

Pennsylvania Association of Mutual Insurance Companies

# Claims Summit

April 1 & 2, 2009

Eden Resort Inn, Lancaster



# The 2009 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 property and casualty/liability claims handling. 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 1, 2009

**8:30 Welcome**

**8:35 – 9:35 General Session**

- ◆ Dealing with Difficult People

**9:40 - 10:40 General Session**

- ◆ Litigation Update

**10:40 – 11:00 Break**

**11:00 – 12:00 Breakout Session I**

- ◆ How to Determine if You Have a Duty to Defend or a Duty to Indemnify
- ◆ Who is an Insured?

**12:00 - 1:00 Lunch**

**1:15 – 2:15 Breakout Session II**

- ◆ Fire Case Management - First on Board
- ◆ Early Evaluation & Expense Control Panel

**2:15 – 2:30 Break**

**2:30 – 3:30 General Session**

- ◆ How the Supreme Court Works

**3:30 – 5:30 Reception and Exhibit Show**

### Day 2: April 2, 2009

**8:30 Welcome**

**8:30 – 9:35 General Session**

- ◆ Plaintiff Attorneys Panel

**9:40 - 10:40 Breakout Session I**

- ◆ Medicare Liens, Releases, Escrow Accounts and Other Ways to Satisfy Them
- ◆ Ordinance or Law; Code Coverages

**10:40 – 11:00 Break**

**11:00 – 12:00 Breakout Session II**

- ◆ Contractors Exposures, Occurrence vs. Work Product
- ◆ Business Income

**12:00 – 1:00 Lunch**

**1:15 – 2:15 Breakout Session III**

- ◆ Mediating a Complex, Multi-party Case
- ◆ Homeowners Liability Claims

**2:15 – 2:30 Break**

**2:30 – 3:30 General Session**

- ◆ Keeping the Lines of Communication Open (Panel)

**3:30 Adjourn**

# Sessions

Day 1: April 1, 2009

## 8:30 WELCOME

**Frank P. Kellner, CPCU, AIC, Vice President, Claims, Harford Mutual Insurance Companies, PAMIC Claims Committee Chair**

## 8:35 – 9:35 GENERAL SESSION

### *“Dealing with Difficult People”*

**Erica Crotty, Manager of Employee Development, Penn National Insurance**

Is there someone in the workplace, an overbearing boss, a difficult coworker, or maybe even a challenging client or customer who drives you up the wall? Are there people at your job who make you feel not good enough or just plain miserable? Difficult people exist at work and in all aspects of life. We all know you probably can't change those people, but the good news is that there are ways in which you can deal with problem people in the workplace. In this session, you will identify common themes surrounding difficult people and learn key coping strategies to deal with those everyday difficult people.

## 9:40 - 10:40 GENERAL SESSION

### *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.

## 10:30 – 11:00 BREAK

# Sessions

Day 1: April 1, 2009

## 11:00 – 12:00 Breakout SESSION I

### *How to Determine if you have a Duty to Defend or a Duty to Indemnify*

**Jeffrey A. Wothers, Esquire, Niles Barton & Wilmer**

You have to make two important decisions when your insured is sued: 1) Do you have to retain counsel to defend? and 2) do you have to pay part or all of a judgment entered? This presentation will discuss the difficult coverage issues that frequently come into play when determining whether you have a duty to defend and a duty to indemnify, such as triggers of coverage, completed operations, subcontractor coverage and exclusions, pollution exclusions, and what constitutes advertising injury, as well as the use of declaratory judgment actions and avoiding bad faith claims.

### *Who is an Insured?*

**Andrew Sysak, Esquire, Andracki Law Offices, P.C.**

This session will address/ identify the insured under the policy, an additional insured, mortgagees, loss payees. There will also be a discussion of the rights and duties of additional insured, named mortgagees and unknown mortgagees, loss payees. He will review recent Pennsylvania Case Law and discuss/distribute sample fact patterns.

