



# On the Winds of Change!

**Come Sail Away with the CCC**

August 10-11, 2021 ~ Hyatt Orange County

## **Program with Session Descriptions**

**Date:** Tuesday, August 10, 2021

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

**Track:** Opening General Session

### **Embracing The Winds of Change — Adjust Your Sails: How to Get People To Embrace Change and Achieve Excellence**

**Description:**

Are the changes in today's world an opportunity for prosperity or a pain in the neck? Change is everywhere and when it comes to change there are many challenges from how to benefit from it to how the change will be embraced by the people in your organization. In this entertaining and informative program, we will discuss how claims professionals can effectively navigate through the uncertainties of change and succeed.

**Speakers:**

Johnny Campbell, DTM, AS, The Transition Man

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**Date:** Tuesday, August 10, 2021

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

**Track:** 1P

### **Fire Investigation in the 21st Century - Tactics, Tools & Tech!**

**Description:**

This workshop is designed to help develop the skills necessary for a thorough and effective fire claim investigation. Claims professionals will acquire the 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. We will introduce, discuss and analyze tools and technology that enhances the fire investigation far beyond that of just a few years ago. Cellular Telephone Photos and Video, Security Video, Satellite, LIDAR, Computer Fire Models, Automated Fire Protection Systems, Internet of Things, Auto-Infotainment Systems and Drones are technology that have significantly improved; providing unique information, perspective and data that can aid the fire investigator in determining the origin and cause of a fire. This engaging program utilizes visually compelling fire case examples to illustrate the current state of the art/science of

forensic fire investigations, and to help claims professionals and SIU Investigators ensure a complete and proper investigation in a fire-related case. This presentation will include: live burn videos, extensive photography, and exhibits to illustrate and reinforce the Learning Objectives. Real life examples drawn from investigations handled by the presenters will be utilized throughout the presentation to engage the attendees in applying the lessons outlined by the Learning Objectives.

**Speakers:**

Ulises Castellon, CPCU RPA, Chief Executive Office, Fire Cause Analysis  
Juliet A. Schade, Director Claims - Property, Capital Insurance Group

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**Date:** Tuesday, August 10, 2021

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

**Track:** 1L

**Found the Footprints? Now What? Claims Investigation, Preservation, and Admission of Social Media Evidence at Trial**

**Description:**

In the last decade, social media has become a component of everyday life for billions around the world. It also serves as a rich source of material for carriers and defense counsel to employ in claims investigations and litigation, but its admission at trial and use in front of a jury can be tricky. This presentation will discuss tools and techniques that can be used by carriers and defense counsel to obtain, develop, and preserve social media evidence for use in trial. But more importantly, this presentation will provide a road map for its admission at trial.

**Speakers:**

Thomas J. Murray, Partner, Kern Segal & Murray  
Daniel G. Balich, Partner, Kern Segal & Murray  
Bree Wallace, VIP Program Administrator, Non-Profits United

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**Date:** Tuesday, August 10, 2021

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

**Track:** 1S

**Effective Interviewing: Details and Deceptions**

**Description:**

In this course the participants will:

1. Understand Interview vs. Interrogation
2. Learn how to prepare for the interview utilizing the processes of incident studying, interviewing, and investigating
3. Understand the nature of Kinesic Interview Techniques
4. Understand the importance of establishing an open line of communication with the SIU
5. Understand and describe four Interview Methods
6. Understand when to use Assumptive Questions
7. How to Utilize the Reid Technique
8. Understand Empathetic Interviewing
9. Dealing with the combative interview subject through Verbal De-Escalation

**Speakers:**

David Bogan, President, DMB Investigators

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**Date:** Tuesday, August 10, 2021

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

**Track:** 1E

**Remote Claims Management****Description:**

The goal of this presentation is to discuss the changing working environment of the average claims professional both before and after COVID-19 measures were put in place. As teleworking became more popular, many insurance companies maintained their offices with a full claims staff. However, these companies were forced into remote claims operations on very short notice due to the pandemic. This paradigm shift has required many claims leaders and individual contributors to work from home for the first time. Additionally, seasoned teleworkers were facing unique challenges due to the impact of an influx of non-traditional teleworkers. We will discuss what defines a remote working environment, some of the common individual and leadership challenges that arise as a result of this working environment shift, how coverage conversations and file reviews are affected, what it means to be “present” to your insured, the challenges of maintaining DOI compliance, as well as some useful solutions on how to remain effective, both as a manager and as an adjuster.

