The Summit of Subrogation
Climbing to New Heights

NASP 2016 Annual Conference
The Broadmoor - Colorado Springs, CO
October 23 - 26, 2016

For more information, visit subrogation.org
The Summit of Subrogation: Climbing to New Heights

is the exciting theme of this year’s 18th annual NASP conference, returning to the Broadmoor in Colorado Springs, Colorado.

This conference features daily Keynote speakers followed by two days of “Full Sessions” (60 minutes) and “Speed Sessions” (45 minutes). Some of the industry’s most experienced insurance carrier professionals, subrogation outsourcers, attorneys, collection agencies, and experts will share valuable information in 63 sessions of the Auto, Property, Product Liability, General, Management, Workers’ Compensation and Health tracks. In addition, on Wednesday we will have an update from the Amicus and Legislative Affairs Committee, followed by a “one-on-one” with the NASP Board.

Kick off Sunday by participating in one or more NASP-sponsored events, including the annual Tennis Tournament, Golf Classic, and 5K run/walk. Make sure to also take advantage of all that the wonderful Broadmoor has to offer, including its Forbes Travel Guide Five-Star day spa as well as its incredible restaurants (including the only Five-Star, Five-Diamond restaurant in Colorado, Penrose Room), 54 holes of championship golf, six tennis courts, indoor/outdoor pools, distinctive retail shops, specialty tours, and activities and programs for guests of all ages and interests. Let the spirit of the West inspire the adventurer within you with endless opportunities to explore the picturesque mountains, streams and canyons that this wonderful area has to offer.

Monday morning we start high at the summit with the Water Coolers, an incredibly entertaining group making their second NASP conference appearance. Tuesday begins with the return of Michele Stuart, the ultimate Private Investigator, and owner of JAG Investigations. For those that didn’t get to see her in Reno at last year’s Annual Conference, Ms. Stuart is an Arizona licensed private investigator with over two decades experience. She enlightened (or frightened) us all with how much information can be obtained from the internet during an investigation, and is excited to continue that discussion.

And don’t forget the exhibit hall. More than 110 exhibitors are available to discuss products and services available to subrogation professionals. As always, the exhibit hall will be the main gathering place for the Conference, providing attendees with opportunities to eat, meet, mingle, network, and discuss all that is subrogation.

We are certain this year’s conference will live up to its theme: “The Summit of Subrogation: Climbing to New Heights” and are looking forward to seeing everyone in October.

Matt Peaire and Kevin DeGarmo
Conference Co-Chairs
EARLY REGISTRATION  
(ON OR BEFORE AUGUST 19, 2016)  
Includes all Educational Sessions / Sunday Night Reception / Breakfast, Lunch & Reception on Monday and Tuesday / Breakfast on Wednesday.  
Member: $1,045  |  Non Member: $1,575

LATE REGISTRATION  
(AFTER AUGUST 19, 2016)  
Includes all Educational Sessions / Sunday Night Reception / Breakfast, Lunch & Reception on Monday and Tuesday / Breakfast on Wednesday.  
Member: $1,260  |  Non Member: $1,785

CONFERENCE GUEST REGISTRATION – $195  
Conference Guest Registration is available only to spouses and personal guests of conference registrants. This fee includes admittance to the evening receptions on Sunday, Monday and Tuesday ONLY. Conference Guest Registrations must be accompanied by a full-conference attendee registration.

CONTINUING LEGAL EDUCATION (CLE) CREDITS – $210*  
There is an additional fee of $210 for filing for CLE credits for your attendance at this conference. No CLE credits will be provided if payment is not made. An “Official Record of Attendance” form will be provided at the registration desk to all individuals registered for CLE. Because of strict deadlines set by the states, the CLE forms must be returned to the NASP registration desk prior to the end of the conference on Wednesday, October 26, 2016 or mailed to the NASP staff office before November 11, 2016 for official filing.**  
*Provided by CEU Institute  
**Any CLE forms received after November 11, 2016 will be subject to a $100 late filing fee.

CONTINUING EDUCATION (CE) CREDITS FOR ADJUSTERS – $160*  
There is an additional fee of $160 for filing for Continuing Education (CE) Credits for adjusters for your attendance at this conference. No CE credits will be provided if payment is not made. An “Official Record of Attendance” form will be provided at the registration desk to all individuals registered for CE. The CE forms must be returned to the NASP registration desk prior to the end of the conference on Wednesday, October 26, 2016 or mailed to the NASP staff office before November 11, 2016 for official filing.**  
*Provided by CEU Institute  
**Any CE forms received after November 11, 2016 will be subject to a $100 late filing fee.

CANCELLATION POLICY  
Written cancellation postmarked, emailed or faxed on or before August 19, 2016 will receive a credit to your account for the value of your registration minus $150.00 cancellation fee. After August 19, 2016, no refunds will be given.

RECOMMENDED ATTIRE  
The dress code for the NASP Conference is business casual.

PRE-REGISTRATION  
Upon checking in at the conference, all attendees will be provided with a list of individuals registered for the conference. This list will provide ONLY the attendees’ names, companies, cities and states. To be included on the pre-registration list, your registration must be received no later than August 19, 2016.

NOTE: Badge sharing, splitting and reprints are strictly prohibited.
GOLF CLASSIC
Join us for the 2016 NASP Golf Classic on Sunday, October 23rd at the Broadmoor Golf Club at 9:00 a.m. for warm-ups, tee-times starting at 9:30 a.m. The Broadmoor’s East Course is known for its wide, tree-lined fairways and expansive greens. With its challenging terrain and amazing mountain vistas, The East Course is ranked among the best golf courses in the country.

REGISTRATION FEE:
$195 – Includes greens fees, cart, lunch and awards.

CLUB RENTAL:
Rentals are available on a first-come, first-served basis. Advanced reservations are recommended by calling 719-577-5792. Rental fee is $74.00.

ATTIRE:
The Broadmoor requires that all guests are properly attired while on their championship golf courses. They do not allow bare midriffs, short shorts, cut-offs or denim jeans. Men are required to wear a shirt with a collar. Ladies are required to wear a blouse with a collar or sleeves. Ladies’ and men’s shorts are to be Bermuda length. Soft spikes are required.

TENNIS TOURNAMENT
Rated as one of the Top 10 tennis resorts in the country by Tennis Magazine for the past 15 years, The Broadmoor Tennis Club has become legendary in Colorado Springs. Our award-winning tennis facilities include four new cushioned hard courts and two new Har-Tru courts. Two of the hard courts are covered by an illuminated, heated bubble during the winter months, allowing for year-round enjoyment. Join us for NASP’s 2016 Round-Robin Tournament at The Broadmoor Tennis Club on Sunday, October 23rd from 10 a.m. – 12 p.m.

