

CONSTRUCTION:

WRAP-UP POLICIES, INDEMNITY, AI, AND TITLE 7: COVERAGE ISSUES THAT PLAGUE THE DEFENSE

This half-day program features panelists with a broad range of experience in various aspects of the construction industry who will address topics of interest to attorneys, contractors, and claims representatives alike. It is a unique opportunity to hear from claims professionals, counsel, and a construction professional who have been actively involved in claims handling, defense of claims, and addressing coverage issues raised by policy language of wrap-up insurance programs, lack of resultant damage associated with violations of certain functionality standards, and risk transfer challenges since the amendments to the Civil Code.

MCLE Information

This activity has been approved for Minimum Continuing Legal Education credit by the State Bar of California in the amount of 3.5 hours. The ADCNCN certifies that this activity conforms to the standards for approved education activities prescribed by the rules and regulations of the State Bar of California and the Nevada Board of Continuing Legal Education.

Special Thanks

ADCNCN Construction Sublaw Section Co-Chairs:

Jill J. Lifter

Ryan & Lifter, San Ramon, CA

Wakako T. Uritani

Lorber, Greenfield & Polito, LLP, San Francisco, CA

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Friday, April 13, 2018

Walnut Creek Marriott
Walnut Creek, CA



Association of Defense
Counsel of Northern
California and Nevada

CONSTRUCTION: WRAP-UP POLICIES, INDEMNITY, AI, AND TITLE 7

Friday, April 13, 2018 • Walnut Creek Marriott • 2355 North Main Street, Walnut Creek, CA 94596

12:30 pm – 1:30 pm

Registration

1:30 pm – 2:45 pm

Wrap-Up Update



This session will address the anatomy of a wrap-up policy, the statutory disclosure requirements of Civil Code sections 2782.95 (residential projects) and 2782.96 (public works projects) and problematic issues such as insufficient limits, uncovered claims, self-insured retentions, and resulting conflicts between enrolled parties. This presentation will be of interest to coverage attorneys and defense attorneys and will be pertinent to both construction defect and bodily injury claims.

- Jill J. Lifter, Esq., *Ryan & Lifter*
- Alan H. Packer, Esq., *Newmeyer & Dillion*
- Yasi Sedghani, Claim Director, Construction Defect Claims, *CHUBB*
- Shawn A. Toliver, *Lewis Brisbois*
- Ralph Woodard, Claims Manager, *The Navigators Group, Inc.*

3:00 pm – 4:00 pm

Title 7: Functionality Standards Independent of Damage and Other Headaches



Many of the functionality standards in Civil Code Section 896 do not require resulting damage in order for the standard to be violated and liability imposed. This session will address some of the standards with the potential for substantial uncovered exposure and strategies for handling such claims, as well as problems presented by self-insured retentions and determining the number of occurrences associated with claims by multiple claimants.

- Timothy Fitzpatrick, *Axis Construction*
- Alan H. Packer, Esq., *Newmeyer & Dillion*
- Yasi Sedghani, Claim Director, Construction Defect Claims, *CHUBB*
- Wakako T. Uritani, Esq., *Lorber, Greenfield & Polito*

4:15 pm – 5:30 pm

Indemnity and Additional Insured Issues: Where Are We Now?



We have finally arrived at the point in time where the amendments to Civil Code Section 2782 and the addition of various other statutes concerning indemnity and additional insured provisions in construction contracts have resulted in changes in contract language and the risks that can be transferred. This panel will address how these changes are affecting the defense of bodily injury, casualty, and construction defect claims, as well as their impact on various parties' exposures.

- Alicia R. Kennon, *Wood, Smith, Henning & Berman*
- Jill J. Lifter, Esq., *Ryan & Lifter*
- Alan H. Packer, Esq., *Newmeyer & Dillion*
- Shawn A. Toliver, *Lewis Brisbois*
- Ralph Woodard, Claims Manager, *The Navigators Group, Inc.*

5:30 pm – 6:30 pm

ADCNCN Member & Seminar Attendee Reception

Exhibit and Sponsorship opportunities are available; please e-mail adcnc@camgmt.com for details.

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WRAP-UP POLICIES, INDEMNITY, AI, AND TITLE 7 • 4/13/18 • Walnut Creek, CA

Registration Fees: ADCNCN Member – \$290 Non-Member Attorney – \$390 Non-Attorney – \$190 Non-Attorney (5+ from same company) – \$170/person

Register Online at www.adcncn.org

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