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14TH ANNUAL CONFERENCE **Colorado Springs**

**WEST REGION CONSTRUCTION DEFECT
& CONSTRUCTION LAW CONFERENCE**

**OCTOBER 17-18, 2008
THE BROADMOOR
COLORADO SPRINGS, CO**



PRESENTED BY
MC CONSULTANTS

IN ASSOCIATION WITH

PAULSON REPORTING & LITIGATION SERVICES INC.

**BREMER WHYTE BROWN & O'MEARA LLP
KOELLER, NEBEKER, CARLSON & HALUCK, LLP
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mc conference agenda

FRIDAY OCTOBER 17, 2008 GENERAL SESSION AGENDA

Conference Moderator:

Keith G. Bremer, Esq., Bremer Whyte Brown & O'Meara

8:00 a.m. - 9:30 a.m. Continental Breakfast
8:45 a.m. - 9:00 a.m. Welcome & Introduction
9:00 a.m. - 1:00 p.m. Sessions

9:00 a.m. - 10:15 a.m.

Topic:

National Judicial Reflections Panel

Panel Moderator:

Ross W. Feinberg, Esq., JAMS

Panelists:

Hon. Mark Gibbons, Nevada Supreme Court
Hon. Nancy M. Saitta, Nevada Supreme Court
Hon. John Buttrick, Maricopa County Superior Court
Hon. Victoria G. Chaney, Los Angeles Superior Court
Hon. Judith Matarazzo, Oregon State Judicial Department
Hon. Juan Ramirez, Jr., Miami Third District Court of Appeal
Hon. Stephen J. Sundvold, Orange County Superior Court

Judicial Reflections on Current Insurance Coverage and Construction Defect Issues, Including Right to Repair and Multi-State Class Action Issues.

10:15 a.m. - 10:30 a.m. Break

10:30 a.m. - 11:45 a.m.

Topic:

Top West Region Appellate Cases

Panel Moderator:

Alexander S. Polsky, Esq., JAMS

Panelists:

Hon. Justice Michael A. Cherry, Nevada Supreme Court
Hon. Justice Charles Seymore, Texas 14th Court of Appeals
Hon. Judge Jack Komar, Santa Clara County Superior Court

Keith D. Koeller, Esq., Koeller, Nebeker, Carlson & Haluck
Scott F. Sullan, Esq., Sullan², Sandgrund, Smith & Perczak

West Region Review of Cases that will Affect Issues of Concern, Including:

- Right to Repair
- Class Actions
- Coverage
- Arbitration
- Insolvency

11:45 a.m. - 12:00 p.m. Break

12:00 a.m. - 1:00 p.m.

Topic:

New Conflicts with AI Coverage

Panel Moderator:

J.D. Turner, Esq., Lorber, Greenfield & Polito

Panelists:

Marisa Ala, Esq., Palumbo Bergstrom
Glenn T. Barger, Esq., Chapman, Glucksman, Dean, Roeb & Barger
David M. McLain, Esq., Higgins, Hopkins, McLain & Roswell
Todd S. Schweitzer, Zurich North America
David Stern, RPA, West Coast Casualty Insurances Services

Discussion of the inherent conflict between the additional insured carrier, with its strong interest in crafting an endorsement that narrowly restricts additional insured coverage to vicarious liability for its named insured's activities and the additional insured's economic interest in obtaining the broadest possible coverage through its status as additional insured.

Welcome Reception

Thursday October 16, 2008

Donald Ross Room, The Broadmoor

5:30 p.m. - 7:30 p.m.

Hosted by:

Paulson Reporting & Litigation Services, Inc.

West Coast Casualty Services, Inc.