FEES AND RENTALS:
Indoor courts: $35 per hour (mid October – April only).
Outdoor courts: $30 per hour.
Shoe rental: $6 per day.
Racquet rental: $8 per day.

NOTE: REGISTRATION PROCEEDS SUPPORT NASP’S AMICUS EFFORTS.

SIGN UP FOR GOLF, TENNIS, OR THE 5K WHEN YOU REGISTER FOR THE CONFERENCE. OR, YOU MAY CONTACT THE NASP STAFF OFFICE (800-574-9961) TO ADD ANY OF THESE EVENTS TO YOUR EXISTING REGISTRATION.
THE BROADMOOR – COLORADO SPRINGS, CO

ROOM RATE $219
This rate is effective three (3) days prior to and three (3) days after the NASP Conference, subject to availability of rooms at the time of reservation.

Reservations can be made via the “Conference” page of the NASP website: www.subrogation.org. Requests for reservations must be received by August 19, 2016 to receive the discounted group rate. There are a limited number of rooms available at this rate. Please make your reservations early.
MONDAY, OCTOBER 24, 2016

AUTO
M.1.1 Driverless Cars and Damages: Subrogation in a New Era
M.2.1 Playing the Percentages: A Study of Comparative Negligence
M.3.1 Found Money - How to Increase Your Judgment Recoveries
M.4.1 Maximize Recovery through Criminal Restitution
M.5.1 Utility Poles, Comparative Negligence, Automobile Claims and Subrogation

PROPERTY
M.1.2 Subrogation Investigation in a Catastrophic Structural Collapse
M.2.2 Catastrophic Gas Explosions and Aging Infrastructure: What Every Recovery Professional Must Know
M.3.2 Warehouse Losses - Understanding and Analyzing the Issues
M.4.2 High Tech and High Risk: The Hidden Dangers of Rooftop Solar Electric and the Subrogation Strategies for Recovery
M.5.2 Of Mice and Mines – The Valuation of Unique Damages in Subrogating Property Damage Claims

HEALTH
M.1.3 Current Updates in Medical Device and Prescription Drug Multi-District Litigation
M.2.3 Medicare Advantage – Year in Review
M.3.3 Burdensome ERISA Document Requests: How to Read the Important ERISA Documents and What Your Opponent Really Needs
M.4.3 Stop Loss Landslide
M.5.3 ICD-10 One Year Anniversary – Lessons Learned and Strategies for Refining Identification of Subrogation Opportunities

MANAGEMENT
M.1.4 Technology Solutions that Will Shape Tomorrow
M.2.4 Being a Leader: Effective Leadership Skills for Subrogators
M.3.4 Ethical and Practical Implications of Confidentiality Provisions in Subrogation Litigation
M.4.4 Subro College: Management Considerations – What’s This About?
M.5.4 Efficient Attorney-Expert-Adjuster Relation Can Improve the Odds of Winning
MONDAY, OCTOBER 24, 2016 (CONT.)

WORKERS’ COMP
M.1.5 Building a Workers’ Compensation Subrogation Recovery from a Construction Accident
M.2.5 You’ll be Shocked! The Anatomy of Electrical Failures and Accidents
M.3.5 Symbiotic Recovery Success: An Interactive Case Study to Max Out Your WC Subrogation Recoveries Through Effective Insurer and Counsel Collaboration (Part 1)
M.4.5 Symbiotic Recovery Success: An Interactive Case Study to Max Out Your WC Subrogation Recoveries through Effective Insurer and Counsel Collaboration (Part 2)
M.5.5 Recent Developments, Trends and Decisions in Workers’ Compensation Subrogation (Part 1)

GENERAL
M.1.6 Know Limits: Beating the Statute of Limitations, Statute of Repose, and Other Legal Limits
M.2.6 The Art of Negotiation
M.3.6 Who Wants to be an Arbitration Zillionaire? An Interactive Arb Climbing Experience
M.4.6 Video Enhancement – A Settlement and Cost Optimization Tool for Subrogation Claims
M.5.6 Getting the Win – How to Posture Your Claim for Successful Resolution at Mediation and How to Avoid Common Pitfalls for Failure

PRODUCT LIABILITY
M.1.7 Subro Wars – A Galaxy on Fire
M.2.7 DeHumidi-Fires: Legal and Technical Aspects of Pursuing Subrogation Against Dehumidifier Manufacturers
M.3.7 Federal Hazardous Substance Act – Friend or Foe? Evaluating and Exploiting Product Labeling Requirements for Combustible and Flammable Consumer Products
M.4.7 The Insidious Failure Modes of Emerging Lighting Technologies
M.5.7 Product Liability Subrogation’s 10 Most Wanted List: Most Common Obstacles to Small Subrogation Files and How to Avoid Them

TUESDAY, OCTOBER 25, 2016

AUTO
T.1.1 Secrets of Savvy Case Presentation for Applicants
T.2.1 “No Does Not Always Mean No” – Overcoming Wrongful Denials of Coverage in Motor Vehicle Accidents
T.3.1 Motor Vehicle Accident Subrogation – How to Recover Damage by or to Rental Vehicles
T.4.1 One Size Does Not Fit All: Tailoring Subrogation Releases for the Right Fit

PROPERTY
T.1.2 Hotel, Restaurant, and Nightclub Fires: Critical Lessons From Historic Catastrophes to the Present!
T.2.2 Recent Developments, Trends & Decisions in Property Subrogation
T.3.2 The Antifreeze Fire Sprinkler System Dilemma – Eliminating One Issue has Opened the Door to Another
T.4.2 How NFPA921 Can Serve as your Guideline When Scaling the Subrogation Mountain

HEALTH
T.1.3 Staying on top of the Subrogation – The Changing Face of Injury Subrogation Claims in the New Age of Cars
T.2.3 Health Care Law Update
T.3.3 Did the Montanile Decision Create a Pike’s Peak or a Molehill for Healthcare?
T.4.3 Everything a Health Subrogation Professional Needs to Know About Form 5500I

MANAGEMENT
T.1.4 Ethics in Subrogation Technology
T.2.4 Elevate your Carrier Vendor Relationship to New Heights
T.3.4 Small But Mighty: Opportunities and Challenges for a Smallish Subrogation Department
T.4.4 Retention: Lessons Learned from the Hospitality Industry
TUESDAY, OCTOBER 25, 2016 (CONT.)

