes of limitations and repose, the hiring of counsel and experts, a guide for obtaining all relevant evidence via site inspections with the responsible third party, insured and witness interviews, destructive testing and expert report writing, photographs and production. First-party adjusters need to be extensively trained on setting up and monitoring a subrogation litigation case against third parties.</p>	
<p>M.5.5 WORKERS’ COMP EMPLOYER IMMUNITY AND OTHER URBAN LEGENDS The Exclusive Remedy Rule is neither exclusive nor a remedy. What began as a cornerstone of the social insurance experiment known as workers’ compensation has become so riddled with leaks and exceptions that employers and their insurers often give up on subrogation in order to protect themselves from liability they were never intended to bear. Exceptions to the rule have been growing: the Dual Capacity Doctrine, employer contribution, alter ego, dual persona, co-employee liability, intentional act, motor vehicle exception, supervisory co-employee exception, safety inspections, indemnity agreements, and contemporaneous employment. Some states, like Illinois and Minnesota, have abandoned the rule altogether. This session will discuss the various exceptions which have chipped away at the rule and underscores that an understanding of the Exclusive Remedy Rule is critical to successful subrogation efforts in every state.</p>	
<p>M.5.6 GENERAL BAILMENT, BREACH OF CONTRACT, AND RELATED ISSUES This session will discuss insurance contracts that provide coverage for items that are loaned out on consignment or bailment. The presenters will be exploring two types of bailment contract -- written contract and verbal contract -- how courts treat those contracts, and equitable rights of subrogation. The main focus will be looking at how California courts have handled this topic and will also explore equitable bailment subrogation claims in other states based on breach of contract.</p>	
<p>M.5.7 PRODUCT LIABILITY INVESTIGATING APPLIANCE FAILURES (PART 2) The objective of this course is to educate property and liability adjusters/attorneys on the types of appliances in the home that can cause water losses, the intended function of their major components and subsystems, and the different ways in which they can malfunction and/or fail. This course will explore failures in washing machines, dishwashers, refrigerators, and appliance water valves. Specifically related to washing machines, this course will offer a practical approach into determining overflow causation.</p>	

CONFERENCE AGENDA

4:15 PM – 5:00 PM PT CONCURRENT SESSIONS #5 (CONT.)

M.5.8 SUBRO FUNDAMENTALS
PROVING COMPLEX DAMAGES: TOTAL LOSS AND UNINSURED MOTORIST PAYMENT

The session will be focused on proving complex auto damages from the perspectives of a subrogation attorney and an insurance claim adjuster. The complex damages will primarily focus on total losses and uninsured motorist payments. The session will delve into the considerations to be taken into account before totaling a vehicle including repair costs, salvage value, and actual cash value of the vehicle. It will also discuss the factors to be considered before making an uninsured motorist payment, including analyses of the accident, injury, treatment, and injured person.

