

REGISTRATION BROCHURE

NOVEMBER 8-10th, 2021

REMEMBER THE SUBRO



★ OVER 70
EDUCATIONAL
SESSIONS

★ CLE/CE
CREDITS

ALAMO +

VIRTUAL
CONFERENCE



WELCOME LETTER

WE ARE SO EXCITED

you will be joining us at the 23rd NASP Annual Conference in November! While we always prefer to see everyone in person, we have some great things planned for this year's virtual event, and it will be another great conference!

This year the conference has been extended to three days to give everyone time to network and to keep the days a bit shorter. The three days will be filled with insightful sessions, fun activities, and networking.

We have two wonderful keynote speakers secured. Dr. Tim Crowley, a sought-after motivational speaker, will speak on "The Power of Positive Leadership: How Grit, Grace, and Gratitude Can Help You Go From Surviving to Thriving", and Ryan Leak will be back (based on popular demand) and will share insights on "Diversity, Equity, and Inclusion."

More than 100 industry experts are lined up to speak on a variety of topics in the Auto, General, Health, Management, Property, Product Liability, Subro Fundamentals, Workers' Compensation tracks. There are many fun activities planned throughout the event, like a Poker Tournament, Jeopardy, Dueling Pianos, and Cooking with Carl.

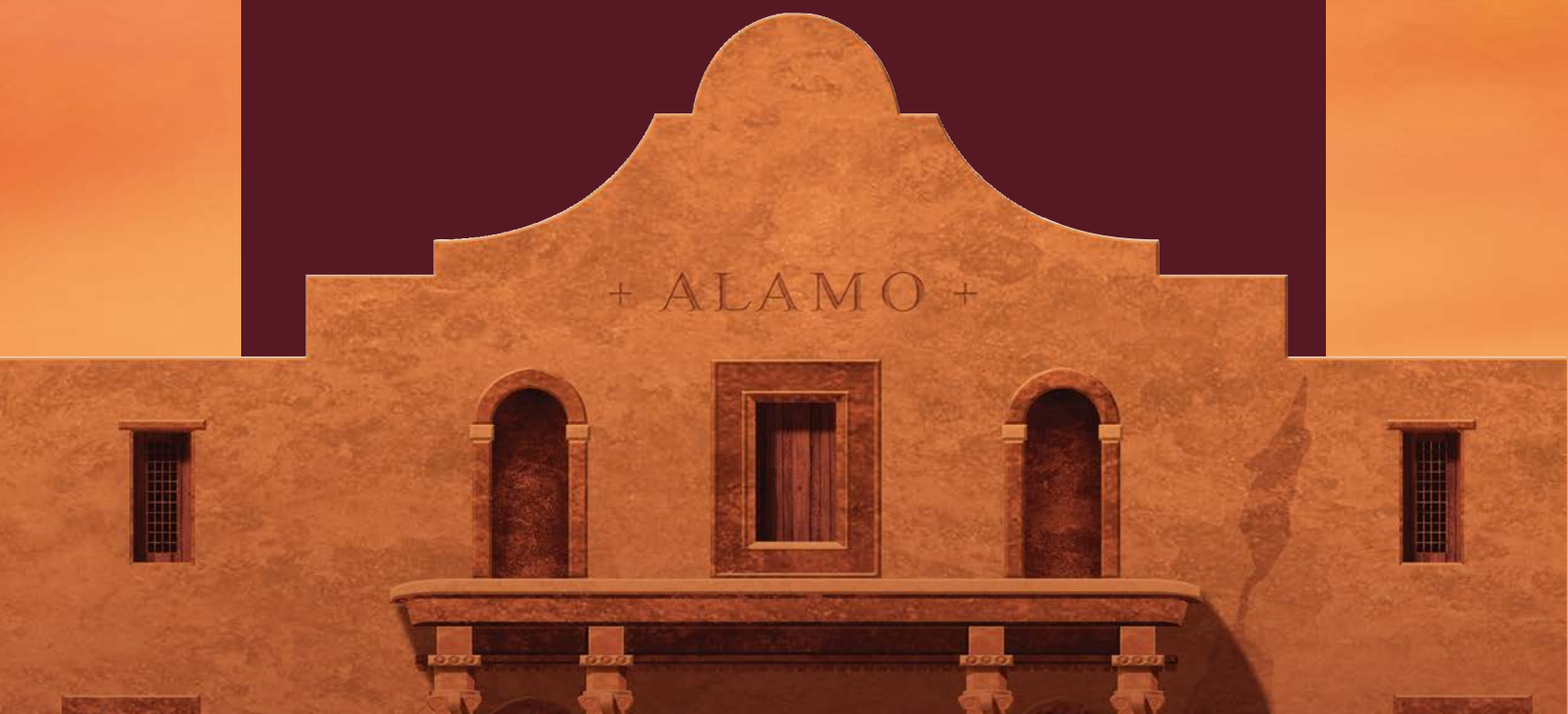
Awesome networking opportunities are available when you visit the virtual exhibit hall and interact with all the great sponsors. This year there will also be Solution Provider Networking Sessions where sponsors can share more about the valuable resources they have to offer while allowing everyone an opportunity to socialize together.

It will be a full and insightful conference, and we are so excited that you will be a part of it!

For more information about this year's virtual NASP Annual Conference please visit subrogation.org. We can't wait to connect with everyone November 8-10. See you soon!

SARAH POWELL & ZACH JETT

Conference Co-Chairs



REGISTRATION AND EXHIBITOR INFORMATION

REGISTRATION

INCLUDES ALL EDUCATIONAL SESSIONS AND FREE CLE OR CE.

MEMBER: \$750 | NON MEMBER: \$1,225

RESERVE A VIRTUAL BOOTH

\$3,800 INVESTMENT INCLUDES:

- **SPECIFICALLY-BRANDED BOOTHS** with virtual touchpoints, including, but not limited to, your company logo, website information, handouts/marketing collateral
- **RECORDED SOLUTION PROVIDER NETWORKING SESSIONS/PRESENTATIONS** where attendees interact with exhibitors live in a larger setting (upwards of hundreds of registrants)
 - Each exhibitor who reserved a 10x10 booth will receive a 30-minute space. Any exhibitor who reserved two booths will receive 60 minutes. Any exhibitor who reserved three booths will receive 90 minutes, and so on.
 - NASP will be adding a disclaimer to each session so the attendee acknowledges his/her information will be shared with the exhibitor prior to entering the session.
- **EXHIBITOR COMMERCIALS** which will run throughout the educational sessions
 - All exhibitors who have previously created commercials with NASP's production team will have those same commercials looped into the show. Any new exhibitors – or any exhibitors who haven't yet created a commercial - will have the opportunity to develop a commercial with NASP's production team. (All exhibitors with a current commercial will have the option to "refresh" their commercial at their expense if they so choose.)
- **SOLUTION PROVIDER "Speed Dating"**
 - Exhibitors will be assigned a networking table of 6-8 people. Attendees will have the ability to stop by your "table" to talk one-on-one with you and your colleagues in an intimate setting. Exhibitors will know exactly who is there, see them, and be able to answer questions they may have about your services. If one of the registrants exits your table, another attendee from your waitlist will be able to join.
- **SESSION ANALYTICS** from Solution Provider Networking Session/s and "Speed Dating" Session
- **FULL-CONFERENCE REGISTRATION**
- **CONFERENCE DASHBOARD** page marketing
- **PRE-CONFERENCE** attendee mailing list
- **POST-CONFERENCE** attendee mailing list
- **PRIORITY BOOTH SELECTION POINTS**

NASP's 2021 Annual Conference virtual platform will also remain open for 30 days so conference attendees will have the ability to still reach you after the show.

REGISTRATION AND EXHIBITOR INFORMATION

FREE CONTINUING LEGAL EDUCATION (CLE) CREDITS AND CONTINUING EDUCATION (CE) CREDITS FOR ADJUSTERS

In order to achieve credits, attendees must participate in each session they attend by answering all polling questions.

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

ATTENDEE CANCELLATIONS

Cancellations are not eligible for a monetary refund. However, substitutions of an attendee may be done at any time up to 24 hours prior to the conference at NO CHARGE.

NOTE: Credits are nontransferable.

EXHIBITOR CANCELLATIONS

BY RESERVING A BOOTH, YOU AGREE TO THE FOLLOWING CANCELLATION POLICY:

If written notification is received on or before January 1, 2021, exhibitor will receive a refund of all fees, less a \$150 cancellation fee. If written cancellation notification is received on or before February 1, 2021, exhibitor will receive a 50% refund. All cancellations and/or no shows after February 2, 2021 are not eligible for a refund. Due to the Global Pandemic, exhibitors who have paid in 2021 may request a non-transferrable credit on their account, which must be used by December 31, 2021.

ATTENDEE LIST

Attendee List will be provided to all attendees after the conference along with a post-conference survey.

BECOME A NASP MEMBER AND \$AVE

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. For more information email info@subrogation.org or call 1-800-574-9961.