## 12:00 – 1:00 LUNCH

## 1:15 – 2:15 Breakout Session II

### *Fire Case Management - First on Board*

**Edmund G. Knight III, P.I., C.F.I., Certified Fire Investigator, Origin & Cause, Robson Forensic, Inc.**

This session will focus on the importance of having a fire ORIGIN & CAUSE analysis performed early in the case.

# Sessions

Day 1: April 1, 2009

**1:15 – 2:15 Breakout Session II - Continued**

## *Early Evaluation & Expense Control Panel*

**Moderator: Tom McGinnis, Esquire, Thomas, Thomas & Hafer LLP  
Susan A. Leitzel, CPCU, SCLA, AIM, AIC, Claims Manager,  
Mutual Benefit Group**

**Todd B. Narvol, Esquire, Thomas, Thomas & Hafer LLP**

This presentation is intended to assist adjustors who handle liability loss claims involving bad injuries. We will focus on the merits of a full and immediate investigation, both in terms of achieving an early evaluation of the claim and in terms of maximizing the defense of the claim on liability and damages. This session will explore the reasons early engagement of counsel and experts can help in establishing an earlier and more accurate liability position, which will promote a better and more effective reserving process, and which will allow the loss to be moved to a faster and more economical conclusion. Those in attendance will be encouraged to participate, ask questions and offer their insights as well.

**2:15 – 2:30 BREAK**

**2:30 – 3:30 GENERAL SESSION**

## *How the Supreme Court Works*

**Justice J. Michael Eakin, Supreme Court of Pennsylvania**

Justice Eakin will discuss the jurisdiction of the Court, the selection of cases to be heard, and the decision process. Justice Eakin welcomes questions and comments from the audience

***Exhibit Show Opportunities  
are now available at the  
PAMIC Claims Summit!***

***For more information  
visit [www.pamic.org](http://www.pamic.org)  
or call PAMIC at  
717-303-0197.***

**3:30 - 5:30  
RECEPTION AND  
EXHIBIT SHOW**

# Sessions

Day 2: April 2, 2009

## 8:30 WELCOME

**Frank P. Kellner, CPCU, AIC, Vice President, Claims, Harford Mutual Insurance Companies, PAMIC Claims Committee Chair**

## 8:35 – 9:35 GENERAL SESSION

### *Plaintiff Attorneys Panel*

**Moderator: Kevin C. McNamara, Esquire, Thomas, Thomas & Hafer, LLP**

**Scott B. Cooper, Esquire, Schmidt Kramer**

**William F. Goodrich, Esquire, Goodrich & Goodrich**

**Joseph Pulcini, Jr., Esquire, Thomas, Thomas & Hafer, LLP**

Attorneys from across the state, including PaTLA officers and a former insurance claim representative, will discuss things to avoid and ways to improve communication and negotiation between Plaintiff's counsel and insurance claims representatives.

## 9:40 - 10:40 BREAKOUT SESSION I

### *Medicare Liens, Releases, Escrow Accounts and Other Ways to Satisfy Them*

**Glenn Ricketti, Esquire, Margolis Edelstein**

This session will review the current status of medicare liens and how to protect your insured and your company from enforcement of liens. Topics will include what documents are need to confirm the liens have been satisfied, how to get Plaintiff Counsel to provided you with waiver or satisfaction letters, effective use of releases and escrow accounts and review of handling other liens from workers compensation carriers and child support claims.

### *Ordinance or Law; Code Coverages*

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

**Andrew Goldberg, CR, WLS, President, RestoreCore**

Adjusters find themselves confronted with building code issues more frequently than ever before due to the better defined and more stringent building code regulations that exist in most communities these days. What's covered, what's not, what should be, what could be. We'll discuss the coverage that exists and when it is applicable.

