

NAPIA BULLETIN



National Association of Public Insurance Adjusters

Spring 2009

NOTED INSURANCE ATTORNEY & AUTHOR TO SPEAK AT 2009 ANNUAL MEETING

David Berardinelli, J.D. of The Berardinelli Law Firm in Santa Fe, New Mexico, is one of three featured speakers at the June 10-13, 2009 NAPIA Annual Meeting.

As an attorney specializing in insurance law, Berardinelli is the insurance editor of the *New Mexico Trial Lawyer*, and he publishes a regular column on insurance bad faith. He has also written articles about insurance litigation for the *New Mexico Trial Lawyer and Trial*, and is the author of *"From 'Good Hands' to Boxing Gloves: How Allstate Changed Casualty Insurance in America,"* which happens to be the subject of his presentation on Friday, June 12.



Nestled in the Village of Del Mar, CA is L'Auberge Del Mar

James K. LaRoe, Esq. opens the Annual Meeting's professional education program. LaRoe's unique construction, engineering and commercial business background and litigation experience make him well versed in business insurance disputes. His session, entitled *"Making Lemonade –*

Your Client's Insurer Says that Your Client is 'Uninsured / Underinsured' and They're Correct – What Can You Do? – a Texas Perspective," takes place on Thursday morning, June 11.

On Saturday morning, June 13, William Merlin, Jr., Esq. of Merlin Law Group will speak on *"The Legal Ethical and Practical, Adjustment Issues from Windstorm Claims to Walls, Windows and Roofs."* His talk addresses the legal, ethical and practical adjustment issues from windstorm claims to walls, windows and roofs. He will detail the adjustment steps and practical issues relative to the subtle damages which are not readily apparent following a windstorm. Merlin is a noted expert on insurance bad faith, lecturing to national audiences (including NAPIA) and publishing a number of papers on the subject.

All SPPAs and CPPAs will receive up to six continuing education (CE) credits for attending all sessions. Most state DOIs have approved the program for a similar number of credits.

L'Auberge Del Mar, site of the 2009 Annual Meeting, is a three-story boutique hotel located in the Pacific Coast village of Del Mar, California. Ranked among the best luxury resorts in the nation by Conde Nast, L'Auberge Del Mar sits on the site of the historic Stratford Inn, which eventually became the original Hotel Del Mar – a preferred destination for Hollywood stars and other luminaries. The cozy property



L'Auberge Del Mar Overlooks the Pacific Ocean

has a little over 100 guest rooms and features a newly renovated restaurant, indoor and outdoor bars, full-service spa, fitness facility and tennis courts. Downtown Del Mar has many restaurants and shops to explore just a few steps from the hotel, and San Diego's International Airport (SAN) is only twenty minutes away (cab fare from the airport is about \$60).

To learn more about the resort and surrounding area, log on to www.laubergedelmar.com.

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EDUCATION & NETWORKING FEATURED AT FIRST PARTY CLAIMS CONFERENCE (FPCC)

A new insurance industry educational event offers the maximum number of CE credits for a minimal investment of time and money.

The October 26-27, 2009 First Party Claims Conference (FPCC) features a keynote address by Dr. Terri Vaughan, CEO of the National Association of Insurance

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Annual Meeting from page 1

The convention begins on Wednesday, June 10, with the welcome reception and concludes Saturday, June 13, with the parting reception and dinner. Other social functions include a private reception and dinner Thursday evening at the Pacifica Del Mar Restaurant (across the street from the hotel) and Friday's reception and annual installation banquet. The dress for all meetings and events is resort casual, with the exception of Friday evening. The reception and banquet is a formal affair (black tie optional) requiring a coat and tie for men.

Spouses and guests will enjoy two unique morning programs, including breakfast in nearby Solana Beach coupled with shopping in the town's Cedros Avenue Design District on the first day and a wine blending class on the second day.

The annual golf tournament tees off Thursday afternoon at The Grand Del Mar Golf Club – a Tom Fazio designed resort course about twenty minutes from L'Auberge. Registration for this optional event includes roundtrip transportation. Rental clubs are available at the course. For more details about golf course, log on to www.thegraddelmar.com.



The Grand Del Mar Golf Club – Spectacular and Challenging

For last minute registrations or questions about the 2009 NAPIA Annual Meeting, call 703-433-9217 or visit www.napia.com.

