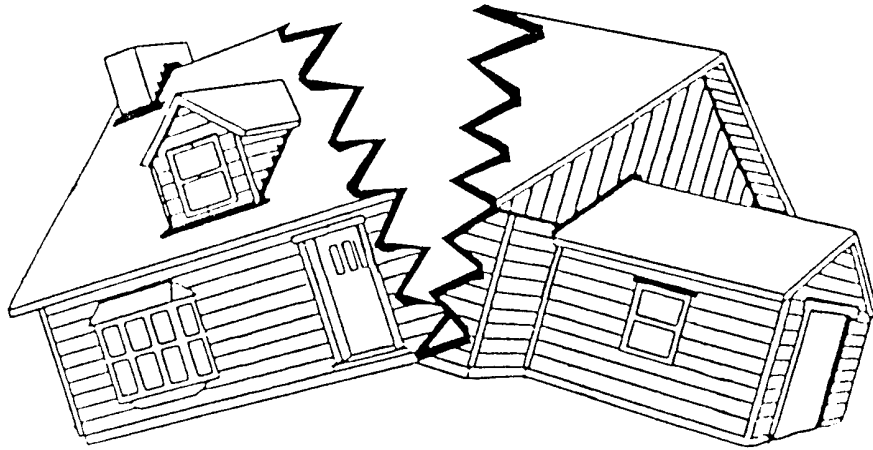


17th Anniversary

West Coast Casualty's



**Construction Defect Seminar
May 13th and 14th, 2010**

Statement of Course Objective



1150 West Magic Way, Anaheim, California 92802

West Coast Casualty's Construction Defect Seminar

***May 13th and 14th, 2010
The Disneyland Hotel and Resort
Anaheim, California U.S.A.***

Public Statement of Rationale for Judgment of Determining MCLE/CE/CPE Compliance and Request For Credits

March 1, 2010

The curriculum and goals of West Coast Casualty's seminars are designed to achieve the program outcomes as listed below and in doing so are designed to foster independent learning while enabling the attendees to contribute to a profession or field of study in the subject being taught.

We believe, based on our experiences, that in order to do so, we must achieve the following goals:

1. Work individually with members of this community on educational issues;
2. Work with groups of community members on educational issues;
3. Consult with other professionals and administrators concerning the community's educational and developmental needs;
4. Provide information and understanding to all members of this community in the areas of educational and social planning;
5. Conduct, facilitate and support local research efforts;
6. We will only agree to support courses which require independent and professional competency in the field being taught by the finest and most experienced instructors in the field.

Each educational program offered by West Coast Casualty is approved by either West Coast Casualty's own professional staff or through a series of committees selected from the community, that oversee the educational aspects of each program, and then by the administration of West Coast Casualty. Proposals and program changes are initiated by either West Coast Casualty's own professional staff or through a series of committees that oversee the educational aspects of each program through the review of the program(s) offered.

West Coast Casualty uses every method possible to ensure that appropriate levels of student achievement in attaining those outcomes are made. Based on the outcomes and assessment criteria through our own evaluation processes, we review those indicators, and make improvements in student achievement by addressing features of curricula, instructors and/or the learning environment.

West Coast Casualty encourages and supports the ongoing professional development of its instructors in the following way(s):

1. Each instructor documents professional development in his or her field by preparing an annual Instructor Qualification form as prescribed and approved by the California Department of Insurance (446-4, Rev. 8/2001).
2. The Instructor Qualification form lists all professional programs taught as well as other necessary criteria for instructor qualifications.
3. The form also seeks documentation for a minimum of three years experience within the last five years in the course subject matter.
4. That experience may include holding an appropriate insurance license for the subject being taught.
5. That experience may include possession of a college degree in the subject matter being taught.
6. That experience may include possession of a related recognized professional designation in the subject matter being taught.
7. That experience may include possession of a related recognized professional credential in the subject matter being taught.
8. West Coast Casualty Service, Inc. attests that all of its activities will conform to the minimum standards for approved educational activities prescribed by those states and organizations from which West Coast Casualty seeks continuing education accreditation.
9. In all courses administrated by this organization, we will not arbitrarily put in any word(s), comment(s), phrase(s) or sentence(s) into our materials to trigger any continuing education board or committee to give us any specific type of credits. What we do is carefully examine the course being presented, the person(s) presenting the course as well as the original submission of the topic materials to determine whether or not such course will meet MCLE / CE / CPE credits for specific/special credits.
10. In all courses administrated by this organization, we will assign an experienced member of the staff to man the MCLE / CE / CPE booth for the purposes of verification of MCLE / CE / CPE attendee(s) sign in and sign out, for those attendees at our events which mandate such requirement(s).

**Mission Statement
for
West Coast Casualty's
Construction Defect Seminars**

West Coast Casualty Service, Inc. is California's largest third party administrator and independent claims adjusting company dedicated to the handling of construction defect related claims and litigation.

West Coast Casualty's officers, directors and employees have made a permanent commitment to their continuing role in the ongoing education process for the betterment of all members of the construction defect community through West Coast Casualty's seminars, events and publications.

West Coast Casualty Service recognizes that the construction defect community is a diverse group of individuals and parties consisting of, but not necessarily limited to, the specific interest of homeowners, developers, design professionals, specialty trade subcontractors, material suppliers, real estate agents, real estate brokers, lenders, attorneys, insurance personnel, government agencies, and legislative agencies. In that regard, West Coast Casualty makes every attempt to work with all members of this community to create methods and mechanisms to effectively and efficiently resolve construction defect related claims and litigation in the best interest of this community and for all of its participants.

West Coast Casualty's Construction Defect Seminar is provided as a public service to all members of this community.

The diverse opinions that may be expressed in West Coast Casualty's course books, seminar handouts, publications or expressed at our seminars and events are those of the authors and speakers and do not necessarily reflect the policy and opinion of West Coast Casualty Service.



West Coast Casualty seeks and encourages participation at its events from all members of the community regardless of race, creed, religion, sex, national origin and/or sexual preference. West Coast Casualty further encourages and seeks participation from members of the physically challenged community. In that regard, West Coast Casualty will only agree to hold its events at sites and locations that meet or exceed the minimum requirements of the Americans with Disabilities Act (ADA) and Title 21 of the California Administrative Code. West Coast Casualty agrees to provide any reasonable accommodation for those requiring same, upon formal request to West Coast Casualty in order to achieve this goal.