**Speakers:**

Christopher Guidry, Senior Property Claims Examiner, Keenan & Associates

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**Date:** Tuesday, August 10, 2021

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

**Track:** 2P

**Taking the Helm in Managing the ALE/LOU Process****Description:**

The session will address the various issues that arise with loss of use (LOU). How important it is to determine a reasonable period of restoration, communicate effectively with the insured in order to set expectations as to length of housing and approved budgets, and to closely monitor hotel stays to transition insureds quickly to less expensive alternative options. Hot LOU topics such as pets, security deposits, Airbnb's, and fair rental values will also be discussed.

**Speakers:**

Meg Lenihan, Director of Strategic Development, Assured Relocation

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**Date:** Tuesday, August 10, 2021

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

**Track:** 2L

## **Successful Claims Investigation and Defending a Lawsuit – a Joint Endeavor?**

### **Description:**

This presentation will discuss the relationship between claims and defense counsel to achieve the desired outcome whether that be settlement or trial. The presentation will discuss file handling, investigation, and strategy prior to and during litigation.

### **Speakers:**

Jennifer Russell, Partner / Attorney, Ford, Walker, Haggerty & Behar

Joe Beem, Automobile Claims Examiner, Interinsurance Exchange of the Automobile Club of Southern California

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**Date:** Tuesday, August 10, 2021

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

**Track:** 2S

## **How, When and Why to Employ New Tech in Auto Loss Evaluations: Three Case Studies**

### **Description:**

This session is designed to help develop the skills necessary for employing new technology to perform a thorough and effective auto loss investigation. Claims professionals will acquire the tools and perspectives needed to ensure cost effective utilization of tech when necessary, to avoid common dangerous mistakes in using the wrong tech for the wrong application, and to minimize exposure to future bad faith claims. We will introduce, discuss and analyze the newest technological advances in claims investigation. Cellular telephone tower data, street surveillance systems, LPR systems, Auto-Infotainment Systems, ADR downloads, personal devices such as tablets and watches will be evaluated and discussed in order to provide up to date information to aid the Claims Investigator and counsel in making the most precise claims decisions. This program will utilize and evaluate this information from the perspective of three separate claim scenarios, actual cases that will be plucked from carrier records without revealing any identities. Each case will be discussed from application for insurance through claims decision. This presentation will also include: recorded statement excerpts, claim note analysis, review of expert reports, review and analysis of phone tower records, review of LPR and EDR data downloads and other evidence gathered during the claims process. The ultimate objective will be to use real life examples drawn from investigations handled by the presenters to engage the attendees in applying the lessons outlined by the Learning Objectives.

### **Speakers:**

Brian Mizell, Resnick & Louis, PC

Michael Lamb, SIU Manager, National General Insurance

Larry Lusk, SIU Investigator III, Kemper Insurance

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**Date:** Tuesday, August 10, 2021

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

**Track:** 2E

## **Reverse Course! Federal Courts Are Blocking Payment of Cannabis Insurance Claims**

### **Description:**

The question of whether commercial cannabis operations were legally insurable appeared well-settled as states began legalizing recreational use in the mid to late 2010's. However, over the past year several Federal judges began using the Controlled Substances Act to preempt state laws with renewed vigor. This trend has once again cast doubt upon whether any insurance contract requiring payment of business income claims to a commercial cannabis operation is void. A collision between Federal prohibition under the Controlled Substances Act and state legality may now be imminent.

### **Speakers:**

Robert May, Shareholder, Kilmer, Voorhees & Laurick, PC

Michelle Burton, Managing Partner, Burton Kelley, LLP

Kelly Yates, Vice President, Claims, TOPA Insurance

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**Date:** Tuesday, August 10, 2021

**Time:** 3:00 p.m. - 4:00 p.m.

**Track:** 3P

## **Handling Large HO Claims with Public Adjusters: Leveling the Playing Field**

### **Description:**

This session is intended to provide property claims handlers, and others who may become involved with property claims, advice, suggestions, techniques, analysis and tools to effectively investigate and resolve large property loss claims with public insurance adjusters.