ENTERTAINMENT

***ALL TIMES ARE CENTRAL TIME**

VIRTUAL POKER TOURNAMENT

MONDAY, NOVEMBER 8TH, 4:30 PM – 6:00 PM



Join us in a private virtual poker tournament! Free attendee participation, but real cash prizes. You will be able to see your table mates and figure out if they are bluffing. Better work on your poker face. Just like in a live game, our tournament comes with a real dealer. They make sure that you have a positive experience and will help with any technical issues. They won't tell how to play your pocket Aces though. That's your choice.

CLAIMS COOKING WITH CARL (WINE PAIRING)

MONDAY, NOVEMBER 8TH, 4:30 PM – 6:00 PM

In this session, Carl Van, ITP, President & CEO of International Insurance Institute, and author of *The Claims Cookbook*, will present thoughts and suggestions for wine pairing for various dishes.

When choosing the perfect wine, some basic questions are:

1. What is the dominant flavor element in the dish, and what wine would enhance it?
2. What is the weight and intensity of the dish, and what wine would match it?
3. Are any of the four basic tastes (bitter, sour, sweet, salty) prominent? If so, which type of wine will adapt well to it?

With the help of Ray Gumpert, General Manager and Head Sommelier at Emeril's Restaurant in New Orleans, Carl will answer these questions and provide detail on five common wine pairing tips.

1. Trust your own palate
2. Choose food friendly wines
3. Experiment, then decide
4. Tannin and protein
5. Wines for dessert.



JEOPARDY

TUESDAY, NOVEMBER 9TH, 4:30 PM – 6:00 PM

In this virtual event, you'll answer a selection of Jeopardy!® questions from the comfort of your home. The online game follows the classic rules and all the fun of America's Favorite Quiz Show® with rounds for JEOPARDY!, Double JEOPARDY!, and Final JEOPARDY! plus "Daily Doubles".

DUELING PIANOS

TUESDAY, NOVEMBER 9TH, 4:30 PM – 6:00 PM

Seated at opposing baby grand pianos, they sing and play a wide variety of hits from the 1950s through today. A dueling piano show is not a concert. They take requests from the audience, and encourage singing and participation; their show is filled with interaction, comedic timing, and "unscripted" freedom, which leads to an unforgettable event!



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PRODUCT LIABILITY

Chris Konzelmann & Cheri MacArthur

PROPERTY

Mike Wallace & Sally Noma

SUBRO FUNDAMENTALS

Adrienne Gross & Joe Palumbo

WORKERS' COMPENSATION

Rob Caplan & Victoria Phillips

SESSIONS BY TRACK

MONDAY, NOVEMBER 8, 2021



AUTO

- M.1.1 Medical and Vehicle Property Claim Challenges to Fill a Ten-Gallon Hat...and How to Texas Two-Step Around 'Em
- M.2.1 The Secret Ingredient - Subrogating Work Comp Claims in the Era of Social Media and New Technologies: Recommendations From Forensic Experts (Combined w/ Workers' Comp)
- M.3.1 Subrogation for Automobile Accidents Across Canada



PROPERTY

- M.1.2 Roof Collapse - Causes, Modern Investigation Techniques and Technology, and Preservation of Subrogation Opportunities
- M.2.2 The Great Texas Freeze Claim of 2021 and Subrogation (Part 1)
- M.3.2 The Great Texas Freeze Claim of 2021 and Subrogation (Part 2)



HEALTH

- M.1.3 Twists and Turns of Subrogating Medical Device Failures: When, How, and Why of Forensic Investigation (Combined w/ Workers' Comp)
- M.2.3 Ongoing Legal Battles in Healthcare Subrogation
- M.3.3 Case Study: The Intersection Of Group Health Insurance and Workers' Compensation



MANAGEMENT

- M.1.4 Subro College Management – Part 1
- M.2.4 Subro College Management – Part 2
- M.3.4 Subro College Management – Part 3



WORKERS' COMP

- M.1.5 Twists and Turns of Subrogating Medical Device Failures: When, How, and Why of Forensic Investigation (Combined w/ Health)
- M.2.5 The Secret Ingredient - Subrogating Work Comp Claims in the Era of Social Media and New Technologies: Recommendations From Forensic Experts (Combined w/ Auto)
- M.3.5 Using Digital Evidence in Subrogation Efforts



GENERAL

- M.1.6 A Thin Line Between Love and Hate —When is There Money in Your Subro Case?
- M.2.6 Remote Subrogation: The Effects of the Pandemic on How We Pursue Subrogation Claims (Part 1)
- M.3.6 Remote Subrogation: The Effects of the Pandemic on How We Pursue Subrogation Claims (Part 2)

SESSIONS BY TRACK

MONDAY, NOVEMBER 8, 2021 (CONT.)



PRODUCT LIABILITY

- M.1.7 Pursuing Overseas Product Manufacturers and Suppliers
- M.2.7 Handling Appliance Claims Involving Water Losses Against Appliance Manufacturers
- M.3.7 Subrogation Arising From Online Transactions



SUBRO FUNDAMENTALS

- M.1.8 Remember the Insured: Considerations for Working with the Insured to Advance Your Subro Claim
- M.2.8 Ropin' Large Loss Fires: Maximize Value, Manage Costs, and Win the Subro Rodeo!
- M.3.8 Subrogation Pitfalls



TUESDAY, NOVEMBER 9, 2021



AUTO

- T.1.1 Will Pesky Rodents Gnaw Away at Your Subrogation Claim?
- T.2.1 Fender Benders and Side Impact Offenders
- T.3.1 Investigating and Preserving Auto Claims



PROPERTY

- T.1.2 No Cause, No Problem – Spread ‘Em
- T.2.2 Industrial Plant Fire: Did the Fire Protection System Work? (Part 1)
- T.3.2 Industrial Plant Fire: No, It Didn't...Now What? (Part 2)



HEALTH

- T.1.3 Medicare Updates: Prepare to Get PAID
- T.2.3 Subrogation Quarantine Fitness: Cues on How a Health Plan May Exercise its Subrogation Rights and Maximize Recoveries during the COVID-19 Pandemic
- T.3.3 From the Alamo Loss to San Jacinto Victory: Case Studies From the Worst Health Recovery Files to the Best, and Lessons Learned in Between



MANAGEMENT

- T.1.4 Can We Talk? A Diversity and Inclusion Discussion
- T.2.4 Leadership During a Crisis: Lessons Learned from the COVID-19 Pandemic (Part 1)
- T.3.4 Leadership During a Crisis: Lessons Learned from the COVID-19 Pandemic (Part 2)



WORKERS' COMP

- T.1.5 Ethical Pitfalls in Workers' Compensation Settlements
- T.2.5 State Specific Subrogation Coast to Coast (Part 1)
- T.3.5 State Specific Subrogation Coast to Coast (Part 2)

SESSIONS BY TRACK

TUESDAY, NOVEMBER 9, 2021 (CONT.)



GENERAL

- T.1.6 Hack Attack – Subrogating Data Breaches, Cyber Attacks, and Other Tech Losses
- T.2.6 The Good, The Bad, and The Ugly - Attorney Perspectives on Effective and Ineffective Expert Support
- T.3.6 Tales of Arbitration...Untold Stories of Uncommon Disputes



PRODUCT LIABILITY

- T.1.7 Don't You Recall? Understanding CPSC's Recall Process, How to Use Evidence of a Recall to Advance Your Case, and Recent Top Recalls
- T.2.7 Subrogation Against Amazon for Defective Products (Part 1)
- T.3.7 Subrogation Against Amazon for Defective Products (Part 2)



SUBRO FUNDAMENTALS

- T.1.8 Subrogation From the Defense Perspective
- T.2.8 Battling Back Against the Implied Co-Insured Doctrine
- T.3.8 How Building Code Whisperers Can Help

WEDNESDAY, NOVEMBER 10, 2021



AUTO

- W.1.1 Implications of Advances in Event Data Recorders for Low-Severity Impact Cases
- W.2.1 Medicare Secondary Payer and Treasury Offset Program – Ways To Avoid Your Subrogation Dollars Being Offset By The Government
- W.3.1 SR-22 Subrogation



PROPERTY

- W.1.2 Post-Fire Commercial Cooking Line Fire Investigation
- W.2.2 Love Thy Neighbor?
- W.3.2 Hitting Where it Hurts: Winning Cases in the Most Important, Least Appreciated State – Discovery



HEALTH

- W.1.3 Remember the Med Pay Subro! Emerging Trends in Medical Payments Subrogation
- W.2.3 No Session at this Time
- W.3.3 Healthcare Reform: New System Under A New Administration?



MANAGEMENT

- W.1.4 Benchmarking
- W.2.4 Subro with Sarah
- W.3.4 How to Attract and Identify A Great Subrogation Specialist

SESSIONS BY TRACK

WEDNESDAY, NOVEMBER 10, 2021 (CONT.)



