

Registration Brochure



We the Subro People

— 2019 Annual Conference —
October 27-30
National Association of Subrogation Professionals
Gaylord National Resort • Washington D.C.

*Open for
76 Educational
Sessions!*

subrogation.org

Property of: National Association of Subrogation Professionals 2019 Annual Conference



Welcome Letter

We the National Association of Subrogation Professionals, in order to form a more perfect educational opportunity, establish networking connections, insure domestic advocacy, provide for the common defense of reimbursement rights, promote the general welfare of the subrogation industry, and secure the blessings of recovery to ourselves and our posterity, do ordain and establish this Conference for the National Association of Subrogation Professionals.

Many of you may have learned the Preamble to the Constitution through Schoolhouse Rock! We can't guarantee that every session at this year's Annual Conference at the gorgeous Gaylord National Resort & Convention Center in Washington, DC will have a catchy tune or clever animation, but we can guarantee that you'll be impressed by the caliber of this year's program.

We're excited about NASP's first trip to our nation's capital. The Gaylord stands on the shores of the Potomac River near the Capital Wheel and National Harbor. It features a 19-story glass atrium overlooking the river along with a full-service spa, 7 on property restaurants, and a rooftop nightclub with amazing river views. Be sure to check out the NASP Topgolf event as well!

This year, we'll have 70+ educational sessions with over 100 speakers among 9 tracks: Auto, General, Health, Management, Product Liability, Property, Specialty, Subro Fundamentals, and Workers' Compensation. Note that we've added the Specialty track as a way to branch out to more esoteric subrogation topics such as Accountant's Liability, Aviation, and Maritime. We have also added a special two-hour session Wednesday morning, after the annual meeting featuring Jeff Pauley, who will discuss fire scene health and safety considerations in the post fire environment.

Our Keynote speakers will be exciting, so prepare to be motivated! They include:

- **STEVE MCCLATCHY**, a keynote speaker, workshop leader and author of the New York Times Bestseller ***Decide: Work Smarter, Reduce Your Stress & Lead by Example***. Steve's passion is for continual improvement and believes that when we stop learning, gaining experience, and achieving goals we stop living. Steve is best known for his passion, sense of humor, and energetic personality. You will be captivated, motivated and truly inspired by his unique and practical approach to effectiveness and success.
- **RYAN LEAK** is a motivational speaker, executive coach, filmmaker, author, and CEO of The Ryan Leak Group, a leadership development firm. He's known as an ultimate risk taker from his two documentaries: *The Surprise Wedding* and *Chasing Failure*. In Ryan's most recent documentary Chasing Failure, he went on a journey to conquer his fear of failure by trying out for an NBA team. Ryan travels the country and teaches people how to remove the limitations that keep them from dreaming.

We have a fantastic event planned and are looking forward to seeing everyone this fall at our Annual Conference in our nation's capital!

WENDY CLAYTON & JOSEPH WILLIS

Conference Co-Chairs



Registration Information

Early Registration

(ON OR BEFORE AUGUST 23, 2019)

Includes all educational sessions / Sunday night reception / breakfast, lunch & reception on Monday and Tuesday / breakfast on Wednesday.

Member: \$1,150 | Non Member: \$1,750

Late Registration

(AFTER AUGUST 23, 2019)

Includes all educational sessions / Sunday night reception / breakfast, lunch & reception on Monday and Tuesday / breakfast on Wednesday.

Member: \$1,400 | Non Member: \$2,000

Conference Guest Registration - \$275

Conference guest registration is available only to spouses and personal guests of conference registrants. This fee includes admittance to the evening receptions in the Exhibit Hall on Sunday, Monday, and Tuesday ONLY. Conference guest registration does NOT allow guests access to the educational sessions or the exhibit hall during the morning or afternoon periods of the conference. Conference guests are eligible to register for the Golf Tournament. Conference guest registrations must be accompanied by a full-conference attendee registration.

Continuing Legal Education (CLE) Credits - \$230*

There is an additional fee of \$230 for filing for CLE credits for your attendance at this conference. No CLE credits will be provided if payment is not made. An “Official Record of Attendance” form will be provided at the registration desk to all individuals registered for CLE. Because of strict deadlines set by the states, the CLE forms must be returned to the NASP registration desk prior to the end of the conference on Wednesday, October 30, 2019 or mailed to the NASP staff office before November 8, 2019 for official filing.*

*Any CLE forms received after November 8, 2019 will be subject to a \$150 late filing fee.

NOTE: Credit hours may vary depending on each state's specific accreditation requirements

To register, please visit

WWW.SUBROGATION.ORG

Continuing Education (CE) Credits For Adjusters - \$180*

There is an additional fee of \$180 for filing for Continuing Education (CE) Credits for adjusters for your attendance at this conference. No CE credits will be provided if payment is not made. An “Official Record of Attendance” form will be provided at the registration desk to all individuals registered for CE. The CE forms must be returned to the NASP registration desk prior to the end of the conference on Wednesday, October 30, 2019 or mailed to the NASP staff office before November 8, 2019 for official filing.*

*Any CE forms received after November 8, 2019 will be subject to a \$150 late filing fee.

NOTE: Credit hours may vary depending on each state's specific accreditation requirements

Cancellation Policy

Written cancellation postmarked or faxed on or before August 23, 2019 will receive a refund of all registration fees paid, less a \$150 cancellation fee. Due to hotel and staffing commitments, all cancellations after August 23, 2019 are not eligible for a monetary refund. However, you may request that a credit equal to the registration amount paid, minus the \$150 change fee, be applied to your profile / NASP account. Credits may then be applied to another conference registration, occurring within 12 months from the date of credit deposit. No shows are not eligible for a refund. Substitution of an attendee may be done at any time up to 48 hours prior the conference at no charge.

NOTE: Credits are nontransferable.

Recommended Attire

The dress code for the NASP Conference is business casual.

Attendee List

The list of individuals registered for the conference will be provided on the Attendee List available in the conference app by opening the “show documents” icon. To be included on the Attendee List, your registration must be received no later than September 27, 2019.

To connect with other attendees, be sure to add yourself as an attendee on the conference app by opening the “attendees” icon.

NOTE: Badge sharing, splitting and reprints are strictly prohibited.

Beacon technology is being utilized for this conference. Data collected will be used for conference management purposes only.

SAVE HUNDREDS OF \$\$ BY BECOMING A MEMBER OF NASP!

Members receive significant discounts on conference registrations. Join now to receive the member conference rate and take advantage of ALL the benefits that a NASP membership has to offer. Please visit the NASP website for more information or contact Cherish Diviney at cherish.diviney@subrogation.org or call 1-800-574-9961 for more information.



Topgolf Tournament

Don't miss our first ever Topgolf Tournament on Sunday, October 27th! There's no pressure to have a good golf swing or score a lot of points -- it's all about everyone having fun. At Topgolf, you're not just winning, you're win-winning. It's high scores and high fives. Topgolf features fun and competitive games with dozens of climate-controlled hitting bays with HDTVs in every bay and throughout the facility. If you're looking for something to truly experience, look no further than Topgolf.

Golf shuttle departs at 10:00am.

Topgolf tournament begins a 10:30am.

REGISTRATION FEE:

\$195 – Includes ground transportation, hot buffet lunch, and awards.

**Golf registrations are non-refundable.*



Tennis Tournament

Join us Sunday, October 27th for our Tennis Tournament, being held at the Army Navy Country Club, one of the largest and most comprehensive private country club tennis facilities and programs in the country. The 25-court facility offers year-round indoor, outdoor, and evening lit play, as well as a full range of social, instructional, and retail pro shop services.

Tennis shuttle departs at 8:00am.

Tennis tournament is from 9:00am – 11:00am.

REGISTRATION FEE:

\$75 – Includes transportation, tournament, and awards.

**Tennis registrations are non-refundable.*



Hotel Information

Gaylord National Resort Washington, DC

ROOM RATE \$229

This rate is effective three days prior to and three days after the NASP Conference, subject to availability of rooms at the time of reservation.

Reservations can be made via the Conference page of the NASP website.

Requests for reservations must be received by
August 23, 2019 to receive the discounted group rate.

Rooms are limited, so be sure to make your reservation early.