FPCC from page 1



Crowne Plaza Hotel in Warwick, RI – Site of the Inaugural FPCC

Commissioners (NAIC). The event will take place at the Crowne Plaza Hotel in Warwick, Rhode Island. Significant issues for property insurance professionals will be addressed through a series of keynote presentations, panel discussions, and interactive seminars.

Attendees will receive a minimum of twelve (12) CE credits. Exhibits will be on display throughout the conference to give attendees access to leading solution providers. All breaks, meals and social activities will be held in the exhibit area to allow ample time to network and make important vendor contacts in one location.

Open to the broader insurance community (adjusters, brokers, agents, attorneys, accountants and others), the First Party Claims Conference is an excellent source for practical tools and answers to a variety of insurance related matters. For information about the education program, exhibitor/sponsor opportunities, conference registration and hotel reservations, visit www.firstpartyclaims.com or call FPCC at 703-433-2520.

MEMBER NEWS

NAPIA sadly reports the recent passing of two association past presidents -- **Myron (Myke) Schwartz** of Goodman-Gable-Gould/AI and **Eugene Lerner** of Clarke & Cohen, Inc.



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Clayton Solomon (center) Places First in Paul Cordish Writing Competition

2009 PAUL CORDISH WRITING AWARD WINNERS SELECTED

Winners of the 2009 Paul Cordish Memorial Writing Competition were announced May 14, 2009 during a ceremony at the University of Maryland School of Law in Baltimore, Maryland. The three finalists for this year's program were Jessica Marks, Christina Pavlus and Clayton Solomon.

Winning the Paul Cordish writing competition is considered one of the law school's most prestigious awards. The program promotes legal research in the field of insurance adjusting by awarding a combined \$10,000 to students who author papers on insurance law or the legal and ethical issues related to the public adjusting profession. University of Maryland Law Professor Susan Hankin served as faculty coordinator for the competition. She and non-faculty members on the competition committee evaluated papers to determine the three best.

Representing the Cordish family and announcing the three award winners was Blake Cordish. Attending the ceremony on behalf of NAPIA were Counsel Brian Goodman, Esq. and Executive Director David Barrack.

Commenting on the quality of this year's submissions, Cordish said "These writings were the best collection of papers in the four year history of the competition. They were well researched, well

written and very timely. Topics ranged from the impact of the recent financial crisis on public adjusting to uniform state licensing requirements for public adjusters, to contingency fees for public adjusters. We are pleased and proud to have this competition at the University of Maryland School of Law to honor the memory of my grandfather, Paul Cordish, and to develop scholarship concerning the legal issues that public insurance adjusters encounter."

Jessica Marks, a member of the class of 2010, placed third and received \$1,000. Her paper was entitled "Rating the Rate System: A Review of Florida's Endorsement of Contingency Fees for Public Adjusters."

Placing second and receiving \$1,500 was Christina Pavlus, also a member of the class of 2010. Her paper was entitled "The Impact of the Financial Crisis and the Global Economic Downturn on the Property & Casualty Insurance Industry as It Pertains to the Public Insurance Adjusting Profession."

The \$7,500 first place prize went to graduating student Clayton Solomon.* Solomon's paper was entitled "Toward National Uniformity in the Treatment of Public Insurance Adjusters Under State Unauthorized Practice of Law Provisions."

Solomon will travel to California in June where he will attend the 2009 NAPIA Annual Meeting to receive his award and present his paper to convention attendees.

*Clayton Solomon received his J.D., Magna Cum Laude from the University of Maryland Law School in May 2009. At the same time, he received an LL.M. degree in International Law, with distinction, from the University of New South Wales in Sydney, Australia.



PRESIDENT'S MESSAGE

President Nicole S. Figlin, SPPA

With the summer fast approaching, and with it the start of what we all expect will be an active hurricane season, it may be a good time for us to be thinking about the way we conduct ourselves as public adjusters on a daily basis. While so many of the states continue to challenge our ability to work and the regulations we work under, we need to keep in mind that the way we do business reflects on the entire public insurance adjusting profession and how we are viewed by insureds. The problems we have faced in states like Florida and Louisiana all began with a public adjuster not properly representing an insured. The impact of one bad apple can be devastating to the broader public adjusting community, as well as seriously affect our ability to do business and make a living.

Recently, the association has been receiving complaints about the "unprofessional" way public adjusters handle themselves. These complaints include both member and non-member firms. The NAPIA Rules of Professional Conduct and Ethics are posted on our website for all to see. Among other things, it means we hold ourselves to a higher standard. As such, it might be a good time for each of us to review these important guidelines.