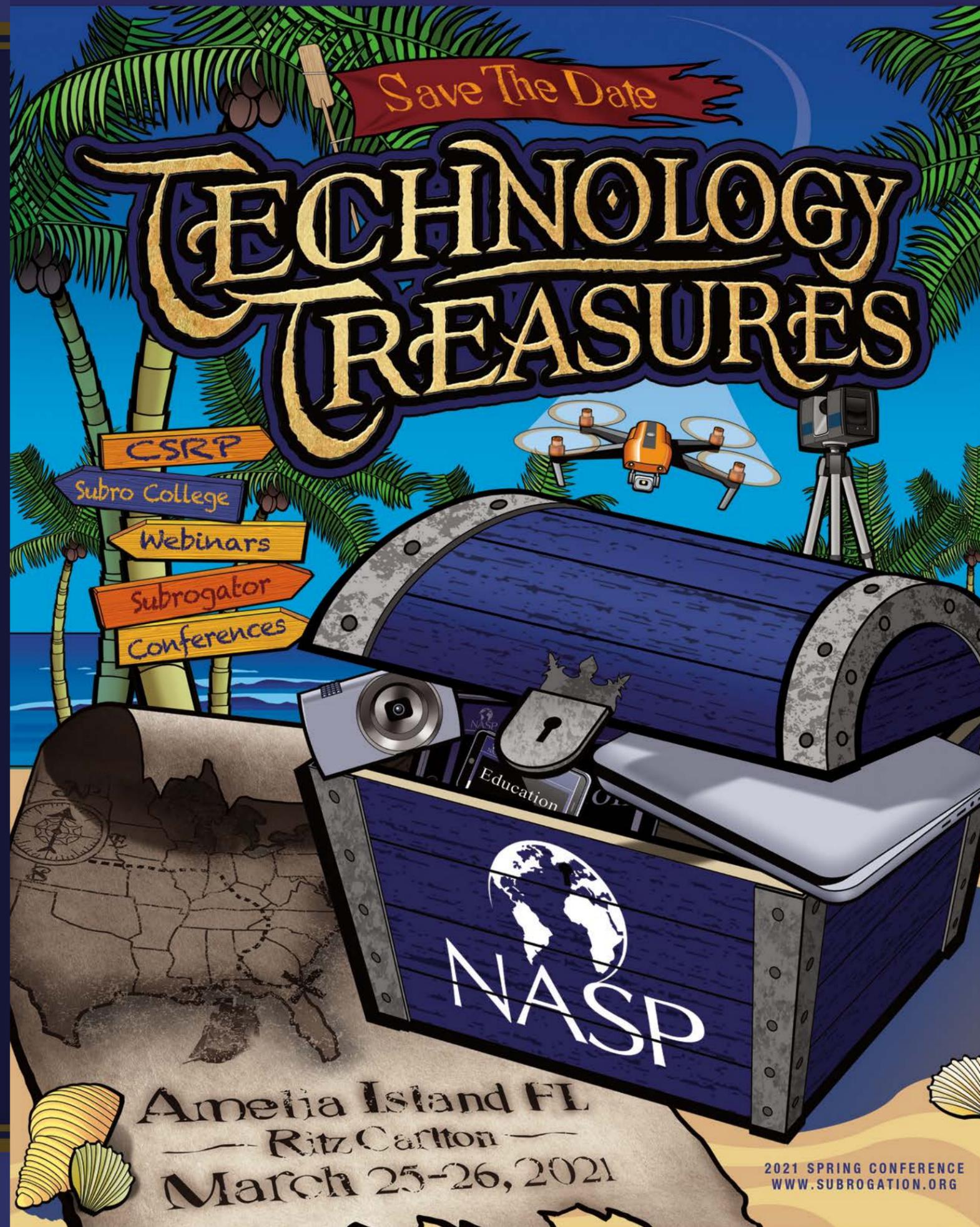
M.5.9 SPECIALTY
MARINE AND MARINA FIRE INVESTIGATION AND SUBROGATION

The Marine Fire Investigation class is built around NFPA 921 – 2017 Standard, Chapter 30 and will highlight the need for fire investigators to know and understand the systems on a vessel and how these systems interact. This session will begin with a statistical look at marinas, boating, and recreational marine vessels in the United States. We will delve into the various resources that may be needed when conducting a marine fire investigation and how they affect the manner in which some fire investigations will be handled. Attendees will learn marine vessel terminology, concepts of marine electrical, propulsion systems and other machinery are configured and operate. Case studies, photos and videos will be used to bring the textbook learning into the reality of the fire scene examinations, and safe and practical methods of investigating marine fires. This session will also provide information on the legal and insurance aspects as to the involvement of other parties, attorneys, insurance representatives and their interest in the investigation. Attendees will also learn about the need to be aware of the potential for subrogation and liability.

5:00 PM – 6:30 PM PT



CREATIVE COOKING WITH CARL
Join Cal Van for creative cooking with a subro spin! Enjoy an unforgettable experience and share an hour of cooking together. Dinner's made!