WORKERS' COMP

- W.1.5 Location, Location, Location! The Importance of Establishing Jurisdiction and Venue in Workers' Compensation Subrogation Cases
- W.2.5 Waivers of Subrogation: Workers' Compensation
- W.3.5 Where Am I and How Did I Get Here? Determining Which State Law Applies to Your Workers' Compensation Subrogation Recovery



GENERAL

- W.1.6 Data and Analytics-Driven Subrogation Recovery
- W.2.6 Five Steps to Building Stronger Carrier-Service Provider Bonds
- W.3.6 Arbitration Awards: To Confirm or Vacate? That is the Question



PRODUCT LIABILITY

- W.1.7 Don't Let Your Subro Go "Up in Smoke" – Examining Common Lighting Failure Modes of Today's Marijuana Grow Facilities
- W.2.7 Generator Losses: There's Copper in Them Windings
- W.3.7 The Dog Did It – Developing a Products Case from Inadvertent Stove Activations



SUBRO FUNDAMENTALS

- W.1.8 Ethics and Subrogation
- W.2.8 Negotiations
- W.3.8 No Session at this Time

*National Association of Subrogation Professionals
2022 Spring Conference*

*Save The
Date!* ✓

NASP

***SUBRO LEADERSHIP-
TOGETHER TOWARDS
TOMORROW***

Tuscon, AZ

March 17-18, 2022

*J.W. Marriott
Starr Pass Resort*

CONFERENCE AGENDA

***ALL TIMES ARE CENTRAL TIME**

MONDAY, NOVEMBER 8, 2021

8:30 AM – 9:30 AM

GENERAL SESSION

KEYNOTE PRESENTATION:

THE POWER OF POSITIVE LEADERSHIP: HOW GRIT, GRACE, & GRATITUDE CAN HELP YOU TO GO FROM SURVIVING TO THRIVING!

In this world of uncertainty, ambiguity, and unprecedented change, how do leaders improve their daily lives and the lives of those they serve? The answers can be found in the concepts of “Grit, Grace, and Gratitude.” These principles come from strength-based psychology and encourage people to build these mindsets to increase hope, optimism, and success.

While we know it’s helpful to stay calm, positive, and optimistic in times of constant change, it’s easier said than done. This dynamic keynote will explore how Grit, Grace, and Gratitude can give us exactly what we need not just to survive but to thrive in these uncertain times. Learn how to put these concepts into daily life and you’ll find yourself more innovative in your work, more caring in your relationships and more successful in your life!



DR. TIM CROWLEY is the eleventh of thirteen children born into an average size Catholic family in northwest Iowa. He earned a doctoral degree in Psychology and trained extensively at the world famous Menninger Clinic. His passion is to share inspiring, transformative, and actionable messages

to awaken audiences to the amazing possibilities that exist in every workplace, every home, and every life.

His talks are based on his experiences as a college professor, psychologist, leadership expert, business owner and most importantly a loving husband, awesome father and loyal friend. Missouri has been his home for the past 30 years.

He has made over 1850 motivational presentations to more than 1.5 million attendees at local, state, national and international conferences. His talks have touched the lives of leaders in some of the most recognizable companies in the world. Including AT&T, Blue Cross Blue Shield, Ernst & Young, Hallmark, Johnson & Johnson, Lockheed Martin, Marriott, Microsoft, Nestle-Purina, along with numerous organizations, universities, state and federal agencies.

Dr. Tim lives by the motto: “Enjoy Life – It’s Not a Dress Rehearsal!” He believes every single one of us is here for a reason, a purpose, and a mission. He encourages us all to build a beautiful life for ourselves and those we love. But above all, stand for something bigger than yourself. Be of use, be significant, and be of service to others.

9:30 AM – 10:30 AM

10:30 AM – 11:00 AM

SOLUTION PROVIDER NETWORKING SESSION 1

11:00 AM – 12:00 PM

CONCURRENT SESSIONS #1

M.1.1 AUTO

MEDICAL AND VEHICLE PROPERTY CLAIM CHALLENGES TO FILL A TEN-GALLON HAT...AND HOW TO TEXAS TWO-STEP AROUND 'EM

Kyle Demers, Mark Demian

This presentation will illustrate and suggest strategies to help confront problematic claim and legal challenges when handling medical payment and motor vehicle property claims. We'll analyze the "who, when, and why" in covering Med Pay and its effect on subrogation. For property claims, we'll provide ways to maximize recovery on total loss vehicles and explore the difficulties recovering an insured's out-of-pocket claims in pro-rata litigation. Finally, we'll discuss how to approach recovery in a conflicts of law situation where an insured is involved in a loss outside their resident state. Now get those boots on...

M.1.2 PROPERTY

ROOF COLLAPSE – CAUSES, MODERN INVESTIGATION TECHNIQUES AND TECHNOLOGY, AND PRESERVATION OF SUBROGATION OPPORTUNITIES

Justin Grammer, Sean Ravenel

This session will educate participants on the origins and causes of roof collapses and how to spot, and preserve, subrogation opportunities. The session will detail how roof collapses are investigated, including examples of how technology can aid in those investigations. It includes a case study that provides an example of a roof collapse and the many factors that contributed. Participants in this session will learn the methodology for conducting an inspection, with an emphasis on the use of technology to assist with the process, in order to determine the likely cause of a roof collapse and to identify subrogation targets.

M.1.3 HEALTH

TWISTS AND TURNS OF SUBROGATING MEDICAL DEVICE FAILURES: WHEN, HOW, AND WHY OF FORENSIC INVESTIGATION (COMBINED W/ WORKERS' COMP)

Richard Baratta

With more than a 70 percent increase in the number of claims, medical device failures are becoming an industry crisis; the next tug-of-war is between insurance and manufacturers of medical devices. Medical devices, ranging from orthopedic prostheses implanted in the human body to imaging devices in hospitals, can fail. Faulty medical devices not only endanger patient lives, but also may lead to the death of an organization. Investigation of medical device failures is a highly specialized process, potentially involving circumstances such as deficiency in the design or manufacturing process, installation or maintenance or even misuse or abuse by patients.

M.1.4 MANAGEMENT

SUBRO COLLEGE MANAGEMENT – PART 1

John Foster

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."

CONFERENCE AGENDA

***ALL TIMES ARE CENTRAL TIME**

11:00 AM – 12:00 PM

CONCURRENT SESSIONS #1 (CONT.)

M.1.5 WORKERS' COMP

TWISTS AND TURNS OF SUBROGATING MEDICAL DEVICE FAILURES: WHEN, HOW, AND WHY OF FORENSIC INVESTIGATION (COMBINED W/ HEALTH)

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M.1.6 GENERAL

A THIN LINE BETWEEN LOVE AND HATE – WHEN IS THERE MONEY IN YOUR SUBRO CASE?

David Brisco, Kris Cherevas, Shawn McCullough, Dana Meyers

One of the marks of a successful subrogation professional is knowing that line between a case being a closer and having recovery potential. In this fun and interactive presentation, we will help the audience better understand how to determine whether the challenging claims have recovery potential or are in fact closers. This panel of presenters will walk the audience through challenging claims case examples, allowing the audience to then weigh in on whether the case was a closer or had a recovery. In between case examples we will provide important rules and guidelines to help subrogation specialists determine if the case has the potential for a recovery.

M.1.7 PRODUCT LIABILITY

PURSUING OVERSEAS PRODUCT MANUFACTURERS AND SUPPLIERS

Richard Boyd, Ken Levine

The proliferation of direct product sales from other countries has created difficult legal and practical challenges. This presentation will focus on what recovery professionals should know and consider when faced with the prospect of pursuing foreign sellers. The topics to be covered will include: properly identifying and notifying the right defendants; motivating them to participate in initial site inspections and evidence exams; determining which parties provide the greatest and most efficient opportunity for recovery success; jurisdictional and venue challenges; and the costs and likely roadblocks to be encountered along the way.

M.1.8 SUBRO FUNDAMENTALS

REMEMBER THE INSURED: CONSIDERATIONS FOR WORKING WITH THE INSURED TO ADVANCE YOUR SUBRO CLAIM

Emilie Kaplan, Leon Steinfeld, Steven Thompson

Remember the Insured! Appropriate coordination with an insured facilitates a favorable subrogation recovery. This presentation will identify and discuss practical, ethical, and legal issues which frequently arise when working with an insured to advance a subrogation claim, such as uncooperative Insureds, uninsured losses, in whose name to file suit, JPA's, made whole states, discovery compliance, and insureds with unrealistic expectations. Attendees will learn proven strategies and best practices for addressing these issues and how to avoid pitfalls which can unnecessarily compromise or complicate a subrogation recovery.

12:00 PM – 12:30 PM

TAKE A BREAK

12:30 PM – 1:30 PM

LUNCH AND LEARN
TOPIC TO BE ANNOUNCED

1:30 PM – 2:00 PM

SOLUTION PROVIDER NETWORKING SESSION 2

2:00 PM – 3:00 PM

CONCURRENT SESSIONS #2

M.2.1 AUTO

THE SECRET INGREDIENT – SUBROGATING WORK COMP CLAIMS IN THE ERA OF SOCIAL MEDIA AND NEW TECHNOLOGIES: RECOMMENDATIONS FROM FORENSIC EXPERTS (COMBINED W/ WORKERS' COMP)

Marzieh Ardestani

In this session, we will first discuss the importance of early investigation, and the impact of evidence on subrogation. Second, we will discuss how forensic experts shape the technical foundation for subrogation or investigation of fraudulent claims. There will be sections devoted to discussing the scientific techniques used by experts to understand the nature of an incident and investigate the consistency of the injuries with the alleged accident. Finally, we will present numerous cases to demonstrate how forensic investigations have unraveled subrogation claims. Attendees will gain an understanding of how to plan their investigation and to retain a forensic expert.

