

Claims Summit 2019

April 9–10, 2019
Wyndham Gettysburg
95 Presidential Circle
Gettysburg, PA



PAMIC

Pennsylvania Association of
Mutual Insurance Companies

SCHEDULE AT A GLANCE

CE & CLE CREDITS

2019 Claims Summit has been approved for 9 PA CLE Credits and 9 PA CE Credits. Be sure to pick up your CLE form at registration any time during the event.

See the *Claims Summit Virtual Exhibit Hall* at:
www.pamic.org/Claims-Summit-Virtual-Exhibit-Hall

DAY 1 • APRIL 9

7:45–8:30am

Continental Breakfast & Registration

CD Foyer

8:30–8:45am

Opening & Welcome Remarks

Salons ABCD

Ron Gallagher, *PAMIC President*

Sarah Zulauf, *CPCU, AIC, AIM, VP Claim Manager, Allegany Insurance Group, Claims Committee Chairman*

8:45–9:45am

General Session

Salons ABCD

Observations from the Bench and Private Practice: The Nuts and Bolts of Effective Advocacy from the Complaint through the Verdict

Presented by: **Judge Sean J. McLaughlin (Ret.)**, formerly of the United States District Court for the Western District of Pennsylvania

Judge Sean J. McLaughlin (Ret.) will provide a unique perspective, based on his experience as a federal district court judge, private practitioner and General Counsel for The Erie Insurance Group, as to how a client's interests can be most effectively advanced at every critical phase of the litigation process.

9:45–10:45am

General Session

Salons ABCD

Litigation Update

Presented by: **Mike McKenna, Esq.**, Margolis Edelstein

He's back! Join Mike McKenna as he highlights *The Year That Was* in the often unpredictable world of litigation. What have the Courts been up to and how does that impact you?

10:45–11:00am | Mid-Morning Break

CD Foyer

11:00–12:00pm | Breakout Sessions

(Choose one) – 2 concurrent

Sinkholes and Structural Damage: An Insurance Industry Perspective

Salons ABC

Presented by:

Gregory C. Kunkle, Ph.D., *Thomas, Thomas & Hafer LLP (moderator)*

Andy Munas, P.E., *Forensic/Structural Engineer, Barry Isett & Associates, Inc.*

Chris Kotch, P.G., *Professional Geologist, Barry Isett & Associates, Inc.*

Jeffrey Schronce, CPCU, AIC-M, *Managing Partner, Priority Adjusters*

This presentation is designed to give the insurance adjuster and claims managers a primer on sinkholes and related building damage. The definition of a sinkhole will be reviewed along with mapping showing where they are prevalent such as southeast and central Pennsylvania as well as some parts of New Jersey, Maryland, and Delaware. The causes and formation of sinkholes will be discussed along with key ways to identify a sinkhole versus other types of ground movement (settlement, buried features, etc.). The investigative process and tools will be discussed along with case studies and types of remediation when structures are impacted. Lastly, the most common policy forms and endorsements from ISO, MSO and AAIS will be presented, showing the vast differences in coverage by form, endorsement and rating bureau. "Cheat Sheets," summarizing the coverages by form, endorsement and bureau will be provided for agency reference. The presenters include a Professional Geologist, a Professional Forensic/Structural Engineer, and a General Adjuster.

You, Me and an IME: A Live Orthopedic IME and Tutorial

Salon D

Presented by:

Thomas Zumpella, Esq., *Partner at Thomas, Thomas & Hafer, LLP*

Courtney Harris, AIC-M, *Senior Claims Representative, Millers Mutual*

Stuart Gordon, M.D. *of the Comprehensive Diagnostic Center*

Ever wonder what exactly an orthopedic surgeon does when he performs an IME? Exactly what tests are performed, how they are performed, and how the data is interpreted? During this session, you will be able to observe an orthopedic surgeon perform an actual IME and ask questions of regarding what is being done, why it is being done, the relevance of what is being done, and what to look for in evaluating both an IME report, as well as a report from a Plaintiff's treating physician.

12pm–1:15pm | Lunch

CD Foyer

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1:15–2:15pm | Breakout Sessions

(Choose one) – 2 concurrent

Auto Update — The Good, The Bad, and The Ugly A Comprehensive Update on Developments in Auto Claims Handling over the Past Year

Salon D

Presented by:

Christopher Gallagher, Esq., Associate, Thomas, Thomas & Hafer, LLP

Jeremy Quigley, Claims Specialist, Penn National Insurance

This past year was an eventful year in the realm of first and third party auto claims developments. This presentation will provide the audience with a comprehensive update on developments in the auto arena, including a discussion of the Supreme Court of Pennsylvania's ruling in Gallagher v. GEICO (striking household exclusion).

