

Pennsylvania Association of Mutual Insurance Companies

Claims Summit

April 2 & 3, 2008

Holiday Inn East, Harrisburg



The 2008 PAMIC Claims Summit

has something to offer every claims professional!

With a wide array of sessions from which to choose, the Summit addresses all aspects of claims handling – from property and casualty/liability issues to workers' compensation and auto. The comprehensive scope of the Summit includes sessions from basic coverage information to advanced claims issues. All those working in the claims field will find sessions of interest at this year's Claims Summit.

The Summit is designed for anyone involved with insurance claims or issues relating to insurance claims, from the new employee to the seasoned claims specialist.

Attendees may attend one or both days of the event.

Sponsors

PAMIC would like to thank the following sponsors for helping to make the 2008 Claims Summit possible. Their support is essential to the mission of the Association.

❖ Gold Sponsors

- ❖ **Andracki Law Offices, P.C.**
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Call PAMIC at 717-303-0197.

Schedule

At a glance

Day 1: April 2, 2008

8:20 – 8:30 Welcome

8:30 – 9:25 General Session

- ◆ “Just Why Do We Need These Claim People Anyway?”

9:35 - 10:35 Breakout Session I

- ◆ The Importance of a Well Documented Claims File Panel
- ◆ Litigation Update
- ◆ UM/UIM Update

10:35 – 11:00 Break

11:00 – 12:00 Breakout Session II

- ◆ Property Exclusion Update
- ◆ Homeowners Liability Claims
- ◆ Auto Update- 1st and 3rd Party Issues- PIP, Liability and Limited Tort

12:00 - 1:00 Lunch

1:00 – 2:00 Breakout Session III

- ◆ Mock Jury Presentation
- ◆ Common Property Exclusions
- ◆ Black Boxes-A Look at Vehicle Event Data Recorders

2:00 – 2:15 Break

2:15 – 3:30 General Session

- ◆ Low Speed Impact
Presented by ARCCA

3:30 – 5:30 Reception and Exhibit Show

Day 2: April 3, 2008

8:20 – 8:30 Welcome

8:30 – 9:25 General Session

- ◆ Insurance Fraud and Criminal Referrals

9:35 - 10:35 Breakout Session I

- ◆ Public Adjustors: Myth, Perception, Reality
- ◆ Medicare Liens and PA Child Support Liens
- ◆ Hot Topics in Workers Comp

10:35 – 11:00 Break

11:00 – 12:00 Breakout Session II

- ◆ Common Casualty Policy Exclusions
- ◆ Medical Witness Testimony - Purposes, Weaknesses and Pitfalls
- ◆ Payment of Loss Issues

12:00 – 1:00 Lunch

1:00 – 2:00 Breakout Session III

- ◆ Property Damage Claim Analysis
- ◆ Insurance Bad Faith: Overview of Pennsylvania and Maryland Law
- ◆ Subrogation in the 21st Century - It's a Whole New Ballgame

2:00 – 2:30 Break

2:30 – 3:30 General Session

- ◆ Mock Trial - You Decide

3:30 Adjourn

Sessions

Day 1: April 2, 2008

8:20 – 8:30 Welcome

Adam Parsons, JD, CPCU, *Claims Staff Counsel, Penn National Insurance, PAMIC Claims Committee Chairman*
Steven C. Elliott, JD, CPCU, *President, PAMIC*

8:30 – 9:25 General Session

“Just Why Do We Need These Claim People Anyway?”

Thomas Trezise, *President, Convergent Insurance Services LLC*

“To me, a claims man is a surgeon. That desk is an operating table. And those pencils are scalpels and bone chisels. And those papers are not just forms and statistics and claims for compensation, they're alive, they're packed with drama, with twisted hopes and crooked dreams. A claims man ...is a doctor and a bloodhound ...and a cop and a judge and a jury and a father confessor all in one. And you want to tell me you're not interested.” *From the movie Double Indemnity*

This session will explore the importance of the claims professional as an essential character of every insurance company.

9:30 - 10:30 Breakout Session I

The Importance of a Well Documented Claims File Panel

Michael Saltzman, *Esquire, Fineman, Krekstein & Harris, P.C.*

This discussion will explore the importance of a well documented claims file in light of ever increasing bad faith litigation.

Litigation Update

Michael P. McKenna, *Esquire, Margolis Edelstein*

An annual PAMIC tradition. This update will provide all attendees with a thorough summary of all the important cases that affect the insurance industry which have been handed down within the past year. Recent developments in PA case law which involve any aspect of property and casualty insurance will be highlighted. Brief summaries of each of the cases will be reviewed in a quick, concise fashion so that you will have some knowledge of important litigation cases and opinions handed down since our last meeting.