SAVE THE DATE



GRAND OLE
SUBRO

2020 SPRING CONFERENCE
NASHVILLE TN

APRIL 23-24 / J.W. MARRIOTT
SUBROGATION.ORG



The Voice
of Subrogation

Setting the Stage for Product Liability

Sessions By Track

Monday, October 28, 2019



AUTO

- M.1.1 OOPS – I Did It Again
- M.2.1 Taking Some Downtime: Subrogating Loss-of-Use, Lost Profit Claims, and Downtime Claims
- M.3.1 TNCs and Last Mile Mobility: Scooting into New Coverage Issues
- M.4.1 The Automotive Seat Belt Defense as a Form of Subrogation
- M.5.1 Surveillance & Videogrammetry Analysis for Collision Reconstruction



PROPERTY

- M.1.2 Butt Out! Subrogating Careless Smoking Fires
- M.2.2 Winter – and Other Severe Weather – is Coming: Recovery Opportunities Presented by Climate Change
- M.3.2 Using Emerging Technology to Investigate Subrogation Potential
- M.4.2 The Rogue Chicken Theory – Subrogation Lessons From an Egg Processing Facility
- M.5.2 Property Management Standard of Care



HEALTH

- M.1.3 Best Practices in Preserving Subrogation Liens in the Workers' Compensation Arena
- M.2.3 Preparing for Doomsday: What to Expect and How to Prepare Before the Medicare Trust Fund is Exhausted
- M.3.3 Let's Stay Together: Developing and Maintaining Productive Relationships Between the Operational Subrogation Professional, Their In-House Counsel, and Outside Subrogation Counsel
- M.4.3 Should We, the Subro People, Support the Affordable Care Act? A Look at How Universal Healthcare Options May Impact the Subrogation Rights We Currently Enjoy
- M.5.3 Healthcare Reform Update: The Latest on Healthcare Reform and What Impact, if Any, It's Having on the World of Employee Benefits



MANAGEMENT

- M.1.4 The Paradigm and Power of Servant Leadership
- M.2.4 Subro College – Management: Characteristics and Considerations (Part 1 of 3)
- M.3.4 Subro College – Management: Characteristics and Considerations (Part 2 of 3)
- M.4.4 Subro College – Management: Characteristics and Considerations (Part 3 of 3)
- M.5.4 How to Be a Great Client



Sessions By Track

Monday, October 28, 2019 (cont.)



WORKERS' COMP

- M.1.5 Playing with Fire: The Risks and Rewards of Taking a Recorded Statement of an Injured Worker
- M.2.5 Workers' Compensation Subrogation Federal Civil Practice – Tips and Real Case Study
- M.3.5 When Rubber Meets the Road: How to Determine if a Tire Failure Caused or Contributed to an Accident (Combined w/Product Liability)
- M.4.5 Arbitration for Recovery of Workers' Compensation
- M.5.5 Identifying Recovery and Lien Rights when Workers' Compensation Benefits are Paid in Lieu of No-Fault Benefits – Deciphering the Interplay Between Workers' Compensation and No-Fault in New York and New Jersey



GENERAL

- M.1.6 Ethics: It's Easy – Just Do the Right Thing
- M.2.6 In Order to Form a More Perfect Union – How to Utilize the Public Sector Investigation to Support Your Case
- M.3.6 Canadian Potpourri: Interesting and Challenging Subro Issues North of the Border
- M.4.6 No Stone Unturned: Finding Recovery When/Where You Didn't Think To Look
- M.5.6 Conducting a Subrogation Investigation in a Connected World



PRODUCT LIABILITY

- M.1.7 Electrical Faults, Failures, and Fires – Oh My!
- M.2.7 The Empty Chair Conundrum and Apportioning for Success
- M.3.7 When Rubber Meets the Road: How to Determine if a Tire Failure Caused or Contributed to an Accident (Combined w/Workers' Comp)
- M.4.7 Elevators: When Failures Attack
- M.5.7 Batteries: Get Charged and Subro Opportunities



SUBRO FUNDAMENTALS

- M.1.8 The Role of Your Expert
- M.2.8 Please Do Not Spoliate Me!
- M.3.8 Unusual Checks and Balances – Proving Out-of-the-Ordinary Damages
- M.4.8 Water, Water Everywhere, nor a Drop to Subrogate
- M.5.8 I Noticed You Noticing Me



SPECIALTY

- M.2.9 Flying High – Aviation Subro Takes Off!
- M.3.9 Accountants' Professional Liability as Recovery in Fidelity Cases
- M.4.9 Maritime Subrogation – A Primer Towards Profitable Recoveries

Sessions By Track

Tuesday, October 29, 2019



AUTO

- T.1.1 Family Feud – Arbitration Edition
- T.2.1 A Primer on New Jersey and New York PIP Recovery
- T.3.1 The Unique Nature of Trucking Accident Evidence and Its Importance
- T.4.1 Arbitration Solutions for Ride-Hail Vehicle Disputes



PROPERTY

- T.1.2 Cross-Border Crashes: Understanding the Legal Regimes in the U.S. and Canada Applicable to Motor Vehicle Cargo Claims
- T.2.2 Obstacles and Lessons Learned from Investigating and Litigating Heavy Machinery and Farming Equipment Losses
- T.3.2 Crane Collapses and Failures: What You Need to Know
- T.4.2 DENIED! How to Work Around the “Your Work” Exclusion to Turn a Denial Letter Into a Recovery



HEALTH

- T.1.3 Mass Tort – Yesterday, Today, and Tomorrow
- T.2.3 Health Subrogation Year in Review
- T.3.3 How to Acquire and Keep Top Subrogation Talent
- T.4.3 Compass for Subrogation Professionals: Navigating Medical Fraud Investigations



MANAGEMENT

- T.1.4 Embracing Failure
- T.2.4 Herding Cats – Leading Virtual Subrogation Teams
- T.3.4 Driving Employee Engagement Through Emotional Intelligence
- T.4.4 Analytics and Metrics in Subrogation



Sessions By Track

Tuesday, October 29, 2019 (cont.)



WORKERS' COMP

- T.1.5 Best Practices for Effective Communications Between Carriers and Counsel: An Industry Panel Discussion on the Relationships and Issues that Lead to Successful Lien Recoveries
- T.2.5 Employer Liability and the Erosion of Workers' Compensation Immunity for your Insureds: What Can the Subrogation Professional do When the Employer Becomes a Target in a Third-Party Lawsuit Brought by an Injured Employee?
- T.3.5 State Specific Subrogation Coast to Coast (Part 1 of 2)
- T.4.5 State Specific Subrogation Coast to Coast (Part 2 of 2)



GENERAL

- T.1.6 To Say or Not to Say...That is the Question – A Discussion Addressing the Importance of Concise, Accurate, and Flexible Communication by and Between Experts, Attorneys, and Subrogation Professionals
- T.2.6 Beware Fake News: Using Social Media, Online Sources, and News to Navigate Subro Issues
- T.3.6 Mediating the Subrogation Case: A Panel Discussion
- T.4.6 Small Claims, Big Dollars



PRODUCT LIABILITY

- T.1.7 Subrogation Arising From the Sale of Goods
- T.2.7 A Recipe for Success: Using Food to Understand Engineering Principles and Formulate Arguments
- T.3.7 Subrogation Considerations with Water-Based Fire Protection Systems
- T.4.7 Subrogation Claims in Losses Involving Roof-Mounted Solar Panels



SUBRO FUNDAMENTALS

- T.1.8 Overcoming Obstreperous Defense Tactics
- T.2.8 Negotiations
- T.3.8 How to Collect From Uninsured Motorists
- T.4.8 How NFPA 921 and NFPA 1033 Can Make or Break Your Fire Loss Subrogation Claim

Conference Agenda

Sunday, October 27, 2019


8:00 AM	TENNIS TOURNAMENT SHUTTLE DEPARTS
9:00 AM – 11:00 AM	TENNIS TOURNAMENT
10:00 AM	TOPGOLF TOURNAMENT SHUTTLE DEPARTS
10:30 AM	TOPGOLF TOURNAMENT BEGINS
11:00 AM – 6:30 PM	EXHIBITORS' REGISTRATION
2:00 PM – 6:30 PM	ATTENDEES' REGISTRATION
4:00 PM – 5:00 PM	FIRST-TIME ATTENDEES' ICEBREAKER Are you a first-time attendee to the NASP Conference? If so, please plan to attend this icebreaker and learn how to get the most of your conference experience, make new friends, and build networks. Invitations will be emailed in September. RSVP is necessary for this event.
5:00 PM – 6:30 PM	WELCOME RECEPTION <i>Exhibit Hall</i>
6:30 PM – 8:30 PM	MEMBERS'-ONLY MIXER <i>Pose Rooftop Lounge</i>



Conference Agenda

Monday, October 28, 2019

The Registration Desk will be open from 7:00 AM – 6:45 PM.