M.2.2 PROPERTY

THE GREAT TEXAS FREEZE CLAIM OF 2021 AND SUBROGATION (PART 1)

Mark Grotefeld, Steve Halbeisen, Hobie Hind, Kevin Smith

In mid-February 2021 the state of Texas suffered what will eventually go down as one of the most costly catastrophic loss events in history. And we all know by now, when something like this happens, the subrogation industry steps up. This presentation will explore how the energy distribution marketplace functions, how it failed during 72+ hours in February, 2021, and how the subrogation process might work moving forward. We will examine (1) how energy distribution in Texas works, (2) what went wrong, (3) who the targets of recovery will likely be, and (4) using wildfire litigation as a template, what litigation might look like over the next several years.

M.2.3 HEALTH

ONGOING LEGAL BATTLES IN HEALTHCARE SUBROGATION

John Kolb

Over the past 20 years, many legal battles have been fought in the effort to preserve the recovery rights of health plans. Even today, our opponents continue to mount offensives in an effort chip away at the subrogation industry. In this session, we will explore the new tactics being employed against health plans and the strategies plans are using to fight back. In many instances, we will hear directly from the litigators who are fighting these battles on the front lines.

M.2.4 MANAGEMENT

SUBRO COLLEGE MANAGEMENT – PART 2

John Foster

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. By 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!"

CONFERENCE AGENDA

***ALL TIMES ARE CENTRAL TIME**

2:00 PM – 3:00 PM

CONCURRENT SESSIONS #2 (CONT.)

M.2.5 WORKERS' COMP

THE SECRET INGREDIENT – SUBROGATING WORK COMP CLAIMS IN THE ERA OF SOCIAL MEDIA AND NEW TECHNOLOGIES: RECOMMENDATIONS FROM FORENSIC EXPERTS (COMBINED W/ AUTO)

Marzieh Ardestani

In this session we will first discuss the importance of early investigation, and the impact of evidence on subrogation. Second, we will discuss how forensic experts shape the technical foundation for subrogation or investigation of fraudulent claims. There will be sections devoted to discussing the scientific techniques used by experts to understand the nature of an incident and investigate the consistency of the injuries with the alleged accident. Finally, we will present numerous cases to demonstrate how forensic investigations have unraveled subrogation claims. Attendees will gain an understanding of how to plan their investigation and to retain a forensic expert.

M.2.6 GENERAL

REMOTE SUBROGATION: THE EFFECTS OF THE PANDEMIC ON HOW WE PURSUE SUBROGATION CLAIMS (PART 1)

Joe Rich, Collin Seguin, Steve Winning, Jason Wright

The last year has presented us with many challenges and changes within the subrogation landscape. The question remains - what will change as we move forward post pandemic, and what will remain the same? Our subrogation teams have learned to operate efficiently via the discovery of remote tools such as Zoom and Microsoft Teams; it stands to reason these tools will be with us as we move forward. The requirement to become “tech savvy” is one that the panel will review and discuss its impact on the various members of our subrogation teams. There will also be discussion regarding the pros and cons of remote depositions. Further, everyone’s favorite part of the case, mediation, has changed. Moving forward, will insurer and client representatives continue to participate remotely - and if so, will that have a positive, negative, or neutral affect on our success rate at the mediation table? The general consensus amongst the subrogation industry seems to be that the keys to past success will remain the same - teamwork, efficient communication, and aggressive pursuit of recovery dollars!

M.2.7 PRODUCT LIABILITY

HANDLING APPLIANCE CLAIMS INVOLVING WATER LOSSES AGAINST APPLIANCE MANUFACTURERS

Arielle Aikens, Mark O'Hara

Subrogation potential for property damage caused by water loss from household appliances is frequently overlooked by field adjusters due to age, wear and tear and user error. You will learn how to identify which common failures have subrogation potential when properly identified early in the adjustment process and how to process them accordingly. We will examine the common failures and explain the steps to take for each one to process a subrogation claim in an efficient and cost-effective manner no matter how large or small the loss. Appliances will include dishwashers, washing machines, refrigerators, and icemakers, among others.

2:00 PM – 3:00 PM

CONCURRENT SESSIONS #2 (CONT.)

M.2.8 SUBRO FUNDAMENTALS

ROPIN' LARGE LOSS FIRES: MAXIMIZE VALUE, MANAGE COSTS, AND WIN THE SUBRO RODEO!

Ulises Castellon, Sally Noma

Large fire losses involving death/injury, direct property damage, or loss of use requires that coordination among many professionals of varying interests be maintained and managed. Large-loss fire case studies illustrates the tactical benefits and cost savings that can be realized by subrogation claims professionals. This presentation will explain how to efficiently execute a large- loss scene investigation. We will discuss what aspects of an investigation can be delegated, questions to ask your investigators and attorneys, and how to gather all information needed. This presentation will leave attendees confident in their leadership abilities to take decisive action managing large-loss situations.

3:00 PM – 3:15 PM

MOVEMENT BREAK

3:15 PM – 4:00 PM

CONCURRENT SESSIONS #3

M.3.1 AUTO

SUBROGATION FOR AUTOMOBILE ACCIDENTS ACROSS CANADA

Franco Cabanos, Adam Grant

This session will review the various Canadian legal regimes which govern subrogation for damage to vehicles and contents, damage to cargo, and medical benefits, where the losses arise from automobile accidents. Each province and territory has very specific restrictions, which will be discussed and compared.

M.3.2 PROPERTY

THE GREAT TEXAS FREEZE CLAIM OF 2021 AND SUBROGATION (PART 2)

Mark Grotefeld, Steve Halbeisen, Hobie Hind, Kevin Smith

In mid-February 2021 the state of Texas suffered what will eventually go down as one of the most costly catastrophic loss events in history. And we all know by now , when something like this happens, the subrogation industry steps up. This presentation will explore how the energy distribution marketplace functions, how it failed during 72+ hours in February, 2021, and how the subrogation process might work moving forward. We will examine (1) how energy distribution in Texas works, (2) what went wrong, (3) who the targets of recovery will likely be, and (4) using wildfire litigation as a template, what litigation might look like over the next several years.

M.3.3 HEALTH

CASE STUDY: THE INTERSECTION OF GROUP HEALTH INSURANCE AND WORKERS' COMPENSATION

Matt Falk

This presentation helps health subrogation specialists reinforce subrogation and reimbursement concepts that apply to all types of subrogation and reimbursement claims, with a special focus on basic subrogation concepts and the intersection between group health insurance and worker's compensation in the context of third party claims. Using an actual case fact pattern, we will guide subrogation specialists through an initial investigation and identifying sources of recovery, address the defenses that may be claimed by the member, consider the made whole doctrine, and discuss reimbursement actions that may be available after resolution of the underlying case.

CONFERENCE AGENDA

***ALL TIMES ARE CENTRAL TIME**

3:15 PM – 4:00 PM

CONCURRENT SESSIONS #3 (CONT.)

M.3.4 MANAGEMENT

SUBRO COLLEGE MANAGEMENT – PART 3

John Foster

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?

M.3.5 WORKERS' COMP

USING DIGITAL EVIDENCE IN SUBROGATION EFFORTS

Lars Daniel

There are calls that executives dread. An employee operating a forklift is injured on the job. While operating a company vehicle, an employee is in a serious accident. Or perhaps a claim is made after a medical operation asserting that the patient can no longer work or engage in the activities that they love. Digital forensics can be utilized in these scenarios to answer the critical questions in all of these scenarios. An examination of the forklift operator's mobile phone provides evidence that they were watching a movie when the accident occurred. The employee operating a company vehicle was making a phone call and texting during the time of the accident according to their Call Detail Records (CDRs). Social media evidence from Facebook and Instagram is recovered showing the patient who alleges they can no longer work vacationing in Las Vegas and competing in a Spartan Race. The examination of computers, mobile phones, social media, location data, and other forms of electronically stored information allows for the surface to be peeled back on subrogation claims by examining what these custodians have actually done. Technology is our constant companion, always in our pocket, on our desk, or even mounted in our dashboard. Using real case examples, this session will show attendees how this data can be collected, analyzed, and presented, from discovery to trial and expert testimony.