UM/UIM Update

Peter J. Speaker, *Attorney, Thomas, Thomas & Hafer, LLP*

Michael H. Burgoyne, *Attorney, Thomas, Thomas & Hafer, LLP*

Gordon A. Einhorn, *Attorney, Thomas, Thomas & Hafer, LLP*

This breakout session will cover the major recent developments in regard to UM/UIM coverage and claims in Pennsylvania, including the impact of the Sackett and Everhart cases, and other decisions affecting rejections, stacking,

exclusions and other issues. Mr. Burgoyne will provide a brief review of important recent decisions relating to UM/UIM in Maryland.

10:30 – 11:00 Break

11:00 – 12:00 Breakout Session II

Property Exclusions - Recent Decisions by the Courts

Dale K. Forsythe, Esq., Member, Wayman, Irvin & McAuley, LLC

Michael L. Magulick, Esq., Member, Wayman, Irvin & McAuley, LLC

For any claims specialist dealing with property loss claims, keeping abreast of recent decisions affecting the meaning, impact and treatment of applicable policy exclusions is critical. This session will examine court decisions rendered over the last year which interpret a variety of property exclusions, with analysis of the rationale involved and a look at the practical implications moving forward for the claims handler. Those in attendance are encouraged to participate, ask questions and offer their insights as well.

Homeowners Liability Claims

John Lewis, Esquire, Swartz Campbell LLC

Ronald Ochalek, VP Claims, Farmers Mutual Fire Insurance Co/Marble

Daniel M. Taylor, Jr., Esquire, Swartz Campbell LLC

This session will address common Homeowner's Liability claims including slip, trip and fall accidents; social host liquor liability claims; dog bite and domestic animal liability claims; recreational vehicle accidents; liability for acts of independent contractors; investigation and defense of these and other similar premises liability claims. Topics will also include related coverage issues including the intentional act and assault and battery exclusions and residency issues affecting coverage.

Automobile Update- First and Third Party Issues

Glenn Ricketti, Esquire, Margolis Edelstein

This session will explore, in detail, both first-party issues arising under the PA Motor Vehicle Financial Responsibility Law (MVFRL) as well as third-party issues including the application of the limited tort option. First-party benefit issues such as required benefits, source of benefits, ineligible/excluded claimants and examinations will be reviewed. There will also be a summary of recent cases involving the application of the limited tort threshold as well as other developments in the auto liability field. The application of PA's bad-faith statute will be reviewed insofar as it applies to the handling of vehicle claims.

12:00 – 1:00 Lunch

1:00 – 2:00 Breakout Session III

Common Property Exclusions

Brian S. Single, Senior Claims Adjuster, Millers Capital Insurance Co.
Paul R. Walker, Attorney, Thomas, Thomas & Hafer, LLP

This session is concerned with common property exclusions and limitations, including environmental and maintenance exclusions and basic homeowners & commercial exclusions and limitations. There will also be a question and answer session as time permits.

Mock Jury Presentation

Michael Saltzman, Esquire, Fineman, Krekstein & Harris, P.C.

This session will present an actual mock jury based upon a true fact pattern.

“Black Boxes” – A Look at Vehicle Event Data Recorders

Wayne J. Denham, Senior Engineer, ARCCA Incorporated

Event Data Recorders (a.k.a. “black boxes”) are being used in everyday vehicles with increased popularity. There are advantages and issues to be aware of when dealing with this technology, in addition to a lot of “misinformation”. It is important for the investigator to gain an understanding of its intended function, use, capability, and limitations.

This presentation explores the various aspects of event data recorder technology, including its integration with airbag/occupant protection technology. This presentation will provide the attendee with a basic understanding of crash types, recording capabilities of various vehicles (and types), how to determine if / when the data (if available) should be retrieved. Case studies will be discussed to demonstrate the versatility of the technology.

2:00 – 2:15 Break

2:15 – 3:30 General Session

Low Speed Impact

Michael L. Markushewski, Vice President Engineering, ARCCA, Inc.

The human body is more tolerant to impacts from the rear than any other direction. However, a disproportionate amount of injury claims as a result of rear-end collisions are reported. While certain injuries are possible from these types of collisions, oftentimes the claimed injuries are unrelated to the crash.

This presentation explores the various aspects of low speed impact. An examination of accident reconstruction, vehicle design and biomechanics of this type of crash will be presented. Case studies, crash tests and medical literature will be reviewed to form the basis for what injuries are consistent with low speed impact, and why certain claimed injuries may not be related to the mishap.