7:00 AM – 7:45 AM	BREAKFAST WITH EXHIBITORS <i>Prince George's C</i>
8:00 AM – 10:00 AM	GENERAL SESSION AND KEYNOTE PRESENTATION: STEVE McCLATCHY  <p>STEVE McCLATCHY is a keynote speaker and author of the award winning New York Times Bestseller <i>Decide: Work Smarter, Reduce Your Stress & Lead by Example</i>. <i>Decide</i> has enjoyed global success and has been translated into 10 languages including Chinese, Russian, Japanese, and Spanish. In every speech Steve weaves insight, interaction, and actionable content with humor, inspiration, and motivation. Over the past 16 years Steve has worked with the most prominent organizations in the world including Google, Under Armour, Disney, John Deere, Microsoft, NBC Universal, Accenture, HP, Tiffany's, Wells Fargo, Campbell's Soup, and many teams in the NFL, NBA, NHL, and MLB. He speaks frequently at Harvard, Wharton, and Chicago Booth. He has appeared on CNBC, ABC, CBS, Fox News, WSJ TV, and NBC's The Today Show and has been quoted in The Wall Street Journal, Fast Company, WebMD, Oprah Magazine, Entrepreneur, and Investor's Business Daily. Steve's passion is for continuous improvement and believes that when we stop growing, learning, gaining experience, and achieving goals we stop living. You will be captivated, motivated, and truly inspired by his unique and practical approach to effectiveness and success.</p>
10:00 AM – 10:30 AM	REFRESHMENT BREAK IN EXHIBIT HALL

10:30 AM – 11:30 AM	CONCURRENT SESSIONS #1
	M.1.1 AUTO OOPS – I DID IT AGAIN Those OUT OF POCKET claims...a carrier or attorney settles a claim only to be faced with an insured presenting a claim for uninsured losses. What can be done so that cases can be settled without affecting insureds' rights to pursue their OOP damages? This session will discuss the ins and outs of dealing with OOPS and how they might be affected by insufficient policy limits, made-whole issues, settlement agreements/releases, waivers, ethical considerations and uncooperative insureds. Actual case scenarios will be discussed within the context of current case law along with practical and ethical ways to deal with OOP situations.
	M.1.2 PROPERTY BUTT OUT! SUBROGATING CARELESS SMOKING FIRES Insurance companies often close subrogation investigations involving careless smoking without making a recovery because the smoker is dishonest about the events leading to the fire and/or the smoking materials that caused ignition were consumed in the fire. Attacking the credibility of smokers through a thorough and meticulous investigation is the key to being successful at subrogating careless smoking fires. This session will include strategies for exposing inconsistencies/lies in the smoker's narrative, thresholds under NFPA 921 to admit expert testimony, trends in careless smoking fires, and case studies applying the principles of this presentation.
	M.1.3 HEALTH BEST PRACTICES IN PRESERVING SUBROGATION LIENS IN THE WORKERS' COMPENSATION ARENA Recovering the full amount of a private health care lien requires careful preparation and attention before, during, and after litigation before a workers' compensation judge. This session will guide the subrogation professional through all phases of the process from the initial notice of the injury through the appellate courts. Learn how to maximize the recovery and avoid the inadvertent waiver of the lien. Strategies for dealing with employers' counsel bent on avoiding payment, and sometimes the claimant's attorney, will also be revealed. Discover how to convince a judge to award more than the amount of the recoverable lien amount in the right circumstances.
	M.1.4 MANAGEMENT THE PARADIGM AND POWER OF SERVANT LEADERSHIP Attendees will learn how the servant leadership paradigm recognizes the significant power in a leader as a servant to his/her employees, customers, members, and the community. Attendees will hear experienced industry executives speak about their career journeys from traditional leadership to a servant leadership approach. The discussion will explore how conventional leadership wisdom relied upon expertise and positional authority to define leadership versus the power of leadership influence via servant leadership. Participants will be able to ask questions and explore how the servant leadership approach increases employee engagement, innovation, organizational outcomes and intrinsic reward.



Conference Agenda

10:30 AM – 11:30 AM	CONCURRENT SESSIONS #1 (CONT.)
	<p>M.1.5 WORKERS' COMP</p> <p>PLAYING WITH FIRE: THE RISKS AND REWARDS OF TAKING A RECORDED STATEMENT OF AN INJURED WORKER</p> <p>Recorded statements of injured workers are routinely taken, but they should not be treated routinely. A seemingly innocuous recorded statement can sink a subrogation case before anyone even realizes it. This session will discuss the advantages and disadvantages of taking a recorded statement; the rules of procedure and evidence concerning the discovery and admissibility of recorded statements; and will give practical advice for taking a recorded statement while minimizing the risk of harming the subrogation case.</p>
	<p>M.1.6 GENERAL</p> <p>ETHICS: IT'S EASY – JUST DO THE RIGHT THING</p> <p>The rules of ethics for attorneys and insurance professionals are not always a bright line. It's easy to say, "Just do the right thing", but what might be "right" to one person may not be "right" to another. This session will focus on various situations that subrogation attorneys and claims handlers face on daily and will apply them to the CSRP Cannons and Model Rules of Professional Conduct for Attorneys.</p>
	<p>M.1.7 PRODUCT LIABILITY</p> <p>ELECTRICAL FAULTS, FAILURES, AND FIRES – OH MY!</p> <p>This entertaining presentation will delve into the world of electrical fires. Attendees will learn the basic scientific principles involved in all electrical fires in an easy to understand manner from one of the industry's leading electrical engineers. The most common failure modes and terminology will also be discussed, including short-circuits, loose connections, resistance heating, surges and arcing. This knowledge will then be applied to understanding how electrical failures manifest themselves in common appliances such as fans, dehumidifiers, dryers and more. By the end, attendees will be armed with the requisite knowledge to intelligently present their electrical claims.</p>
	<p>M.1.8 SUBRO FUNDAMENTALS</p> <p>THE ROLE OF YOUR EXPERT</p> <p>In almost every subrogation case, an expert is needed to assist in evaluating and pursuing the claim. In many cases, the selection of the right expert can be the difference between a successful subrogation recovery and a closed file with no recovery. This presentation will explore the expert's role in the subrogation process from the investigation through the trial. The presentation will explore issues such as the expert selection process, an expert's qualifications, an expert's scope of work, as well as the interaction between the expert, insurance professional and attorney throughout the life of the case.</p>

11:30 AM – 12:30 PM	LUNCH WITH EXHIBITORS
12:30 PM – 1:30 PM	CONCURRENT SESSIONS #2
	<p>M.2.1 AUTO</p> <p>TAKING SOME DOWNTIME: SUBROGATING LOSS-OF-USE, LOST PROFIT CLAIMS, AND DOWNTIME CLAIMS</p> <p>Recovery of loss of use is a key element of automobile property subrogation. Subrogation professionals are often tasked with seeking recovery of covered loss of use or advising their insureds on how to pursue claims when these damages are not covered by the policy. States differ as to whether and when a vehicle owner is allowed to recover the value of loss of use of a vehicle as an element of damage from a responsible tortfeasor during the period of time the vehicle is being repaired or replaced. This presentation will provide insight into the intricacies of loss-of-use claims and outline strategies for increasing recoveries.</p>
	<p>M.2.2 PROPERTY</p> <p>WINTER – AND OTHER SEVERE WEATHER – IS COMING: RECOVERY OPPORTUNITIES PRESENTED BY CLIMATE CHANGE</p> <p>Do you think someone on Game of Thrones should have done more to respond to the winter that was clearly coming? When you see a city destroyed by severe weather in a disaster movie, do you have a nagging suspicion there is a recovery opportunity being overlooked? Our session will explore potential recovery opportunities presented by climate change. After examining data detailing the ways in which climate has changed, we will explain how to use that data to build the foundation for a recovery claim. You will leave equipped with strategies to take advantage of this new recovery frontier.</p>
	<p>M.2.3 HEALTH</p> <p>PREPARING FOR DOOMSDAY: WHAT TO EXPECT AND HOW TO PREPARE BEFORE THE MEDICARE TRUST FUND IS EXHAUSTED</p> <p>Medicare's Hospital Trust Fund is expected to exhaust in seven years. Will politicians come together for the hard work needed to extend it or will they seek scapegoats? Are you ready to hear soundbites like: "hold no-fault, liability and work-comp carriers accountable if Medicare pays for injuries" or "penalize Medicare Advantage (MA) plans that don't pursue injury carriers"? You should be. The government's already saying it. This session will explain MA legal developments that both MA plans and injury carriers should be watching and will suggest best practices for MA plans hoping to minimize compliance risks when Medicare auditors come knocking.</p>