SEMINAR SCHEDULE

Wednesday, May 12th 2010

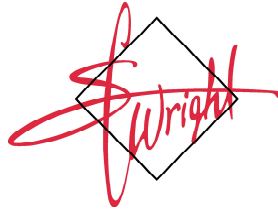
Early Seminar Registration 5:00 PM – 7:00 PM

Thursday, May 13th 2010

Registration and Breakfast - 7:30 AM - 8:30 AM

Breakfast

Sponsored by



S.C. WRIGHT CONSTRUCTION, INC.

www.scwright.com

8:30 AM - 8:40 AM

Welcome Remarks

8:40 AM – 9:30 AM

“Important Court Decisions Impacting Construction Defect Claims”

Thomas Halliwell, Esq. and Barry Vaughan, Esq.

9:30 AM – 10:30 AM

***“Standing . . . Who Really Has the Right to Bring
an Action in Construction Defect Cases?”***

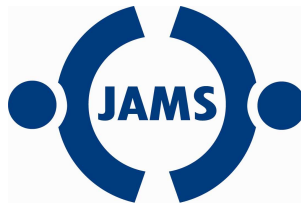
Moderated by Hon. Mark Gibbons

Hon. Allan Earl, Hon. Rex Heeseman, Hon. Pendleton Gaines, Sheri Roswell, Esq.,
David McLain, Esq., Mark Scheer, Esq. and Dirk Holt, Esq.

10:30 AM – 10:45 AM

Morning Break

Sponsored by



THE RESOLUTION EXPERTS®
www.jamsadr.com

10:45 AM - 11:45 AM

***“Maximizing the Use of Experts Relating to Covered Damages,
A Plaintiffs Perspective”***

Moderated by Gerald Kurland, Esq.

Dennis Jones, Esq., Mike Hearn, Esq., Jack Diehl, Joseph Oliva, Esq. and Howard Wollitz, Esq.

11:45 AM – 12:00 PM

Awards Presentation

SEMINAR SCHEDULE

Thursday, May 13th 2010

12:00 PM - 1:30 PM

Lunch

1:30 PM – 3:00 PM

**“Construction Defect and Insurance:
What New Products are Needed to Fill the Voids?”**

Moderated by Ross R. Hart, Esq.

Ken Kasdan, Esq., Brian Zimmerman, Esq., Wendy Wilcox, Esq., Bruce Wick, Casey Hamlin,
Michael Daoussis, Treacy Duerfeldt and Whit Whittle

3:00 PM – 3:30 PM

Afternoon Break

Sponsored by



www.amccenter.com

3:30 PM - 4:30 PM

“Returning Arbitration to its Fundamentals”

Moderated by Hon. Robert E. May (ret)

Hon. Gary Hastings (ret), Ken Gibbs, Esq., Richard Chernick, Esq.,
Michael Roberts, Esq., and Alexander Robertson, IV, Esq.

4:30 PM – 5:30 PM

“Love Letters in a Post-Montrose World”

Hon. Stephen J. Sundvold (ret), Adrienne D. Cohen, Esq., Ken Kasdan, Esq.,
John Thompson, Matthew Adler and Ed Schmitt, Esq.

5:30 PM – 6:30 PM

Cocktail Reception

Sponsored by



www.roel.com

SEMINAR SCHEDULE

Friday May 14th 2010

7:30AM - 8:30AM
Registration and Breakfast

Breakfast

Sponsored by



Lombard
CONSULTING SERVICES, INC.

www.lombardcs.com

Center Ballroom

8:30 AM – 9:30 AM

“The Impact of Current Market Forces on CD Litigation (Part III)”

Joseph Ferrentino, Esq.
Hon. Michael Cherry
Susan Bryan
Phyllis Modlin
Jarrett Coleman, Esq.

South Ballroom

8:30 AM – 9:30 AM

“A Lively Debate on California's Right to Repair Law”

John O'Hara, Esq.
Paul Weckerly, Esq.
Mark Milstein, Esq.
Ross Feinberg, Esq.

Center Ballroom

9:30 AM – 10:30 AM

*“I Feel So Conflicted!”
Handling Construction Defect Attorney Professional Responsibilities In The Real World”*

Ian Corzine, Esq.
Hon. Nancy M. Saitta

South Ballroom

9:30 AM – 10:30 AM

“Navigating an Uneven Playing Field - Challenges Facing the Representation of Subcontractors”

Elizabeth Kelly Meyers, Esq.
Wilson Townsend
John Podesta, Esq.
Jeff Starskey, Esq.

10:30 AM – 11:00 AM
Morning Break

Sponsored by



www.mkainc.com

SEMINAR SCHEDULE

Friday May 14th 2010

Center Ballroom

11:00AM – 12:00 PM

“Special Master Multiple Mediation Subs Not Paying”

Irene Yesowitch, Esq.
Mary Rowe
Elaine Fresch, Esq.
Gregory Dillion, Esq.
Brandt Wolkin, Esq.
Sarah Burke, Esq.

Center Ballroom

12:00PM – 1:00 PM

“How Cost Sharing Agreements Affect Settlements and Additional Insured Participation in Construction Litigation”

Lisa M. Cappelluti, Esq.
Todd Schweitzer
Keith Bremer, Esq.
Hon. Victoria Chaney
Jonathan Margolis, Esq.
Glenn Barger, Esq.
Gene Witkin, Esq.
R. Scott Diaz, Esq.

South Ballroom

11:00 PM – 12:00 PM

“Pre-litigation Settlements and Related Coverage Issues”

Hon. Jonathan Cannon (ret)
Dan Eli, Esq.
Nick D'Agostino
David Harris, Esq.
Timothy Lindell, Esq.
Jeffrey Kramer, Esq.
Laura Ives, Esq.

South Ballroom

12:00 PM – 1:00 PM

“CD Coverage – The Latest Hot Topics”

Neil Selman, Esq.
Sheryl Leichenger, Esq.
Eldon Edson, Esq.