WORKERS’ COMP
T.1.5 It’s Not a Small World After All! Exploring and Overcoming the Myriad of Obstacles in Subrogating Against Foreign Product Manufacturers
T.2.5 State Specific Subrogation Coast to Coast (Part 1)
T.3.5 State Specific Subrogation Coast to Coast (Part 2)
T.4.5 Personal Injuries – Their Causes and Liabilities

GENERAL
T.1.6 Preparing the Subrogation Adjuster for Deposition and Trial Testimony
T.2.6 “Show Me the Money NOW!” Obtaining timely Payment in Multi-Party Insufficient Limit Cases
T.3.6 The Crossroads of Subrogation and Agency Law: Subrogation Scenarios Involving Agency Arguments
T.4.6 The Truth or Something Like It – The Art of Taking Effective Statements

PRODUCT LIABILITY
T.1.7 Introduction to Residential Water Filter Failures
T.2.7 The Hazard of Portable Radiant Electric Space Heaters
T.3.7 What in the Water is Going On?
T.4.7 Bicycle Product Liability: This Isn’t Kid Stuff!

WEDNESDAY, OCTOBER 26, 2016

W.1.1 Amicus / Legislative Affairs Update
W.2.1 One-On-One With the Board / Conference Attendee Feedback

SUNDAY, OCTOBER 23, 2016

6:30 AM - 5K RACE/WALK CHECK-IN
7:30 AM - SUBRO DEFENDERS’ 5K RUN / WALK BEGINS
9:00 AM - 16TH ANNUAL GOLF TOURNAMENT WARM-UP
9:30 AM - 16TH ANNUAL GOLF TOURNAMENT BEGINS
10:00 AM - 12TH ANNUAL TENNIS TOURNAMENT BEGINS
11:00 AM - 7:30 PM - REGISTRATION IS OPEN FOR EXHIBITORS
2:00 PM - 7:30 PM - REGISTRATION IS OPEN FOR ATTENDEES
4:45 PM - 5:30 PM - FIRST-TIME ATTENDEES’ RECEPTION
6:00 PM - 8:00 PM - SUNDAY NIGHT RECEPTION
8:00 PM - 8:30 PM - MEMBERS’ ONLY RECEPTION
**M.1.1 AUTO**

**DRIVERLESS CARS AND DAMAGES: SUBROGATION IN A NEW ERA**

The future of self-driving cars is not all that far away if news reports and press bulletins are to be believed. Even though it is unrealistic that such technology could eliminate any accident from ever happening, this technological advancement has significant implications. This session focuses on what these changes may mean along with shifts in theories of liability and avenues for recovery. The potential liability of manufacturers, programmers, owners, and passengers has the ability to create entirely new areas of focus and specialized needs for insurance subrogation departments. Come explore the brave new world that awaits.

**M.1.2 PROPERTY**

**SUBROGATION INVESTIGATION IN A CATASTROPHIC STRUCTURAL COLLAPSE**

This presentation will provide the subrogation professional with practical information regarding the handling of a subrogation claim as a result of a catastrophic weather event, and the unique difficulties associated with the investigation. This presentation will assist the subrogation professional to identify those issues that need to be considered early in the subrogation investigation to ensure that all necessary information and evidence is preserved, and all interested parties are involved in the initial investigation. The presentation will also demonstrate how the subrogation professional can utilize the information gathered during the investigation to maximize recovery as early as possible.

**M.1.3 HEALTH**

**CURRENT UPDATES IN MEDICAL DEVICE AND PRESCRIPTION DRUG MULTI-DISTRICT LITIGATION**

This presentation is a detailed discussion of current updates in Prescription Drug and Device Mass Tort claims. The presentation will cover both the status of legal developments relating to healthcare subrogation as well as unique and difficult causation problems that do not exist with other types of traditional healthcare subrogation claims. Learn what steps need to be taken in order to preserve a third-party claim & maximize the healthcare payer’s recovery potential. Participants will learn about several types of Prescription Drug and Device claims that may present significant recovery opportunities for healthcare payers, as well as the common theories of liability and pitfalls associated with pursuing these complex mass tort claims.

**M.1.4 MANAGEMENT**

**TECHNOLOGY SOLUTIONS THAT WILL SHAPE TOMORROW**

Through its ongoing partnership with the industry, Arbitration Forums, Inc. is continuously exploring ways to improve existing processes and introduce new products and services that will ensure its members’ needs will continue to be met well into the future. Participants will gain knowledge of the offerings that Arbitration Forums, Inc. has introduced or will be introducing to its members in the near future. Some of these offerings include TRS, AF’s new arbitration platform, the Settlement Exchange System, and a business intelligence tool that will redefine how members view their E-Subro Hub, arbitration data and more. Participants will learn how these offerings will create efficiencies within their organizations’ work processes.

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**CONFERENCE AGENDA**

**MONDAY, OCTOBER 24, 2016**

The Registration Desk will be open from 7:00 AM – 6:45 PM.

<table>
<thead>
<tr>
<th>Time</th>
<th>Event</th>
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<tbody>
<tr>
<td>7:00 AM – 7:45 AM</td>
<td>BREAKFAST IN EXHIBIT HALL</td>
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<tr>
<td>8:00 AM – 10:00 AM</td>
<td>OPENING &amp; KEYNOTE PRESENTATION: THE WATER COOLERS</td>
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<tr>
<td>10:00 AM – 10:30 AM</td>
<td>BREAK IN EXHIBIT HALL</td>
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10:30 AM – 11:30 AM  |  CONCURRENT SESSIONS #1 (CONT.)

**M.1.5 WORKER’S COMP**

**BUILDING A WORKERS’ COMPENSATION SUBROGATION RECOVERY FROM A CONSTRUCTION ACCIDENT**
Construction accidents are the leading cause of catastrophic workplace injuries in the United States. This presentation will address how the subrogation professional should investigate common construction accidents with a view toward third party recovery. It will address accidents involving fall protection, floor openings, scaffolding, ladders and aerial boom trucks and scissors lifts. The presentation will address various governmental standards applicable to these types of accidents including OSHA standards for construction work and ANSI standards for construction machinery and tools. The presentation will also address the sensitivities of investigating construction accidents in light of contracts, indemnification agreements, and other potential impediments to third party recoveries, including employer liability issues.

**M.1.6 GENERAL**

**KNOW LIMITS: BEATING THE STATUTE OF LIMITATIONS, STATUTE OF REPOSE, AND OTHER LEGAL LIMITS**
The presenters, a recovery adjuster and a recovery attorney, will set out a humorous and entertaining fact pattern that will highlight the myriad of legal barriers that can trip up the unwary. These include statute of limitations (at least two will be in play under the fact pattern), statutes of repose (one for products, another for real property), a contractual time bar, a contractual subrogation waiver, a warranty disclaimer, a damages limitation, a forum selection clause, forum selection and choice of law clauses, and other tricks and treats. The novice and the master will be equally educated and entertained.