Conference Agenda

12:30 PM – 1:30 PM	CONCURRENT SESSIONS #2 (CONT.)
M.2.4 MANAGEMENT SUBRO COLLEGE – MANAGEMENT: CHARACTERISTICS AND CONSIDERATIONS (PART 1 OF 3) The first session will focus on the behavioral characteristics today’s subro manager may need to possess. In addition, we will raise the question as to whether today’s subro manager needs to display claim “technical abilities.”	
M.2.5 WORKERS’ COMP WORKERS’ COMPENSATION SUBROGATION FEDERAL CIVIL PRACTICE – TIPS AND REAL CASE STUDY By way of a recent “real world” federal case, turning on the threshold issue of a subro carrier’s right to reimbursement rights, absent an injured worker’s participation, you will learn of the challenges and advantages of litigating in federal court. The issue was decided in favor of one side, resolved, followed shortly by a state supreme court decision on the issue favoring the losing side. The principals of this drama, including the presiding federal judge, will provide their insights of how the case progressed, resolved, and the surprising contrary decision by the State Supreme Court, as well as general tips.	
M.2.6 GENERAL IN ORDER TO FORM A MORE PERFECT UNION – HOW TO UTILIZE THE PUBLIC SECTOR INVESTIGATION TO SUPPORT YOUR CASE With respect to fire losses, the public sector investigation can be very helpful, or possibly damaging, to the subrogation investigation. The public sector investigation can affect the subrogation investigation in numerous ways, including the respective scene access, information obtained, and conclusions reached. However, while the goals of each investigation are superficially similar, they are not exactly alike, and there are important differences in how the goals are carried out. The presenters will discuss their respective experiences and provide tips for utilizing the public sector investigation to support the subrogation investigation.	

12:30 PM – 1:30 PM	CONCURRENT SESSIONS #2 (CONT.)
	M.2.7 PRODUCT LIABILITY THE EMPTY CHAIR CONUNDRUM AND APPORTIONING FOR SUCCESS In this day and age, with the proliferation of overseas manufacturers and other manufacturers who are essentially judgment-proof, subrogators need to evaluate how to maximize recovery against those targets they can reach. The sole proximate cause defense, otherwise known as the “Empty Chair” defense often causes headaches when the “empty chair” is that overseas product manufacturer. How is the jury to consider the conduct of the missing manufacturer versus the accessible distributor or seller in apportioning fault? We will address how to deal with this defense, to apportion for success, and to maximize recovery depending on the various jurisdictional rules in play.
	M.2.8 SUBRO FUNDAMENTALS PLEASE DO NOT SPOLIATE ME! Spoliation can be the death knell of every subrogation case including those slam-dunk cases you once believed you had. This presentation will include a panel discussion of experts, attorneys, and subrogation professionals that explore various scenarios when spoliation arises and how to avoid spoliation under the scenarios. The panel will leave attendees with several methods to utilize during the pursuit of subrogation cases to prevent claims of spoliation. The presentation will also provide an analysis of case law addressing subrogation, when a court may order sanctions, and the sanctions imposed by courts that could be fatal to your case.
	M.2.9 SPECIALTY FLYING HIGH – AVIATION SUBRO TAKES OFF! Historically, much like maritime claims, aviation insurance claims have not fallen into the same “subrogation buckets” as property, auto, and workers’ comp subro claims have. Slowly, this is changing as more companies capture aviation claims in their company-wide subrogation nets and as more commercial carriers begin to write aviation policies. This presentation will talk through many of the types of claims and issues an aviation loss might entail, in the context of the pursuit of subrogation, and how many of these issues are the same as the more traditional subrogation claims face. Particular attention will be paid to the fact the relationships between and among the companies involved in the aviation industry can be very complex and “high-profile” which can make the subrogation pursuit extremely delicate.
1:30 PM – 1:45 PM	MOVEMENT BREAK



Conference Agenda

1:45 PM – 2:45 PM	CONCURRENT SESSIONS #3
M.3.1 AUTO TNCs AND LAST MILE MOBILITY: SCOOTING INTO NEW COVERAGE ISSUES When transportation network companies (TNCs) hit streets, insurance coverage issues were not far behind. In less than a decade, industry giants Uber and Lyft became a ubiquitous method of mobility and managed to iron out coverage issues while experiencing such staggering growth. The new TNC frontier is a rapidly growing scooter market. Riders use smart phone-based apps to hop on scooters lining sidewalks waiting to zip them to their destination. TNCs now face familiar coverage issues, but this time in the context of motorized scooters. This presentation discusses scooter-related litigation, coverage arguments, and pending legislation as this new frontier unfolds.	
M.3.2 PROPERTY USING EMERGING TECHNOLOGY TO INVESTIGATE SUBROGATION POTENTIAL The speakers will discuss Laser Scanning, 3D Modeling, and Drones. In addition to reviewing the costs and benefits of this technology, the speakers will discuss practical applications of this technology in the investigation, development and settlement of a property subrogation claim. The pursuit of product liability claims in the internet age will also be analyzed. Specifically, we will identify current trends in application of product liability laws in cases against large online retailers, such as Amazon, and the effects of foreign manufacturers.	
M.3.3 HEALTH LET’S STAY TOGETHER: DEVELOPING AND MAINTAINING PRODUCTIVE RELATIONSHIPS BETWEEN THE OPERATIONAL SUBROGATION PROFESSIONAL, THEIR IN-HOUSE COUNSEL, AND OUTSIDE SUBROGATION COUNSEL Developing and maintaining a strong relationship between the subrogation claims professional and their outside counsel is critical to cost effectively maximizing health plan recoveries. This panel discussion, consisting of claims professionals, in-house subrogation counsel, and external subrogation counsel, will cover counsel retention, the client’s performance, communication and billing expectations, and counsel’s broader client partnership involving operational and industry matters.	

1:45 PM – 2:45 PM	CONCURRENT SESSIONS #3 (CONT.)
M.3.4 MANAGEMENT SUBRO COLLEGE – MANAGEMENT: CHARACTERISTICS AND CONSIDERATIONS (PART 2 OF 3) Subrogation gets attention from time to time, but it’s difficult for subrogation to have continuous attention from upper leadership that it really deserves. Are we getting the right people in our subro operations? How can I be sure I’m getting the best people? Sound like something you may have heard? This portion of the program will address these important issues. Utilizing discussion and two specific exercises, we can gain a better understanding of the critical importance of support from upper leadership. Further, we will see why author Jim Collins says “We have to have the right people on the bus!”	
M.3.5 WORKERS’ COMP WHEN RUBBER MEETS THE ROAD: HOW TO DETERMINE IF A TIRE FAILURE CAUSED OR CONTRIBUTED TO AN ACCIDENT (COMBINED W/PRODUCT LIABILITY) Car and truck accidents are the leading cause of occupational fatalities in the United States, resulting in billions of dollars in workers’ compensation and property damage claims. This presentation will provide an overview of tire-related factors that may have contributed to a vehicle crash, or a tire-failure during installation, and analyze these losses from a cost-benefit perspective. It will provide the basic tools to determine the viability of recovery against the manufacturers, sellers and installers of defective tires. In addition to providing technical information about tire-related failures, the presenters will discuss how to properly investigate and preserve these claims.	
M.3.6 GENERAL CANADIAN POTPOURRI: INTERESTING AND CHALLENGING SUBRO ISSUES NORTH OF THE BORDER The pursuit of subrogation claims north of the border comes with many unique and interesting challenges. Professionals seeking to pursue losses in Canada need to educate themselves on the various hurdles and pitfalls which will often dictate the shape and direction of actions in pursuit of subrogation recoveries. In this presentation we will discuss Canadian-centric substantive and procedural issues such as: the “Rule in Giffels”; statutory bars to pursuing recovery in fire losses; the necessity to ensure the cooperation of the insured; and the impact of Canada’s “loser pays costs” field of play.	