Amelia Island FL
— Ritz Carlton —
March 25-26, 2021

CONFERENCE AGENDA

TUESDAY, NOVEMBER 17, 2020

8:30 AM – 10:00 AM PT

KEYNOTE PRESENTATION: FROM DISTRACTED TO PRODUCTIVE: FINDING YOUR PRODUCTIVITY AND FOCUS IN A HYPER-INTERRUPTED, E-DISTRACTED WORLD (INCLUDING NOW WORK FROM HOME)

E-mail. Texts. Interruptions. Phone Calls. Project Transitions. Office Clutter. Social and Other Media. Smart Phones and Apps. Even Family and Friends. These common distractions make it almost impossible to get anything done, especially for those of us now “working from home” due to the COVID outbreak. It seems like there is always SOMETHING getting in the way of what you really need to do. But with some forethought and effective strategies, as well as some discipline, it is possible to find your focus, even in a hyper-distracted world. We’ll have a fun time sharing “game plan” ideas for getting and keeping your distractions under control and finding critical “focused productivity” time every day, leading to both performance but also clarity of mind and purpose.

RANDY DEAN, The E-mail Sanity Expert®, is a professional speaker and expert on time & e-mail management, effective organization, and the related use of technology. For more than 25 years, Randy has been leading training and speaking programs for major corporate, university, association, and government audiences. Obsessed with time management and personal productivity, he left a successful career as a graduate program admissions director, professional marketer, and manager to become a leading speaker and trainer. The author of the recent Amazon bestseller, *Taming the E-mail Beast*, he has led programs for thousands of satisfied and inspired students, managers, and professionals on being more productive with their time and life. His highly informative and entertaining speaking and training programs leave audience members with immediately-usable tools, strategies, and skills on how to better manage their time, technology, and information overload following their program experience.

10:00 AM – 10:30 AM PT

WELLNESS BREAK WITH EXHIBITOR COMMERCIALS AND ENTERTAINMENT

10:30 AM – 11:30 AM PT

CONCURRENT SESSIONS #6

T.1.1 AUTO

RECALIBRATION CHALLENGES

Vehicles are becoming very complex with the many advanced driving assist systems to help warn of imminent danger. Radar, cameras, sensors, and lidar are some of the components that will need to be calibrated after a windshield or bumper has been damaged. If a repair shop fails to calibrate, they are putting their customer at risk of injury or death. Also, the cost of repair will be much higher and cycle times will increase which lowers overall satisfaction scores. This presentation will help educate you on ‘how to reduce your risk and liability’ and much more.

T.1.2 PROPERTY

PROHIBITION AGAINST SUBRO? RECOVERIES IN LOSSES INVOLVING A LANDLORD/TENANT RELATIONSHIP

This session will dispel the misconception that subrogation is prohibited in the context of a landlord/tenant relationship. The process for determining whether subrogation is legally and practically viable between carriers for commercial and residential landlords and tenants will be explored in detail, including the key facts and documents that must be gathered and evaluated alongside the laws of the subject jurisdiction. Attendees will learn tips and strategies for effectively prosecuting landlord/tenant subrogation claims once they are determined to be viable.

T.1.3 HEALTH

READ THE FINE PRINT: ROARING DISABILITY SUBROGATION CLAIMS IN 2020

Roar your way into a new decade with another wave of creative thinking to increase recoveries on disability claims! While health plans’ subrogation and reimbursement rights have become common knowledge among personal injury attorneys, disability plans often get overlooked and face pitfalls of getting reimbursed when a claimant also draws long-term and/or short-term disability benefits. We will examine recent case law interpreting the recovery rights of disability plans as well as state-specific laws that affect recovery actions of disability benefits. In the New Twenties, let us roar in pursuing disability claims.

T.1.4 MANAGEMENT

CONTINUITY AND SUCCESSION PLANS FOR SUBROGATION PROFESSIONALS - HINDSIGHT IS 20/20

Seventy percent of first-generation businesses do not survive their founders. Business continuity and succession planning will ensure your legacy upon death, disability, or retirement. This panel discussion, with audience participation, will examine how businesses can prepare and execute a plan for an orderly transition of key positions and client relationships. We will also address client concerns when continuing a business relationship with a new principal and ethical considerations while transitioning.