The Cold Hard Truth: An Adjuster's Guide to Frozen Pipe Claims

Salons ABC

Presented by:

Scott Rybny, Esq., Rebar Bernstiel

Mark Blackburn, AIC, President, Castle Claims Service

Frozen pipe losses are often overshadowed by large catastrophic losses or the sensationalism that often accompanies insurance fraud rings. That does not mean these losses are any less significant. To the contrary, some estimate that frozen pipe claims cost the insurance industry roughly \$4 billion over the past decade. This past winter saw portions of the country enveloped in what many called a polar vortex that plunged temperatures to as low as forty below zero. These losses applied indiscriminately to all types of insureds, from residential insureds to large commercial insureds. Even malls and other walk-in retailers were not spared as low gas pressures and operational issues with gas suppliers caused many properties to lose heat. Historically, these losses did not receive the same level of attention as other losses despite being potentially being significantly more complex. With this in mind, this break-out session will encompass a myriad of issues starting with the steps needed for a thorough examination of the loss and why timing is essential. The discussion will then explore some of the most commonly overlooked causes, the ensuing coverage quagmire under various policy forms that often ensues, valuation and finally subrogation.

2:20–3:20pm | Breakout Sessions

(Choose one) – 2 concurrent

Avoid the Quicksand – Unforeseen Traps Set by Public Adjusters and Independent Contractors

Salons ABC

Presented by:

Scott Rybny, Esq., *Rebar Bernstiel*

Michael Danilla, RPA, AIC, *Home Office General Adjuster, Penn National Insurance*

Public adjusters continue to expand their reach throughout greater portions of Pennsylvania. Insurers also saw first-hand from the hail storms of 2018 how independent contractors, acting as public adjusters, but without the same legal constraints impacted the claim process. Are you ready? This break-out seminar is designed for both those who interact with public adjusters and others who represent the insureds on a regular basis and those who do not. The panelists will pull back the curtain and provide valuable insight into a range of topics, from efforts to misconstrue policy terms and phrases, current trends, and those tactics employed by both public adjusters and contractors to manipulate estimating software to maximize insurance payouts for their own benefit and set-up insurance carriers for future claims or litigation.

Negligent Security – The Darkest Corner of Your Parking Lot: A Claims-Centric Primer on Handling Negligent Security Claims

Salon D

Presented by:

Joshua Bovender, Esq., *Partner, Thomas, Thomas & Hafer, LLP*

Matthew Stachowiak, AIC, *Litigation Specialist, Harford Mutual*

Kevin Fox Gotham, Ph.D., CCP, *Associate Dean of Graduate Programs, Grants, and Research, SLA Director, SLA Urban Studies Program, Tulane University*

Negligent security claims are on the rise. This presentation offers a claims-centric perspective on investigating, adjusting, and defending negligent security claims. The presenters will offer a unique perspective focused on the initial evaluation of negligent security claims at the ground level, and will offer insight into how the initial claims handling can drive the course of any subsequent litigation.

3:20–3:30pm | Afternoon Break

CD Foyer

3:30–4:30pm | General Session

Spoilation of Evidence – Don't Let Your Defenses Disappear

Salons ABCD

Presented by: **Glenn A. Ricketti, Esq.**, *Partner, Margolis Edelstein*

All evidence including photos, videos and physical evidence must be secured from claimants or preserved from insureds at the beginning of the claim. Examples of checklists, or types of evidence to preserve. The presentation will cover the issuance of litigation hold letters to claimants and independent third parties who may be in possession of evidence including cell phone photos, cell phone videos, texts, emails, dashboard cameras, GoPro camera, personal home security surveillance footage from the Insured and neighboring properties, and traffic cameras.

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Preservation of social media post including those on Facebook, Twitter, Snapchat, from claimants, Insureds and witnesses who may have intentionally or inadvertently documented conditions at the scene of the loss. How to use information technology, forensic specialist, to secure and preserve digital evidence that may be password protected. Need for notice to insureds that they need to preserve evidence to avoid having a negative inference imposed by the trial judge for their failure to preserve evidence.

4:30–4:45pm | Exhibitor Door Prize Drawing *General Session Room*
You won't want to miss this! *Must be present to win!*

4:45–5:45pm
PAMIC's Speed Networking with Exhibitors *Salons EF*

Are you feeling lucky? Would you like to win \$50, \$75, or even \$100 dollars? Come to PAMIC's Speed Networking with Exhibitors event and bring your business cards. Three lucky winners will be chosen at the end of the hour. Participants will rotate among exhibit tables every three minutes. Make new contacts, get business done, and win CASH! Please register in advance onsite at the PAMIC registration table.

4:45–6:15pm
Reception & Exhibit Show *Exhibit Foyer*

Please join us for an open bar cocktail reception after the conclusion of the first day's sessions. You will get an opportunity to mix and mingle with over 40 vendors at our Exhibit Show. This is an opportunity you won't want to miss!

