

Construction Defect Litigation Update

Thursday, November 19, 2009

The City Club on Bunker Hill, 333 S. Grand Ave., Los Angeles

CONFERENCE CHAIRS:

Richard Glucksman, Esq., Chapman, Glucksman, Dean, Roeb & Barger, Los Angeles

Kenneth Kasdan, Esq., Kasdan Simonds Riley & Vaughan LLP, Irvine, CA and Phoenix, AZ



Meeting Room: La Cima

<p>7:45 Registration - Location: Library Continental Breakfast - Location: Las Colinas</p> <p>8:10 Introduction and Opening Remarks</p> <p>8:15 Emerging Insurance Market and New Products <ul style="list-style-type: none"> • Conventional insurance products • Builder's risk insurance-its evolution, key areas of coverage, limits and other considerations when evaluating coverage • Wrap ups-OCIP and CCIPs • Large SIRs • Emerging coverage concerns arising out of "green" building • Diminishing insurance resources • Aligning the planets-ways that carriers, policyholders, homeowners and construction specialists can work together to minimize claims and coverage costs <p><i>Moderator:</i> Jonathan Margolis, Esq., Jonathan Margolis, P.C., Monterey, CA Barbara Lewis, Senior Vice President-Global Head of Internal Controls, XL Insurance, New York James Melling, JPM Asset Management Corp., San Francisco Nick Xiros, Willis Insurance Services of California, Inc., Irvine, CA</p> <p>9:15 Key Insurance Coverage Issues <ul style="list-style-type: none"> • Transfer of risk-overview of anti-indemnity statutes and anti-additional insured statutes • Key coverage issues: trigger, occurrence, property damage, insured's work exclusions • Contractor's liability coverage-ways to avoid gaps in coverage in general, umbrella, professional and pollution coverage • Subrogation • Bad faith and duty to defend update • Surety bonds and related issues <p>Kali Bracey, Esq., Jenner & Block LLP, Washington, D.C. Erik Musurlian, Esq., Koeller, Nebeker, Carlson & Haluck, LLP, Irvine, CA Christopher Borders, Esq., Hinshaw & Culbertson LLP, San Francisco Vanci Fuller, Esq., McCurdy & Fuller, LLP, Covina, CA</p> <p>10:15 Morning Break - Location: Las Colinas</p> <p>10:30 Unique Subcontractor Issues <ul style="list-style-type: none"> • Exhausted policy limits and preserving limits • Status of additional insured today • Anti-indemnity statutes • The sub contractor dilemma-the impact of the uninsured subcontractor, subcontractors who went out of business and joint and several liability issues • Crawford California Appellate Case • Subcontractor liability under SB 800 & California Civil Code Section 2738 • Risk transfer update involving sub contractors-new California case law impacting litigation on a national scale <p><i>Moderator:</i> John O'Meara, Esq., Bremer Whyte Brown & O'Meara LLP, Woodland Hills, CA Julia Bergstrom, Esq., Palumbo Bergstrom LLP, Irvine, CA Adrienne Cohen, Esq., Law Offices of Adrienne D. Cohen, Santa Ana, CA Moira Malany, Assistant Vice President of Claims, Network Adjusters Inc., Englewood, CO Mark Milstein, Esq., Milstein, Adelman & Kreger, LLP, Santa Monica, CA</p> <p>11:30 Complicating the Waters---Foreclosures, Lender Liability, Bankruptcy, and Insolvency <ul style="list-style-type: none"> • Foreclosures - do you want to handle these cases, what do you need to know about the owners and lender rights - BEFORE YOU JUMP IN!! • How to push your liability case through during an insolvency proceeding or if the builder is "practically" insolvent • What construction and carrier attorneys need to know about bankruptcy - proper filings, disclosures, continued sales and recommended buyer warranties • Dealing with the underinsured developer • Insurance issues involved with insolvent or bankrupt defendants • What do you do if a subcontractor is insolvent or bankrupt? • Unique issues arising out of carrier insolvencies, restructurings, or reorganizations • Risk to lenders who foreclose-liability on completed or partial residences, SB 800 compliance, releases and disclosures to homebuyers, special condominium considerations, reporting and filing requirements under the DRE and California Civil Code 1102.6 • Sale of distressed properties through receivership as an alternative to foreclosure <p><i>Moderator:</i> Richard Glucksman, Esq., Chapman, Glucksman, Dean, Roeb & Barger, Los Angeles Kenneth Kasdan, Esq., Kasdan Simonds Riley & Vaughan LLP, Los Angeles Jay Steinman, Esq., Dzida, Carey & Steinman, Irvine Roberto Kampfner, Esq., White & Case LLP, Los Angeles</p> </p></p></p></p>	<p>12:45 Networking Luncheon - Location: Las Colinas Sponsored by Esquire</p> <p>1:45 Litigation Update & the Impact of Right to Repair Statutes <ul style="list-style-type: none"> • Impact of right to repair statutes and other legislative efforts changing litigation • Legislative happenings WA, CA, NV, AZ, CO, and TX • SB 800 & how it is being used in the coverage arena • Conversion-what is happening with the influx of conversion cases • Alternative theories of recovery against defendants <p>Glenn Barger, Esq., Chapman, Glucksman & Dean APC, Los Angeles Barry Vaughan, Esq., Kasdan Simonds Riley & Vaughan LLP, Irvine, CA David Lee, Esq., Lee, Hernandez, Brooks, Garofalo & Blake, Las Vegas Mark Milstein, Esq., Milstein, Adelman & Kreger, LLP, Santa Monica, CA</p> <p>2:45 Trials and Mediation in a Challenging Economic World <i>Perspectives on mediating and settling cases in this new economic climate.</i> Hon. Keith Davis, Superior Court of California, San Bernardino County Bruce Edwards, Esq., JAMS, San Francisco Jonathan Margolis, Esq., Jonathan Margolis, P.C., Monterey, CA Hon. Stephen Sundvold, Superior Court of California, Orange County Gerald Kurland, Esq., JAMS, Los Angeles/Santa Monica</p> <p>3:45 Afternoon Break - Location: Las Colinas</p> <p>4:00 Competing Perspectives in Today's Tough Economic Times <ul style="list-style-type: none"> • The builder's voice-the state of construction, customer service, right to repair and limited resources • The carrier's view-what is too risky to underwrite today and why? • How does the home owner view current construction defects, maintenance obligations, and customer service issues in light of the disappearing players-who will be there to take care of the problems? • Community association perspectives on compliance with CC&Rs and contracts with home owner associations and contractors • Co-carrier, TOR, and AI issues <p>John Thompson, Asst.Vice President, HDI- Gerling America Insurance Company, Glendale, CA Nick Cammarota, Esq., General Counsel, California Building Industry Association, Sacramento Joseph Kaneda, Esq., Feinberg Grant Mayfield Kaneda & Litt, LLP, Newport Beach, CA Bruce Lorber, Esq., Lorber, Greenfield & Polito LLP, Poway, CA</p> <p>4:45 Advanced Discussion of Emerging Trends for the Experienced Construction Professional <ul style="list-style-type: none"> • Chinese drywall-what is it, where did it come from, status of the MDL and overview of the property and health damage effects • Product issues: update on EFIS and One Coat systems • High end custom and museum houses-identifying the key players, how to litigate and settle these kinds of claims • Green building <p>Robert Mann, Esq., The Mann Law Firm, Los Angeles Kevin Marler, Senior Expert - General Contractor, MC Consultants, Carlsbad, CA Ray Lombard, CPE, President, Lombard Consulting Services, Inc., Huntington Beach, CA</p> <p>5:45 Adjourn and Cocktail Reception - Location: Las Colinas</p> </p></p></p>
---	--

THANK YOU TO OUR SPONSORS & EXHIBITORS



ALLANA BUICK & BERR
Building solutions. Engineering for life.



ESQUIRE
CONSTRUCTION LITIGATION SOLUTIONS
an Alexander Gallo Company



The Power of Commitment™