T.1.5 WORKERS’ COMP

UNSAFE BY DESIGN: WINNING DESIGN DEFECT CASES USING CORE SAFETY ENGINEERING CONCEPTS (COMBINED W/PRODUCT LIABILITY)

Consumer products that fail in a manner that cause harm during intended and foreseeable use are likely defective in design. However, the successful and efficient investigation and prosecution of design defect claims – whether strict products liability, breach of warranty or negligence in your jurisdiction - requires an understanding of complex safety engineering principles and legal doctrine. Often intuitively as our discussion progresses, subrogation professionals will learn effective and efficient discovery practices, as well as how to overcome overused discovery objections and affirmative defenses asserted by product manufacturers.

CONFERENCE AGENDA

10:30 AM – 11:30 AM PT

CONCURRENT SESSIONS #6 (CONT.)

T.1.6 GENERAL

ETHICS – GAME SHOW EDITION

This will be an interactive presentation where the audience will participate in a game show type setting. The game show host and participants will walk through multiple ethical situations where the audience will vote using their phone for the correct answer. The host and audience will then discuss the results. The topics will involve scenarios encountered by claims handlers, attorneys and experts.

T.1.7 PRODUCT LIABILITY

UNSAFE BY DESIGN: WINNING DESIGN DEFECT CASES USING CORE SAFETY ENGINEERING CONCEPTS (COMBINED W/WORKERS' COMP)

Consumer products that fail in a manner that cause harm during intended and foreseeable use are likely defective in design. However, the successful and efficient investigation and prosecution of design defect claims – whether strict products liability, breach of warranty or negligence in your jurisdiction - requires an understanding of complex safety engineering principles and legal doctrine. Often intuitively as our discussion progresses, subrogation professionals will learn effective and efficient discovery practices, as well as how to overcome overused discovery objections and affirmative defenses asserted by product manufacturers.

T.1.8 SUBRO FUNDAMENTALS

THE EVER-IMPORTANT INSURED

The presentation will discuss the ever-important role your insured plays in pursuit of your subrogation cases from the initial loss to a successful recovery. In this presentation, attendees will learn when to open the lines of effective communication with the insured and which, if any, communications are privileged. Attendees will also learn whether subrogation counsel can represent the insured for the limited purpose of a deposition. The presentation will further discuss uninsured losses, representation of the insured, releases, effective ways to deal with the uncooperative insured, and alternative ways to continue the pursuit of your case without the insured.

11:30 AM – 12:45 PM PT

LUNCH BREAK WITH EXHIBITOR COMMERCIALS AND ENTERTAINMENT

12:45 PM – 1:45 PM PT

CONCURRENT SESSIONS #7

T.2.1 AUTO

LYFTOFF TO SUBROGATION SUCCESS

It's a brave new world out there as ride-share vehicles take the place of old-style taxis. In this session we will present some of the challenges and opportunities. Ride-share companies generally have over a million dollars in coverage (at least when the driver has a customer), so there are a lot of subrogation dollars at stake. We will discuss how to identify what coverage is available and when. We will also seek to clarify how rideshare companies fit into legal schemes designed for taxis, especially in the no-fault (PIP context).

12:45 PM – 1:45 PM PT

CONCURRENT SESSIONS #7 (CONT.)

T.2.2 PROPERTY

A CASE STUDY IN LITIGATING CONSTRUCTION LOSSES AND RELATED ISSUES

Using a large fire and explosion involving a temporary propane heating system as the backdrop, this program will discuss the various types of claims and issues that arise in subrogating construction site losses, including contractual issues and the implied co-insured doctrine.

T.2.3 HEALTH

SPLITTING THE PIE: DETERMINING WHAT PORTION OF A SETTLEMENT IS PAYMENT FOR MEDICAL EXPENSES

Federal Medicaid statutes and the law of many states limit a health plan's recovery to the amount of any settlement allocated for medical expenses. This requires the parties to agree to the value of the injured person's total damages. Some attorneys overvalue their clients' cases to reduce the health plan's interest. Few jurisdictions provide a clear process when the parties can't agree upon the allocation. This session will explore how courts handle allocation hearings and what evidence is allowed. The session will also discuss practical tips for negotiating the allocation of a settlement.