**M.1.7 PRODUCT LIABILITY**

**SUBRO WARS - A GALAXY ON FIRE**
After a fun video drawing on the parallel between subrogation and Star Wars, this presentation discusses the various new technology products that have been introduced into the market, and the fire dangers many of them pose. This includes hoverboards, e-cigarettes, additional lithium battery products, smart meters, and drones as examples. The presentation discusses the defect at issue with each product and the particular investigation steps needed to pursue subrogation in such cases. The presentation will also weave through it a “how to guide” for proving a product liability case and how to overcome common defenses, particularly with these trending products.

11:30 AM – 12:30 PM  |  LUNCH IN EXHIBIT HALL

**12:30 PM – 1:30 PM  |  CONCURRENT SESSIONS #2**

**M.2.1 AUTO**

**CATASTROPHIC GAS EXPLOSIONS AND AGING INFRASTRUCTURE: WHAT EVERY RECOVERY PROFESSIONAL MUST KNOW**
Recovery opportunities are missed when catastrophic gas explosions are not properly investigated and prosecuted. This presentation identifies winning strategies by explaining how and why explosions occur, identifying common gas company errors, de-mystifying the regulatory framework within which utilities operate and teaching you hot to avoid common pitfalls. Common subrogation concerns such as spoliation, governmental immunity, target selection and public sector interaction shall also be addressed in the catastrophic gas explosion context. The presenters have investigated and successfully prosecuted gas explosion claims nationwide and will use real-world examples to demonstrate learning points.

**M.2.2 PROPERTY**

**MEDICARE ADVANTAGE - YEAR IN REVIEW**
This presentation will cover this past year’s significant developments in Medicare Advantage litigation. You will gain practical insights from a leading in-house counsel and an experienced litigator about the strategy that goes on behind the scenes of these cases as they share tips on identifying and pursuing Medicare Secondary Payer Act claims, both small and large in scale. The presenters will engage in an interactive discussion with attendees for an engaging experience to provide you with takeaways you can use as soon as you return to the office.

**M.2.3 HEALTH**

**BEING A LEADER: EFFECTIVE LEADERSHIP SKILLS FOR SUBROGATORS**
This program will feature a seasoned panel of industry leaders, providing insight into various leadership concepts – some that are common to all business enterprises, and some that are unique to the Subrogation Community. There will be an interactive discussion amongst the panelists concerning their perspectives on leadership and how to be an effective Subrogation Leader. In addition the panel and audience will discuss real life scenarios in an effort to develop effective strategies for dealing with those challenges that are unique to the Subrogation Community.

**M.2.4 MANAGEMENT**

**YOU’LL BE SHOCKED! THE ANATOMY OF ELECTRICAL FAILURES AND ACCIDENTS**
Electricity can kill or severely injure people and cause damage to property. This session will explore the many hazards of working with electricity, such as electric shock, contact with live parts, and arc flash injuries. Attendees will see demonstrations of these phenomena and how they cause work-related accidents. The demonstrations will help attendees visualize the power of electricity and the mechanisms by which it causes injury. The session will also touch on damage and failure of conductors resulting in fire, and how accidents involving electricity should be investigated.

**M.2.5 WORKERS’ COMP**

**PLAYING THE PERCENTAGES: A STUDY OF COMPARATIVE NEGLIGENCE**
This session will present and explain the several types of negligence jurisdictions comparing and contrasting contributory negligence, pure comparative negligence, and the different forms of modified comparative negligence. An interactive component will be included so that participants may “play the percentages” game using fact patterns to determine whether a tortfeasor will be found liable in a particular jurisdiction.
### 12:30 PM - 1:30 PM  
**CONCURRENT SESSIONS #2 (CONT.)**

#### M.2.6 GENERAL

**THE ART OF NEGOTIATION**

Everyone is a negotiator. It’s part of the human condition. Doing it well, however, is an art form. This fast-paced session goes beyond the rudimentary mechanics of positional bargaining, highlighting instead the tactics skilled negotiators use to win the day, as well as the painfully common mistakes committed by those who don’t. The electronic age has brought its own twist to negotiations, adding a new subset to the effective negotiator’s To Do List. Attendees will leave this seminar with a fresh perspective on negotiations, armed with useful, practical tips that can – and should – be employed in any negotiation situation.

#### M.2.7 PRODUCT LIABILITY

**DEHUMIDIFIER FIRES: LEGAL AND TECHNICAL ASPECTS OF PURSUING SUBROGATION AGAINST DEHUMIDIFIER MANUFACTURERS**

Unbeknownst to consumers, hundreds of thousands of dehumidifiers that fall under active CPSC recalls are currently in use. Every week, a portion of these dehumidifiers fail catastrophically, resulting in fire. This presentation will discuss the technical details regarding how these fires are occurring, how they can best be investigated, and what distinguishing features can assist in determining who manufactured a given dehumidifier. Finally, relevant case law and legal strategies will be discussed that have been successfully used to reach favorable subrogation decisions in similar cases.

### 1:45 PM - 2:45 PM  
**CONCURRENT SESSIONS #3**

#### M.3.1 AUTO

**FOUND MONEY - HOW TO INCREASE YOUR JUDGMENT RECOVERIES**

Learn proven collection strategies from the pros! Recovery topics such as champion/challenger, scorecards, market share allocations, recall strategies, renewals, domestications, data integrity/validation/judgment images, post-judgment remedies, asset investigations and judgment sales will be discussed. Attendees will also learn Six Sigma strategies to target and eliminate waste. The growing influence of compliance and government oversight, will also be reviewed, so attendees will be better prepared for future audit considerations.

#### M.3.2 PROPERTY

**WAREHOUSE LOSSES - UNDERSTANDING AND ANALYZING THE ISSUES**

This presentation will identify and address subrogation issues in warehouse losses involving fire, explosion, sprinklers, HVAC systems, structural collapse, weather, theft, vandalism and employee dishonesty. We will discuss various insurance coverage options and analyze insurance coverage and liability issues unique to each. The presentation will identify potential tortfeasors and discuss implications involving Bills of Lading, receipts, leases, contracts, limitations of liability and codes. The presentation will address unique issues involving racking, stacking, packaging, pallets, shrink wrap, fire load, fire pre-plans, hazardous materials, evergreen contracts, building information management and critical path. Issues involving “covered” and “recoverable” damages will also be addressed.

