

Property Section Newsletter

Chair:

Rebecca Levy-Sachs

Vice Chairs:

Mike Kiernan, 2010, Programs

Lisa Le Nay, 2010, Newsletter

Phillip Reeves, Website

Doug Berry

Rick Hammond

I am pleased to provide you with my first official newsletter since I have had the privilege of being appointed as Chair of our Section. Homestead was terrific, and I am really looking forward to the Winter Meeting, 2010 in Orlando, Florida and the Summer Meeting in Munich. The Section leadership of our practice group has been actively involved in gathering interesting topics, presenting papers and finding presenters for FDCC's upcoming meetings.

Since Homestead, FDCC has been busy and both the Corporate Counsel Symposium and the 2020 Conference in New York were well received. The Joint Law Firm Management Conference is scheduled for November 4, in Chicago.

November 4 – 6, 2009 Joint FDCC/IADC Law Firm Management Conference

In partnership with the IADC, the FDCC presents "Survive or Thrive: Guiding Your Law Firm through Uncertain Economic Times." Successful managing partners and practice group leaders from FDCC and IADC firms, along with well-known consultants in law firm management, will address:

1. The effects of the recession on member firms.
2. Keeping your head above water – options for capitalization.
3. Mergers and acquisitions – is now the time to make a move?
4. Partnership structures and compensations – is it time to de-equitize?

Following our highly acclaimed and popular format, each presentation will be followed by vigorous discussion in smaller break out groups, based on firm size. Past experience confirms this format provides a forum for the meaningful exchange of ideas among similarly sized firms confronting similar issues. Even if you are not involved or interested in firm management, encourage your law firm management to attend. Attendees need not be a member of FDCC or IADC as long as a member of the firm is a member of either organization. Recognizing the value of this program for member firms, the registration fee is reduced significantly for the second and subsequent attendees from the same law firm.

This is not just a “big firm” program addressing problems only “the big firms” experience; the topics and speakers represent a cross section of firm sizes and the break out sections will allow you to discuss issues and possible solutions with others who are experiencing your special challenges.

Registration is now open. Go to the FDCC website for the Law Firm Management brochure and registration link.

Winter Meeting 2010 – Walt Disney World Orlando



Need a break from the winter doldrums—its time to Register for the 2010 FDCC Winter Conference at Walt Disney World, Florida! The conference will be at the Grand Floridian Resort & Spa from February 26 to March 6, 2010. This is another Saturday to Saturday meeting, so you can make your plans to arrive early and stay late.

Convention chairs are Robbie and Lib Foster, and the Program chair is Vicki Roberts. The Grand Floridian is Disney’s most luxurious hotel (I would add by far). It is elegant, and you will feel that the surroundings are well suited for the planned Great Gatsby President’s Reception. You and your family can explore four theme parks. Robbie has arranged an afternoon with the Atlanta Braves at their new facility, where you can enjoy spring training at its best: small crowds, conversations with the players, and autographs. The Fosters have also planned a trip to Sea World, and an Indiana Jones epic stunt spectacular theme party, a fishing tournament, a golf tournament, and numerous other activities.

Room reservations should be made now by calling the Grand Floridian Resort Group Reservations Department at 407-934-3372.

Vicki Roberts has planned an exciting plenary program including David Maister, and Trial Masters 2010, The Art of Cross Examination, as well as a number of other timely topics.

Our Section meeting is scheduled for Wednesday morning:

“Stayin’ Alive” (at all costs) -- Property Insurers As Deep Pocket Targets in Uncertain Economic Times”

As the economy has worsened, Ponzi schemes have surfaced and, although thankfully, the hurricane seasons of 2004--2005 have not repeated themselves for four years, insureds, public adjusters and plaintiffs’ attorneys have found unique and original ways to seek reimbursement for economic hard times from property carriers. Three panelists will discuss different aspects of this phenomenon: including the increase and implications of arson and fraud in home foreclosure situations (Rick Hammond); the coverage claims and assertions made by both individual and commercial insureds for recoupment of losses suffered in Madoff and other Ponzi schemes (Dennis Fitzpatrick) ; and the proliferation of 2004--2005 “supplemental” hurricane claims over the past year--raising some novel questions concerning rights to appraisal, the defense of late notice and the applicability of other policy conditions (Doug Berry)..

Silent Auction- FDCC’s first ever silent auction will take place at the Winter meeting. Proceeds will benefit the Federation Foundation and the local Boys and Girls Club of Orlando. Some of the items donated thus far include ski condos, a trip to Belize, and a Montana retreat. We are looking for more items to auction. For the silent auction to be a success, we need your help. Please let us know if you or your firm have an item to donate to the silent auction such as tickets to a professional sporting event, a weekend getaway, a golf outing, artwork, antiques, or a vintage bottle of wine. Participation is simple - just go to the member side of the Federation website and click on the second to the last paragraph under Member Resources at silent auction donor form. We would like to start the bidding process early, so please figure out what you can purchase or donate, and do it all on the website. As the 2010 Winter Meeting draws closer, we will be providing you with more information about the Silent Auction. In the interim, if you have any questions please contact Frank Ramos by telephone 305-347-1544 or by email framos@csclawfirm.com.

