

SURETIES, INSURERS &
THE "ALIEN HAND SYNDROME"
Which Hand Wins?



western states surety conference

May 12-13, 2011

Hyatt at Olive 8

Seattle, Washington

dear surety practitioners:

On behalf of all the sponsoring firms, we invite you to attend the ***Eighteenth Annual Western States Surety Conference*** on Thursday evening and Friday, May 12-13, 2011. We will be hosting the program at a new venue this year – the “sleek modern and environmentally responsible” Hyatt at Olive 8. The first LEED certified hotel in the city, this luxury hotel is right in the heart of Seattle.

New, unique, and changing issues face the surety professional from the outside forces that need to be dealt with in these challenging times. This year’s conference will emphasize current “Outside Impacts on the Surety” thus our title ***Sureties, Insurers & the “Alien Hand Syndrome” - Which Hand Wins?*** We will present timely and relevant issues in the context of differing areas that may have an impact on the surety, such as:

- Impact of the Economic Loss Rule on the Surety Claims;
- Construction Defects and the Changing law on “Occurrence” impacting Contractor Principals;
- Contract Litigation Insurance;
- A Primer on OCIP/CCIP coverage issues affecting the Surety;
- Washington’s Insurance Fair Conduct Act;
- California’s Overhaul of its Mechanic’s Lien Law; and,
- Surety investigations - Engineering and Accounting Pitfalls

The program this year will again feature a number of presentations and panels comprised of insurance and surety industry professionals and practitioners. As in previous years, the sponsoring firms will also update you on case law and statutory developments over the last year in the western states. We will also have a review of the “state of the industry” that will give all participants a good overview of how the industry has fared over the last year and where it may be headed.

Each attendee will also receive our useful 2011 edition of the ***“Quick Reference Guide to Western States Surety Law”*** in addition to the outstanding written program materials.

Conference events will begin with a unique cocktail and dinner/theater event at Teatro ZinZanni on Thursday evening, May 12, 2011, beginning at 5:00 p.m., where we will enjoy the fun of theater, a nice dinner, the camaraderie of colleagues and old friends, and renew and make new acquaintances. As with the conference, Surety company employees will be our guests for dinner.

The 2011 conference is designed to address a wide range of issues that we hope will be relevant to many in the industry. Please be sure to join us in Seattle!

Roy Ogawa
Ogawa, Lau, Nakamura & Jew
2011 Conference Chair

agenda

MORNING SESSION

- 8:00 - 8:45 **Registration and Continental Breakfast**
- 8:45 - 9:00 **Welcome, Announcements, Program Introduction**
- 9:00 - 9:35 **It's Only Money: The Economic Loss Rule's Impact on Surety Claims and Subrogation Rights**
Chad Schexnayder, *Jennings, Haug & Cunningham*
James Csontos, *Jennings, Haug & Cunningham*
- 9:35 - 10:15 **Contract Litigation Insurance – A Game Changer or Not?**
Moderator: Marilyn Klinger, *Sedgwick LLP*
Panelists: Kevin Martin, *Sonoma Risk Insurance Agency*
 Damiano Servidio, *Zurich*
 James Diwik, *Sedgwick LLP*
 Jonathan Dunn, *Sedgwick LLP*
- 10:15 - 10:30 **Coffee Break**
- 10:30 - 10:50 **Surety Law Updates - Western States (except California)**
James Csontos, *Jennings, Haug & Cunningham* (AZ, NV, NM)
Joseph Straus, *Bullivant Houser Bailey* (AK, MT, WA)
Levi Clegg, *Snow, Christensen & Martineau* (CO, UT, WY)
Thomas Larkin, *Stewart, Sokol & Gray* (ID, OR)
Roy Ogawa, *Ogawa, Lau, Nakamura & Jew* (HI)
- 10:50 - 11:20 **The Good, the Bad, and the Ugly – Successes and Pitfalls of Surety Engineering and Accounting Investigations**
Richard Tasker, *Sage Associates, Inc.*
Jordan Rosenfeld, *Sutor, Krystad & Rosenfeld*
- 11:20 - 11:50 **Washington's "Insurance Fair Conduct Act" A Potential Landmine for the Unwary**
Moderator: Loren Podwill, *Bullivant Houser Bailey*
Panelists: Matthew J. Sekits, *Bullivant Houser Bailey*
 Gerald Ormiston, *Travelers Surety*

11:50 - 12:05 **Industry Statistics**
Richard Tasker, *Sage Associates, Inc.*

12:05 - 1:15 **Lunch (hosted)**

AFTERNOON SESSION

1:15 - 1:35 **California Case and Statute Updates**
Stacie Brandt, *Booth, Mitchel & Strange* (Legislative Updates)
Andrew Harris, *Sedgwick, LLP*