#### M.3.3 HEALTH

**ETHICAL AND PRACTICAL IMPLICATIONS OF CONFIDENTIALITY PROVISIONS IN SUBROGATION LITIGATION**

 demands by defendants for confidentiality provisions in releases as a condition of settlement have become routine. Equally commonplace are demands for protective orders which restrict the use of information disclosed during discovery. Because such confidentiality demands are usually not perceived as obstacles to the goal of resolving the subrogation claim, subrogation counsel may overlook the ethical issues that can arise from such provisions. This presentation will alert subrogation professionals to the potential ethical issues with confidentiality provisions and discuss why resistance to such provisions is often necessary and in the long-term interests of the subrogation community at large.

#### M.3.4 MANAGEMENT

**SYMBIOTIC RECOVERY SUCCESS: AN INTERACTIVE CASE STUDY TO MAX OUT YOUR WC SUBROGATION RECOVERIES THROUGH EFFECTIVE INSURER AND COUNSEL COLLABORATION (PART 1)**

Many insurers utilize worker’s compensation staff to pursue recoveries, at times with limited success. In order to maximize worker’s compensation subrogation recoveries, it is critical for the subrogation professional to collaborate with its retained subrogation counsel to formulate an effective strategy from the outset of the claim to its conclusion. This presentation will engage the attendees in an informative role play format as they assist the presenters in formulating the most effective strategy to obtain a maximum recovery in a fictional, yet true to life claim scenario to be distributed at the beginning of the presentation.

#### M.3.5 WORKERS’ COMP

**WHO WANTS TO BE AN ARBITRATION ZILLIONAIRE? AN INTERACTIVE ARB CLIMBING EXPERIENCE**

Join us for this informative interactive game show event modeled after the iconic ‘Who Wants to be a Millionaire?’ Attendees will be placed into teams and participate in a question-and-answer formatted session covering essential knowledge of subrogation arbitration. Each team will be involved with each question allowing for every group to answer, internet and network throughout the moderated session. Topics include the Role of Evidence; Arbitrator Decision Making Protocol; Effective Case Presentation; Strategic Arbitration, et al. The curriculum will range from basic fundamentals of arbitration to advanced advocacy. Overall, participants will meet other conference attendees; test their knowledge of arbitration and enjoy the fun competitive atmosphere where one group walks away arbitration zillionaires.

#### M.3.6 GENERAL

**CONCURRENT SESSIONS #3 (CONT.)**

**BURDENSOME ERISA DOCUMENT REQUESTS: HOW TO READ THE IMPORTANT ERISA DOCUMENTS AND WHAT YOUR OPPONENT REALLY NEEDS**

Is your health care subrogation unit looking to reach the summit of higher recoveries? Do you feel that it is hard to climb under the weight of burdensome document requests from plaintiffs’ attorneys? Then this is a must-attend presentation. The presentation will inform attendees about different types of ERISA documents and plan filings, such as master plan documents, summary plan descriptions, and Form 5500s. The presentation will also explain which ERISA plan documents and plan filings are important in health care subrogation matters. Finally, the presentation will feature an interactive game that will make even burdensome document requests seem fun!
### Break in Exhibit Hall

**M.3.7**

**Product Liability**

**FEDERAL HAZARDOUS SUBSTANCE ACT - FRIEND OR FOE? EVALUATING AND EXPLOITING PRODUCT LABELING REQUIREMENTS FOR COMBUSTIBLE AND FLAMMABLE CONSUMER PRODUCTS**

- Stains. Varnishes. Paints. Primers. Misuses of these household goods cause thousands of fires annually. The Federal Hazardous Substance Act (FHSA) was seemingly enacted to prevent injuries arising from such misuse. This presentation will focus on the benefits and limitations under the law, and how the FHSA affects inadequate warning claims against sellers of such products. Real life case scenarios will be employed throughout the presentation. Spontaneous combustion fire claims will be reviewed at length, as will other evolving product labeling standards, such as ANSI's Z535.4 consensus labeling standards, and how they contrast with the FHSA.

**RECOVERY**

**SOLAR ELECTRIC AND THE SUBROGATION STRATEGIES FOR HIGH TECH AND HIGH RISK: THE HIDDEN DANGERS OF ROOFTOP SOLAR ELECTRIC**

- Many states allow insurance carriers to be considered a victim under the state’s respective criminal restitution statute. In this seminar we will discuss the methods in which subrogation professionals and subrogation counsel can seek inclusion in a criminal restitution award. The discussion will cover some of the pitfalls many insurance carriers experience and ways to meet the statutory requirements. Restitution awards often carry a higher interest rate, and they are also precluded from discharge in bankruptcy. Taking a proactive approach to restitution can increase the likelihood of recovery on a myriad of subrogation claims with perceived low collectability.

### Concurrent Sessions #4

#### M.4.3 Health

**MAXIMIZE RECOVERY THROUGH CRIMINAL RESTITUTION**

- Many states allow insurance carriers to be considered a victim under the state’s respective criminal restitution statute. In this seminar we will discuss the methods in which subrogation professionals and subrogation counsel can seek inclusion in a criminal restitution award. The discussion will cover some of the pitfalls many insurance carriers experience and ways to meet the statutory requirements. Restitution awards often carry a higher interest rate, and they are also precluded from discharge in bankruptcy. Taking a proactive approach to restitution can increase the likelihood of recovery on a myriad of subrogation claims with perceived low collectability.

#### M.4.4 Management

**SYMBOITIC RECOVERY SUCCESS: AN INTERACTIVE CASE STUDY TO MAX OUT YOUR WC SUBROGATION RECOVERIES THROUGH EFFECTIVE INSURER AND COUNSEL COLLABORATION (PART 2)**

- Many insurers utilize worker’s compensation staff to pursue recoveries, at times with limited success. In order to maximize worker’s compensation subrogation recoveries, it is critical for the subrogation professional to collaborate with its retained subrogation counsel to formulate an effective strategy from the outset of the claim to its conclusion. This presentation will engage the attendees in an informative role play format as they assist the presenters in formulating the most effective strategy to obtain a maximum recovery in a fictional, yet true to life claim scenario to be distributed at the beginning of the presentation.

#### M.4.5 Workers’ Comp

**STOP LOSS LANDSLIDE**

- Stop loss is a fundamental aspect of many self-funded plans. Without it, most self-funded plans would cease to exist. Since the advent of healthcare reform and with the failures of the exchange, regulators have been searching for ways to combat adverse selection and keep healthy lives in the marketplace. With ERISA preemption serving as a major impediment to regulation, what better way to discourage employers from self-funding than to remove their safety valve? This presentation will provide some background for this troubling development and detail some of the extreme measures taken by regulators to weaken the bedrock of self-funding.