M.3.6 GENERAL

REMOTE SUBROGATION: THE EFFECTS OF THE PANDEMIC ON HOW WE PURSUE SUBROGATION CLAIMS (PART 2)

Joe Rich, Collin Seguin, Steve Winning, Jason Wright

The last year has presented us with many challenges and changes within the subrogation landscape. The question remains - what will change as we move forward post pandemic, and what will remain the same? Our subrogation teams have learned to operate efficiently via the discovery of remote tools such as Zoom and Microsoft Teams; it stands to reason these tools will be with us as we move forward. The requirement to become "tech savvy" is one that the panel will review and discuss its impact on the various members of our subrogation teams. There will also be discussion regarding the pros and cons of remote depositions. Further, everyone's favorite part of the case, mediation, has changed. Moving forward, will insurer and client representatives continue to participate remotely - and if so, will that have a positive, negative, or neutral affect on our success rate at the mediation table? The general consensus amongst the subrogation industry seems to be that the keys to past success will remain the same - teamwork, efficient communication, and aggressive pursuit of recovery dollars!

3:15 PM – 4:00 PM

CONCURRENT SESSIONS #3 (CONT.)

M.3.7 PRODUCT LIABILITY

SUBROGATION ARISING FROM ONLINE TRANSACTIONS

Roland Keske

Given the ever-growing shift from brick-and-mortar purchases to online spending, subrogation professionals will have to address situations where property is damaged or persons are injured by a product purchased online. This session will focus on whether the online retailers and distributors that sold the defective products are subject to liability. Specifically, practitioners will dissect recent cases from across the United States which bear on the question of online retailers' and distributors' liability and examine what factors, circumstances and arguments may provide positive subrogation potential. The session is designed to encourage audience participation and stimulate discussion.

M.3.8 SUBRO FUNDAMENTALS

SUBROGATION PITFALLS

David Cantrell

Each year millions of dollars of recovery are lost due to failed subrogation. This session will discuss the common pitfalls and ways to prevent and overcome insufficiencies that prevent subrogation attempts. Topics include securing artifacts and scenes, selection of experts, and proper development of the case. We will also look at unique ways to identify subrogation potential from the start of the claim. Join us to learn how to avoid the pitfalls and have a successful subrogation!

4:00 PM – 4:30 PM

SOLUTION PROVIDER NETWORKING SESSION 3

4:30 PM – 6:00 PM



4:30 PM – 6:00 PM

**CLAIMS COOKING WITH CARL
(WINE PAIRING)**



CONFERENCE AGENDA

***ALL TIMES ARE CENTRAL TIME**

TUESDAY, NOVEMBER 9, 2021

9:00 AM – 10:00 AM

KEYNOTE PRESENTATION: DIVERSITY, EQUITY, AND INCLUSION



One of the major hurdles we face in and out of the office (or on or off Zoom) is that we are all constantly faced with tensions around diversity. There is a great expectation we all live with to be politically correct, and while I believe we all should be considerate with our words, the results of remaining politically correct is often silence. We just stop being honest with one another instead of giving each other the space to process.

The DEI keynote I deliver simply aims to equip people to understand diversity on a personal level long before they could ever understand diversity on a professional level. This keynote by **RYAN LEAK** will equip members with practical takeaways to be able to implement in their organizations. Only 50% of the U.S. population under the age of 18 is Caucasian. The data tells us by 2045, that will be the case for all ages. The future of our organizations is a lot more diverse whether we prefer it that way or not. In light of our future customer base and our human resources, diversity, equity, and inclusion are conversations we desperately need have a great understanding of. It can't be something that's simply on paper. It can't be something of just hiring people who are in marginalized groups. It's one thing to give a marginalized person a job. It's another thing to give them a voice of influence at a decision making table.

10:00 AM – 10:30 AM

SOLUTION PROVIDER NETWORKING SESSION 1

T.1.1 AUTO**WILL PESKY RODENTS GNAW AWAY AT YOUR SUBROGATION CLAIM?***Susan Benson, Sabrina Garcia, Tom Lepper*

Rodent claims have increased exponentially over the last 10 years, and so have insurance company payouts on those claims. This panel discussion will provide an update on the present complaints, class-actions and appeals involving soy-based wire insulation, and other green products that allure the animal kingdom under the hoods of vehicles that cause damage or fires. It will also provide guidance on how the initial claim assessment and adjustment can protect potential subrogation opportunities. Attendees will also be provided technical guidance for preliminary visual cues of rodent chews and what is required forensically to analyze and prove your case.

T.1.2 PROPERTY**NO CAUSE, NO PROBLEM – SPREAD ‘EM***Tim Anderson, Kevin Lewis, Tom Paolini, Mike Wallace*

This session will utilize case examples to discuss various spread theories to pursue when the cause of loss is undetermined. The session will address the retention of experts and costs associated with investigating spread theories. The use of codes, standards, statutes, rules and regulations to pursue your spread theories will be discussed. The session will address how to successfully deal with contractual limitations in spread cases. The session will discuss the trial of a spread theory case and admissibility of demonstrative exhibits during trial along with unique damage issues in pursuing spread theory cases and how to address the issues.

T.1.3 HEALTH**MEDICARE UPDATES: PREPARE TO GET PAID***Brian Bargender, Caroline Schiff, Ryan Woody*

After years of court rulings driving developments in Medicare payment recovery, new and largely overlooked legislation and regulations have appeared to take center stage in 2021 and beyond. Discover how new developments, and evolving threats, will reshape Medicare recovery and may even turn former adversaries into the recovery professional's newest allies.

T.1.4 MANAGEMENT**CAN WE TALK? A DIVERSITY AND INCLUSION DISCUSSION***Ryan Leak, Adrian Smoot*

As societal issues and events on topics including race, gender, orientation, and religion have grabbed national headlines, it is important to recognize the conversations they generate find their way into the work environment. This will be an open dialogue and discussion on diversity and inclusion to facilitate the sharing of experiences / points of views, as we seek to identify the next steps for leaders and organizations.

T.1.5 WORKERS' COMP**ETHICAL PITFALLS IN WORKERS' COMPENSATION SETTLEMENTS***Robert Caplan, Jesse Cohen, Vicki Phillips, Wanda Weniger*

This interactive session will explore the ethical pitfalls that can occur during the settlement of workers' compensation claims. The panel will act out several scenarios where ethical conflicts arise before, during, and after settlement. Attendees will be invited to share their thoughts on the possible outcomes of each scenario. Focus will be given to the issues of: representing a carrier and the injured worker, allocation of settlement funds, joint prosecution agreements, and relationship between insured and carrier.

CONFERENCE AGENDA

***ALL TIMES ARE CENTRAL TIME**

10:30 AM – 11:30 AM

CONCURRENT SESSIONS #1 (CONT.)

T.1.6 GENERAL

HACK ATTACK – SUBROGATING DATA BREACHES, CYBER ATTACKS, AND OTHER TECH LOSSES

Ashton Kirsch

This presentation will discuss cyber claims to maximize related subrogation recoveries. The goal is for the attendee to gain a basic understanding of these claims so that they can identify subrogation potential when such cyber or technology related claims arise and also to provide a basic framework in which to analyze recovery potential on cyber/technology related claims. From there we will move on to analysis of best procedures for maximizing recoveries on cyber subrogation claims. We will finish the presentation by analyzing the best protocols for enhancing your carrier's security protocol and protecting key information.

T.1.7 PRODUCT LIABILITY

DON'T YOU RECALL? UNDERSTANDING CPSC'S RECALL PROCESS, HOW TO USE EVIDENCE OF A RECALL TO ADVANCE YOUR CASE, AND RECENT TOP RECALLS

Jeremiah Pratt, Suzanne Sparks, Shannon Warren

The primary goal is to provide participants a working understanding of the CPSC's recall process so they can obtain available information when conducting a product liability investigation and litigating a product liability claim, including what the CPSC reviews upon receipt of a complaint, the scope of their investigation, and steps involved when a recall is issued. We will address how to use recall evidence to advance subrogation claims with a discussion of Rule 407, which limits the admissibility of evidence of subsequent remedial measures. The presentation will also review recent recalls that are of particular interest in the subrogation industry.

T.1.8 SUBRO FUNDAMENTALS

SUBROGATION FROM THE DEFENSE PERSPECTIVE

Tony Krall

Too often, subrogation professionals fail to realize what a defendant or potentially responsible party needs in order to resolve a case. Both parties have some common objectives, i.e. a fair and neutral evaluation of the merits of the cases and quick resolution. This session will focus on how to best present your case for prompt payment to a defendant, its insurer or its defense counsel. We will focus on how to make a demand, how to present your case, and how to realize the strengths and weaknesses of your own case.

11:30 AM – 12:00 PM

TAKE A BREAK

12:00 PM – 1:30 PM

EXHIBITOR ENGAGEMENT RECEPTION

1:30 PM – 2:00 PM

SOLUTION PROVIDER NETWORKING SESSION 2

SAVE THE DATE

NASP

COME TO THE ISLAND

MARCO ISLAND FLORIDA
NOVEMBER 6-9, 2022

J.W. MARRIOTT BEACH RESORT
ANNUAL CONFERENCE
SUBROGATION.ORG



NATIONAL ASSOCIATION OF SUBROGATION PROFESSIONALS

CONFERENCE AGENDA

***ALL TIMES ARE CENTRAL TIME**

2:00 PM – 3:00 PM

CONCURRENT SESSIONS #2

T.2.1 AUTO

FENDER BENDERS AND SIDE IMPACT OFFENDERS

Jessica Isaacs, Marc Paradiso

Following motor vehicle collisions with bodily injury claims, insurance companies, law firms, manufacturers, and transportation fleets turn to vehicle and biomechanical engineering consultants to assess the incident, including causation and liability, the event severity, and the relationship between the event and occupant motions and injury claims. This presentation will introduce accident reconstruction and biomechanical analyses of minor vehicle impacts. We will focus on front-to-rear impacts—the most common crash scenario in the United States—as well as side impacts. Real-world examples will be discussed, and indicators for when accident reconstruction or biomechanics analyses may be helpful will be highlighted.