T.2.4 MANAGEMENT

SUBRO COLLEGE MANAGEMENT (PART 1)

The first session will focus on the behavioral characteristics today's subro manager may need to possess. In addition, we will raise the question as to whether today's subro manager needs to display claim "technical abilities."

T.2.5 WORKERS' COMP

BEST PRACTICES REBOOT! AN INDUSTRY INSIDER PANEL AND ATTENDEE DISCUSSION ON COMPLEX RELATIONSHIPS THAT IMPACT LIEN RECOVERIES

The relationship between the employer, carrier, and counsel is essential, complex, and potentially adversarial but critical to lien recoveries. Attendees will benefit being insiders in industry discussions on this hot topic. The panelists and attendees will discuss the "inside scoop" focusing on the employer and injured worker pre and post-accident, investigations, relationships with agents, employer relationship affecting strategy, attorney-client privilege, evidence preservation, experts, litigation costs, and most importantly, employer cooperation to maximize lien recoveries.

T.2.6 GENERAL

CONFRONTING AND RESOLVING ETHICAL ISSUES IN SUBROGATION CLAIMS

This session will be presented by a panel including two experienced subrogation trial lawyers and a subrogation professional. The session will help attendees identify and analyze ethical issues encountered by carriers, file handlers, subrogation counsel and experts. Vignettes and hypothetical situations based on actual loss experiences will be used.

CONFERENCE AGENDA

12:45 PM – 1:45 PM PT

CONCURRENT SESSIONS #7 (CONT.)

T.2.7 PRODUCT LIABILITY

SUBROGATION INVESTIGATIONS OF AVOIDABLE CORROSION FAILURE AND FORENSICS AT THE MICROSCOPIC LEVEL

Whether initiated by fire, electrical malfunction, chemical attack, or other means, in the end, all product and property failures are failures of the material! The first half of the presentation will describe corrosion control of underground, submerged, and atmospheric environments with a focus on how large-scale corrosion failures could have been avoided. The concepts will be supported by case studies of disastrous mistakes that failed to consider basic corrosion control engineering methods, material selection, the physics of corrosion, or drainage design. In the second half, forensic methods of investigating material failures at a microscopic level will be detailed.

T.2.8 SUBRO FUNDAMENTALS

BUILDING BLOCKS - FIVE EASY WAYS TO BUILD A BETTER SUBRO CLAIM

Block by block ... it's how a good subrogation case is built. You need the right pieces in the right places, or it falls apart. We discuss five basic building blocks of every subrogation case that can help you over time build better cases, with or without counsel: (1) Easy Evidence Preservation, (2) Importance of Good Photos & Videos, (3) Getting Information from Insureds, (4) Common Adjustment Pitfalls, and (5) Easy Tips for Working with Experts. We will also emphasize practical tips and guidance for those working in the field and for those overseeing others in the field or adjusters.

1:45 PM – 2:00 PM PT

WELLNESS BREAK WITH EXHIBITOR COMMERCIALS AND ENTERTAINMENT

2:00 PM – 3:00 PM PT

CONCURRENT SESSIONS #8

T.3.1 AUTO

A LOOK AT THE PROPERTY AND CASUALTY INDUSTRY TODAY AND TOMORROW

The presentation will cover the current state of the P&C industry including a general overview of market conditions for auto (frequency of claims and leading issues) and how the industry could be affected by the technological impacts, key innovations, and emerging change. Attendees will learn about claims process innovation, technology adoption, mobility, and other “disruptive” variables that have the potential to impact the future of the industry. Topics include autonomous vehicles, the Internet of Things, artificial intelligence, predictive analytics, and COVID-19 impacts thus far.

T.3.2 PROPERTY

DON'T MESS WITH MOTHER NATURE!