3:30 - 5:30 Reception and Exhibit Show

Sessions

Day 2: April 3, 2008

8:20 – 8:30 Welcome

Adam Parsons, JD, CPCU, *Claims Staff Counsel, Penn National Insurance, PAMIC Claims Committee Chairman*

8:30 – 9:25 General Session

Insurance Fraud and Criminal Referrals

Mark Bellavia, *Esquire, Senior Deputy Attorney General, Insurance Fraud Unit, Attorney General's Office, Commonwealth of PA*

Jim Cole, *Esquire, Marshall, Dennehey, Warner, Coleman & Goggin*

Doug Kent, *Esquire, Marshall, Dennehey, Warner, Coleman & Goggin*

This panel discussion with the Attorney General's Office will address fraud referrals with emphasis on the major questions that insurers face each day as they investigate claims and discover insurance fraud. This will include the fraud reporting statute, regulations and compliance issues as well as immunity from civil actions for reporting fraud properly.

9:30 - 10:30 Breakout Session I

Public Adjusters: Myth, Perception, Reality

William L. Hamrick Jr. RPA,AAI ,AIC Penn National Insurance

Mike Danilla RPA,AIC *General Adjuster, Penn National Insurance*

Richard Burr, SPPA, *Dir. of Claims/Exec. Adjuster, Young Adjustment*

David Horowitz, *President & CEO, Young Adjustment Company*

Public Adjusters have been around for decades and they will probably be around for decades to come. Why do most company adjusters cringe when they discover a Public Adjuster is involved with their property adjustment?

This panel discussion session of Public Adjusters and Senior Company Property Reps may be a first in PAMIC History. Specific questions relating to what has been considered sensitive topics will be addressed. The audience will also have the opportunity to ask our public adjuster panelists direct questions...please let's keep it professional. This session may give you a new perspective and dispel certain myths surrounding the 'Public Adjuster'. We will also address and review certain aspects of the Pennsylvania Public Adjuster Act. Special thanks to Young Adjustment Company for agreeing to be part of our panel discussions.

Medicare Liens and Pennsylvania Child Support Liens

Dennis Bonetti, *Esquire, Cipriani & Werner*

After closing a liability file, the last thing you want is to re-open the file and be exposed to double damages from Medicare. Medicare is becoming more aggressive in pursuing reimbursement of its payments. Learn how to address Medicare and Pennsylvania child support liens.

Hot Topics in Workers Compensation

Mark J. Powell, Attorney, Thomas, Thomas & Hafer, LLP

Louis J. Michelsen, Attorney, Thomas, Thomas & Hafer, LLP

Carrie E. Smyth, Attorney, Thomas, Thomas & Hafer, LLP

This session will cover hot topics and recent developments in workers compensation law, including discussions regarding decisions rendered by the appellate courts and the latest in regulatory amendments and the impact both will have on everyday claim handling.

10:30 – 11:00 Break

11:00– 12:00 Breakout Session II

Common Casualty Policy Exclusions Panel

Moderator: Glenn Ricketti, Esquire, Margolis Edelstein

This session will explore the application of various exclusions found throughout casualty policies including homeowners, commercial and auto policies. Learn or reacquaint yourself with the existence of these exclusions, how to identify factual situations which trigger the exclusions as well as how to properly invoke the exclusions. In addition, the attendees will learn when these exclusions apply and what to do once identified, including the use of reservation of rights letters, denial letters and declaratory judgment actions.

Medical Witness Testimony - Purposes, Weaknesses and Pitfalls

Michael L. Magulick, Esq., Member, Wayman, Irvin & McAuley, LLC

Dale K. Forsythe, Esq., Member, Wayman, Irvin & McAuley, LLC

This session will take a hands-on, example-driven look at the type of medical testimony that is typically elicited in a personal injury case, examining whether medical testimony for the defense is needed in a variety of settings and, if so, what exactly it is designed to accomplish. Securing favorable testimony from an IME doctor, preparing for cross-examination and ensuring that the your medical defenses will play well to a jury will all be examined in the context of a typical personal injury insurance claim. Landmines to avoid during the medical phase of a case will be studied, as well as the occasional need to simply accept that some aspects of a claim cannot be successfully attacked. The goal of this session is to allow the adjuster to see how collecting medical records, securing an IME and engaging in other medical discovery plays out in the real world, so that more accurate evaluations can be made and more favorable determinations as to whether to try a case or settle it can be achieved.

Payment of Loss Issues

Dave Tocci and/or P.J. Petrarco, FireDex, Pittsburgh

Mark Broderick, Property General Adjuster, Penn National Insurance

Thomas P. McGinnis, Attorney, Thomas, Thomas & Hafer, LLP

This session will cover various topics relating to payment of real property loss claims, including compliance with “Act 98” (relating to municipal claims and costs), mortgagees, undisputed amounts, depreciation and replacement cost holdbacks.