### **Speakers:**

Kevin Hansen, Partner, McCormick Barstow

James Buckley, President/Executive General Adjuster, JBA/Jim Buckley & Associates

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**Date:** Tuesday, August 10, 2021

**Time:** 3:00 p.m. - 4:00 p.m.

**Track:** 3L

## **The Fine Line Between Icky and Ethical: 9 Steps in Ethical Decision Making**

### **Description:**

This course is designed to educate claims professionals on the "fine line" with ethical decision making. The focus of the course materials will weave ethics through multiple practice areas (exemplars would include property, casualty, subrogation, and general liability). The course begins with a quick review of "ethics" in general; from right and wrong to good and bad.

The course defines the line between "icky" and "ethical." The nine strategies for ethical decision making are based on the general principles of business ethics, with a skewed view for insurance and

claims professionals. Each of the nine principles open with a dialogue of their respective ethical function, with a pattern of approach for each item for consistency throughout the presentation. Discussions included when the principle/step was done right, done wrong, and such lessons learned. Moreover, case law discussions (with references and case studies) will then be discussed. Such perspectives shed light on the underlying theme, the fine line between icky and ethical. Presenting this course to claims professionals creates a mutual understanding between a claims team, including educating such professionals on ethical issues.

**Speakers:**

Adam Farnham, Senior Principal Consultant, Envista Forensics

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**Date:** Tuesday, August 10, 2021

**Time:** 3:00 p.m. - 4:00 p.m.

**Track:** 3S

**"My Bentley Crashed" - Questionable Claims Involving Luxury Vehicles**

**Description:**

We will be discussing the recent trend of high dollar vehicles being involved in all sorts of collisions for all sorts of motives. The session will include various scenarios and the investigative techniques to do a complete investigation.

**Speakers:**

Kathy Jorgensen, SIU Investigator II, Mercury Insurance Company

Tim Staab, Accident Reconstructionist, Delta Analysis

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**Date:** Tuesday, August 10, 2021

**Time:** 3:00 p.m. - 4:00 p.m.

**Track:** 3E

**COVID-19: Insurance Coverage Implications Arising from a Global Pandemic**

**Description:**

COVID-19 has brought the world to a standstill. In just over a year, it infected over 116 million people in over 200 countries. Approximately 2.6 million people died. The specter and realization of increases in the number of infected and dead continues even as vaccines roll out throughout the world. In its wake, COVID-19 has not only threatened the health of the global population, but has shaken the core of the global economy, resulting in losses estimated to be in the trillions of dollars. The impact of COVID-19 on the insurance industry is significant as the exposures arising from this global pandemic prompt an analysis of myriad insurance risks under a variety of products for first-party property and business interruption benefits, event cancellations, and liability claims. This presentation will explore the emergence of COVID-19, its impact on insurance risks, and how courts in the United States are addressing COVID-19 litigation.

**Speakers:**

Paul S. White, Partner, Wilson Elser

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**Date:** Wednesday, August 11, 2021

**Time:** 8:30 a.m. - 9:30 a.m.

**Track:** 4P

## **Navigating Civil Unrest**

### **Description:**

Current civil unrest case studies explored and investigated.

### **Speakers:**

Joe Granados, National General Adjuster, Engle Martin & Associates

Steve Kenyon, National General Adjuster, Engle Martin & Associates

Brad Bell, Claims Consultant, EVDS

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**Date:** Wednesday, August 11, 2021

**Time:** 8:30 a.m. - 9:30 a.m.

**Track:** 4L

## **High Exposure Commercial Liability Claims: Deflating the Inflated Demands**

### **Description:**

Commercial liability claims are becoming increasingly more costly to insurers. Recent studies show that unresolved general liability claims result in lawsuits at least 35 percent of the time. Studies further show that a lawsuit can increase the average general liability claim by more than \$75,000 to defend and settle. The increased costs are being driven by unscrupulous public adjusters, attorneys, medical providers, and others, who continue to develop creative and questionable strategies to force the insurers into quicker and more costly settlements. This session will explore some of the more recent strategies being utilized by these parties including, but not limited to, expensive and questionable medical procedures, "reptile brain" theory trial tactics, partnering with "factoring" (investment) companies, submitting time limit demands, to name a few. This session will provide practical and effective methods of adjusting and investigating claims to expose and mitigate claims involving these questionable and controversial strategies. This session will examine several case studies in which these questionable tactics have been utilized and how they can be effectively mitigated/resolved prior to litigation.

### **Speakers:**

Peter Schiffrin, President, SGD, Inc.

