



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** **June 7, 2017**

The following is a summary and highlights of the Claims & Coverage Committee on June 7, 2017 at the Sheraton in Pleasanton, Ca.

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 3RD Quarter reserve incurred analysis, Abuse point in time report, claims updates, pending trials & coverage opinions.

Regular Open Session items included Property claim settlement authorizations and quarterly closed claims paid report. Other items included: 1) Doe V. Rubenstein Amicus Brief update 2) E-Record Retention policy 3) Defense Counsel Selection Policy and 4) Defense Counsel Summit Episodic Survey results.

Doe V. Rubenstein Amicus Brief

Ron Martin advised the Committee that this matter was heard by the California Supreme Court on May 30, 2017. The case in question does not involve an NCR/SAFER member. NCR, SCR, SWACC and SAFER engaged the services of Leone and Alberts, NCR Panel Counsel, to file an Amicus Brief (friend of the court) on behalf of its members to challenge an Appellate Court ruling that would allow for unlimited filing of lawsuits for sexual abuse cases. Panel Counsel was able to participate and provide oral argument to the Court on the fiscal impact on member districts, the Pools as well as schools Statewide in the event the Court upheld and published the Appellate Court ruling. The Committee was advised that the Court will rule within 90 days of the hearing date and NCR would be advised of the decision and potential impacts.

E-Record Retention Policy

The Committee was advised of the results of the March 23, 2017 Ad Hoc Committee with Mike Smith, Kevin Collins and Minh Vu with a short presentation by Ron Martin. The main recommendations are 1) inclusion of a two year record retention for non permanent records 2) updating your District Record Retention Policy and Administrative Regulations (AR) 3580 and 3581 to address legal holds for processing and custodian of E-records 3) Consistency between AR's and Board Policy and 4) reliable back-up systems to store E-records and destruction of records consistent with Board policy. Suggested recommendations to the AR and Board Policy language will be provided for Committee review at the September meeting.

Defense Counsel Selection Policy

The Policy was reviewed by Ad Hoc Committee consisting of Committee Chair, Kevin Collins, Co-Chair Bryan Richards and the Manager to discuss suggested enhancement and amendments. The suggested changes to the policy for Committee recommendation were 1) clarify the policy to allow review of attorneys for addition or deletions of attorneys at regularly scheduled Claims & Coverage Committee meetings on an as needed basis 2) specify in the policy that all applications do not guarantee admission and 3) addition of review criteria to include specific expertise, overall experience, public agency experience, potential conflicts, references, litigation outcomes & performance, Compliance with NCR Defense Counsel Guidelines and Geographic location. The Ad





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Hoc Committee changes were approved as recommended. The Policy will be presented to the Executive Committee in August for formal action.

Defense Counsel Summit Episodic Survey

The Survey results were very favorable with all submissions providing a strongly agree or agree rating for all categories to include the presentations provided by the Manager and panel counsel speakers on specific topics. In regards to improvement, the feedback was to have more interaction with the examiners and allow more time for round table. These suggestions will be incorporated into next year's session.

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The next Claims & Coverage Committee meeting is scheduled for September 6, 2017 in Pleasanton, CA.