12:00 – 1:00 Lunch

1:00 – 2:00 Breakout Session III

Property Damage Claim Analysis

Jim Cole, Esquire, Marshall, Dennehey, Warner, Coleman & Goggin
Doug Kent, Esquire, Marshall, Dennehey, Warner, Coleman & Goggin
This seminar will examine new and major issues in the analysis of a property damage claim including: 1) the impact of the Kvaerner decision on whether a claim involves property damage and a defense is owed; 2) the appraisal process; 3) what constitutes a collapse; and 4) matching issues under the Green decision.

Insurance Bad Faith: Overview of Pennsylvania and Maryland Law

Todd B. Narvol, Attorney, Thomas, Thomas & Hafer, LLP
Michael H. Burgoyne, Attorney, Thomas, Thomas & Hafer, LLP
This session will cover a comparison of the law on insurance bad faith in Pennsylvania and Maryland, with a discussion of the new administrative provisions relating to good faith insurance practices in Maryland, a report on how those provisions have been administered to date, and practical claims-handling tips for avoidance of extra-contractual exposure. The session will also address the different concepts to consider in the two states when handling multi-defendant personal injury cases, including issues relating to third-party bad faith, comparative vs. contributory negligence, apportionment of joint and several liability vs. strict pro-rata division of such liability, and damages caps.

Subrogation in the 21st Century: A Whole New Ballgame

Richard F. Andracki, Esquire, Andracki Law Offices, P.C.
Mr. Andracki will address the dramatic evolution of subrogation practice from the last quarter of the 20th Century to the present. In particular, he will focus on what these changes suggest to Subrogation Managers and Recovery Specialists in their efforts to mitigate their losses through subrogation.

2:00 – 2:15 Break

2:15–3:15 General Session

Mock Trial - You Decide

The PAMIC Claims Committee will present a lively Mock Trial engaging all participants as members of the jury.

Registration Form

PAMIC Claims Summit April 2 & 3, 2008 Holiday Inn East, Harrisburg, PA

To register: Please complete this form & return it by **March 25**.

PAMIC • 1017 Mumma Road, Suite 103 • Wormleysburg, PA 17043

Fax 717-303-1501 • Or [Register Online](http://www.pamic.org) at www.pamic.org

Please print clearly.

NAME _____ NICKNAME (for badge) _____

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Please let us know of any Dietary or Accessibility needs you have: _____

CE/CLE Credit

_____ I would like to receive PA Insurance Licensing CE Credits for this seminar.

Producer License Number: _____

(for reporting of CE Credits)

_____ I would like to receive PA CLE (Legal) Credits for this seminar.

Reception

_____ I will be attending the Wednesday evening Reception and Exhibit Show.

Payment

Please select from the following options:

Two Days

_____ PAMIC Member: **\$250**

_____ Non-Member: **\$325**

Single Day:

Wednesday or **Thursday**

_____ PAMIC Member: **\$150**

_____ Non-Member: **\$225**

TOTAL DUE \$ _____

Please Note: The two-day price is only available for a single individual attending both days. It cannot be split between two different people.

Payment Options

_____ Check Enclosed

_____ Please Send Invoice

General Information

CE, CLE and RPA Credit

This seminar has been submitted for a total of 12 Pennsylvania Insurance Licensing CE credits. Six CE credits are available for each day of the event.

To request CE Credit outside of PA, please call PAMIC at 717-303-0197 as soon as possible. Request for credit outside of PA must be made at least 3 weeks in advance.

Credits from RPA (Registered Professional Adjuster) and Pennsylvania CLE (Continuing Legal Education) are also available. Be sure to pick up the PA CLE form at the close of the Summit.

Hotel Accommodations

Holiday Inn Harrisburg East, 4751 Lindle Road, Harrisburg PA 17111

The Holiday Inn East is conveniently located just off I-283. From the PA Turnpike, take the Harrisburg/Hershey exit #247. Take I-283N to the Swatara exit #441. All rooms include a Coffee Maker, Hairdryer and Complementary Wireless High Speed Internet Access. Other features include an Indoor Pool and Fitness Center.

Make your room reservation today by calling the Holiday Inn Harrisburg East at **800-637-4817 or 717-939-7841**. Be sure to mention PAMIC to receive the group rate of \$98.00. This rate is guaranteed through March 7, 2008.

Cancellation Policy

A full refund for this seminar will be given if a written cancellation notice is received on or before March 25, 2008. Cancellations received after this date may not be eligible for a refund.

Contact PAMIC

For more information, please call PAMIC at 717-303-0197 or email mlam@pamic.org.

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