T.2.2 PROPERTY

INDUSTRIAL PLANT FIRE: DID THE FIRE PROTECTION SYSTEM WORK? (PART 1)

Dan Arnold, Larry Bowman, David Fisk, Nick Nava

Part 1 will review the investigation of a \$23,000,000 fire involving a temper mill. The mill was protected by a foam fire suppression system. Involved stakeholders, including the maintaining contractor, presumed that the system operated properly. However, a subsequent review by fire protection engineers indicated otherwise. As a result, subrogation counsel directed a detailed investigation which concluded that the suppression system, in fact, did not operate as intended which contributed to the fire's spread and damages. In this session, you will hear from the involved fire protection engineers and subrogation counsel who will discuss the investigation's methodology, challenges, and conclusions.

T.2.3 HEALTH

SUBROGATION QUARANTINE FITNESS: CUES ON HOW A HEALTH PLAN MAY EXERCISE ITS SUBROGATION RIGHTS AND MAXIMIZE RECOVERIES DURING THE COVID-19 PANDEMIC

Jamie Izlar

Exercise your way to successful recoveries while handling subrogation claims during a pandemic. This 60-minute personal training session will provide strategies and/or cues on how to maximize recoveries. The exercises will consist of (1) analyzing the compensability of a COVID-19 workers' compensation claim in select states, (2) reviewing statutes and regulations addressing COVID-19 claims, and (3) discussing how COVID-19 has changed the legal landscape of subrogation and reimbursement law and how subrogation professionals can be equipped to handle such change. Subrogation professionals will leave this personal training session armed with helpful cues to successfully pursue subrogation claims during any pandemic.

T.2.4 MANAGEMENT

LEADERSHIP DURING A CRISIS: LESSONS LEARNED FROM THE COVID-19 PANDEMIC (PART 1)

Justin DeBenedictis, Mike Driscoll, Sheila Dye, Scott Katz, Kelly Micheletti, Kim Stafford, Rob Stern

When the country abruptly shut down in March of 2020, "that's the way we've always done it" ceased to be an option for many of us in the subrogation industry. The pandemic placed significant stress on virtually all businesses throughout the world, challenging their overall strength and resiliency. Some were successful and even thrived, while others failed. But what determined who failed and who thrived? In this interactive roundtable session, subrogation leaders from insurance companies, attorneys from insurance-focused law firms, and a director of a forensic investigation firm will discuss evolving leadership in a post-pandemic environment. In part one of this two-part session, the panel will discuss topics such as transitioning from onsite to virtual working; flexibility, productivity, accountability, and career advancement in a virtual environment; and accelerated technological transformation. In part two, the panel will address the leadership skills necessary to effectively problem-solve during a pandemic and how these leadership skills apply during everyday business operations. The panel will use "real-life" and "hypothetical" examples to keep the discussion practical and interactive.

2:00 PM – 3:00 PM

CONCURRENT SESSIONS #2 (CONT.)

T.2.5 WORKERS' COMP

STATE SPECIFIC SUBROGATION COAST TO COAST (PART 1)

Amanda Cutshall Goozie, Joe Nemo, Courtney Stabnick

Do you have trouble understanding the nuances of a particular state's workers' compensation subrogation laws? Workers' compensation subrogation law is highly regulated and statutorily dependent, with considerable variation across the country. For anyone handling claims in multiple states, this can make daily practice confusing. We will examine the "nuts and bolts" of subrogation in select jurisdictions, significant legislative and case law developments across the United States in the past year, and strategies for maximizing recovery in particular jurisdictions. Lead by subrogation lawyers practicing in these states, you will learn the essential features of the law and have an open forum for questions.

T.2.6 GENERAL

THE GOOD, THE BAD, AND THE UGLY – ATTORNEY PERSPECTIVES ON EFFECTIVE AND INEFFECTIVE EXPERT SUPPORT

Matt Ferrie, Gus Sara

The importance of experts in the property damage subrogation investigation/litigation cannot be overstated. While skilled subrogation counsel can sometimes do more with less, a successful result is often directly dependent upon the effectiveness of the expert support. Our speakers will explain exactly what is needed/expected from our experts at each stage of the subrogation investigation/litigation, to create the greatest likelihood of a successful result. And since experience is the greatest teacher, our speakers will also share some funny "war stories" of when things did not go as planned.

T.2.7 PRODUCT LIABILITY

SUBROGATION AGAINST AMAZON FOR DEFECTIVE PRODUCTS (PART 1)

Michael Ciamaichelo, Chris Konzelmann

More than ever in history, consumers are purchasing nearly every kind of product from Amazon and most of these products come from third-party sellers. When these products are defective, Amazon argues that it bears no liability because it is merely an intermediary for sellers and buyers. Initially, courts sided with Amazon, but the tide is turning as some recent decisions hold that Amazon can be liable for defective products from third parties. This updated presentation explores how products are sold on Amazon, defense arguments raised by Amazon, cases decided in favor of Amazon, and the trending decisions against Amazon.

T.2.8 SUBRO FUNDAMENTALS

BATTLING BACK AGAINST THE IMPLIED CO-INSURED DOCTRINE

Michael Stevens, Christopher Ware

In a world chock-full of limitations that prevent subrogation recoveries, the landlord/tenant relationship is no different. Whenever you attempt to subrogate on behalf of a landlord, consideration must always be given to whether the tenant will be given "additional insured status" under the implied co-insured doctrine and thereby prevent recovery. This session will arm you with all of the information you need to properly evaluate your case against a tenant and give you the best chance to obtain a recovery.

3:00 PM – 3:15 PM

MOVEMENT BREAK

CONFERENCE AGENDA

***ALL TIMES ARE CENTRAL TIME**

3:15 PM – 4:00 PM

CONCURRENT SESSIONS #3

T.3.1 AUTO

INVESTIGATING AND PRESERVING AUTO CLAIMS

Alyssa Johnson

You evaluate and eventually file suit on an automobile claim, knowing you are holding the responsible party liable for causing significant damage to your client and its insured. However, through the discovery, detect and eventually confirm that key evidence has not been properly preserved in order to litigate your claim. What can be done, if anything, to save your claim? Destruction of evidence can prevent a good subrogation claim from every seeing the courtroom. In this session, we will discuss how to prevent spoliation from occurring, ways to navigate it if it does, and the consequences that come from it.

T.3.2 PROPERTY

INDUSTRIAL PLANT FIRE: NO, IT DIDN'T...NOW WHAT? (PART 2)

Dan Arnold, Larry Bowman, David Fisk, Nick Nava

Part 2 will address the complexities of working with a large market of insurers and an insured with a significant deductible and percentage of the market, as well as the legal issues encountered in subrogating against the fire protection contractor responsible for maintaining the system. The contractor raised two major issues in defending against the subrogation claim – spoliation of evidence and comparative fault, raising the issue of whether an act or omission of the subrogor is relevant in a fire spread case. Another important issue that will be addressed is proof of damages in fire spread cases.

T.3.3 HEALTH

FROM THE ALAMO LOSS TO SAN JACINTO VICTORY: CASE STUDIES FROM THE WORST HEALTH RECOVERY FILES TO THE BEST, AND LESSONS LEARNED IN BETWEEN

Daran Kiefer, Laura Schmidt

Ever wonder how to come back from a major loss? Ever think you're the only one that had a snake-bit file that soundly defeated you? In this session, the speakers will outline case studies from health care recovery files they and others in the industry have handled, from both ends of the spectrum. The presentation will discuss the lessons learned in both defeat and victory; how to learn from mistakes; and how to best use victories. The session will cover both insured and self-insured ERISA health plans.

T.3.4 MANAGEMENT

LEADERSHIP DURING A CRISIS: LESSONS LEARNED FROM THE COVID-19 PANDEMIC (PART 2)

Justin DeBenedictis, Mike Driscoll, Sheila Dye, Scott Katz, Kelly Micheletti, Kim Stafford, Rob Stern

When the country abruptly shut down in March of 2020, "that's the way we've always done it" ceased to be an option for many of us in the subrogation industry. The pandemic placed significant stress on virtually all businesses throughout the world, challenging their overall strength and resiliency. Some were successful and even thrived, while others failed. But what determined who failed and who thrived? In this interactive roundtable session, subrogation leaders from insurance companies, attorneys from insurance-focused law firms, and a director of a forensic investigation firm will discuss evolving leadership in a post-pandemic environment. In part one of this two-part session, the panel will discuss topics such as transitioning from onsite to virtual working; flexibility, productivity, accountability, and career advancement in a virtual environment; and accelerated technological transformation. In part two, the panel will address the leadership skills necessary to effectively problem-solve during a pandemic and how these leadership skills apply during everyday business operations. The panel will use "real-life" and "hypothetical" examples to keep the discussion practical and interactive.