**West Coast Casualty's
Construction Defect Seminar
May 13th and 14th, 2010**

**Continuing Education
Statement of Course Objective**

**Thursday, May 13th 2010
8:40 AM – 9:30 AM**

Course Title:

“Important Court Decisions Impacting Construction Defect Claims”

Thomas Halliwell, Esq. and Barry C. Vaughan, Esq.

Legal MCLE/CE Overview: This session will be devoted to an explanation of the highly publicized and most recent Appellate and Supreme Court decisions which impact members of the construction defect community. It will address liability, damage, indemnity, coverage, defense, additional insured and other important cases which have an impact on construction defect cases.

Insurance Related CE Issues: *The emphasis on insurance related issues in this session is limited to the claims adjuster's responsibilities in handling and adjusting construction defect cases as a result of judicial decisions impacting these cases. Insurance issues will be limited to those court decisions impacting insurance issues. This session may have some relevant importance to actuarials, underwriters, managing general agents and independent insurance brokers and agents as the information provided within this session may have some impact on how coverages are written in the future and will assist these insurance professionals in evaluating the impact on their policyholders avenue of available coverages.*

National Association of State Boards of Accountancy (NASBA): A review of the details and contents of this topic submission reveals that it will meet the requirements for credits in the NASBA in the subject of, and in the area of Management Advisory Services.

Special Ethics Related Credit Application: N/A

**West Coast Casualty's
Construction Defect Seminar
May 13th and 14th, 2010**

**Continuing Education
Statement of Course Objective**

**Thursday, May 13th 2010
9:30 AM – 10:30 AM**

Course Title:

***“Standing . . . Who Really Has the Right to Bring
an Action in Construction Defect Cases?”***

Moderated by Hon. Mark Gibbons

Hon. Allan Earl, Hon. Rex Heeseman, Hon. Pendleton Gaines, Sheri Roswell, Esq.,
David McLain, Esq., Mark Scheer, Esq. and Dirk Holt, Esq.

Legal MCLE/CE Overview: This session will be devoted to an explanation of the highly publicized and common confusion of who has standing to bring a construction defect claim since many of the parties of these multi-faceted, multi-party claims have similar and yet different rights to bring an action for property they own or have an interest in plus their own specific interest. This panel will discuss who has, and doesn't have, the right to bring a claim for construction defects in the states of Arizona, California, Colorado, Nevada, Oregon and Washington. There will be a comparison of the laws of each of these states and similarities and differences will be discussed. Sub subjects will include whether or not organizations like homeowner associations in a common-interest community of condos or townhouses have the right to bring an action on behalf of all the owners with respect to defects that are in the individual units as opposed to just the common area defects. Do individual unit owners have rights to join with the HOA for individual claims in the same case. Questions to be addressed will include: do owners of foreclosed homes still have rights to maintain an action for construction defect claims for homes that have been foreclosed by their lenders and do owners of foreclosed homes still have rights to maintain an action for construction defect claims if their homes lost value due to the construction defects causing a reduction in value? This session will address liability, damage, indemnity and other important issues relating to the right to bring a claim for construction defects.

Insurance Related CE Issues: *The emphasis on insurance related issues in this session is limited to the claims adjuster's responsibilities in handling and adjusting construction defect cases as a result of who actually has the right to the proceeds of an insurance policy. The determination of who the appropriate claimant is does not only require a civil determination but also a regulatory determination to be in compliance with in a state Insurance Code as well as applicable State Fair Claims regulations (Specifically, in California, this issue is identified in the California Code of Regulations regarding insurance) This session may have some relevant importance to actuaries, underwriters, managing general agents and independent insurance brokers and agents as the information provided within this session may have some impact on how coverages will need to be written in the future since third party coverages will have to determine “who” a claimant actually is. It will assist these insurance professionals in evaluating the impact on their policyholders avenue of availability and need for coverages.*

National Association of State Boards of Accountancy (NASBA): A review of the details and contents of this topic submission reveals that it will meet the requirements for credits in the NASBA in the subject of, and in the area of Regulatory Ethics.

Special Ethics Related Credit Application: Due to the specific nature of the subject matter of this presentation and the requirements for honesty and fair dealing, this subject meets or exceeds the minimum requirements for ethics credits. Accordingly, it meets and/or exceeds the American Bar Association's model rules of professional conduct in that attorneys attending this course will be able to develop a better understanding of their ethical responsibilities regarding avoiding failure to act competently, advising against the violation of law for unlawful gain, avoiding interests adverse to a client and avoiding the representation of adverse interests. (Specifically for California MCLE, these issues are specific to attorney conduct found in the California Code of Professional Conduct under Rule 3-110, Rule 3-210, Rule 3-300 and Rule 3-310).

**West Coast Casualty's
Construction Defect Seminar
May 13th and 14th, 2010**

**Continuing Education
Statement of Course Objective**

**Thursday, May 13th 2010
10:45 AM – 11:45 PM**

Course Title:

***“Maximizing the Use of Experts Relating to Covered Damages,
A Plaintiffs Perspective”***

Moderated by Gerald Kurland, Esq.
Dennis Jones, Esq., Mike Hearn, Esq., Jack Diehl,
Joseph Oliva, Esq. and Howard Wollitz, Esq.

Legal MCLE/CE Overview: The theme and content of this subject place an emphasis on the importance of triggering a contractor's, design professional's, and/or subcontractor's insurance coverage for the benefit of a third party homeowner in a construction defect claim and/or litigation. This topic will broach the subject of using an expert to assist in the determination of covered damages of an insurance policy to maximize recovery for a homeowner in a construction defect claim or litigation. This subject should include what both a homeowner and its experts will investigate in light of Right to Repair/Opportunity to Repair statutes, improper limits, Wraps, OCIPS, CCIPS, and other owner controlled insurance programs, specialized policy conditions/endorsements, "gaps" in coverages for either contractors and/or their subcontractors. Sub subject of this topic may include the review of a project which is under-insured and/or large cases where coverage is limited or an eroding "burning limits" policy is the only coverage available.