#### M.4.6 General

**THE INSIDIOUS FAILURE MODES OF EMERGING LIGHTING TECHNOLOGIES**

- Incandescent light bulbs have been going the way of the dinosaur since the Energy Independence and Security Act of 2007 set new standards for light bulbs. Energy-efficient and more complex bulbs have hit the market, to include CFl (compact fluorescent lamp) and LED (light emitting diode). This session’s focus is on LED bulbs and will address their less than expected longevity. The discussion will also include how security video can be combined with a 3D computer model to show objects not originally visible. A "best practices" list will be given.

#### M.4.7 Product Liability

**VIDEO ENHANCEMENT – A SETTLEMENT AND COST OPTIMIZATION TOOL FOR SUBROGATION CLAIMS**

- Before and after examples of security video will be shown demonstrating what enhancement can and cannot do, the "CSI" effect, and reasons some security video is so poor. How security video can aid the adjuster in liability exposure plus give the adjuster and attorney a useful tool for settlement negotiations will be given. Initially, security video may give the impression of liability, but after the video is analyzed it may demonstrate quite the opposite. Attendees will be shown how security video can be combined with an advanced security video enhancement software that will be given to the attendees. Attendees will be shown how security video can be combined with a 3D computer model to show objects not originally visible. A "best practices" list will be given.

### Concurrent Sessions #4 (cont.)

#### M.4.8 Technology

**EFFECTIVE INSURER AND COUNSEL COLLABORATION (PART 2)**

- This newly launched one-day subrogation-specific management program is designed specifically for all levels of subrogation managers. During this session you will see what topics will be offered and how the material is presented. The program’s primary objective is to provide managers with ideas and concepts that they can use to carry out their responsibilities on a daily basis as they return to their individual operations. We hope you’ll join us for a look at what this new program is all about!

### Symposia

- **MAXIMIZE RECOVERY THROUGH CRIMINAL RESTITUTION**
- **SYMBOITIC RECOVERY SUCCESS: AN INTERACTIVE CASE STUDY TO MAX OUT YOUR WC SUBROGATION RECOVERIES THROUGH EFFECTIVE INSURER AND COUNSEL COLLABORATION (PART 2)**
- **THE INSIDIOUS FAILURE MODES OF EMERGING LIGHTING TECHNOLOGIES**
- **VIDEO ENHANCEMENT – A SETTLEMENT AND COST OPTIMIZATION TOOL FOR SUBROGATION CLAIMS**
- **STOP LOSS LANDSLIDE**
### CONCURRENT SESSIONS #5 (CONT.)

**4:15 PM – 5:00 PM**

<table>
<thead>
<tr>
<th>M.5.5</th>
<th>WORKERS’ COMP</th>
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<tr>
<td><strong>ICD-10 ONE YEAR ANNIVERSARY – LESSONS LEARNED AND STRATEGIES FOR REFINING IDENTIFICATION OF SUBROGATION OPPORTUNITIES</strong></td>
<td>This presentation introduces four “real world” losses, and the unique damages that arose in subrogating these property damage claims: (1) property damage and business interruption claims from an underground mine fire; (2) contaminated laboratory glassware; (3) damage to only one of two buildings on a continuous parcel of land; and (4) loss of dead mice and human tissue samples. The panel will provide a distinct overview of subrogation recovery by walking you through the facts of each loss, issues posed by the unique damages, results, and considerations for the future.</td>
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<th>M.5.6</th>
<th>GENERAL</th>
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<tr>
<td><strong>COMMON PITFALLS FOR FAILURE</strong></td>
<td>This presentation explores the relationship between the attorney, expert and insurance adjuster on property subrogation cases. Case studies, tips and “horror stories” will be presented in order to generate a discussion about how to create a more efficient and synergistic working relationship among these professionals. The perspectives of each professional will be examined in order to foster a better understanding of their unique needs and goals as a case progresses. Improving this three-way relationship will not only increase the likelihood of success on a particular case, but also decrease the amount of time spent on the file, thereby reducing costs.</td>
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**5:00 PM – 6:30 PM**

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<tr>
<th>M.5.7</th>
<th>PRODUCT LIABILITY</th>
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<tr>
<td><strong>SUCCESSFUL RESOLUTION AT MEDIATION AND HOW TO AVOID COMMON PITFALLS FOR FAILURE</strong></td>
<td>“Getting the Win” focuses on common reasons that some mediations are unsuccessful and the methods in which those problems may be avoided, based on real and practical experiences of subrogation professionals. The speaker will educate participants on the mediation mechanics from a general perspective an also identify and discuss common causes of mediation failure. Common misconceptions that defendants and liability carriers may have specifically to subrogation claims will be identified and participants will learn strategies to handle these misconceptions. Participants will depart the session armed with strategies to employ both in preparation for mediation and during mediation to place them in the best posture to make a valuable recovery.</td>
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**RECEPTION IN EXHIBIT HALL**
TUESDAY, OCTOBER 25, 2016

7:30 AM – 8:15 AM
BREAKFAST IN EXHIBIT HALL

8:30 AM – 10:30 AM
KEYNOTE PRESENTATION: INTERNET PROFILING AND INTELLIGENCE GATHERING

MICHELLE STUART, JAG INVESTIGATIONS
Ms. Stuart is a licensed Private Investigator in the State of Arizona with twenty years of experience specializing in the areas of Financial, Open Source Investigations (OSINT), Corporate Investigations, and Intelligence/Counter Intelligence. She started her investigative career as an Economic Fraud Investigator.

Ms. Stuart is an Adjunct Professor with University of Virginia and an Instructor at Quantico for multi country training programs. She provides seminars on her specialized investigative techniques in Open Source Investigations (OSINT). Over the past years she has provided presentations, and private training, to both Federal and State levels of Law Enforcement Agencies and Military Intelligence throughout the United States including attendees of Department of Homeland Security, US Marshals, FBI, DOJ, Border Patrol, Indian Tribal Nations and local law enforcement agencies throughout the country.

Additionally, she has presented classes for RSIG, ABA, Allied Finance Adjusters, Insurance Special Investigative Units and numerous financial and state associations. Moreover, she has written and published several articles pertaining to her investigative methods in various investigative publications and journals and is a featured author with her own column concerning Internet Profiling and Open Source Investigations titled “Internet FYI” in PI Magazine, a widely distributed trade publication of the private investigations industry. Her presentation is entitled, “Internet Profiling and Intelligence Gathering”.