3:15 PM – 4:00 PM

CONCURRENT SESSIONS #3 (CONT.)

T.3.5 WORKERS' COMP

STATE SPECIFIC SUBROGATION COAST TO COAST (PART 2)

Will McNulty, Joe Nemo

Do you have trouble understanding the nuances of a particular state's workers' compensation subrogation laws? Workers' compensation subrogation law is highly regulated and statutorily dependent, with considerable variation across the country. For anyone handling claims in multiples states, this can make daily practice confusing. We will examine the "nuts and bolts" of subrogation in select jurisdictions, significant legislative and case law developments across the United States in the past year, and strategies for maximizing recovery in particular jurisdictions. Lead by subrogation lawyers practicing in these states, you will learn the essential features of the law and have an open forum for questions.

T.3.6 GENERAL

TALES OF ARBITRATION...UNTOLD STORIES OF UNCOMMON DISPUTES

Charlie Parenti

Intercompany arbitration pursuits start with a theory of collectability, such as an allegation of negligence or a contractual right of recovery, and may also include a dispute over reasonable damages. While arbitration agreements include compulsory guidelines to help companies pursue binding outcomes, outlier scenarios sometimes arise that do not fit within the jurisdiction of arbitration. Discussing examples of such scenarios can help subrogation pursuers identify when they may need to secure the responding party's consent to arbitrate, therefore, avoiding wasted time with case presentations that may otherwise end up out of jurisdiction.

T.3.7 PRODUCT LIABILITY

SUBROGATION AGAINST AMAZON FOR DEFECTIVE PRODUCTS (PART 2)

Michael Ciamaichelo, Chris Konzelmann

More than ever in history, consumers are purchasing nearly every kind of product from Amazon and most of these products come from third-party sellers. When these products are defective, Amazon argues that it bears no liability because it is merely an intermediary for sellers and buyers. Initially, courts sided with Amazon, but the tide is turning as some recent decisions hold that Amazon can be liable for defective products from third parties. This updated presentation explores how products are sold on Amazon, defense arguments raised by Amazon, cases decided in favor of Amazon, and the trending decisions against Amazon.

T.3.8 SUBRO FUNDAMENTALS

HOW BUILDING CODE WHISPERERS CAN HELP

Mike Rimoldi

This session will detail how building and flood code experts ("Code Whisperers") can assist in explaining the codes as they relate to the subrogation process. Details will be shared on interpreting the code, determining the right edition to use and how it is applied to both new and existing construction.

4:00 PM – 4:30 PM

SOLUTION PROVIDER NETWORKING SESSION 3

4:30 PM – 6:00 PM



4:30 PM – 6:00 PM

DUELING PIANOS



CONFERENCE AGENDA

***ALL TIMES ARE CENTRAL TIME**

WEDNESDAY, NOVEMBER 10, 2021

9:00 AM – 9:30 AM

SOLUTION PROVIDER NETWORKING SESSION 1

9:30 AM – 10:30 AM

CONCURRENT SESSIONS #1

W.1.1 AUTO

IMPLICATIONS OF ADVANCES IN EVENT DATA RECORDERS FOR LOW-SEVERITY IMPACT CASES

Eric McDowell, Rebecca Wright

While event data recorder (EDR) technology has been available for many years, the lack of regulations and standardization made it difficult to interpret the data and use it in litigation and other claims applications. With the advent of Part 563 of Title 49, this data has become standardized pursuant to federal statute, so much so that now, the presence or absence of data can both be used to establish the severity of a collision. Additionally, Advanced Driver Assistance Systems (ADAS) and technology like infotainment systems provide additional data that, while less regulated than EDR data, provide additional formats that can be equally helpful in reconstructing an accident.

W.1.2 PROPERTY

POST-FIRE COMMERCIAL COOKING LINE FIRE INVESTIGATION

Phil Carroll, Charles Sullivan

Fires that occur in restaurant kitchens typically involve electric, gas, and solid fuel cooking appliances, as well as, the hood/duct/exhaust ventilation systems. Determining the origin and cause of the fire is only one part of the investigation. There are components in place to extinguish and or contain the fire; if a fire spreads beyond the kitchen hood, the functionality of the fire extinguishing and ventilation control systems should be investigated immediately. An evaluation of kitchen hood(s), exhaust duct(s) and related components, and extinguishing system(s) needs to be conducted at the time of the fire investigation to properly assess the equipment.

W.1.3 HEALTH

REMEMBER THE MED PAY SUBRO! EMERGING TRENDS IN MEDICAL PAYMENTS SUBROGATION

James Newcamp, Phil Theesfeld

An overview of the various issues and challenges related to medical payments subrogation. It will be approached from the perspectives of both the carrier and the attorney representing the subrogation interests. For the carrier, the discussion topics will include the longevity of these files, awareness of medical statutes and sending out appropriate notice letters, the importance of a great partnership with medical management and/or the attorney representing the insured, negotiation points to consider, and pro-rata issues with attorney fees. From the standpoint of the attorney, we will discuss various state-specific issues that should be considered when handling medical payments recovery.

W.1.4 MANAGEMENT BENCHMARKING

Tim Anderson, Kevin DeGarmo, Jeff To

The goal of NASP Benchmarking is to provide meaningful information that can be used to identify best practices, establish meaningful industry comparisons and provide insight to help improve performance. In partnership with BRIC, (Business Risk International Consulting, LLC), NASP commissioned a 2021 Worker Compensation Benchmarking Study. In addition to the overall study, participating companies will receive a report comparing their results against the entire group of participants. This session will discuss the benefits of these studies and benchmarking in general as well as provide insight as to how benchmarking can assist new decision makers in creating an effective subrogation department.

W.1.5 WORKERS' COMP

LOCATION, LOCATION, LOCATION! THE IMPORTANCE OF ESTABLISHING JURISDICTION AND VENUE IN WORKERS' COMPENSATION SUBROGATION CASES)

Jim Golkow, Dan Hessel

One of the most important factors in successfully prosecuting a plaintiff's case in the workers' compensation subrogation setting is the courthouse where the trial will take place. This is due to the potential jury pool (liberal v. conservative); tort reform laws (caps on damages); efficiency of the court system; and many other factors. A strong case in one particular venue may be a weak case in another, even though the facts are the same. It is imperative that the subrogation practitioner understand the options at the outset of the claim.

W.1.6 GENERAL

DATA AND ANALYTICS-DRIVEN SUBROGATION RECOVERY

Dan D'Imperio, Chris Sutton

This discussion will focus on data and analytics in the subrogation and recovery space. The presenters will touch upon the support and collaboration needed with internal and external business partners. The development of predictive models requires significant time to define the problem as well as the process and critical success factors needed, so understanding the journey will be included in our discussion. We will also discuss the use of data and analytics and how it is changing where and how key resources are being utilized in subrogation.

W.1.7 PRODUCT LIABILITY

DON'T LET YOUR SUBRO GO "UP IN SMOKE" – EXAMINING COMMON LIGHTING FAILURE MODES OF TODAY'S MARIJUANA GROW FACILITIES

Michael Custer, Jared Elster

In states that have legalized the industry, marijuana is often grown in large warehouses using lights to supply the energy necessary for the plants' photosynthesis. Various light technologies can produce different light spectrums believed by some to alter the growth characteristics of the plants. This presentation will explore common failure modes identified in indoor growing facilities in Oklahoma and Colorado. We will examine the technology being used, assess if the lighting designs and installations comply with the requirements of the National Electrical Code and applicable ANSI standards, discuss evidence handling and storage, and consider the legal aspects surrounding subrogation and marijuana.

W.1.8 SUBRO FUNDAMENTALS ETHICS AND SUBROGATION

Matt Peaire, Bryan Milkent

Sometimes, doing the right thing is not as obvious as you would think. Subrogation professionals are constantly faced with situations where ethics will come in to play. This presentation will focus on the ethical issues faced by attorneys and claims professionals on a day to day basis in the world of subrogation.

CONFERENCE AGENDA

***ALL TIMES ARE CENTRAL TIME**

10:30 AM – 11:00 AM

MOVEMENT BREAK

11:00 AM – 12:00 PM

CONCURRENT SESSIONS #2

W.2.1 AUTO

MEDICARE SECONDARY PAYER AND TREASURY OFFSET PROGRAM – WAYS TO AVOID YOUR SUBROGATION DOLLARS BEING OFFSET BY THE GOVERNMENT

Kay Reitz, Kevin Woolfolk

TOP helps collect debts owed to federal government agencies by holding back money(off-setting) from a federal payment owed to the subrogation party. TOP is usually initiated because of an insured being injured in an auto accident when that person is covered by both medical payment coverage and/or personal injury protection no-fault coverage under his auto policy and Medicare. Medicare is always secondary. If the insured is injured in an auto accident, and Medicare pays for any of the medical bills, Medicare will pursue the auto insurer for reimbursement through a program called Medicare Secondary Payer(MSP). The demand letter that MSP sends to the auto insurer usually does not provide enough information to get the demand letter to the appropriate auto insurance claim handler for payment. Therefore, the MSP demand is never paid, and the claim is sent to the TOP to determine if that auto insurer is owed any monies from any federal governmental agencies. The auto insurer is typically not notified of the offset until after the subrogation claim is settled against the federal governmental agency. If the entire subrogation payment that the auto insurer was awaiting is offset, there would be no funds to reimburse the insured his deductible. This presentation will offer suggestions on some ways to avoid the pitfalls of the TOP.