Insurance Related CE Issues: *The emphasis on insurance related issues in this session is devoted to insurance coverage relating to the rights, obligations, duties and limitations of coverage owed in construction defect cases to a policyholder whether or not there are covered claims in the construction defect claim. This session will be devoted to ever changing claims and the theories that bring them on construction related policyholders. This session will discuss insurance issues and possibly the need for the development of new and/or improved insurance products to be in conformance with changing law and the needs of the contractor policyholder in response to claims brought against it by homeowner claimants. This session will be extremely important to actuarials, underwriters, managing general agents, independent insurance brokers, retail agents and insurance adjusters as the information provided within this session will assist these insurance professionals in evaluating the need for coverage and the impact on their policyholders coverages.*

National Association of State Boards of Accountancy (NASBA): A review of the details and contents of this topic submission reveals that it will meet the requirements for credits in the NASBA in the subjects of, and in the areas of Regulatory Ethics.

Special Ethics Related Credit Application: Due to the specific nature of the subject matter of this presentation and the requirements for honesty and fair dealing, this subject meets or exceeds the minimum requirements for ethics credits. Accordingly, it meets and/or exceeds the American Bar Association's model rules of professional conduct in that attorneys attending this course will be able to develop a better understanding of their ethical responsibilities regarding the unauthorized practice of law, avoiding the release of confidential information of a client, avoiding failure to act competently, advising against the violation of law for unlawful gain, avoiding interests adverse to a client and avoiding the representation of adverse interests. (Specifically for California MCLE, these issues are specific to attorney conduct found in the California Code of Professional Conduct under Rule 1-300, Rule 3-100, Rule 3-110, Rule 3-210, Rule 3-300 and Rule 3-310).

West Coast Casualty's
Construction Defect Seminar
May 13th and 14th, 2010

Continuing Education
Statement of Course Objective

Thursday, May 13th 2010
1:30 PM – 3:00 PM

Course Title:

***“Construction Defect and Insurance:
What New Products are Needed to Fill the Voids?”***

Moderated by Ross R. Hart, Esq.

Ken Kasdan, Esq., Brian Zimmerman, Esq., Wendy Wilcox, Esq., Bruce Wick,
Casey Hamlin, Michael Daoussis, Treacy Duerfeldt and Whit Whittle

Legal MCLE/CE Overview: The theme of this subject will include what the needs of policyholders will be in light of Right to Repair/Opportunity to Repair statutes, improper limits, new challenges for Wraps, OCIPS, CCIPS, and other owner controlled insurance programs, specialized policy needs for multi-use products, "gap" coverages for either contractors and/or their subcontractors as well as the need for realistic limits for this class of risk. This subject could also address the future use of self-insured retentions versus deductible versus dollar-one coverage and the benefits and disadvantages regarding same.

Insurance Related CE Issues: *The emphasis on insurance related issues in this session is devoted to the need for future insurance coverage relating to policyholder and claimant needs in a construction defect claim. This session will be devoted to ever changing needs of policyholders to conform with conditions and the impact of construction defect claims on them. This session will discuss insurance issues and the need for the development of new and/or improved insurance products to be in conformance with changing law and the needs of the contractor policyholder in response to claims brought against it by homeowner claimants. This session will be extremely important to actuarials, underwriters, managing general agents, independent insurance brokers, retail agents and insurance adjusters as the information provided within this session will assist these insurance professionals in evaluating the need for coverage and the impact on their policyholders coverages.*

National Association of State Boards of Accountancy (NASBA): A review of the details and contents of this topic submission reveals that it will meet the requirements for credits in the NASBA in the subjects of, and in the areas of Business Management and Organization.

Special Ethics Related Credit Application: N/A

**West Coast Casualty's
Construction Defect Seminar
May 13th and 14th, 2010**

**Continuing Education
Statement of Course Objective**

**Thursday, May 13th 2010
3:30 PM – 4:30 PM**

Course Title:

“Returning Arbitration to its Fundamentals”

Moderated by Hon. Robert E. May (ret)
Hon. Gary Hastings (ret), Ken Gibbs, Esq., Richard Chernick, Esq.,
Michael Roberts, Esq., and Alexander Robertson, IV, Esq.

Legal MCLE/CE Overview: This presentation will discuss the increase in the use of arbitration of disputes in the construction context. Since the mid 1990s the increased use of arbitration has been undertaken in many areas including construction. With the increased wave in the use of arbitration in the construction defect context, this session will discuss the appropriate way arbitration should be utilized. Specifically, this subject will include the discussion of increasing use of discovery tools and resulting increased costs, drafting of initial arbitration provision in contracts, drafting of stipulation sending case to arbitration, choosing Arbitrators and Arbitration providers, the role of counsel and arbitrator in a focused approach to type and breadth of discovery. Additionally, it is expected that the proposed use of electronic discovery/search, terms/handling of inadvertent produced privileged documents and cost shifting protocols will also be discussed.

Insurance Related CE Issues: *The emphasis on insurance related issues in this session is devoted to insurance coverage relating to the understanding of the application of arbitration as it relates to the insurance policy. The question of how arbitration proceeds and what rights, obligations, duties and limitations of an insurance carrier are in the arbitration process are expected to be undertaken. This session will discuss insurance issues and possibly the need for the development of new and/or improved insurance products to be in conformance with the issues of arbitration that face insurers and policyholders in construction defect cases resulting in arbitration. This session will be extremely important to actuarials, underwriters, managing general agents, independent insurance brokers, retail agents and insurance adjusters as the information provided within this session will assist these insurance professionals in evaluating the need for addressing claims, further insurance products and the impact on their policyholders.*

National Association of State Boards of Accountancy (NASBA): A review of the details and contents of this topic submission reveals that it will meet the requirements for credits in the NASBA in the subject of, and in the area of Regulatory Ethics.

Continued on Next Page

Special Ethics Related Credit Application: Due to the specific nature of the subject matter of this presentation and the requirements for honesty and fair dealing, this subject meets or exceeds the minimum requirements for ethics credits. Accordingly, it meets and/or exceeds the American Bar Association's model rules of professional conduct in that attorneys attending this course will be able to develop a better understanding of their ethical responsibilities regarding communication, avoiding the release of confidential information of a client, avoiding failure to act competently, appropriately applying fees for legal services (pursuant to the clause of an arbitration agreement) avoiding interests adverse to a client and avoiding the representation of adverse interests. (Specifically for California MCLE, these issues are specific to attorney conduct found in the California Code of Professional Conduct under Rule 3-500, Rule 3-100, Rule 3-110, Rule 4-200, Rule 3-300 and Rule 3-310).