Richard Harer, Vice President, Specialized Investigations

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**Date:** Wednesday, August 11, 2021

**Time:** 8:30 a.m. - 9:30 a.m.

**Track:** 4S

## **Navigating Legal Challenges and Trends in Suspicious Claims Investigations**

### **Description:**

The handling of first-party insurance claims continues to be a unique challenge to insurers, particularly given the recent trends in insureds personally suing claim representatives and insurer's attorneys for breach of contract, bad faith, and other similar causes of action. This course will entail a detailed presentation of first party claim investigations from referral to SIU, to the EUO, post EUO considerations, and recent legal trends shocking the insurance industry.

**Speakers:**

Phaidra Garcia, Partner, McDowell Shaw Garcia & Patton  
Paula M. Shaw, Partner, McDowell Shaw Garcia & Patton  
Heather Wages, Senior SIU Investigator, Pacific Speciality Insurance Company

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**Date:** Wednesday, August 11, 2021

**Time:** 8:30 a.m. - 9:30 a.m.

**Track:** 4E

**Growing Pains: Risk and Claims in the Legal Cannabis Industry**

**Description:**

The continued growth of legal cannabis and cannabis related businesses create new challenges for claims professionals as new business models and new regulations create uncertainty in handling liability, property, and employment claims. This session will discuss the state of Cannabis legalization nationwide, provide an overview of the regulatory structure in California, and discuss potential claims in various sectors of the industry.

**Speakers:**

Victor Xu, Partner, Golderg Segalla LLP  
Kyle Norman, Senior Manager of Material Damage, CSE Insurance Group

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**Date:** Wednesday, August 11, 2021

**Time:** 10:00 a.m. - 11:00 a.m.

**Track:** 5P

**Understanding & Evaluating Remediation & Repair Estimates**

**Description:**

Understanding and Evaluating Remediation and Repair Estimates is intended to help claims professionals learn to understand, summarize, and analyze estimates from contractors and consultants. It's not easy but it is a very valuable skill that can save lots of money. Remediation and repair projects are VERY expensive and yet so few people have the skill to analyze the fairness and value of the costs. Cost estimating is a profession with specialized skills, training, education, and certifications; but it's not rocket science. And there is some math, so it's scary to a lot of people. There are a many moving parts in a big estimate: designers, insurance, labor, materials, equipment, subcontractors... The list can go on and on. So how does a normal person without years of experience understand and evaluate an estimate? We are going to show you. Remember: Construction is not terribly difficult to understand. It's really just sticks and stones and pieces of glass and steel stacked neatly. What makes it hard is the complexity; the sheer number of components requires an organizational system. We have one and we present it in this one-hour program.



**Speakers:**

Pete Fowler, President, Pete Fowler Construction Services  
Stephanie Millea, Partner, Kahana & Feld  
Lee Wright, Casualty Claim Director, Tokio Marine HSS

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**Date:** Wednesday, August 11, 2021

**Time:** 10:00 a.m. - 11:00 a.m.

**Track:** 5L

**Investor Funded Litigation: Leveling the Playing Field or Funding the Takedown?****Description:**

This session addresses a relatively new aspect of litigation, the involvement of “third party investors” who are recruited to literally “fund” litigation that might otherwise be too costly for individuals to pursue. Aside from the issues surrounding the legality and ethical considerations of such participation of non-parties, this topic is particularly important for claims professionals facing the challenge of evaluating risk exposures and litigation expenses when unknown “funders” may be driving the litigation for their own benefit

**Speakers:**

Jonathan Colman, Principal and Managing Attorney, Colman Law Group

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**Date:** Wednesday, August 11, 2021

**Time:** 10:00 a.m. - 11:00 a.m.

**Track:** 5S

**How to Build, Operate and Profit from an Illegal Telehealth Entity****Description:**

The attendees will be introduced to all of the necessary stakeholders to operate a telehealth entity. Then the presentation will assemble, using real world examples, an operating framework to provided telehealth services. This will include the use of off-the-shelf software that can be leased to create an illegally operating healthcare fraud entity. Once assembled, the attendees will be shown how various schemes are free to operate within the new frontier to provide telehealth services without having a professional license.