W.2.2 PROPERTY

LOVE THY NEIGHBOR?

Greg Aimonette, Kevin Ware, Ken Wysocki

“Love Thy Neighbor?” Property losses that occur in multi-unit buildings, or cause damage to neighboring properties, present significant challenges, even for seasoned subrogation professionals. The panel will provide an overview of common issues that arise with these losses, including but not limited to: how to evaluate a fire spread case; why it is important to fully understand the nature of the landlord/tenant relationship; the best way to deal with multiple injured parties; and how to walk the fine line between the property policy and the liability policy. A few strategies for dealing with these challenges will also be presented.

W.2.3 HEALTH

NO SESSION AT THIS TIME

W.2.4 MANAGEMENT

SUBRO WITH SARAH

Sheila Dye, Sarah Powell, Tatiana Royster, Judy Volk

Join our panel of subrogation experts for an interactive session on industry tips and trends. The informal discussion will include timely topics such as how carriers are looking to reduce costs, how carriers are organizing and compiling relevant data, change management best practices, and leading through a crisis/COVID-19 lessons learned.

11:00 AM – 12:00 PM

CONCURRENT SESSIONS #2 (CONT.)

W.2.5 WORKERS' COMP

WAIVERS OF SUBROGATION: WORKERS' COMPENSATION

Sally Bruch, Mark Solomon

A waiver of subrogation under PA, ME, IL, IN law waives the insurer's right to subrogation against named entities performing work by written contract or agreement with the insured employer. It does not waive the insurer's right to a reimbursement and future credit against the injured employee's third-party recovery. However, under TX, LA, AZ law the insurer's right of reimbursement and future credit are waived. In jurisdictions where courts have not ruled, the insurer can and should argue that waiver of subrogation clause only waives the right of subrogation against named entities, not the right to reimbursement and future credit.

W.2.6 GENERAL

FIVE STEPS TO BUILDING STRONGER CARRIER-SERVICE PROVIDER BONDS

Jill McCall, Kim Stafford, Andrew Williams

Insurance carriers and subrogation service providers have the same goal: maximize recoveries with the utmost efficiency. So, how do we set the stage for success in the carrier-supplier relationship? This interactive presentation focuses on five areas to get the partnership off on the right path (or get it back on track) for the mutual benefit of both parties.

W.2.7 PRODUCT LIABILITY

GENERATOR LOSSES: THERE'S COPPER IN THEM WINDINGS

Izzy Kerszenbaum, Robert Wilens

Generator losses can be devastating to a utility company, and many can be prevented. Often, the stator winding is replaced ("rewound") to extend the life of the generator, rather than purchasing an entire, new machine. There are many potential problems with a rewind if it is not done correctly. This presentation will leave the audience with a better understanding of how a generator operates, the proper maintenance to extend its life, and the potential issues that can arise with a rewind if it is not specified and done correctly. The selection of qualified vendors is critical in obtaining a good replacement for the original winding. Writing a comprehensive and detailed specification for the rewind activities is also of the utmost importance in avoiding inferior materials, designs, and installations, leading to subpar winding replacements that do not meet best industry practices. Attendees will see photographs of remnants of a real stator copper winding that survived a catastrophic failure and gain an understanding of how the failure occurred, as well as the steps that could have been taken to avoid the failure.

W.2.8 SUBRO FUNDAMENTALS

NEGOTIATIONS

Sonia Esfahbodirad, Laura Pascoe, Rob Stern

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!

12:00 PM – 12:30 PM

SOLUTION PROVIDER NETWORKING SESSION 2

12:30 PM – 1:00 PM

MOVEMENT BREAK

CONFERENCE AGENDA

***ALL TIMES ARE CENTRAL TIME**

1:00 PM – 1:45 PM

CONCURRENT SESSIONS #3

W.3.1 AUTO

SR-22 SUBROGATION

Lee Wickert

Subrogating against your own insured is a less glamorous aspect of auto insurance subrogation, but it plays a key role in helping hold down insurance premiums for those who follow the law. SR-22 subrogation is the red-haired stepchild of the red-haired stepchild. However, it can be a lucrative and rewarding subrogation endeavor if handled appropriately. This presentation provides an overall introduction to SR-22 endorsements, the benefit they provide to both an insurer and an insured, their importance to the public overall, and, most importantly, the ways an insurer can look to recover the payments made when insuring a “high risk driver.”

W.3.2 PROPERTY

HITTING WHERE IT HURTS: WINNING CASES IN THE MOST IMPORTANT, LEAST APPRECIATED STATE – DISCOVERY

Richard Schuster, Steve Smith

We all know that claims come in all shapes and sizes. To fully evaluate the claims or defenses in any particular matter, discovery too should be tailored to meet the case-specific circumstances. Too often, though, cookie-cutter discovery is utilized by plaintiffs and defendants alike. This presentation will provide an overview of what an effective discovery plan looks like and highlight the impact of a case-specific discovery plan to reduce exposure and maximize recoveries. In addition, this presentation will provide metrics for claims professionals to evaluate whether their representatives are utilizing discovery effectively.

W.3.3 HEALTH

HEALTHCARE REFORM: NEW SYSTEM UNDER A NEW ADMINISTRATION?

Chris Aguiar

Healthcare Reform has been all the rage in every election cycle since as long as this presenter can remember, and certainly during the most recent election cycle! Well, that topic was one of the hottest in 2020 and a new administration is upon us, so we have a ton of change to talk about right?! Single Payer Systems, “Medicare for All”, and many alternatives have been discussed, but will any of them actually gain any traction, or will government gridlock continue to ensure that American healthcare is stagnant?

W.3.4 MANAGEMENT

HOW TO ATTRACT AND IDENTIFY A GREAT SUBROGATION SPECIALIST

Cortney Helfrich

In a business where people are the business, hiring top talent is more crucial now than ever. Do you hire based on skill set and experience only? What would happen if you hired for character and your training program worked to develop skills? This segment will focus on developing your company culture and identifying candidates who exhibit defined character qualities. You will leave this session with actionable ideas and information that can help build your culture with team players who are coachable, hardworking, and want to WIN for your organization.

1:00 PM – 1:45 PM

CONCURRENT SESSIONS #3 (CONT.)

W.3.5 WORKERS' COMP

WHERE AM I AND HOW DID I GET HERE? DETERMINING WHICH STATE LAW APPLIES TO YOUR WORKERS' COMPENSATION SUBROGATION RECOVERY

Brett Tishler

Workers' compensation involves a critical issue often overlooked: determining which state's benefits apply to repaying a workers' compensation lien. Depending on the jurisdiction, the ability to obtain a recovery can go from fantastic to abysmal. For example, what happens when the benefit state is Nevada, the employee resides in California and the injury occurs in Arizona? This session will discuss why performing a proper choice of law analysis can help the workers' compensation subrogation professional achieve the best recovery, despite being in a jurisdiction potentially disfavoring workers' compensation subrogation.

W.3.6 GENERAL

ARBITRATION AWARDS: TO CONFIRM OR VACATE? THAT IS THE QUESTION

Michelle Hurley, William Sever

What happens when you have an arbitration award, and the arbitrator got it all wrong? Can anything be done to fix it? We will explore the challenging world of motions to vacate, when and how to utilize this tool, and why it can be difficult. Conversely, you have an award, but the other side refuses to pay. What can be done to recover what is owed? We will help you navigate collection of awards, including tips and tricks to increase recoveries.

W.3.7 PRODUCT LIABILITY

THE DOG DID IT – DEVELOPING A PRODUCTS CASE FROM INADVERTENT STOVE ACTIVATIONS

Robert Longseth, Cheri MacArthur

We often hear of property adjusters abandoning subrogation on fire claims originating from a residential stove because “the dog did it” or “the insured accidentally bumped the stove”. In reality, these circumstances only arose due to an inherent defect in the range. The presentation will address the defective nature of the range, the applicable UL and ANSI standards, how the ranges comply or fail to comply with those standards, and how the manufacturer can safeguard against inadvertent stove activations. The typical manufacturer's instructions and warnings will also be addressed in the context of rebutting the manufacture's claim that the fire was the fault of the insured, their children, pets, or others.

W.3.8 SUBRO FUNDAMENTALS

NO SESSION AT THIS TIME

1:45 PM – 2:30 PM

SOLUTION PROVIDER NETWORKING SESSION 3



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