While not always apparent, there are potential subrogation opportunities following natural disasters including earthquakes and wind events. This session will present damage patterns that suggest design/construction deficiencies which should prompt the insurance professional to consider subrogation potential. The session will feature case studies of both earthquakes and wind events involving subrogation potential; the importance of properly identifying governing jurisdiction code requirements and how those can relate to subrogation; the importance of site documentation and both nondestructive and destructive testing of materials to identify the full universe of potential parties; and how waivers of subrogation clauses in contracts and sovereign immunity issues may affect subrogation potential.

2:00 PM – 3:00 PM PT

CONCURRENT SESSIONS #8 (CONT.)

T.3.3 HEALTH

AVOIDING THE STING: THE ABA MODEL RULES IMPLICATED WHEN “JUST FILE TO PROTECT THE STATUTE” DOESN'T WORK

The statute runs this week, the Insurance Claims Professional is sure the subro claim will settle, but either can't reach the adjuster, or the adjuster won't settle without the injured party, who is nowhere to be found. The ICP needs a suit filed against the third party “just to protect the statute,” confident the claim will settle soon. But what if it doesn't? Conflicts may arise between the attorney and the client, and the attorney and the legal system, if there is no plan. This session will discuss the importance of an up-front written retainer agreement and the applicable ABA Disciplinary Rules.

T.3.4 MANAGEMENT

SUBRO COLLEGE MANAGEMENT (PART 2)

Subrogation gets attention from time to time, but 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? How can I be sure I'm getting the best people? Sound like something you may have heard? This portion of the program will address these important issues. Utilizing discussion and two specific exercises, we can 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!”

T.3.5 WORKERS' COMP

STATE SPECIFIC SUBROGATION COAST TO COAST (PART 1)

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 variations across the country. For anyone who handles claims in multiples states, this can make daily practice confusing. We will examine the “nuts and bolts” of subrogation and employer liability trends in select jurisdictions, while also addressing significant case law developments over the past year. Lead by subrogation adjusters and lawyers practicing in these states, you will learn the essential features of the law and have an open forum for questions.

T.3.6 GENERAL

THE FUTURE IS HERE: NEXT GENERATION SCENE DOCUMENTATION, EVIDENCE PRESERVATION, & CASE PRESENTATION USING MATTERPORT

Matterport is an emerging technology that utilizes 360-degree photography to create virtual tours of sites, with the added benefit of being able to measure dimensions to within 1 percent accuracy. More economical than laser scanning, this visually powerful platform can document fires, manufacturing facilities, and many other types of losses where scene preservation is time sensitive. Further, data can be exported into Xactimate to create cost estimates. Learn from engineers experienced with the uses and limitations of this technology and from seasoned attorneys on its benefits and potential impacts to enhancing your subrogation recovery.

T.3.7 PRODUCT LIABILITY

THE TWISTS AND TURNS OF CATASTROPHIC PROPERTY LOSSES: AN EGGCELLENT EXAMPLE (PART 1)

Counsel and client will discuss the ups and downs of four years of litigating a catastrophic commercial chicken barn loss. From days of on-scene frozen fire inspection through multi-party litigation discovery, a half-dozen Daubert motions, jury study evaluations and ultimate resolution via mediation, learn all about the world of modern-day farming and the catastrophes that can crop up.