Conference Agenda

1:45 PM – 2:45 PM	CONCURRENT SESSIONS #3 (CONT.)
M.3.7 PRODUCT LIABILITY WHEN RUBBER MEETS THE ROAD: HOW TO DETERMINE IF A TIRE FAILURE CAUSED OR CONTRIBUTED TO AN ACCIDENT (COMBINED W/WORKERS' COMP) Car and truck accidents are the leading cause of occupational fatalities in the United States, resulting in billions of dollars in workers' compensation and property damage claims. This presentation will provide an overview of tire-related factors that may have contributed to a vehicle crash, or a tire-failure during installation, and analyze these losses from a cost-benefit perspective. It will provide the basic tools to determine the viability of recovery against the manufacturers, sellers and installers of defective tires. In addition to providing technical information about tire-related failures, the presenters will discuss how to properly investigate and preserve these claims.	
M.3.8 SUBRO FUNDAMENTALS UNUSUAL CHECKS AND BALANCES – PROVING OUT-OF-THE-ORDINARY DAMAGES Some cases go beyond the typical proofs involved for repairing/replacing a home, assessing the diminution in value of a home, and determining the value of ordinary household goods. For instance, the value of extensive art or jewelry collections, the value of stem samples that have become inviable, and quantifying the amount of stigma to a real property or a business, are all examples of out-of-the ordinary damages which subrogation professionals may encounter. Our presenters will discuss these and similar examples of unusual damages, as well as the appropriate damage proofs, drawing primarily upon their own experience.	
M.3.9 SPECIALTY ACCOUNTANTS' PROFESSIONAL LIABILITY AS RECOVERY IN FIDELITY CASES This session will review the responsibilities of CPAs in performing audits of financial statements of an insured that is submitting a fidelity claim. The fundamental components of audit negligence, the auditor's responsibility to detect material misstatement in the financial statements, and fraud detection will all be covered. Additionally, the session will discuss the case law relevant to accountants' liability and the legal issues associated with proving audit failure. Finally, actual professional audit standards and case study examples will be examined.	
2:45 PM – 3:15 PM	REFRESHMENT BREAK IN EXHIBIT HALL

3:15 PM – 4:00 PM	CONCURRENT SESSIONS #4
M.4.1 AUTO THE AUTOMOTIVE SEAT BELT DEFENSE AS A FORM OF SUBROGATION Seat belt defense is a form of subrogation and is a comparative negligence argument. Liability is often admitted, and the remaining question is damages; i.e., an insured's vehicle impacts another vehicle and the mishap is admittedly the insured's fault. The occupants of the other vehicle may have been injured. The question is whether the other occupants were wearing seat belts as required by most states. If the other occupants' injuries are either partly or fully attributable to lack of seat belt use, then testimony can be made by an expert as to whether those injuries could have been mitigated by seat belt use. Participants will learn the basics of a seat belt defense and how insurers/attorneys can utilize this valuable tool to mitigate damages under the appropriate circumstances.	
M.4.2 PROPERTY THE ROGUE CHICKEN THEORY – SUBROGATION LESSONS FROM AN EGG PROCESSING FACILITY The focus of this session is on an egg processing facility in Iowa. This facility housed 3 million egg-laying hens. The hens were housed in cages. The entire cage system was automated – feeding, watering, egg collection, and waste management. During the first week of service, one of the cage rows collapsed. Several competing theories were developed with regard to causation. Which came first? The rogue chicken or the egg? We were faced with two competing theories regarding the cause of the cage collapse. We will focus on the importance of functional testing of your experts and opposing experts' theories and how that can lead to a successful subrogation outcome.	
M.4.3 HEALTH SHOULD WE, THE SUBRO PEOPLE, SUPPORT THE AFFORDABLE CARE ACT? A LOOK AT HOW UNIVERSAL HEALTHCARE OPTIONS MAY IMPACT THE SUBROGATION RIGHTS WE CURRENTLY ENJOY This presentation will introduce various universal healthcare systems that may be considered by the federal government following the constitutional challenges to the Affordable Care Act. The presenters will then review these alternative universal healthcare systems and explore how the principles underlying each alternative may impact healthcare subrogation professionals in the future.	
M.4.4 MANAGEMENT SUBRO COLLEGE – MANAGEMENT: CHARACTERISTICS AND CONSIDERATIONS (PART 3 OF 3) This session will deal with methods for building relationships with counsel and our vendor partners. These relationships are important, but do they really get the regular attention they need? Through the use of two factual cases, we will work in groups challenging attendees in a limited timeframe to apply subrogation specific leadership perspective as to the following: (1) How might this issue be resolved? (2) What if anything might have prevented this issue from occurring? (3) As a result of this situation, are there any company policy or procedural issues that may need to be instituted or revised?	



Conference Agenda

3:15 PM – 4:00 PM

CONCURRENT SESSIONS #4 (CONT.)

M.4.5 WORKERS' COMP

ARBITRATION FOR RECOVERY OF WORKERS' COMPENSATION

Discover win/loss trends for workers' compensation subrogation recoveries facilitated through arbitration. Attendees will learn which types of workers' compensation payments have potential for recovery from a third-party tortfeasor and what to consider before filing the workers' compensation subrogation dispute in arbitration, including jurisdiction, settlement, timing, and documentation for the case.

M.4.6 GENERAL

NO STONE UNTURNED: FINDING RECOVERY WHEN/WHERE YOU DIDN'T THINK TO LOOK

This session will focus on potential areas of recovery to look at when traditional liability insurance may not be available. We will focus on how to handle situations where either the target or their insurance carrier is going through bankruptcy. We will also look into ways of addressing targets that have either disappeared or died. Finally, we will look at alternative means of recovery such as assessing personal assets, applying for available state or federal funds, looking to a guarantor, making demands on the carrier for a target's parents, and attempting to pierce the corporate veil of a closely related company.

M.4.7 PRODUCT LIABILITY

ELEVATORS: WHEN FAILURES ATTACK

The purpose of the presentation will be to establish the most common types of failures in elevators and escalators. We will discuss how to deal with these failures and what are the subrogation potentials for these failures. We will point out when you should pursue subrogation, and whom should you pursue it against. The roles of national, state, and local elevator codes, and how they affect the ability to subrogate in the case of a failure or damage to an elevator or escalator system will also be discussed as well. We will also address the roles of elevator manufacturers, elevator installers, elevator maintenance companies and elevator inspectors. We will address how they fit into a subrogation case.

3:15 PM – 4:00 PM

CONCURRENT SESSIONS #4 (CONT.)

M.4.8 SUBRO FUNDAMENTALS

WATER, WATER EVERYWHERE, NOR A DROP TO SUBROGATE

This presentation will review best practices for recovery professionals and adjusters handling water damage claims. We will review common, as well as new, product failure modes for all types of water connectors, valves, and piping. The goal of the presentation is to provide an overview of common failure scenarios for these losses and the types of forensic investigations required to determine the strongest basis for subrogation pursuit. Through the use of evidence from several real-life cases, the presenters will provide hands-on instruction for recovery professionals and claims adjusters to maximize the recovery from water loss claims arising from sprinkler pipe and water line failures, pipe joint separation failures, and fitting failures from corrosion.

M.4.9 SPECIALTY

MARITIME SUBROGATION – A PRIMER TOWARDS PROFITABLE RECOVERIES

This session is intended to provide an overview of maritime subrogation from the perspective of both the attorney and the expert witness. The session will address the importance of taking immediate action when a maritime loss has occurred, applicable rules of law that promote recovery from a vessel, limitations of liability that apply to these actions, and methods to circumvent such limitations through the use of actual maritime actions. Through this session, the attendee will learn the nuances of maritime subrogation and how such actions can lead to a quick and efficient recovery in such losses.

4:00 PM – 4:15 PM

MOVEMENT BREAK

4:15 PM – 5:00 PM

CONCURRENT SESSIONS #5

M.5.1 AUTO

SURVEILLANCE & VIDEOGRAMMETRY ANALYSIS FOR COLLISION RECONSTRUCTION

Surveillance or dashcam video can have immense value for collision reconstruction both visually (showing the actual event) and analytically, as it can enable the evaluation of the movements and timing of the vehicles or pedestrians involved in the collision. This analysis can include how fast objects were moving, how long a hazard was visible, and whether or not a hazard was visible for long enough to be avoided. This session will walk attendees through the analysis of real-world videos and detail for them the potential findings and demonstrative results achieved through videogrammetry and the use of virtual reality.



Conference Agenda


4:15 PM – 5:00 PM	CONCURRENT SESSIONS #5 (CONT.)
M.5.2 PROPERTY PROPERTY MANAGEMENT STANDARD OF CARE In many states, property management is not regulated unlike other sectors of the real estate industry such as sales and leasing, which require a state license. As a result, property management services are often performed by people/entities without any professional development, training, and accreditation. This session will introduce the audience to the field of professional property management and describe errors that are commonly made by untrained staff and/or their employer. In addition, this session will offer examples of how to use a violation of the standard of care in the industry to bolster a subrogation claim against a property management company and others.	
M.5.3 HEALTH HEALTHCARE REFORM UPDATE: THE LATEST ON HEALTHCARE REFORM AND WHAT IMPACT, IF ANY, IT'S HAVING ON THE WORLD OF EMPLOYEE BENEFITS RomneyCare, ObamaCare, TrumpCare – call it whatever you like – the government is constantly tinkering with the way Americans obtain health insurance. Every decision made that disincentives employers to provide those benefits will have an impact on the healthcare market and, by extension, potential subrogation opportunities. Learn the latest in the Healthcare “saga” and what impact if any, the changes are having on the benefits marketplace.	
M.5.4 MANAGEMENT HOW TO BE A GREAT CLIENT Insurance companies rely on vendors for many different services. Whether working with experts, lawyers, or other suppliers, a close relationship between the parties facilitates better service. This session will explore ways in which insurance company professionals can become great clients. This interactive program will allow participants to explore ways to improve the relationship between various parties working together on subrogation claims.	