# Sessions

Day 2: April 2, 2009

**10:40 – 11:00 BREAK**

**11:00– 12:00 BREAKOUT SESSION II**

## ***Contractors Exposures, Occurrence vs. Work Product***

**Joe Gerber, Esquire, Cozen O'Connor**

The presentation will concentrate on contractors work product exposures, specifically construction defect claims. A working title might be "Construction Defect Claims: Where Does the Duty to Defend Begin and End?" or "Recent Developments Regarding Construction Defect Claims." Jack will speak on "Kvaerner" and recent developments relating to the "Gambone" matter.

## ***Business Income***

**Mark Broadrick, Senior Property General Adjuster, Penn National Insurance**

**William Gruhler, Partner, Forensic Accountant, CGMAA**

Business Income loss exposures have become increasingly common on Commercial Property losses. They may range from very simple to extremely complex loss exposures. We will address the Business Income coverage that is afforded under the Commercial Package Policies and the Business owners Package Policies. We will also address the necessary financial documentation that the insured must present in support of their loss. We will then provide a few examples of how to calculate a business income loss.

**12:00 – 1:00 LUNCH**

**1:15 – 2:15 BREAKOUT SESSION III**

## ***Mediating a Complex, Multi-party Case***

**Bob Creo, Arbitrator, Mediator, Educator, Settlement Counsel, Special Master, Impartial Dispute Resolution Services**

This seminar will use the example of a complex multi-party case to review strategies and techniques that can be applied to mediations in general..

# Sessions

Day 2: April 2, 2009

## 1:15 – 2:15 BREAKOUT SESSION III - CONTINUED

### *Homeowners Liability Claims*

**John F. Lewis, Esquire, Swartz Campbell LLC**

**William T. Salzer, Esquire, Swartz Campbell LLC**

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

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

## 2:15 – 2:30 BREAK

## 2:30–3:30 GENERAL SESSION

### *Keeping the Lines of Communication Open*

**Moderator: Frank P. Kellner, CPCU, AIC, Vice President, Claims, Harford Mutual Insurance Companies**

**Eric Schuster, General Adjuster, Paladin Adjustment Group**

**Andrew F. Susko, Esquire, White & Williams**

This Panel discussion focuses on the relationship between company claims representatives, their supervisors, independent adjusters and defense counsel. Topics to include: What information does my supervisor need to know? What do you do if defense counsel is unresponsive to requests for information? What does counsel do if the claims representative is in over their head?, and more...

**Interested in becoming a sponsor for this event?  
It's not too late.**

**Call PAMIC at 717-303-0197.**

# Registration Form

## PAMIC Claims Summit April 1 & 2, 2009 Eden Resort & Inn, Lancaster, PA

To register: Please complete this form & return it by **March 26.**

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

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

Please print clearly.

NAME \_\_\_\_\_ NICKNAME (for badge) \_\_\_\_\_

TITLE \_\_\_\_\_

COMPANY \_\_\_\_\_

ADDRESS \_\_\_\_\_

CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_

PHONE \_\_\_\_\_ EMAIL \_\_\_\_\_

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 10 Pennsylvania Insurance Licensing CE credits. Five 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**

**Eden Resort, 222 Eden Road, Lancaster, PA 17601**

- The Eden Resort is conveniently located in the heart of Lancaster County. All rooms include a complimentary in-room safe, refrigerator and coffee maker, hair dryer and full-size ironing board and iron, 32" and/or 42" Flat panel HDTV's, and complimentary high speed wireless Internet access. Make your room reservation today by calling the Eden Resort at 866-801-6430 or 717-569-6444 or visit [www.edenresort.com](http://www.edenresort.com). Be sure to mention PAMIC or enter the PAMIC code #434046 to receive the group rate of \$119.95. This rate is guaranteed through February 28, 2009.

## **Cancellation Policy**

A full refund for this seminar will be given if a written cancellation notice is received on or before March 25, 2009. 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 [mparmer@pamic.org](mailto:mparmer@pamic.org).

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