On a more personal note, as my year serving as your President is coming to an end, I would like to take this opportunity to thank all of the officers and members of the board of directors for helping me to have a very successful term. The year has had its quiet

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President's Message from page 3

times as well as periods of great activity. Along with our attorney, Brian Goodman, we have worked diligently to address all of the legal and legislative issues presented to us. The highlight of my term was being able to get a licensing bill passed in Kansas. Thank you again to everyone who worked with me to make that possible. As time comes closer to pass the reigns on, I look forward to my continued involvement with a talented group of people who I know will do a terrific job taking our profession further than ever before.

I also look forward to continuing my work on the inaugural First Party Claims Conference set to take place next October in Warwick, Rhode Island. We have already confirmed a myriad of speakers and seminars as well as sponsors and exhibitors for the event. Visit the FPCC website at www.firstpartyclaims.com for more information and updates.

Thank you again for allowing me to serve as your President. It has been a true honor and pleasure.

CONTRIBUTE TO THE WILL GOODMAN FOUNDATION

The Will Goodman Foundation was created to serve as a resource for the education of public insurance adjusters. Contributions made in the name of a colleague or loved one will be acknowledged with a letter to the family. All donations are tax deductible. Checks may be made payable to:

The Will Goodman Foundation
c/o NAPIA
21165 Whitfield Place, #105
Potomac Falls, VA 20165

To make a donation by credit card, call 703-433-9217.



COUNSEL'S CORNER

NAPIA Legal Counsel Brian S. Goodman, Esq.

After a relatively quiet Fall and Winter, the Spring has seen a burst of activity impacting public adjusters in many states across the country. We have seen challenges to our status in Arkansas and Florida, as well as efforts to change the licensing statutes in North Carolina and Minnesota. Florida's legislature has now commissioned a "study" of the profession. While somewhat troubling, this should give us an opportunity to correct some misimpressions and help stabilize the situation there. Through all of this, NAPIA has had a significant presence, through our Board, local members and local attorneys, and our efforts in these states will continue. I will be detailing much of this at the Annual Meeting with much greater specificity. Through the good efforts of many NAPIA members, we do have a strong handle on the legislative and regulatory efforts in these many states.

My most important advice at present is to be absolutely certain that you are properly licensed and thoroughly familiar with all rules and regulations before proceeding in any state that is not part of your usual geographic area.

The fourth year of the Paul Cordish writing award competition has just ended, and this year's program saw four excellent papers chosen as finalists. Topics ranged from Constitutional principles to Florida's fee situation to the impact of the economic crisis on our profession. The competition is doing what was intended, that is, providing a series of scholarly papers in our field, something

that was sorely lacking for years, and there is no better way to honor Paul's memory than that. The winning entry this year is entitled "Toward National Uniformity in the Treatment of Public Insurance Adjusters Under State Unauthorized Practice of Law Provisions," and the winner, Clayton Solomon, will be at our Annual Meeting to present the paper and receive his first place award.

I want to thank the officers, directors, and past presidents for their help in what has been another busy year. I look forward to seeing everyone in June.

FUTURE MEETING SITES & DATES

First Party Claims Conference

Crowne Plaza Hotel
Warwick (Providence), RI
October 26-27

2009 Mid-Year Meeting

Wynn Las Vegas
Las Vegas, Nevada
December 3-5

2010 Annual Meeting

Ojai Valley Inn & Spa
Ojai, California
June 9-13

2010 Mid-Year Meeting

Ritz Carlton South Beach
Miami, FL
December 9-11

2011 Annual Meeting

Atlantis Resort
Paradise Island, Bahamas
June 8-12

2011 Mid-Year Meeting

Arizona Biltmore
Phoenix, AZ
December 1-3

2012 Annual Meeting

The Grand Del Mar
San Diego, California
June 20-24

2012 Mid-Year Meeting

The Ritz Carlton
San Francisco, California
November 29-December 1

MARCH INSURANCE SEMINAR ATTENDEES RECEIVE SEVEN CE CREDITS

Sixty public adjusters and other insurance industry professionals attended the March 18, 2009 NAPIA/CAPIA Insurance Seminar at the Marina del Rey Hotel in Marina del Rey, California. Moderating the program was NAPIA Professional Education Chairman Karl Denison, CPPA of Goodman-Gable-Gould/AI.