4:15 PM – 5:00 PM	CONCURRENT SESSIONS #5 (CONT.)
	M.5.5 WORKERS' COMP IDENTIFYING RECOVERY AND LIEN RIGHTS WHEN WORKERS' COMPENSATION BENEFITS ARE PAID IN LIEU OF NO-FAULT BENEFITS – DECIPHERING THE INTERPLAY BETWEEN WORKERS' COMPENSATION AND NO-FAULT IN NEW YORK AND NEW JERSEY This session will address recovery and lien rights in New York and New Jersey when an employee is injured in an auto accident. It will discuss the intersection of workers' compensation and no-fault laws and the impact of the no-fault “threshold” and “offset” provisions on workers' compensation recovery rights. In particular, the session will discuss the recent New Jersey decision <i>NJT v. Sanchez</i> , which dramatically changes the landscape for workers' compensation subrogation in NJ, and <i>The Matter of Arlington v. Progressive Casualty</i> decision in New York which clarified how to calculate what workers' compensation benefits are paid in lieu of no-fault benefits.
	M.5.6 GENERAL CONDUCTING A SUBROGATION INVESTIGATION IN A CONNECTED WORLD We are all interconnected by the internet because of our use of social media and smart devices. This presentation is intended to help the subrogation professional effectively utilize this connectivity to enhance his/her investigation into the viability of a subrogation claim. The presenters will provide the attendees with valuable information that can be used to assist in a subrogation investigation. The presenters will also discuss how to use these resources in an efficient and effective manner.
	M.5.7 PRODUCT LIABILITY BATTERIES: GET CHARGED AND SUBRO OPPORTUNITIES This session will begin with a discussion concerning the different types of batteries in commercial and residential use. The speakers will also address their functions and intended uses. The session will then address various failure scenarios involving batteries and what to look for while investigating a claim as well as considering issues, strategies, and theories of liability related to recovery potential. Real-world examples will be provided. The session will end with a discussion concerning typical defenses and predictions related to the future of batteries.
	M.5.8 SUBRO FUNDAMENTALS I NOTICED YOU NOTICING ME Get noticed with your notice letter and stand out from the crowd. Make a big splash on the desk of the target. Dive into the world of notice letters that make the target audience spring into action. Notice letters that make people jump require artful crafting and need to be sent to the correct people, sometimes the day after a loss. Subrogation does not happen in a vacuum, and you can end in a free fall if you do not work with experts, field adjusters, government officials, all while making the insured your friend.
5:00 PM – 6:30 PM	NETWORKING RECEPTION IN EXHIBIT HALL



Conference Agenda

Tuesday, October 29, 2019

7:30 AM – 8:30 AM	BREAKFAST WITH EXHIBITORS
8:30 AM – 10:00 AM	<div><div>KEYNOTE PRESENTATION: RYAN LEAK</div><div><div>RYAN LEAK is a Motivational Speaker, Executive Coach, Filmmaker, and Author that speaks to 200,000 people and equips over 12,000 leaders each year. He is the CEO of The Ryan Leak Group that is a leadership development firm in Dallas, TX. Ryan’s story has been featured on Good Morning America, the Today Show, The Queen Latifah Show, and many other various national media outlets. Ryan attended North Central University where he received a business management degree and was also honored as an All-American basketball player. Ryan and his wife, Amanda, have two children and live in Dallas.</div></div></div>
10:00 AM – 10:30 AM	REFRESHMENT BREAK IN EXHIBIT HALL
10:30 AM – 11:30 AM	CONCURRENT SESSIONS #6
<div><div>T.1.1 AUTO</div><div>FAMILY FEUD – ARBITRATION EDITION</div><div>Survey says...Join your fellow NASP’ers for a friendly game of Family Feud, Arbitration Edition. This will be a fun and interactive session where attendees will have the opportunity to test their arbitration knowledge as well as learn something new along the way. The topics will be about all things arbitration, from preparing contentions, proper use of an affirmative defense, to effective use of evidence. Don’t miss this chance to cheer on your fellow teammates, “good answer, good answer”, as you compete with your “subrogation family” in an exciting game of Family Feud, Arbitration Edition. Let’s play the Feud!</div></div>	



Conference Agenda

10:30 AM – 11:30 AM CONCURRENT SESSIONS #6 (CONT.)

T.1.2 PROPERTY

CROSS-BORDER CRASHES: UNDERSTANDING THE LEGAL REGIMES IN THE U.S. AND CANADA APPLICABLE TO MOTOR VEHICLE CARGO CLAIMS

This session is an introduction into the various Canadian legal regimes relating to motor vehicle and cargo claims. This includes imposition of standard conditions of carriage, the limitations of liability created by the regimes established across the various provinces, and what is required of carriers under those regimes. We will also discuss whether US or Canadian law applies to any particular loss, what factors are considered in this analysis, and the proper choice of forum for a subrogated claim.

T.1.3 HEALTH

MASS TORT – YESTERDAY, TODAY, AND TOMORROW

Ever wonder how mass tort got started and evolved into the current state? Want to know what the hottest mass tort settlements are of 2019 and beyond? If you answered yes to either of these questions, look no further. This session will delve into the history of mass tort, so attendees have a basis to fully understand where we are today. Through extensive research and data analysis, we will enlighten attendees on the potential subrogation returns from full pursuit of various mass torts with actual per member per year recovery data from large multi-line plans.

T.1.4 MANAGEMENT

EMBRACING FAILURE

This session is a continuation of the Keynote Presentation, “Chasing Failure”, but with a new twist. Ryan Leak will talk about embracing failure and will have three industry panelists share their experiences managing in today’s environment while embracing failure. The panelists will share stories about working on projects or initiatives that did not go as intended, the lessons learned about the issue they were trying to solve, and the process of taking initiative and ushering change. Central themes will focus on the willingness of leaders to try new things, fail fast, learn, and keep moving forward.

10:30 AM – 11:30 AM CONCURRENT SESSIONS #6 (CONT.)

T.1.5 WORKERS’ COMP

BEST PRACTICES FOR EFFECTIVE COMMUNICATIONS BETWEEN CARRIERS AND COUNSEL: AN INDUSTRY PANEL DISCUSSION ON THE RELATIONSHIPS AND ISSUES THAT LEAD TO SUCCESSFUL LIEN RECOVERIES

Effective communication between adjusters and counsel is essential to maximizing workers’ compensation subrogation lien recoveries. Attendees will benefit their companies and practices by “being on the inside” of industry discussions with panel members. From an insurance perspective, attendees will hear from adjusters on how they interact with counsel, insureds, agents, reinsurers and experts and how they deal with costs and recoveries and a myriad of different decision-making issues. From the lawyers’ standpoint, attendees will hear and discuss legal strategy development, conflicts/ethics issues, cost containment and navigating the legal landscape in different jurisdictions and how these issues are used to recommend the best overall lien recovery strategy.

T.1.6 GENERAL

TO SAY OR NOT TO SAY...THAT IS THE QUESTION – A DISCUSSION ADDRESSING THE IMPORTANCE OF CONCISE, ACCURATE, AND FLEXIBLE COMMUNICATION BY AND BETWEEN EXPERTS, ATTORNEYS, AND SUBROGATION PROFESSIONALS

Experts, lawyers, and insurance professionals are responsible, not only for the substantive prosecution of subrogation matters, they also must procedurally report their activities and the progress of the matter to one or more additional individuals. Word choice, accuracy, and flexibility are hallmarks of successful communication at all levels. This discussion will address recommendations for including/excluding information from expert reports to attorneys, status updates to insurance professionals, and intra-insurance company reporting. The presentation will address reasons for including/excluding information, including protecting attorney work product privilege, maintaining the integrity and flexibility of expert opinions and setting appropriate expectations.

T.1.7 PRODUCT LIABILITY

SUBROGATION ARISING FROM THE SALE OF GOODS

Subrogating claims involving machinery and equipment failures can present unique challenges and opportunities. The economic loss doctrine may apply and preclude certain claims, but a motion for summary judgment filed on breach of contract or warranty claim could help spark settlement negotiations and motivate a seemingly disinterested party to settle a case. Attorneys handling these claims should be familiar with Article 2 of the Uniform Commercial Code and its impact on the sale of goods transaction. If you can establish that favorable terms and conditions govern the transaction, you can increase the potential for a valuable and timely recovery.