JAMS The Resolution Experts®

SATURDAY, OCTOBER 18, 2008 BREAKOUT SESSION AGENDA

Conference Moderator:

Keith G. Bremer, Esq., Bremer Whyte Brown & O'Meara

8:00 a.m. - 9:30 a.m. Continental Breakfast

9:00 a.m. - 12:30 p.m. Sessions

9:00 a.m. - 10:30 a.m. Breakout Sessions

Topic 5.1

WRAPS

Panel Moderator:

Hon. Judge Robert E. May (Ret.), JAMS

Panelists:

Patricia J. Davis, Midlands Claims Administrators
John V. O'Meara, Esq., Bremer Whyte Brown & O'Meara
Lawrence H. Thompson, Esq., Lennar Homes of California
Susan Thorne, Swinerton Inc.

Topic 5.2

Colorado Coverage & Current Trends

Panel Moderator:

Sheri H. Roswell, Esq., Higgins, Hopkins, McLain & Roswell

Panelists:

Hon. Robbie M. Barr, (Ret.), Judicial Arbiter Group
Robert M. Baldwin, Esq., Baldwin & Carpenter
Joseph F. Bermudez, Esq., Cozen O'Connor
Michael Hearn, Esq., McKenzie, Rhody & Hearn
Clayton Sharkey, IMA of Colorado

Topic 5.3

Right to Repair Issues in the West Region

Panel Moderator:

Judge Jonathan H. Cannon, (Ret.), JAMS

Panelists:

Julia L. Bergstrom, Esq., Palumbo Bergstrom

Kenneth S. Kasdan, Esq., Kasdan, Simonds, Riley & Vaughan
Bruce Mayfield, Esq., Feinberg, Grant, Mayfield, Kaneda & Litt
Mitchell J. Resnick, Esq., Burch & Cracchiolo
Karen B. Rice, One Beacon Insurance

- Alternate Procedures to Right to Repair Statutes
- Benefits/Burdens to Builders, Homeowners, and Carriers
- Analysis of Actionable Defects

Topic 5.4

Pacific Northwest Coverage & Current Trends

Panel Moderator:

Jonathan Dirk Holt, Esq., Scheer & Zehnder

Panelists:

M. Wayne Blair, Esq., JAMS
Michael E. Farnell, Esq., Parsons, Farnell & Grein
James C. Prichard, Esq., Ball Janik
John P. Zahner, Esq., Foster Pepper

10:30 a.m. - 10:45 a.m. Break

10:45 a.m. - 12:15 p.m. Breakout Sessions

Topic 5.5

Arizona & Nevada Coverage & Current Trends

Panel Moderator:

James Sienicki, Esq., Snell & Wilmer

Panelists:

Ramiro Morales, Esq., Morales, Fierro & Reeves
William A. Nebeker, Esq., Koeller, Nebeker, Carlson & Haluck
Richard L. Righi, Esq., Turley, Swan, Childers, Righi & Torrens

Topic 5.6

High Rise Construction and Litigation Issues

Panel Moderator:

Hon. Peter Norell, (Ret.), IVAMS

Continental Breakfast

Friday October 17, 2008

The International Center, The Broadmoor
8:00 a.m. - 9:30 a.m.

Saturday October 18, 2008

Colorado Hall, The Broadmoor
8:00 a.m. - 9:30 a.m.

Hosted by:

Palumbo Bergstrom LLP
Koeller, Nebeker, Carlson & Haluck, LLP
Higgins, Hopkins, McLain & Roswell, LLC

mc conference agenda

Panelists:

Raymond M. Buddie, Esq., Allen Matkins
Kevin Marler, MC Consultants
Mark D. Petersen, Esq., Farella, Braun & Martel
Peter Read, Bovis Lend Lease

- How High-Rise Cases Differ from Residential Cases
- Loss of Use/Business Interruption Claims
- Common-High-Rise Defects

Topic 5.7

California Coverage & Current Trends

Panel Moderator:

George D. Calkins, Esq., Cox, Castle & Nicholson

Panelists:

Hon. Rex Heeseman, Los Angeles Superior Court
Robert V. Closson, Esq., Summers & Shives
Ben Llaneta, Esq., Milstein, Adelman & Kreger
Scott S. Thomas, Esq., Payne & Fears