**West Coast Casualty's
Construction Defect Seminar
May 13th and 14th, 2010**

**Continuing Education
Statement of Course Objective**

**Thursday, May 13th 2010
4:30 PM – 5:30 PM**

Course Title:

“Love Letters in a Post-Montrose World”

Hon. Stephen J. Sundvold (ret), Adrienne D. Cohen, Esq., Ken Kasdan, Esq.,
John Thompson, Matthew Adler and Ed Schmitt, Esq.

Legal MCLE/CE Overview: In construction defect claims and litigation, many different insurance policies may apply because of continuous or progressive “triggers” of coverage requirements in various states. This concept was originally developed in the California Supreme Court case of *Montrose Chemical Corp. v. Admiral Ins. Co. (1995) 10 Cal.4th 645, 42 Cal.Rptr.2d 324, 913 P.2d 878* which is also applicable in many other states which adopted the same principal found in “*Montrose*”

In that regard, this panel will discuss the following issues:

- How do you get reluctant parties/insurance carriers to participate?
- How are the various “*Montrose*” related insurance policy exclusions being applied?
- How are self-insurance retentions satisfied when insolvency, bankruptcy and specific policy elections apply?
- What about “special” conditions in a policy?
- How are exclusions applied such as condominium, apartment or townhome exclusions?

Insurance Related CE Issues: *The emphasis on insurance related issues in this session is devoted to insurance coverage relating to the rights, obligations, duties and limitations of coverage owed in construction defect cases to an insured in a construction defect claim where more than one policy may be applicable. This session will be devoted to ever changing issue of policy language regarding indemnity and defense obligations owed to a policyholder as well as to an insurer whose policy is “triggered” in a construction defect claim. This session will discuss only insurance issues between co-carriers leading to the most protection for the policyholder. This session will be extremely important to actuarials, underwriters, managing general agents, independent insurance brokers, retail agents and insurance adjusters as the information provided within this session will assist these insurance professionals in evaluating the need for coverage, further insurance products and the impact on their policyholders coverages.*

National Association of State Boards of Accountancy (NASBA): A review of the details and contents of this topic submission reveals that it will meet the requirements for credits in the NASBA in the subject of, and in the area of Management Advisory Services.

Special Ethics Related Credit Application: N/A

**West Coast Casualty's
Construction Defect Seminar
May 13th and 14th, 2010**

**Continuing Education
Statement of Course Objective**

**Friday, May 14th 2010
8:30 AM – 9:30 AM**

Center Ballroom

Course Title:

***“How Current Market and Economic Forces
May Impact Construction Defect Litigation”***

Justice Michael Cherry, Joe Ferrentino, Esq., Susan Bryan,
John V. O’Meara, Esq., Jarrett Coleman, Esq., and Phyllis Modlin

Legal MCLE/CE Overview: Foreclosures continue to hit new record highs every month; homebuilders are laying off staff in droves; new housing starts are at an all time low and home prices are plunging, especially in the entry-level and non-luxury home market. The sub-prime crisis has sent shock reverberations through the financial markets. These are the events that are causing financial devastation to hundreds of thousands of families and homeowners across the United States. When in crisis, people first enter denial and then the second stage of crisis which is to blame someone else. Following a trend that first took place in the early 1990s when similar circumstances took place this session will discuss whether or not current mortgage and home devaluation issues will have a substantial and significant impact upon construction defect litigation over the next few years. This panel will seek to explore some of the potential questions and challenges that will be faced by counsel and carriers in handling the new and evolving claims that will potentially arise. This panel will provide a thought-provoking discussion about how these economic trends and events will impact construction defect litigation. Issues will include Potential additional causes of action against builders/developers; negligent loan practices, additional coverage issues to include real estate agent E&O, D&O coverages, uncovered allegations being defended under wrap-up policies, less coverage for subcontractors, eroding limits and insufficient limits overall. This panel is further expected to provide insight on whether or not the downturn in the market or financial desperation, coupled with declines in customer service will shorten the traditional timeframe for suits to be filed and how the downturn in the housing industry will affect the subcontractors.

Insurance Related CE Issues: *The emphasis on insurance related issues in this session is devoted to insurance coverage relating to the rights, obligations, duties and limitations of coverage owed in construction defect cases to an insured even when additional causes of action are created along with the construction defect claim. This session will be devoted to ever changing claims to conform with economic conditions and the impact on policyholders. This session will discuss insurance issues and the need for the development of new and/or improved insurance products to be in conformance with changing law and the needs of the policyholder. This session will be extremely important to actuaries, underwriters, managing general agents and independent insurance brokers and agents as the information provided within this session will assist these insurance professionals in evaluating the impact on their policyholders coverages.*

National Association of State Boards of Accountancy (NASBA): A review of the details and contents of this topic submission reveals that it will meet the requirements for credits in the NASBA in the subject of, and in the area of Management Advisory Services.

Special Ethics Related Credit Application: N/A

**West Coast Casualty's
Construction Defect Seminar
May 13th and 14th, 2010**

**Continuing Education
Statement of Course Objective**

**Friday, May 14th 2010
8:30 AM – 9:30 AM**

South Ballroom

Course Title:

***'A Lively Debate on California's
Right to Repair Law'***

John O'Hara, Esq., Paul Weckerly, Esq., Mark Milstein, Esq. and Ross Feinberg, Esq.

Legal MCLE/CE Overview: Over thirty states across the United States have enacted some level of a “*Right To Repair, Opportunity to Repair*” law in their own states in the hopes of curbing the rise in construction defect claims and litigation. This session will present a debate between the building industry and the homeowner/plaintiffs' bar on several contentious issues swirling around the Right to Repair, Opportunity to Repair Law.