Conference Agenda

10:30 AM – 11:30 AM		CONCURRENT SESSIONS #6 (CONT.)
T.1.8 SUBRO FUNDAMENTALS		
OVERCOMING OBSTREPEROUS DEFENSE TACTICS		
This presentation will explain and offer solutions for defeating or limiting the following frustrating subrogation defense tactics: (1) motion to dismiss for lack of signed subrogation receipt; (2) motion to dismiss because insurer not real party in interest; (3) motion to dismiss because tenant is an “implied additional insured”; (4) defense of “negligent underwriting”; (5) adding your insured to lawsuit; (6) 30(b)(6) notices to your insurer client; and (7) the “50 percent” solution (“we offer at most 50% because this is a subrogation case”).		
11:30 AM – 12:45 PM		LUNCH WITH EXHIBITORS
12:45 PM – 1:45 PM		CONCURRENT SESSIONS #7
T.2.1 AUTO		
A PRIMER ON NEW JERSEY AND NEW YORK PIP RECOVERY		
An expert panel of lawyers will provide a framework for recovery of New Jersey and New York PIP payments. Among the topics that will be covered are the New Jersey statutes requiring PIP coverage, permitting recovery in workers compensation situations, concurrent first party PIP coverage, the PIP reimbursement statute, arbitration of claims, health care primary policies and transportation network company insurance requirements. We will also review the New York statutes requiring no-fault benefits, permitting loss transfer, establishing liens on third party recoveries along with the insurance requirements for NYC TLC licensed vehicles and transportation network companies.		
T.2.2 PROPERTY		
OBSTACLES AND LESSONS LEARNED FROM INVESTIGATING AND LITIGATING HEAVY MACHINERY AND FARMING EQUIPMENT LOSSES		
Investigating the cause of a fire to a farming machine presents unique challenges to recovery including, but not limited to, scene preservation, operator misuse, and field debris accumulation. Moreover, litigating claims involving losses to heavy machinery comes with its own legal obstacles, including the economic loss doctrine, warranty issues, allegations of comparative fault, and spoliation of evidence nuances. The presentation will highlight the intricacies of subrogating these claims, and also offer lessons to be learned from these cases that can be applied to subrogation claims across the board.		

12:45 PM – 1:45 PM	CONCURRENT SESSIONS #7 (CONT.)
T.2.3 HEALTH	
HEALTH SUBROGATION YEAR IN REVIEW	
This session will review significant healthcare subrogation and reimbursement developments that have occurred since NASP’s 2018 Annual Conference. Discussion will focus on court decisions impacting subrogation and reimbursement for ERISA, Medicare Advantage, Medicaid and Federal Employee Plans. The session will also discuss any proposed or newly passed legislation that will impact healthcare recovery efforts.	
T.2.4 MANAGEMENT	
HERDING CATS – LEADING VIRTUAL SUBROGATION TEAMS	
In a changing competitive environment, companies will increasingly need to shift away from traditional on-site team structures to optimize flexibility, availability of resources, and cost control. This session will focus on understanding the unique challenges of leading remote employees while maintaining a collaborative and focused environment. We will conceptualize which tools, skills, and techniques can be applied to effectively optimize the performance of your employees and get the best subrogation results.	
T.2.5 WORKERS’ COMP	
EMPLOYER LIABILITY AND THE EROSION OF WORKERS’ COMPENSATION IMMUNITY FOR YOUR INSURED: WHAT CAN THE SUBROGATION PROFESSIONAL DO WHEN THE EMPLOYER BECOMES A TARGET IN A THIRD-PARTY LAWSUIT BROUGHT BY AN INJURED EMPLOYEE?	
The workers’ compensation statutes of every state are supposed to protect employers from tort liability when an employee is injured, with a few limited exceptions. However, there is a disturbing trend broadening these limited exceptions and allowing employers to either face direct suits by injured workers or contribution claims by third party defendants. In some states, the insurer may simply be precluded from recovering its workers’ compensation lien. In others, the employer may become a direct defendant and have monetary exposure in excess of its workers’ compensation obligations. This presentation will provide an overview of these various issues to help the subrogation professional identify these issues and maneuver through this minefield of recovery pitfalls.	
T.2.6 GENERAL	
BEWARE FAKE NEWS: USING SOCIAL MEDIA, ONLINE SOURCES, AND NEWS TO NAVIGATE SUBRO ISSUES	
Life in the fake news era can be challenging. The growth of additional news platforms and social media sites has given subrogation professionals a wealth of information about new losses. However, the influx of news platforms and the ease in which any one person can share information has also raised the question as to whether a particular news source is reliable. This presentation will help the subrogation professional navigate news related to subrogation losses in the fake news era as well as provide helpful online sources and social media sites for researching a subrogation case.	



Conference Agenda

12:45 PM – 1:45 PM		CONCURRENT SESSIONS #7 (CONT.)
T.2.7 PRODUCT LIABILITY		
A RECIPE FOR SUCCESS: USING FOOD TO UNDERSTAND ENGINEERING PRINCIPLES AND FORMULATE ARGUMENTS		
This highly-interactive session will make engineering principles relative and easy to understand by using candy and food. Participants will learn how to better formulate their position and refute dubious denials by using the technical aspects of a failure. At the end of this session, participants will be better equipped to build arguments from engineering reports and may never look at spaghetti quite the same.		
T.2.8 SUBRO FUNDAMENTALS		
NEGOTIATIONS		
This session will take you through the steps of how to: (1) prepare; (2) what facts to present and how and when to present; (3) develop the strengths for your claim; (4) determine when to talk and when to pause; and (5) react when the negotiation fails or stops abruptly. Also, this session will address how the novice moves forward to reach the ultimate goal of a successful recovery!		
1:45 PM – 2:00 PM	MOVEMENT BREAK	
2:00 PM – 3:00 PM	CONCURRENT SESSIONS #8	
T.3.1 AUTO		
THE UNIQUE NATURE OF TRUCKING ACCIDENT EVIDENCE AND ITS IMPORTANCE		
Commercial vehicles accidents often include a host of unique issues regarding the preservation and effective use of digital information to prosecute and defend claims. Typical issues like data preservation, extraction, spoliation, and authentication can be exacerbated by the complexity of every-changing technology including Qualcomm, ECM, “black box” and other digitally recorded information. Topics that will be covered include industrial regulations surrounding digital information in commercial vehicles; identifying and extracting pertinent digital data; retaining experts to evaluate data; and utilizing data effectively in claims handling. This session will appeal to all who handle workers’ compensation, property and cargo claims involving commercial vehicles.		

2:00 PM – 3:00 PM	CONCURRENT SESSIONS #8 (CONT.)
T.3.2 PROPERTY	
CRANE COLLAPSES AND FAILURES: WHAT YOU NEED TO KNOW	
This presentation will first provide the audience with a basic overview of cranes and crane operations, including the various different types of cranes and their uses, along with common critical components. Next, the presentation will address safety principles, such as pertinent OSHA regulations, that apply to the pre-set up, set up and operation of cranes. Finally, the session will conclude with several case studies which will illustrate different modes of crane failures and the different entities who may be responsible for crane failures, including crane manufactures, crane operators, signal persons, riggers, and project contractors.	
T.3.3 HEALTH	
HOW TO ACQUIRE AND KEEP TOP SUBROGATION TALENT	
Finding top talent in the subrogation space is tough and keeping them retained and happy is even tougher. Presenting a holistic approach to subrogation employee retention, this session will identify how attendees can more effectively attract and retain subrogation employees—from call center to leadership.	
T.3.4 MANAGEMENT	
DRIVING EMPLOYEE ENGAGEMENT THROUGH EMOTIONAL INTELLIGENCE	
We will introduce the four sets of skills related to emotional intelligence and how they impact leadership and employee engagement. We will review scenarios and discuss common situations, where we can analyze the impact emotional intelligence has on the outcome. Through the presentation, you will learn about the behaviors that promote and prohibit strong team player attitudes, influence execution, and help form the culture of your organization, as well as gain insight into ways to better manage yourself and your team through self-awareness and relationship management.	
T.3.5 WORKERS' COMP	
STATE SPECIFIC SUBROGATION COAST TO COAST (PART 1 OF 2)	
Have you been having trouble understanding the nuances of a particular state’s workers’ compensation subrogation laws? Workers’ compensation subrogation is highly regulated and statutorily dependent, often with considerable variations in law across the country. For the claims professional who handles claims in multiples states, this can make daily practice confusing. We will examine the “nuts and bolts” of select jurisdictions, the elements that differentiate these states from others, and some of the important case law developments across the United States since last year’s Annual Conference. Attendees will learn the essential features of law in the states addressed from adjusters and lawyers who practice there and have an open forum for answers to state-specific questions.	