1:35 - 2:05 **To Occur or Not to Occur, That is the Question:
Doth “Occurrence” Lie in Manifestation of a Construction Defect?**
David Pinkston, *Snow, Christensen & Martineau*

2:05 - 2:30 **It’s a Wrap – OCIP/CCIP Primer: Should the Surety Care?**
Roy Ogawa, *Ogawa, Lau, Nakamura & Jew*

2:30 - 2:45 **Coffee Break**

2:45 - 3:20 **State of the Industry – A View from the Trenches**
Moderator: Jan Sokol, *Stewart, Sokol & Gray*
Panelists: Travis Remick, *Liberty Mutual Surety*
Eric Zimmerman, *Propel Insurance*

3:20 - 3:55 **California’s Mechanic’s Lien Statutory Scheme Made Easier**
David Hughes, *Booth, Mitchel & Strange*
Stacie Brandt, *Booth, Mitchel & Strange*
Robert Shaffer, *Sedgwick, LLP*

3:55 - 4:00 **Wrap Up and Adjournment**

4:00 - 5:00 **Cocktail Reception (hosted)**

* *Business Casual Attire for both Dinner and Conference*

pre-conference cocktail and dinner party

All Conference attendees are invited to join us for a hosted cocktail hour followed by dinner/theater on **Thursday evening, May 12, 2011**, from **5:00-10:00 pm**, at our most unique venue to date.

Teatro ZinZanni
222 Mercer Street
Seattle, Washington 98109

Complete information regarding the show, parking, dress code, etc., may be obtained by visiting their website at: <http://dreams.zinzanni.org/info.htm>.

conference venue and hotel accommodations

This year's Conference will be held in the heart of downtown Seattle at the Hyatt at Olive 8.

Hyatt at Olive 8
1635 8th Avenue
Seattle, Washington 98101

A block of rooms has been arranged for conference attendees. The discounted room rate for conference attendees is **\$209/night** for Single/Double occupancy. Please book your room reservations via Passkey web based reservations by visiting: https://resweb.passkey.com/Resweb.do?mode=welcome_ei_new&eventID=3295117

If you phone in your reservation (1-888-421-1442), please mention that you are a participant of the "**Western States Surety Conference**" to receive the group rate. The block of guest rooms set aside for Conference attendees will be held until **April 21, 2011**. The hotel will accept reservations after that date at the group rate on a space-available basis.

Additional information and directions can be found at their website by visiting: <http://www.olive8.hyatt.com/hyatt/hotels/index.jsp>.

sponsors

Booth, Mitchel & Strange LLP

Bullivant Houser Bailey PC

Jennings, Haug & Cunningham, LLP

Ogawa, Lau, Nakamura & Jew

Sage Associates, Inc.

Sedgwick LLP

Snow, Christensen & Martineau

Stewart Sokol & Gray, LLC

Sutor, Krystad & Rosenfeld, PLLC

CLE info

Booth, Mitchel & Strange LLP has been approved as a provider of Minimum Continuing Legal Education Credit by the State Bar of California. This program will qualify for Minimum Continuing Legal Education Credit by the State Bar of California in the amount of 5.25 hours. The program conforms to the standards for approved educational activities prescribed by the rules and regulations of the State Bar of California governing minimum continuing legal education.

It is our experience that California MCLE credits are transferable to most jurisdictions. If your jurisdiction requires special information or forms for MCLE approval, please contact David Hughes of Booth, Mitchel & Strange, LLP at (714) 480-8500.

rsvp & website info

RSVPs and/or questions may be directed to Christine Brakman at (949) 724-9600, ext. 12 or via email to cbrakman@sage-associates.com. Please respond no later than **May 1, 2011**. For additional information, we invite you to visit our website: www.WesternStatesSuretyConference.com.

2011 western states surety conference

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Please register me for the following:

_____ Cocktail/Dinner Party at Teatro ZinZanni - Thursday, May 12, 2011

If bringing a guest to the cocktail/dinner party, please advise their name in space provided below.

_____ Conference - Friday, May 13, 2011

Name: _____

Company: _____

Address: _____

Telephone: _____

Email: _____

Guest Name: _____

(cocktail/dinner party only)

_____ REGRETS, I'm unable to attend.

Questions or email responses may be directed to Christine Brakman at cbrakman@sage-associates.com. Please respond no later than **May 1, 2011**.

Western States Surety Conference

c/o Sage Associates, Inc.

Attn: Christine Brakman

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