This panel will discuss the following issues:

- Is the Right to Repair Law Working - Why or Why Not?
- The “*Garlow*” decision - Was It Decided Correctly and How Has It Changed Plaintiffs' Behavior?
- Who is winning on motions to stay and why?
- What are the next appellate battles likely to be fought?
- What kind of specificity does the Right to Repair Law require from plaintiffs in the initial notice?
- Does the requirement to record notice of the Right to Repair law on title apply to subsequent purchasers only?
- What constitutes "compensating" a homeowner for damages as part of an offer to repair?

Insurance Related CE Issues: *The emphasis on insurance related issues in this session is devoted to insurance coverage relating to the coverage for this class of business due to construction defect cases and the current state of the law that applies regarding “Right to Repair, Opportunity to Repair” and the impact to this class of policyholder. This session will be devoted to how the law has changed and how the parties are responding to it. It will discuss the kinds and needs of insurance coverages which will be required by this class of policyholders in the construction arena. This session will discuss insurance issues and the specific needs of the policyholder based upon the risk. This session will be extremely important to actuaries, underwriters, managing general agents and independent insurance brokers and agents as the information provided within this session will assist these insurance professionals in evaluating the coverage needs as well as the impact on their policyholders in construction defect related cases.*

National Association of State Boards of Accountancy (NASBA): A review of the details and contents of this topic submission reveals that it will meet the requirements for credits in the NASBA in the subject of, and in the area of Management Advisory Services.

Special Ethics Related Credit Application: N/A

**West Coast Casualty's
Construction Defect Seminar
May 13th and 14th, 2010**

**Continuing Education
Statement of Course Objective**

**Friday, May 14th 2010
9:30 AM – 10:30 AM**

Center Ballroom

Course Title:

***“I Feel So Conflicted!”
Handling Construction Defect Attorney Professional
Responsibilities In The Real World”***

Ian Corzine, Esq. and Hon. Justice Nancy M. Saitta

Legal MCLE/CE Overview: This presentation is strictly related to ethics. It will take a look at counsels involvement and the ethical “*minefields*” that exist in these construction defect cases which, by their very nature, are complex as to issues and relationships between the parties of the claims and the insurance coverage which may or may not play a part in the claims.

This session will explore, identify and work toward ways of overcoming the ethical conflicts of counsel specifically relating to the causes, obligations to clients, outside pressures, unavoidable appearance of bias to an insurer (where a tripartite relationship exists), cutting costs while effectively representing a client, avoiding malpractice, representation of multiple clients in the same action, dealing with covered and uncovered damages.

This session will further discuss avoidance and/or resolution of ethical dilemmas by knowing the attorneys duties, recognizing common conflict of interest fact patterns, taking appropriate precautions and making tough but correct decisions.

Insurance Related CE Issues: *The emphasis on insurance related issues in this session is devoted to the duty of ethical conduct, good faith and fair dealing relating to the adjudication of claims involving construction defect matters. These practices affect both the named insured and potentially an “additional insured” by an insurance carrier where defense and/or indemnity obligations are owed. This session will be important to claims adjusters, actuarials, underwriters, managing general agents and independent insurance brokers and agents as the information provided within this session will assist these insurance professionals in evaluating the impact on their policyholders coverages and potential premature erosion of aggregates.*

National Association of State Boards of Accountancy (NASBA): A review of the details and contents of this topic submission reveals that it will meet the requirements for credits in the NASBA in the subjects of, and in the areas of Regulatory Ethics.

Special Ethics Related Credit Application: Due to the specific nature of the subject matter directly and only relating to ethics, this subject meets or exceeds the minimum requirements for ethics credits. Accordingly, it meets and/or exceeds the American Bar Association's model rules of professional conduct in that attorneys attending this course will be able to develop a better understanding of their ethical responsibilities regarding loyalty issues (*Flatt v. Sup. Ct.*, 9 Cal. 4th 275, 289 (Cal. 1994), Confidentiality (Cal. Bus. & Prof. Code § 6068(e)(1), Communication (Cal. Bus. & Prof. Code § 6068(m), the warning of potential legal issues outside of representation (*Nichols v. Keller*, 15 Cal. App. 4th 1672, 1684 (Cal. Ct. App. 5th 1993), competence, settlement offers, avoiding the release of confidential information of a client, avoiding failure to act competently, appropriately applying fees for legal services (when more than one client is paying for the legal services rendered) avoiding interests adverse to a client and avoiding the representation of adverse interests. (Specifically for California MCLE, these issues are specific to attorney conduct found in the California Code of Professional Conduct under Rule 3-500, Rule 3-100, Rule 3-500, Rule 3-110(a), Rule 4-200, Rule 3-300 and Rule 3-310).

**West Coast Casualty's
Construction Defect Seminar
May 13th and 14th, 2010**

**Continuing Education
Statement of Course Objective**

**Friday, May 14th 2010
9:30 AM – 10:30 AM**

South Ballroom

Course Title:

***“Navigating an Uneven Playing Field -
Challenges Facing the Representation of Subcontractors”***

Elizabeth Kelly Meyers, Esq., Wilson Townsend,
John Podesta, Esq. and Jeff Starsky, Esq.

Legal MCLE/CE Overview: This session is geared toward the difficulties in representing subcontractors in construction defect cases. Case law and legislative intents have not been very kind to subcontractors over these past years despite efforts to level the playing field. Traditionally, in most states, owners and developers attempt to obtain the majority of the funding of any settlement of construction defect matters through the insurance carrier or directly from individual subcontractors because of favorable laws and rules in the various jurisdictions. As such, subcontractors and subcontractors' counsel face different challenges than developers. This discussion will include the representation and the challenges of early settlement of primary target subcontractors who face such problems as joint and several liability, self eroding/depleting policy limits, bankruptcy, insolvency and settlements which are only "contingent on a global" acceptance of all involved in a case. This session will also discuss the practical effects of *Crawford* demands and tenders as well as Right to Repair, Opportunity to Repair issues as they affect subcontractors.