Ms. Stuart has received the following prestigious awards:
• Top 25 Most Influential Collection Professionals Of 2011
• 2012 Speaker Of The Year -National Association Of Investigative Specialists

10:30 AM – 11:00 AM
BREAK IN EXHIBIT HALL

11:00 AM – 12:00 PM
CONCURRENT SESSIONS #6

T.1.1 AUTO
SECRETS OF SAVVY CASE PRESENTATION FOR APPLICANTS
Discover the secrets for presenting your case to maximize your potential arbitration recovery! In this session, you will learn how the role of applicant or respondent can impact case presentation choices, key characteristics of an effective applicant case, and strategies for presenting damages when you anticipate the respondent will dispute them. This program features a mock case presentation activity in which you will collaborate with your peers to gain hands-on experience applying the strategies shared. A brief question and answer session is included.

T.1.2 PROPERTY
HOTEL, RESTAURANT, AND NIGHTCLUB FIRES: CRITICAL LESSONS FROM HISTORIC CATASTROPHES TO THE PRESENT!
Hotel, restaurant and nightclub fires are often catastrophic. They involve places of public assembly. This interactive presentation will discuss major, historic fires to highlight recurring causes and how failures of fire suppression and safety systems exacerbate damages. We will emphasize the liability proof, defenses, forensic methodologies and practical strategies for developing recoveries. The case studies will focus on the fire cause and fire protection system failures due to, inter alia, inadequate maintenance, construction defects, improper modifications and impairments. This seminar will be discussing effective forensic investigation methods and legal strategies for developing hotel, restaurant and nightclub fire recoveries.

T.1.3 HEALTH
STAYING ON TOP OF SUBROGATION – THE CHANGING FACE OF INJURY SUBROGATION CLAIMS IN THE NEW AGE OF CARS
The future is closer than you think. By 2020 every new car sold in the United States will include basic crash avoidance technology as a standard feature. Self-driving vehicles are already being tested on public roads, and fleets of them may be on urban streets within a few years. What happens when autonomous cars meet ride sharing? If these trends deliver on the promise of greater road safety, how will it impact health subro? If the reality falls short, how will you identify and pursue responsible parties?

T.1.4 MANAGEMENT
ETHICS IN SUBROGATION TECHNOLOGY
This presentation will address the ethical dilemmas insurance claims professionals and service providers encounter when using technology and internet services during the course of subrogation investigations. The presenter will focus on key issues that arise when insurance claims professionals and service providers do uncover pertinent information during internet and social media searches, and when (and whether) that information should be admissible in a courtroom setting. The presentation will touch on the advantages and pitfalls of using technology in subrogation investigations, while also discussing how service providers can balance privacy concerns with modern ethical standards during those investigations.
The CONFERENCE AGENDA

Continued

11:00 AM – 12:00 PM

CONCURRENT SESSIONS #6 (CONT.)

IT’S NOT A SMALL WORLD AFTER ALL! EXPLORING AND OVERCOMING THE MYRIAD OF OBSTACLES IN SUBROGATING AGAINST FOREIGN PRODUCT MANUFACTURERS

Your employee is injured while using a product manufactured by a foreign corporation, and after paying workers’ compensation benefits, you are looking to file a subrogation action against the manufacturer. It’s not a small world after all, and it appears that foreign manufacturers are insulated by statute and case law from taking responsibility for dangerous products sold in this country. This session will explore the myriad of obstacles that you will encounter in bringing suit against a foreign corporation, including service of summons, challenges to personal jurisdiction, forum shopping, choice of law analysis, distributor statutes, limits on discovery through governmental treaties such as the Hague Convention, and executing or collecting on judgments. In this session, we will survey successful strategies that will allow for an efficient and economic application of resources in litigating your case.

PREPARING THE SUBROGATION ADJUSTER FOR DEPOSITION AND TRIAL TESTIMONY

The very thought of testifying sends shivers down the spines of many insurance professionals— it doesn’t have to be that way! In many subrogation cases the most effective and impactful witness will be the claims representative because they are seen as the “face” of the insurer. This presentation will provide practical tips to insurance professionals to help them better prepare for testifying, as well provide insight to counsel on how to best prepare these witnesses to testify. Whether it’s at a deposition or trial, strong testimony by the claims representative may well be a difference maker.

INTRODUCTION TO RESIDENTIAL WATER FILTER FAILURES

This session is intended to give an introduction to residential water filter failures. The session will begin with the overall purpose and operation of a residential water filtration system and the major types of systems. We will then discuss the industry standard national sanitation foundation (NSF) 42 and describe how the life expectancy of a water filter system can be inferred from this standard. The session will then discuss typical failures of water filter systems and their causes. This discussion of the causes will cover plastic design and manufacturing defects that weaken the filter systems. Lastly, manufacturer’s typical responses to each failure and the rebuttals for these claims will be discussed.

12:00 PM – 1:00 PM

LUNCH IN EXHIBIT HALL

1:00 PM – 2:00 PM

CONCURRENT SESSIONS #7

T.2.1 AUTO

“NO DOES NOT ALWAYS MEAN NO” - OVERCOMING WRONGFUL DENIALS OF COVERAGE IN MOTOR VEHICLE ACCIDENTS

Subrogation professionals are routinely presented with denials of coverage from tortfeasors’ insurance carriers. But does that no always mean no? Can a denial of coverage be challenged? If so, when, where and how. This session is designed to educate the subrogation professional on common denials and whether said denials are supported by the applicable law. The session will start with a general overview of the most common denials of coverage such as “non-cooperation”, “non-permissive use” or “misrepresentation” by the insured. The session will then address evaluating denials of coverage to determine their legal merit and procedures to challenge a wrongful denial of coverage. Lastly, the session will address the use of the “U” tribunal of Arbitration Forums to challenge an improper and/or illegal denial of coverage.

T.2.2 PROPERTY

RECENT DEVELOPMENTS, TRENDS & DECISIONS IN PROPERTY SUBROGATION

What are the latest court decisions, statutes and resulting trends impacting property subrogation? This presentation will identify and discuss the facts and rulings behind the latest developments in the field of property subrogation. Attendees will be asked to play judge based on the facts of actual cases. Did the court get it right? What are the differing views and interpretations of the facts? How do these cases affect our jobs as subrogation professionals? Learn what you need to know to stay on top of your game and ahead of your opponent.