**Speakers:**

Michael Stahl, DC, Doctor of Chiropractic  
Thomas Fraysse, Partner, Knox Ricksen, LLP

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**Date:** Wednesday, August 11, 2021

**Time:** 10:00 a.m. - 11:00 a.m.

**Track:** 5E

**Combating the Reptile in the Era of COVID-19**

**Description:**

This session will explore the reptile strategy and how COVID-19 will affect jurors' perspectives. We will focus on themes and tactics to calm the reptile response to plaintiffs and retain control of the jury in trial. By attending this course, the attendees' technical claims handling skills will be improved as they gain new insight into how to evaluate exposure on claims and assess risk. This course will provide a new perspective that will assist the claims handler to evaluate a claim early on and will allow the claims handler to have new strategies to assist the insured and legal counsel develop defenses to combat the reptile theory.

**Speakers:**

Christie Swiss, Partner, Collins Collins Muir + Stewart LLP

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**Date:** Wednesday, August 11, 2021

**Time:** 11:30 a.m. - 12:30 p.m.

**Track:** 6P

**Are Your Consultants And Vendors Using The Same Ethics You Require Of Your Employees?****Description:**

Companies require Ethics Training for their adjusters and other employees who are involved in claims handling, and require them to act ethically and treat their policyholders well. Are independent adjusters, engineers, contractors and other technical experts and consultants acting with the same level of ethics? If they are not, substantial problems, including potential liability for the company, may arise. For example, there have been reports of engineering and restoration companies editing reports and estimates with the goal of eliminating or reducing the insurance company's coverage obligations rather than providing an independent professional assessment in their area of expertise. There also have been instances where courts have found that engineering companies acted unethically in connection with an insurance claim, and those findings were admitted as evidence against the insurer on an entirely different claim. This panel will discuss methods to ensure that ethics are a priority, including what to look for and what actions to take to ensure that all people acting for or working with the company act ethically, and how to audit the work with that goal in mind.

**Speakers:**

Gene Weisberg, Partner, Gladstone Weisberg, ALC

Jenee` Child, Senior Claims Consultant

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**Date:** Wednesday, August 11, 2021

**Time:** 11:30 a.m. - 12:30 p.m.

**Track:** 6L

**The Next Litigation Wave: What Should We Expect When COVID-19 "Stay in Place" Orders are Lifted?****Description:**

Insurance Carriers, Corporations and Public Entities alike, have been working to manage risk and anticipate potential litigation. The session provides an evaluation of the potential litigation that will

result from the pandemic. The panel will provide unique perspectives from a defense attorney, personal injury attorney and an insurance claims adjuster.

**Speakers:**

Seymour B. Everett, III, Esq., Partner, Everett Dorey LLP  
Matthew Dickson, Partner, Dickson Trial Attorneys PC  
Sharon Hastings, Supervisor, Gallagher Bassett

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**Date:** Wednesday, August 11, 2021

**Time:** 11:30 a.m. - 12:30 p.m.

**Track:** 6S

**Nomadic Claimants and Automobile Insurance Fraud**

**Description:**

The presentation will outline common fraudulent auto insurance claims involving nomadic claimants that claims adjusters and SIU Investigators encounter. The presentation will cover the history and background of nomadic claimants, the specifics of the claim schemes, Red Flags to look for and examples of cases successfully investigated and prosecuted.

**Speakers:**

Dan Shoham, Ret. Detective, California Department of Insurance Fraud Division, Onyx Investigations  
Kathy Jorgensen, SIU Investigator II, Mercury Insurance Company

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**Date:** Wednesday, August 11, 2021

**Time:** 11:30 a.m. - 12:30 p.m.

**Track:** 6E

**Social Media Investigations: Don't Miss the Boat**

**Description:**

In this presentation, the presenters will discuss various ethical issues and legal requirements relating to social media investigations. Topics discussed will be how to find social media content, how to properly preserve and authenticate social media content, the fallacy of social media privacy and what should/shouldn't be discussed about your cases on social media.

**Speakers:**

Joseph Jones, Vice President/Certified Social Media Intelligence Expert, Bosco Legal Services  
Irene Lopez, Technical Trainer, Kemper Insurance

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**Date:** Wednesday, August 11, 2021

**Time:** 2:15 p.m. – 3:15 p.m.

**Track:** Closing General Session

**They're Driving Me Crazy: How to Deal with Difficult People in the Workplace and in Life**

**Description:**

Difficult people are everywhere. They affect our productivity at work and the quality of our personal lives. In this program, we will discuss communications and conflict management techniques for dealing with difficult people and methods for strengthening workplace relationships and team collaboration when dealing with personal and business challenges.

**Speakers:**

Johnny Campbell, DTM, AS, The Transition Man