CONFERENCE AGENDA

2:00 PM – 3:00 PM PT	CONCURRENT SESSIONS #8 (CONT.)
<p>T.3.8 SUBRO FUNDAMENTALS FIRE INVESTIGATION IN THE 21ST CENTURY – TACTICS, TOOLS, & TECH This session is designed to develop skills necessary for a thorough and effective fire claim investigation. Attendees will acquire the tools needed to: ensure cost-effective utilization of experts, avoid common mistakes, and enhance claim recovery. We will introduce, discuss, and analyze tools and technology that enhance the fire investigation far beyond than that of just a few years ago. Security video, satellite, LIDAR, fire models, automated fire protection systems, IoT, auto-infotainment systems, and drones are technology that has significantly improved; providing unique information, perspective, and data that can aid in determining the origin and cause of a fire.</p>	
3:00 PM – 3:15 PM PT	WELLNESS BREAK WITH EXHIBITOR COMMERCIALS AND ENTERTAINMENT
3:15 PM – 4:00 PM PT	CONCURRENT SESSIONS #9
<p>T.4.1 AUTO DON'T TAKE NO FOR AN ANSWER: CHALLENGING WRONGFUL DENIALS IN MOTOR VEHICLE ACCIDENTS Subrogation professionals are routinely presented with denials from tortfeasors' insurance carriers. But does that no always mean no? Can a denial be challenged? If so, when, where, and how? This session is designed to educate the subrogation profession on common denials and whether said denials are supported by the applicable law. The session will begin with a general overview of the most common denials. The session will then address evaluating denials to determine their legal merit and procedures to challenge a wrongful denial.</p>	
<p>T.4.2 PROPERTY REVERSE ENGINEERING: FORENSIC ALARM SCIENCE INVESTIGATIONS YIELD MISSION CRITICAL INFORMATION FOR SUBROGATION RECOVERY Applied forensic alarm science in subrogation claims allows the alarm system to act as a silent witness. The data harvested from security systems have been proven to demonstrate the actions and/or inactions of an alarm contractor and/or a central station. Serious defects and irregularities in alarm system design, methodologies, programming, installation, and verification of compliance to nationally recognized industry standards and best practices and UL and NFPA standards are also incorporated into the investigation. Case studies and important tips on the actions that should be taken will be presented to all attendees from both an alarm science and legal perspective.</p>	
<p>T.4.3 HEALTH NONE AT THIS TIME</p>	

3:15 PM – 4:00 PM PT	CONCURRENT SESSIONS #9 (CONT.)
<p>T.4.4 MANAGEMENT SUBRO COLLEGE MANAGEMENT (PART 3) 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? Through the use of two factual cases, we will work in groups challenging attendees in a limited timeframe to apply subrogation specific leadership perspective as to the following: (1) How might this issue be resolved? (2) What if anything might have prevented this issue from occurring? (3) As a result of this situation, are there any company policy or procedural issues that may need to be instituted or revised?</p>	
<p>T.4.5 WORKERS' COMP STATE SPECIFIC SUBROGATION COAST TO COAST (PART 2) 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 variations across the country. For anyone who handles claims in multiples states, this can make daily practice confusing. We will examine the "nuts and bolts" of subrogation and employer liability trends in select jurisdictions, while also addressing significant case law developments over the past year. Lead by subrogation adjusters and lawyers practicing in these states, you will learn the essential features of the law and have an open forum for questions.</p>	
<p>T.4.6 GENERAL DISTILLING INFORMATION FROM TECHNOLOGY: USING SMART HOME DEVICES TO HELP DRIVE RECOVERIES AND MITIGATE DAMAGES The increased prevalence of smart home devices has brought with it a windfall of information that can often be readily accessed after a loss. If you know where to look and how to analyze this information, it can be invaluable in determining origin and cause, targets for recovery, and how to mitigate additional damages. This presentation will help participants understand the data that is available, where to find it, and how to use it once it is uncovered. The presenters will utilize photographs, videos, and case studies to engage the audience.</p>	
<p>T.4.7 PRODUCT LIABILITY THE TWISTS AND TURNS OF CATASTROPHIC PROPERTY LOSSES: AN EGGCELLENT EXAMPLE (PART 2) Counsel and client will discuss the ups and downs of four years of litigating a catastrophic commercial chicken barn loss. From days of on-scene frozen fire inspection through multi-party litigation discovery, a half-dozen Daubert motions, jury study evaluations and ultimate resolution via mediation, learn all about the world of modern-day farming and the catastrophes that can crop up.</p>	
<p>T.4.8 SUBRO FUNDAMENTALS ON THE ROAD AGAIN: FUNDAMENTALS OF SUBROGATING SHIPPING LOSSES UNDER THE CARMACK AMENDMENT This session will discuss the rights, duties, and liabilities of shippers and carriers concerning interstate cargo losses. We will also explore practical elements for building a prima facie case against a motor carrier; complying with notice requirements and time limits for filing suit, and anticipating common defenses raised by defendant carriers.</p>	



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