Conference Agenda

2:00 PM – 3:00 PM	CONCURRENT SESSIONS #8 (CONT.)
	<p>T.3.6 GENERAL</p> <p>MEDIATING THE SUBROGATION CASE: A PANEL DISCUSSION</p> <p>Mediation can be an excellent and cost-effective process to resolve a case and avoid the risk and expense of a trial. This presentation will include a panel discussion of attorneys and insurance subrogation professionals that will explore all aspects of the mediation process. The panel will discuss the many issues that arise when considering whether you should agree to mediate, when to mediate, where to mediate, who should participate, and the selection of a mediator. The presentation will take attendees inside the mediation room and explore how it evolves from the opening comments through the conclusion of the session.</p>
	<p>T.3.7 PRODUCT LIABILITY</p> <p>SUBROGATION CONSIDERATIONS WITH WATER-BASED FIRE PROTECTION SYSTEMS</p> <p>This presentation will demonstrate practical information regarding the operation of water-based fire protection systems and items to consider following either a fire or a water damage loss. Discussion will include an overview of applicable codes and standards relative to system design, installation and maintenance. Recommendations for documentation, the preservation of evidence, and coordination with expert resources for subrogation purposes will be provided. At the conclusion of the presentation, attendees will have adequate knowledge of water-based fire protection systems to understand general performance expectations and recognize potential anomalies which may require further analysis from an expert.</p>
	<p>T.3.8 SUBRO FUNDAMENTALS</p> <p>HOW TO COLLECT FROM UNINSURED MOTORISTS</p> <p>There are two keys for successful subrogation recoveries – time and information. There is a direct correlation between the age of the claim and its recoverability. The longer the delay, the less likely the claim will be recovered. The more information one has, the more likely they will recover the claim. Attendees will explore a number of ways to gather additional information. We will also identify important bits of information that are helpful in later recovering the claim. Websites will be offered that can be very helpful to the subrogation professional. Finally, suggestions will be provided to improve on both of these key elements.</p>
3:00 PM – 3:15 PM	MOVEMENT BREAK

3:15 PM – 4:00 PM	CONCURRENT SESSIONS #9
	<p>T.4.1 AUTO</p> <p>ARBITRATION SOLUTIONS FOR RIDE-HAIL VEHICLE DISPUTES</p> <p>Transportation network company (TNC) applications and the utilization of personal and commercial vehicles for ride-hailing services are fast becoming commonplace on the roadways, ultimately leading to automobile accidents that potentially involve coverage claims being sought from multiple insurance policies. The intricacies created by the differences in policy applications and exclusionary wording opens up the possibilities of intercompany disputes involving liability, damages and the priority of coverage. Discussing the different dispute types and learning to choose the correct arbitration program to pursue one’s recovery efforts can ultimately assist participants in maximizing their resolution opportunities.</p>
	<p>T.4.2 PROPERTY</p> <p>DENIED! HOW TO WORK AROUND THE “YOUR WORK” EXCLUSION TO TURN A DENIAL LETTER INTO A RECOVERY</p> <p>You submit a claim to an at-fault party’s insurer but instead of a check, you only receive a denial letter on the basis of the “Your Work” exclusion. Now what? This presentation will discuss the original public policies behind the “Your Work” exclusion in commercial general liability policies and how to re-frame those policies to establish coverage. Updates in interpretations and applications will also be discussed. Finally, the presentation will discuss potential exceptions to the exclusion, ways to argue the exclusion is inapplicable, and advice for insurance adjusters when discussing policies and coverage with their insureds.</p>
	<p>T.4.3 HEALTH</p> <p>COMPASS FOR SUBROGATION PROFESSIONALS: NAVIGATING MEDICAL FRAUD INVESTIGATIONS</p> <p>What is medical fraud? Do you know how to locate it in your case files? Join us as we channel the high seas of medical fraud investigations with a strategic compass! Understand what components in medical data, records, examination under oath, and depositions are important. Come along as we examine notable legal developments in medical fraud schemes and the underlying laws and regulations regarding medical fraud enforcement. Master how to use your compass to recover money for insurers affected by medical fraud. Subrogation professionals will leave equipped with the proper tools to navigate through medical fraud investigations!</p>



Conference Agenda

3:15 PM – 4:00 PM CONCURRENT SESSIONS #9 (CONT.)	
T.4.4 MANAGEMENT	
ANALYTICS AND METRICS IN SUBROGATION	
<p>The use of metrics and analytics to analyze performance and predict future outcomes is growing astronomically throughout the business world. Major League Baseball organizations employ several people, whose sole job is to apply metrics and analytics to team and individual performance. These concepts can be applied and utilized by our subrogation teams to grade past performance as well as predict future outcomes, while also increasing efficiency. Successful subrogation involves contribution from each team member, including insurer representative, first party adjuster, expert, and counsel. Effective use of metrics and analytics can improve our analysis and ultimately increase the efficiency of our subrogation teams. The presentation will utilize several case studies which highlight the factors which are considered within the metrics and analytics analysis.</p>	
T.4.5 WORKERS' COMP	
STATE SPECIFIC SUBROGATION COAST TO COAST (PART 2 OF 2)	
<p>Have you been having trouble understanding the nuances of a particular state's workers' compensation subrogation laws? Workers' compensation subrogation is highly regulated and statutorily dependent, often with considerable variations in law across the country. For the claims professional who handles claims in multiples states, this can make daily practice confusing. We will examine the “nuts and bolts” of select jurisdictions, the elements that differentiate these states from others, and some of the important case law developments across the United States since last year's Annual Conference. Attendees will learn the essential features of law in the states addressed from adjusters and lawyers who practice there and have an open forum for answers to state-specific questions.</p>	
T.4.6 GENERAL	
SMALL CLAIMS, BIG DOLLARS	
<p>We all have a “problem” file, or likely problem files. Some people call them “dog” files. Some dog files are bad because of poor investigation on the front end or the file is not big enough to do a proper investigation but it too big to close outright. Dog files should not monopolize your time. We will be your dog file whisperers and offer fresh tips on taming your dog files and getting them out of the pound. We will also offer fresh tips on evaluating, investigating, and resolving your dog files. This is a great session for those who handle a very large case load and do not have time to chase dogs off your lawn!</p>	

3:15 PM – 4:00 PM CONCURRENT SESSIONS #9 (CONT.)	
T.4.7 PRODUCT LIABILITY	
SUBROGATION CLAIMS IN LOSSES INVOLVING ROOF-MOUNTED SOLAR PANELS	
<p>Placing solar arrays on roofs may pose potential risks of fire, roof collapse, business interruption, or water intrusion. As there is currently no uniform structural standard in North America to provide guidance for the structural design, installation and maintenance of solar panels, the risks vary case by case depending on the project characteristics. This presentation aims to scrutinize the environmental risks of roof-mounted solar panels particularly when added onto roofs of existing buildings. The lessons learned from forensic investigations will be discussed. Liability of owners, designers, insurers, and installers are briefly analyzed, and subrogation claims opportunities will be reviewed.</p>	
T.4.8 SUBRO FUNDAMENTALS	
HOW NFPA 921 AND NFPA 1033 CAN MAKE OR BREAK YOUR FIRE LOSS SUBROGATION CLAIM	
<p>NFPA 1033 establishes minimum standards for fire investigators. NFPA 921 is a guide for fire investigations. The speakers will outline the industry required qualifications for origin and cause investigators and the ramifications of using a fire investigator that does not meet the minimum requirements – a Daubert challenge. Equally important, the speakers will review NFPA 921 provisions that subrogation professionals can use to strengthen their claims, provisions that can and will be used by the adverse party to defeat an otherwise valid claim, and provide practice pointers for using the publication to increase the value of a litigated matter.</p>	
4:00 PM – 5:30 PM	NETWORKING RECEPTION IN EXHIBIT HALL
4:45 PM	EXHIBITORS' DOOR PRIZE DRAWING



Conference Agenda

Wednesday, October 30, 2019

8:30 AM – 9:30 AM

NASP ANNUAL MEETING / CONTINENTAL BREAKFAST

Join us for the NASP Annual Meeting and Continental Breakfast.

9:30 AM – 11:30 AM

NASP/IAAI PARTNERSHIP PRESENTATION: FIRE SCENE HEALTH AND SAFETY CONSIDERATIONS IN THE POST-FIRE ENVIRONMENT

The International Association of Arson Investigators (IAAI) has undertaken an initiative to change the health and safety culture of all who enter post-extinguishment fire scenes. As we continue to learn about the many adverse health effects of the toxic gases, vapors and particulates that persist at these scenes after the fire is out, it becomes increasingly necessary to adequately protect ourselves from the chronic effects of the many cancer-causing agents present. Highly relevant to anyone who spends time in this environment, this presentation, based on the IAAI's ongoing research and groundbreaking best practices white paper, will address the many changes at today's fire scenes, the latest research findings in this area, and the mitigation actions and methodologies that should be used.





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