According to exit surveys, approximately 90% of attendees thought that the quality of the seminar was good to excellent. The one aspect of the event that failed to receive a superior rating was the property. Because of its convenient location; however, the Marina del Rey Hotel did get a better than average rating.



Seminar Speaker Ron Cook, Esq.

With little variation in the evaluation of speakers and topics, survey respondents gave a rating of good to excellent for the material covered. Seminar topics and speakers were:

- ◆ "Pursuing Homeowners Insurance Claims – First Party Coverage," by Ron Cook, Esq. of Willoughby, Stuart & Bening
- ◆ "The Effect of Lease Provisions on Insurance Claims," by Randy Goodman, SPPA of Goodman-Gable-Gould/AI

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- ◆ "Homeowner's Insurance and Bad Faith Issues: Anatomy of a Multimillion Dollar Damage Jury Award" (case study) by Randy Hess, Esq. of Adelson, Hess & Kelly, APC
- ◆ "Examinations Under Oath: Can't Live With 'Em, Can't Get Paid Without 'Em," by Joel Gumbiner, Esq. & Jack Eskridge, Esq. of Gumbiner & Eskridge, LLP
- ◆ "Adjusting Claims in the Aftermath of the Financial Crisis: AIG Got a Lot of Money to Pay Claims (yeah, right!)," (panel discussion) by Joel Gumbiner, Esq., Jack Eskridge, Esq., Rob Greenspan of The Greenspan Company /AI and Ron Reitz, CPPA of Quality Claims Management Services Corp.

Although survey respondents indicated that they were satisfied with the one-day seminar format, an overwhelming majority said they would be in favor of a two-day program that provides up to 12 CE credits.

Most thought that the seminar

logistics and overall organization was good. One respondent; however, said that he would like to receive more of the prepared presentation and see/hear less questions and answers because time is short. As for future programs, suggestions included: a review of California insurance law; a review of recent court decisions affecting property damage, and business income loss claim.

Attendees of the NAPIA/CAPIA Insurance Seminar qualified for seven (7) CE credits under the NAPIA certification program. The seminar was also approved for seven credits by most state insurance departments requiring continuing education for licensing.



Seminar Attendees Dan Larsen and Alice Young of Brown-O'Haver Public Adjusters

NEW MEMBERS

NAPIA is pleased to announce the following new members:

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For details about membership, visit www.napia.com and click on **Membership Information** under the **Learn About NAPIA** tab.

ANNUAL MEETING SPONSORS & EXHIBITORS RECOGNIZED

The association appreciates the support of the following 2009 NAPIA Annual Year Meeting Sponsors & Exhibitors:

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GENERATE LEADS FOR YOUR COMPANY WITH A NAPIA WEBSITE LINK!

The NAPIA website features a searchable database of public insurance adjuster and affiliate member firms. It is a valuable resource for members, insureds and the general public. For the low rate of \$200 per year, a direct link to your company's website can be added to this online function. To take advantage of this service, send your check or credit card information to NAPIA along with your company name and website address.

DONATIONS MADE TO CHARITABLE FUNDS SUPPORTED BY NAPIA

The association is grateful to the many firms and individuals for their generous contributions to the Paul Cordish Memorial Fund (designated to fund the annual writing award competition at the University of Maryland School of Law) and the Will Goodman Foundation (which was created to serve as a resource for the education of public insurance adjusters).

Recent donations to the *Paul Cordish Memorial Fund* were:

- > Clarke & Cohen, Inc., in memory of Myron Schwartz
- > Swerling Milton Winnick Public Insurance Adjusters (3), in memory of Robert Danton Gordon, Eugene Lerner and Myron Schwartz

Recent donations to the *Will Goodman Foundation* were:

- > Adjusters International, in memory of Myron Schwartz
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- > Adjusters International Corp., in memory of Eugene Lerner
- > Robert & Eileen Sill (2), in memory of Eugene Lerner and Myron Schwartz

Tax deductible donations may be sent to:

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Checks must be made payable to the Paul Cordish Memorial Fund or the Will Goodman Foundation. To use a credit card, call 703-433-9217.

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In 1985, Merlin Law Group Founder and President William F. "Chip" Merlin, Jr. addressed the National Association of Public Insurance Adjusters at its Annual Convention in Carmel, California. In the twenty plus years since, Merlin Law Group has proudly supported NAPIA and its membership.

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