July 24-31, 2010 Annual Meeting, Arabella Sheraton Grand Hotel, Munich Germany



The annual meeting in Munich promises to be the most unique in our 70-year history. Europe provides the perfect backdrop for an international exchange of knowledge, justice and fellowship. Munich has been called "the warm-hearted regional capital" and "the northernmost city in Italy." Its countless beer gardens and street cafes, its many green areas, such as the English Garden, the ancient pastureland on the banks of the Isar, and its vibrant districts, such as Schwabing, Haidhausen, and Giesing, prompt these terms of endearment. Landmarks and historical attractions such as the Frauenkirche (Church of our Lady), the Deutsche Museum, the Pinakotheken (art museums), and the Olympic Centre. And the BMW Museum is only a few miles away. It is advertised as the perfect place for anyone who loves mountains, idyllic lakes, and long hikes across fields and pastures.

The Gallivans have committed themselves to making your European adventure easy, fascinating and economical. Organized activities and tours will begin on Saturday, July 24 and run continuously until Saturday, July 31 with "early CLE" meetings starting on the 26th. You do not want to miss one day of the "ultimate Federation experience." The Hotel's 800 number is 800) 325-3535 and the direct dial is: (49)(89) 92640.

The Program Chair is Deb Kuchler. Our Section will present a Joint Program at the Plenary Session with the Excess and Reinsurance Section, the Insurance Industry Section and the Technology Section on differing expectations of European and US insurers with respect to litigation "across the pond". This subject is of significant concern to carriers and the counsel who represent them. A few of the recent articles on the subject are "The European Union is Not "Getting Over" Data Privacy: The Data Protection Gulf Between the European Union and the United States" at www.imakenews.com/admirlaw/e_article001456833 and "A Brief Look at How E-Discovery in the United States Compares with E-Discovery Across the Pond." At www.imakenews.com/admirlaw/e_articl00145682. Our program description is:

—Th Litigation World is Not So Flat- Insurers Stunned By Proceedings across the Pond"

While Thomas Friedman has tried to convince us that in this global economy "the world is flat", litigation counsel, local counsel and insurer litigants on both sides of the Atlantic beg to differ. In Europe, there is a very strong right of

privacy to one's documents, and wholesale production of e-records is astounding; and the cost of productions and data bases to support that discovery in US litigation is dismaying to European insurers; under European rules you can only request discrete documents and this perceived lack of discovery is shocking to Americans litigating in Europe. Counsel and Insurers from both sides of the pond will share client expectations and relations based upon these very differing expectations of litigation and procedures. Sponsored by Property Insurance Section, Reinsurance and Excess Section, Insurance Industry Section, and Technology and E-Commerce Section.

James Kelly, of ACE has agreed to be our panel moderator, and we already have counsel and carrier volunteers from both sides of the Atlantic.

Volunteers and Opportunities

FDCC Quarterly Articles

Our section is responsible for contributing at least one article to the FDCC Quarterly during the year. FDCC provides electronic access to quarterly articles from 1997 to present at the Federation website. If you have an interest in writing an article or already have something that could be easily converted to an article, please contact me.

Hot Cases

The section is also responsible for doing hot cases during our section's assigned weeks. Phil Reeves has coordinated this for our Section.

Litigation Management College and Graduate College Emory University Conference Center June 13 – 17, 2010 Atlanta, GA

FDCC will sponsor the 16th Annual Litigation Management College and the 7th Annual Litigation Management College Graduate Program at Emory University in Atlanta, GA. This intensive training program for claims professionals will begin Sunday, June 13 and end Thursday June 17, 2010. Registration is available at www.thefederation.org.

The Litigation Management College has earned an international reputation as a premier advanced litigation training course for claims professionals. LMC is an intensive four-day experience of workshops based on a catastrophic injury case study and participatory interactive education experiences. It is designed for claim and litigation management professionals with 5 to 15 years claim or litigation management experience. The graduate program is designed to build on a solid foundation provided by the LMC to refine the claim or litigation management professionals' understanding of advanced insurance coverage issues, strategic litigation tactics,

preparation of the handling of the litigation and alternatives for resolution, while gaining further understanding of the process.

If you would like more information or would like to see a brochure of the 2009 programs (2010 program agenda and brochure will be available after January 1, 2010), please contact the Dean of Admissions, Mike Schroder at mike.schroder@swiftcurrie.com or the Dean of Technology - Helen Alford at hga@alfordclausen.com.

FDCC Website Improvements

FDCC has been working on additions to the website which is designed to showcase members' achievements. The first section is called "Federation Triumphs" and it is designed to let all of the visitors to our website know of the successes the Federation members have achieved in the courtroom, including victories in trial, on significant motions, and on appeal. This section will include your picture along with your short description of the great results you and your client achieve. The second new edition is a section called "In the News." While defending civil claims of our business, the talents and achievements of our members extend far beyond the courtroom into our jobs and communities and are worthy of recognition. Examples of noteworthy events for inclusion in this section would include receipt of Bar awards, civic awards, promotions, et cetera. We will again include your picture along with a brief description of the achievement. The process for submission of your victories and accomplishments is easy. You prepare the submission you wish to appear on the website, submitting your entries to kreamer@bscr-law.com. Depending on the number of submissions we receive, we hope to update each section on a weekly basis. Visit the homepage www.thefederation.org to check out the new web sections.

Member Profiles

When is the last time you checked out the section page at www.thefederation.org? Is your member profile up to date? Please take a look and if you have not sent Susan Coone (scoone@thefederation.org) your updated member profile, please do so. Each quarter a different member of the section is featured on our webpage.

Coming Attractions

2011 Palm Springs and Williamsburg
2012 Phoenix and Whistler

Meeting Vendors

At every FDCC meeting there are several vendors who are interested in doing business with our membership. These are great organizations and you are encouraged to make referrals to or participate directly with any of the vendors who provide valuable services to our members. Whether it is the forensic scientist or accountants or the insurance services available

from these folks, please give each of them your serious consideration where there is a need in your practice or your business.