Topic 5.8

Trends During the Preconstruction Phase

Panel Moderator:

Jim Kurkhill, Esq., Haushalter, Kurkhill & Gaspar

Panelists:

Leon F. Mead II, Esq., Snell & Wilmer
Chris Lavache, MC Consultants

- Negotiating & Drafting Key Contract Terms & Conditions
- The New AIA & Consensus Documents
- Subguard – What Is It & How Does It Work
- Drafting Express Indemnity Agreements under Crawford

Client Activities

Along with luxurious accommodations and spectacular service, The BROADMOOR offers an unparalleled array of activities for our guests. All guests can enjoy an extensive range of activities. To speak with the Concierge call toll free 866.837.9482.

Golf: Reservations 719.577.5790

Fly Fishing: 800.634.7711 Extension 5753

Horseback Riding: Concierge at 866.837.9482

MC Consultants 2009 Conference Schedule

**2009 Annual East Region
Construction Defect Conference**
May 28-29, 2009

Boca Raton Resort & Club
Boca Raton, FL

**15th Annual West Region
Construction Defect Conference**
September 17-18, 2009

Hilton San Diego Bayfront
San Diego, CA

Networking Cocktail Party

Friday October 17, 2008

Cheyenne Lodge, The Broadmoor
6:00 p.m. - 8:00 p.m.

Hosted by:

Paulson Reporting & Litigation Services, Inc.
Bremer Whyte Brown & O'Meara
Forensic Analytical Consulting Services
Lorber, Greenfield & Polito, LLP

2008 14TH ANNUAL WEST REGION CONSTRUCTION DEFECT AND CONSTRUCTION LAW CONFERENCE

REGISTRATION FORM AND FEE MUST BE RETURNED TO MC Consultants BY OCTOBER 14, 2008

Name: _____

Company Name: _____

Address: _____ Phone: _____

City: _____ State: _____ Zip: _____

E-Mail: _____ Fax: _____

Check all that apply to you: Attorney Expert Insurance Developer Other

REGISTRATION FEES

\$795.00 per attendee

\$650.00 per attendee, three or more from same firm

\$395.00 per Insurance Company attendee

Please make check payable to MC Consultants. Please return registration fee and completed form to:

MC Consultants, 5315 Avenida Encinas, Suite 110, Carlsbad, CA 92008

CONFERENCE REGISTRATION INFORMATION

Conference Fee includes continental breakfast October 17 and October 18 for registered attendees, attendance at all conference sessions, a copy of the conference handbook, Welcome Reception and Networking Cocktail Party. Contact our Conference Department at 800-729-0355 or via email at conferences@mccconsultants.com with any questions. Space is limited, so register early. No refunds on conference registration fees after October 10, 2008. Payment by check only. Conference registration confirmed after fee payment is received.

Special Room Rates: Call The Broadmoor at 866-837-9520 for reservations, before September 17, 2008. Be sure to mention you are attending MC Consultants' Conference to receive the special room rate for Thursday October 16, Friday October 17 and Saturday October 18. The Broadmoor is located at 1 Lake Avenue, Colorado Springs, CO 80906. For airport/hotel shuttle reservations call 800-772-6254.

MCLE CREDITS

MC Consultants' 14th Annual Seminar is approved for 6.5 MCLE credits by the State Bars of CA & NV. Approval pending for credit by the State Bars of CO, FL, ID, NM, PA, OR, TX, UT and WA. Certificates of attendance available for AZ.

Insurance Department Continuing Education Credits (CE)

MC Consultant's 14th Annual Seminar has applied for continuing education from 2 different State Insurance Departments requiring education for adjusters, agents and brokers and we are awaiting approval. (Various state insurance departments require us to inform all interested parties that an application for CE credits does not guarantee approval which is subject to the various insurance department rules, guidelines and regulations.)

Refunds

A full refund will be provided to those who request same up to fifteen (15) days prior to the first day of the seminar. There will be no refunds within fifteen (15) days of the first day of the seminar.

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