Insurance Related CE Issues: *The emphasis on insurance related issues in this session is devoted to insurance coverage relating to the coverage for this specific class of business due to construction defect cases and the current state of the law that applies regarding subcontractors in these cases. The impact to this class of policyholder by the changes in the law will have an impact on risk assessment by the insurance industry on the rates that will apply as well as the coverages offered. This session will discuss insurance issues and the specific needs of the subcontractor policyholder based upon the risk exposure. This session will be extremely important to actuarials, underwriters, managing general agents and independent insurance brokers and agents as the information provided within this session will assist these insurance professionals in evaluating the coverage needs of their subcontractor policyholder and their exposure in construction defect related cases.*

National Association of State Boards of Accountancy (NASBA): A review of the details and contents of this topic submission reveals that it will meet the requirements for credits in the NASBA in the subject of, and in the area of Management Advisory Services.

Special Ethics Related Credit Application: N/A

**West Coast Casualty's
Construction Defect Seminar
May 13th and 14th, 2010**

**Continuing Education
Statement of Course Objective**

**Friday, May 14th 2010
11:00 AM – 12:00 PM**

Center Ballroom

Course Title:

“Special Master Multiple Mediation Subs Not Paying”

Irene Yesowitch, Esq., Mary Rowe, Elaine Fresch, Esq.,
Gregory Dillion, Esq., Brandt Wolkin, Esq. and Sarah Burke, Esq.

Legal MCLE/CE Overview: This session is geared toward developing practices that will seek to decrease the cost of litigation, reduce the filing of more lawsuits, and encourage more insurers to write coverage for these construction classes in California. This panel will work to identify what is wrong with the current process, what should be changed to make it better, how it should be changed and this panel will propose a different model for resolution. Part of the presentation will include audience participation toward development of a "thinking out of the box" different model that may make a difference in how these claims are handled and resolved.

Insurance Related CE Issues: *The emphasis on insurance related issues in this session is devoted to insurance coverage relating to the coverage for this specific class of business due to construction defect cases and the current state of the law that applies regarding subcontractors in these cases. The impact to this class of policyholder will be discussed here as a result of the changes proposed by this panel. If successful, this panels recommendations may have an impact on the risk assessment of this class of business by the insurance industry on the availability and rates that will apply as well as the coverages that could potentially be offered. This session will discuss insurance issues and the specific needs of the subcontractor policyholder based upon the risk exposure. This session will be important to actuarials, underwriters, managing general agents and independent insurance brokers and agents as the information provided within this session will assist these insurance professionals in evaluating the coverage needs of their contractor policyholder and their exposure in construction defect related cases.*

National Association of State Boards of Accountancy (NASBA): A review of the details and contents of this topic submission reveals that it will meet the requirements for credits in the NASBA in the subject of, and in the area of Management Advisory Services.

Special Ethics Related Credit Application: N/A

**West Coast Casualty's
Construction Defect Seminar
May 13th and 14th, 2010**

**Continuing Education
Statement of Course Objective**

**Friday, May 14th 2010
11:00 AM – 12:00 PM**

South Ballroom

Course Title:

***“Pre-litigation Settlements and
Related Coverage Issues”***

Hon. Jonathan Cannon (ret), Dan Eli, Esq., Nick D'Agostino, David Harris, Esq.,
Timothy Lindell, Esq., Jeffrey Kramer, Esq. and Laura Ives, Esq.

Legal MCLE/CE Overview: This session is geared toward examining the challenges of attempting to settle a construction defect claim before a lawsuit has been filed. Discussion points for this session will include:

- Issues regarding carrier consent
- Additional insured issues
- Named insured carriers enforcing *Crawford rights*
- Insured doing the repair work itself and
- Best practices to obtain timely pre-litigation settlements

Insurance Related CE Issues: *The emphasis on insurance related issues in this session is devoted to insurance coverage relating to the coverage for this class of business due to construction defect cases and the current state of the law that applies in these cases. The impact to these classes of policyholders by the changes in the law will have an impact on risk assessment by the insurance industry on the rates that will apply as well as the coverages offered. This session will discuss insurance issues and the specific needs of the policyholder based upon the risk exposure. This session will be extremely important to actuarials, underwriters, managing general agents and independent insurance brokers and agents as the information provided within this session will assist these insurance professionals in evaluating the coverage needs of their subcontractor policyholder and their exposure in construction defect related cases.*

National Association of State Boards of Accountancy (NASBA): A review of the details and contents of this topic submission reveals that it will meet the requirements for credits in the NASBA in the subject of, and in the area of Management Advisory Services.

Special Ethics Related Credit Application: N/A

**West Coast Casualty's
Construction Defect Seminar
May 13th and 14th, 2010**

**Continuing Education
Statement of Course Objective**

**Friday, May 14th 2010
12:00 PM – 1:00 PM**

Center Ballroom

Course Title:

***“How Cost Sharing Agreements Affect Settlements and
Additional Insured Participation in Construction Litigation”***

Lisa M. Cappelluti, Esq., Todd Schweitzer, Keith Bremer, Esq., Hon. Victoria Chaney,
Jonathan Margolis, Esq., Glenn Barger, Esq., Gene Witkin, Esq., R. Scott Diaz, Esq.

Legal MCLE/CE Overview: This session is intended to highlight the advantages and disadvantages of cost sharing agreements especially in light of recent case law developments and dramatic changes in applicable insurance products, additional insured obligations and balanced with contractual obligations. Specific details to be addressed by this panel include addressing aspects of the impact of overall case resolution when there are missing parties and/or insurers at the time of resolution, the pursuit of additional insured carriers and/or additional insureds, and the impact of contractual indemnity obligations under the *Crawford* case as they are pursued in cases where cost sharing agreements have been implemented. Lastly, this panel will discuss obtaining efficient resolution while minimizing insurance carrier vs. insurance carrier disputes. This panel will be able to provide valuable practical information and strategic suggestions for use in these agreements as well as the pitfalls observed from all perspectives.

Insurance Related CE Issues: *The emphasis on insurance related issues in this session is devoted to insurance coverage, co-insurance, additional insured obligations and their relevance to coverage for these types of construction defect cases. This session will examine the current state of the law that applies in these cases and whether or not cost sharing can bring down the overall cost and expenses to a policyholder and its insurance carrier. This session will further discuss insurance issues and their involvement in these cost sharing arrangements whether for the benefit of their named insured policyholder or an additional insured policyholder. This session will address the specific needs of the policyholder based upon the risk exposure of the claim leading to an examination of rates and coverages for the class of business at hand. This session will be extremely important to actuarials, underwriters, managing general agents and independent insurance brokers and agents as the information provided within this session will assist these insurance professionals in evaluating the coverage needs of their contractor and subcontractor policyholder and their respective exposures in construction defect related cases.*

National Association of State Boards of Accountancy (NASBA): A review of the details and contents of this topic submission reveals that it will meet the requirements for credits in the NASBA in the subject of, and in the area of Management Advisory Services.

