



Northern California Regional Liability Excess Fund

2355 Crenshaw Blvd, Suite 200, Torrance, CA 90501
(310) 212-3344, Fax (310) 212-0300

Executive Summary **Claims & Coverage Committee Meeting** **March 1, 2017**

The following is a summary and highlights of the Claims & Coverage Committee and the 6th Annual Defense Counsel Summit on March 1, 2017 at the Holiday Inn in Dublin.

President:

Kimberly Dennis
Alameda County
Schools Insurance
Group

Vice President:

Brent Swanson
Tulare County
Schools Self
Insurance Authority

Secretary:

William Tucker
Organization of Self-
Insured Schools

Treasurer:

Scott Lantsberger
Washington Unified
School District

Claims & Coverage Committee

Closed Session was conducted to review special requests, claim settlement requests, 2016-17 2ND Quarter reserve incurred analysis, Abuse point in time report, claims updates, pending trials & coverage opinions.

Open Session items included Property claim settlement authorizations, quarterly closed claim reports, NCR Defense panel addition requests, claims audit proposal and E-Record retention policy.

Defense Panel Additions

- Committee approved the addition of Anne Miller of Leone & Alberts at the Partner rate. Ms. Miller has over twenty years experience in practicing public entity law and she will be taking the place of long time NCR panel attorney Marina Pitts who will be retiring in the year. This will allow for a smooth transition of Ms. Pitts NCR inventory.
- Committee approved the addition of Elias Salameh and Evan Allen from Fenton & Keller at the associate rate to assist partner Mark Cameron with law & motion and court appearances.

Claims Audit Proposal

NCR is currently undergoing the re-accreditation process with CAJPA. In order to maintain our accreditation with excellence designation, an independent claims audit is required every two years. The Committee reviewed and approved the proposal from incumbent claims auditing firm Risk Management Services (RMS). RMS proposal was a reduction of \$800 from their last proposal. The audit will take place in late June with results to be provided at the September 6, 2017 Claims & Coverage Committee meeting.

E-Record Retention Policy

At the December meeting, an ad-hoc committee was formed to include Committee members Mike Smith (Oakland USD), Kevin Collins (EBSIG) and Minh Vu (Fremont USD). Robin Schmitt from Brentwood USD who presented with Louis Leone at the Annual Meeting will also participate to provide input on his experience dealing with this litigation discovery requests on NCR litigated matter. The manager advised that Mike and Robin have provided rough drafts and documentation and the Ad-Hoc Committee scheduled a teleconference on March 28, 2017 to begin discussions on the policy.

Defense Counsel Summit

The 6th Annual Defense Counsel Summit took place after the Claims & Coverage Committee meeting. The purpose of the summit is to have the Claims & Coverage Committee, panel counsel and Keenan claims team collaborate and discuss case law affecting California schools, claims challenges, litigation strategies and NCR performance. It is a great opportunity to establish solid working relationships, share ideas and strategies to keep NCR on the cutting edge. It is also a win/win for panel counsel as they receive CE credits for their attendance. Kudos to John Kelley from Morgan & Kelley for his continued assistance in this regard.





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JPA Manager, Ron Martin provided a general overview of the NCR program membership, program structure, overall operational claim flow, settlement authority process and update on Abuse claims. Bryan Boyle provided an overall claims trend presentation of NCR claims and incurred losses over the last 7 completed fiscal years by Member Retained Limit, NCR layer and the SAFER excess layer.

The attorneys presenting on 3 topics this year were John Kelley (Morgan & Kelley), Louis Leone (Leone & Alberts), Jim Anwyl (Anwyl & Stepp) and Jason Sherman (Schachter & Lewis).

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- 1) L.A Co. Board of Supervisors vs. County of L.A California Supreme Court Decision- Attorney Billing Records under the California Public Records Act
Presenter: John Kelley, Morgan & Kelley

The above captioned case referenced dealt with public record requests for attorney billing records and counsel being required to provide. John discussed the attorney client privilege and the individual line item billings giving plaintiff attorneys the potential to identify defense counsel strategy. Recommendations were to provide aggregate billing totals and not specifics.

- 2) Superpool Amicus Brief Doe v. Rubenstein, Application of claims accrual under CCP 340.1
Presenter: Louis Leone, Leone & Alberts

Louis Leone provided an overview the Amicus Brief filed on behalf of SAFER members (Northern California ReLiEF, Southern California ReLiEF and SWACC). This matter was discussed at the Annual Meeting. This particular case does not involve a SAFER district. It is in the California Supreme Court for review. It is heavily contested on the defense side as well as the plaintiff attorney side. The Court will decide if CCP 340.1 would apply to a public entity which would allow for manifestation of injury after the claims statute for filing a claim for sexual abuse has expired. If ruled in the plaintiff favor, this would eliminate any time barring of sexual abuse cases against school districts creating an unlimited exposure. Needless to say, this would not be favorable case law in that event. The hearing date has not been yet established.

- 3) Legal Defense Strategies in multiple Plaintiff sexual abuse lawsuits
Presenters: Jim Anwyl, Anwyl & Stepp
Jason Sherman, Johnson, Schachter and Lewis

Jim Anwyl and Jason Sherman provided a detailed presentation sharing their experience and strategies in handling multiple plaintiff abuse claims to include discovery, analyzing law enforcement reports to assist in liability evaluation and obtaining evidence in the defense of claims, use of experts and obtaining medical records, deciding when and when not to depose minors and mediation strategies.

Overall, the feedback from panel counsel was very favorable.

The next Claims & Coverage Committee meeting is scheduled for June 7, 2017 in Pleasanton, CA.