9:00–11:00pm
PAMIC's Late Night PAC Reception *Salons EF*

Special Thanks to Priority Adjusters

Join this reception to support PAMIC's PAC (Political Action Committee)! Two drink tickets will be provided as well as cigars and the chance to try your luck at Blackjack, Roulette, and other card games. Cost is \$50 — attend for some casual connections with peers and to support a great cause!

**PRIORITY
ADJUSTERS**
Professional - Accountable - Trusted

7:45–8:30am | Breakfast & Registration

CD Foyer

8:30–8:45am | Opening & Welcome Remarks

Salons ABCD

Ron Gallagher, PAMIC President**Sarah Zulauf**, CPCU, AIC, AIM, VP Claim Manager, Allegany Insurance Group, Claims Committee Chairman**8:45–9:45am | General Session****This is Jeopardy! The Pennsylvania Unfair Claims Practices Act**

Salons ABCD

Presented by:

Jim Cole, Esq., Shareholder, Chair, Property Litigation Practice Group; Co-Chair, Fraud/Special Investigation Practice Group, Marshall Dennehey, Warner, Coleman, & Goggin**Jennie Philip, Esq.**, Shareholder, Marshall Dennehey, Warner, Coleman, & Goggin

Presented in the popular game show format, this interactive session provides an in-depth analysis of the Pennsylvania Unfair Claims Practices Act (UCPA). Participants will learn how to identify general claims handling requirements based on UCPA, as well as understand the requirements for effective communications between the carrier and the insured. The practice of good faith claims handling techniques and how to avoid problematic behaviors under UCPA will also be discussed. The session will culminate with tips for applying specific policy provisions and exclusions which are often misinterpreted or misused in practice under UCPA.

9:50–10:50am | Breakout Sessions

(Choose one) — 2 concurrent

Heads Up! A Practical Guide to Investigating, Evaluating and Defending Brain Injury Claims

Salon D

Presented by:

Andrew Sysak, Esq., Andracki, Sysak, & Artman, P.C.**Dr. Christopher Royer, Psy. D.**, Neuropsych

This session will explore the increased volume of head injury claims, which are now part of our everyday social fabric due to public awareness that initially surfaced through sports related injuries, various lawsuits against professional leagues, television and film. In both small and large casualty claims, head injuries are a constant concern for insurance professionals in evaluating third-party claims, especially where the injured party is alleging long-term or permanent injury or damage. This presentation will combine legal guidance and analysis with first-hand information and tips from a licensed neuropsychologist so that the insurance adjuster can be confident that they are gathering all of the relevant information, records, testing and data needed to fully and thoroughly evaluate all types of head injury claims.

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Boots on the Ground — Effective Use of Independent Adjusters

Salons ABC

Presented by:

Glenn A. Ricketti, Esq., Partner at Margolis Edelstein

Shanna Prascik, Claims Representative for Donegal Mutual Insurance Company

Chandra M. Bivens, Area Manager for Custard Insurance Adjusters, Inc.

This presentation will cover when to use independent adjusters or claims personnel to conduct in-person interviews, in-person investigation and in-person site inspections; Under what circumstances should a claims representative insist on in-person interviews as opposed to written sworn statements or recorded statements; When should you insist on in-person inspections of location of loss or accident scene as opposed to relying on photographs or descriptions submitted by claimants or insureds; What information is gained by actually walking and inspecting the scene of a loss, both property and liability; When does use of independent adjuster benefit the claims adjustment process to reduce both first party and third-party exposures.

10:50–11:05am | Mid Morning Break

CD Foyer

11:05–12:05pm | General Session

IFPA

Salons ABCD

Presented by: **Thomas Donahue**, Fraud Claim Law Specialist, Certified Insurance Fraud Investigator

The Pennsylvania Insurance Fraud Prevention Authority was created by the state legislature in 1994 and began operations in 1995. Since 1995, the IFPA has been charged with determining the scope of Pennsylvania's insurance fraud problem and directing resources to prevent and prosecute fraud crimes statewide. We receive funding from insurers and disperse it in the form of grants to state and local law enforcement agencies. Our approach and that of our grantees is to investigate and aggressively prosecute all insurance fraud crimes and educate the public about the many types and consequences of insurance fraud. We will discuss the role of the IFPA and what we are doing to combat insurance fraud in Pennsylvania. This presentation includes a definition of fraud, who the IFPA is, their role in fighting fraud, 2018 results, top fraud cases for 2018, and it's public awareness campaign. It will also cover obligations of claim reps and how to make a referral in Pennsylvania.

12:05–1:15pm | Lunch & TV Prize Drawing

General Session Room

Special Thanks to Roanoke Valley Claims Service

Boxed lunches also will be provided for those who need to depart.



1:15pm | Adjournment