Special Ethics Related Credit Application: N/A

West Coast Casualty's
Construction Defect Seminar
May 13th and 14th, 2010

Continuing Education
Statement of Course Objective

Friday, May 14th 2010
12:00 PM – 1:00 PM

South Ballroom

Course Title:

*“CD Coverage –
The Latest Hot Topics”*

Neil Selman, Esq., Sheryl Leichenger, Esq. and Eldon Edson, Esq.

Legal MCLE/CE Overview: This presentation will key in on the issues essential to understanding the current policies which are affected by construction defect claims and litigation and the overall affect that take place in the handling and evaluating a construction defect claim. This presentation will provide a wealth of knowledge and guidance to the claims professional and attorneys practicing in the construction defect area. This session will address, amongst other things, the following issues, definitions of property damage, some of the new forms and endorsements, coverage limitations, *Known Loss* exclusions, how and when exclusions apply, owned property exclusion(s), damage to your own work exclusions, what is "Your Work" and subcontractors impaired property exclusion(s) as well as developing law in this area of construction defect coverage.

Insurance Related CE Issues: *This session will be only devoted to insurance issues that impact policyholders in construction defect matters. This session will discuss insurance issues and the coverage needs of the policyholder. This session will be extremely important to actuarials, underwriters, managing general agents and independent insurance brokers and agents as the information provided within this session will assist these insurance professionals in evaluating the impact on their policyholders coverages.*

National Association of State Boards of Accountancy (NASBA): A review of the details and contents of this topic submission reveals that it will meet the requirements for credits in the NASBA in the subject of, and in the area of Management Advisory Services.

Special Ethics Related Credit Application: N/A

**West Coast Casualty's
Construction Defect Seminar
May 13th and 14th, 2010**

AFFIDAVIT

State of California }
 } ss:
County of Los Angeles }

David Stern, under the penalties of perjury, states as follows:

That I am the chairperson and chief coordinator for West Coast Casualty's Construction Defect Seminar to be held at the Disneyland Resort Hotel on May 13 and 14, 2010.

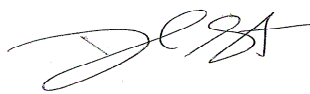
That I am directly responsible for the coordination and implementation of the continuing education programs for all events sponsored by West Coast Casualty Service, Inc. I am aware of all the rules and regulations associated with the continuing education programs that West Coast Casualty seeks accreditation for. I personally prepare all of West Coast Casualty's programs and I certify that this activity conforms to the minimum standards for approved educational activities prescribed by those states and organizations from which West Coast Casualty seeks continuing education accreditation.

I have read all the preceding pages of this Continuing Education Statement of Course Objective and I affirm that this is a true copy of the Continuing Education Statement of Course Objective regarding all the seminar topics and speakers for West Coast Casualty's Construction Defect Seminar on May 13 and 14, 2010. This affidavit further confirms that I have been in personal contact with each of the speakers and I confirm that each has indicated his/her willingness to participate in the topics described within this instrument.

In further support of this affidavit, I attest that I am in possession of the knowledge by means of personal and/or documentation that the persons participating in this seminar have and possess the qualifications to be an instructor in the course matter being presented herein. Declarant further attests that the persons participating in this seminar have executed an Instructor Qualification Form (446-4 rev11/98) as prescribed by the California Department of Insurance for approval by the California Department of Insurance standards for Continuing Education or their participation in this event will be refused.

That the purpose of this affidavit is in support of West Coast Casualty's application for continuing education accreditation under the applicable regulations of the Department of Insurance for the States of Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, District of Columbia, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, Nevada, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Dakota, Tennessee, Texas, Utah, Vermont, Wisconsin, and Wyoming. Additionally, this request shall extend to the States of Arizona, California, Colorado, Connecticut, Florida, Hawaii, Illinois, Nevada, New Jersey, New York, North Carolina, Ohio, Oregon, South Carolina, Texas, Utah and Washington for MCLE credits and for continuing education credits for the Registered Professional Adjuster (RPA) Program, Chartered Insurance Institute (London), National Association of State Boards of Accountancy (NASBA) and the Society for Chartered Property Casualty Underwriter (CPCU).

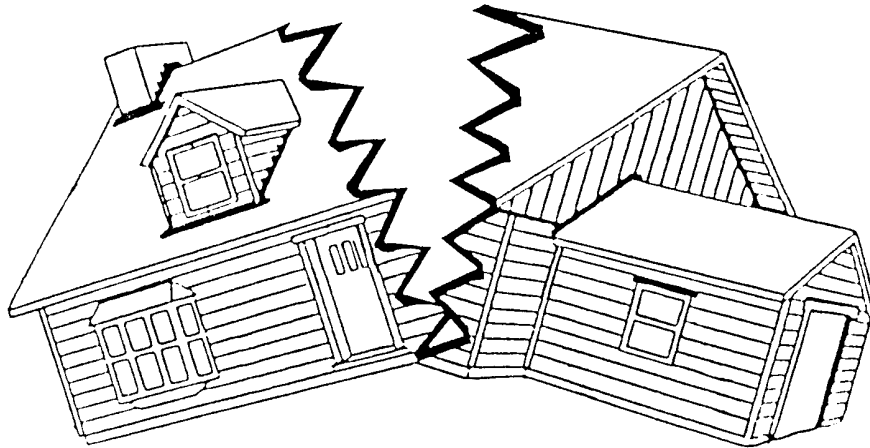
Dated: March 1, 2010
Westlake Village, California



David Stern

17th Anniversary

West Coast Casualty's



**Construction Defect Seminar
May 13th and 14th, 2010**

Statement of Course Objective

West Coast Casualty's
Construction Defect Seminar

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