T.2.3 HEALTH

HEALTH CARE LAW UPDATE

Join a lively discussion covering significant health care subrogation and reimbursement developments since NASP’s 2015 Annual Conference. The discussion will focus on major decisions affecting subrogation and reimbursement, including McCutchen’s “post script”, Montanile, Arizona and Missouri FEHBA claims, Illinois and Pennsylvania common fund litigation, Minnesota ERISA wrongful death reimbursement litigation and the uptick in interpleader actions. The conversation will also include anti-subrogation/reimbursement legislative efforts and emerging tactics attempting to reduce the health plan subrogation interest.

T.2.4 MANAGEMENT

ELEVATE YOUR CARRIER VENDOR RELATIONSHIP TO NEW HEIGHTS

Join us for a panel discussion with executives from various carriers who have experienced the pitfalls of difficult vendor relationships and helped forge successful long term prosperous partnerships. The session is designed for both carriers and subrogation vendors to engage not only the panel, but also the audiences in dialogue around how to go beyond service level agreements and contract language to bring value to the business. While there will always be challenges, this group will help provide insight into various approaches to help overcome the obstacles and soar to new heights.

T.2.5 WORKERS’ COMP

STATE SPECIFIC SUBROGATION COAST TO COAST (PART I)

Have you been having trouble understanding the nuances of a particular state’s workers’ compensation subrogation laws? Workers’ compensation subrogation is highly regulated and statutorily dependent, often with considerable variations in law across the country. For the claims professional who handles claims in multiples states, this can make daily practice confusing. We will examine the “nuts and bolts” of select jurisdictions and the elements that differentiate these states from others. You will learn the essential features of law in the states addressed from adjusters and lawyers who practice there and have an open forum for answers to your state-specific questions.
**Conference Agenda Continued**

**T.2.6 General**

**CONCURRENT SESSIONS #7 (CONT.)**

**T.2.6**

**GENERAL**

1:00 PM - 2:00 PM

**“SHOW ME THE MONEY NOW!” OBTAINING TIMELY PAYMENT IN MULTI-PARTY INSUFFICIENT LIMIT CASES**

We have all been there: you have an excellent liability case and the target’s carrier is considering settlement, but there are multiple parties, insufficient policy limits, and the statute of limitations does not run for years... and your client wants the money, NOW! This entertaining presentation will focus on tactics and strategies to make a recovery well before the statute runs; laws that assist in these efforts; use of unique releases that support quicker payment; tips for identifying the universe of multiple plaintiffs; using the potential for an excess verdict as leverage; ethical considerations that arise under these circumstances and more.

**T.2.7**

**PRODUCT LIABILITY**

2:15 PM - 3:15 PM

**CONCURRENT SESSIONS #8 (CONT.)**

**T.2.7**

**PRODUCT LIABILITY**

**THE HAZARD OF PORTABLE RADIANT ELECTRIC SPACE HEATERS**

A normally operating device, without any malfunction—in conditions where it is expected to be used—should not start a fire, but that is exactly what happened in a fatal fire in the coastal hills of California. The subsequent investigation revealed that the space heater was defective and unreasonably dangerous, and that the safety features it employed were ineffective. With that case as a platform, this presentation will discuss the nature, operation and technologies of electric space heaters in general, and explains the specific hazards associated with radiant space heaters. It will also discuss the general requirements of product liability litigation.

**T.3.1**

**AUTO**

2:15 PM - 3:15 PM

**MOTOR VEHICLE ACCIDENT SUBROGATION - HOW TO RECOVER DAMAGE BY OR TO RENTAL VEHICLES**

2016 is the 10th anniversary of the Safe, Accountable, Flexible, Efficient Transportation Equity Act (SAFETEA-LU) (49 U.S.C. § 30106). An amendment to the bill sponsored by Representative Sam Graves (R-Missouri) now known as the “Graves Amendment,” provides for federal preemption of any state statute or precedent that holds rental or leasing agencies vicariously liable for a renter’s negligence. This session teaches how the rental contracts and supplemental insurance products sold at rental counters will provide more routes to vicariously liable for a renter’s negligence. This session teaches how the rental contracts and supplemental insurance products sold at rental counters will provide more routes to recovery in the case of a negligent renter. The session will explain the specific rights, duties and requirements, associated failure modes, new subrogation parties, and the rise in alternative dispute resolution processes. Participants will review recent cases and explain the keys for investigating and handling these claims. This presentation will prepare insurance professionals, attorneys and experts for the anticipated influx of cases related to the changed landscape.

**T.3.2**

**PROPERTY**

2:15 PM - 3:15 PM

**THE ANTIFREEZE FIRE SPRINKLER SYSTEM DILEMMA - ELIMINATING ONE ISSUE HAS OPENED THE DOOR TO ANOTHER**

As a result of recent findings regarding the combustibility of antifreeze in fire sprinkler systems, the National Fire Protection Association changed the codes. The new guidelines result in decreased system effectiveness and an increased potential for system freeze. This presentation demonstrates how fire sprinkler systems operate and also focuses on the new requirements, associated failure modes, new subrogation parties, and the rise in alternative systems. The presenters will review recent cases and explain the keys for investigating and handling these claims. This presentation will prepare insurance professionals, attorneys and experts for the anticipated influx of cases related to the changed landscape.

**T.3.3**

**HEALTH**

2:15 PM - 3:15 PM

**DID THE MONTANILE DECISION CREATE A PIKE’S PEAK OR A MOWEHILL FOR HEALTHCARE?**

The U. S. Supreme Court decision in Montanile v. Bd. Of Trustees, Nat’l Elevator Industry Health Benefit Plan held that an ERISA plan’s equitable lien is destroyed if the plan member has spent the settlement funds on non-traceable assets. How is the plaintiff bar reacting? How has the health industry been affected? This interactive panel discussion will address the change in practice among health care insurance claims professionals, subrogation vendors and attorneys.

**T.3.4**

**MANAGEMENT**

**SMALL BUT MIGHTY: OPPORTUNITIES AND CHALLENGES FOR A SMALLISH SUBROGATION DEPARTMENT**

Is the official corporate description for your subrogation department “...and other duties as may be assigned”? Are you expected to attack a giant annual recovery goal with a shortened sword? Not every subrogation department has access to nationwide field offices, pre-packaged counsel or state-of-the-art subrogation intensive data systems. This session is designed for those heroes from smaller subrogation departments who fight the good fight without huge resources - whether internal or external. Yes there are challenges, but there are also great opportunities to leverage your resources and exceed expectations. Come and share your success stories and strategies with us.

**T.3.5**

**WORKERS’ COMP**

**STATE SPECIFIC SUBROGATION COAST TO COAST (PART 2)**

Have you been having trouble understanding the nuances of a particular state’s workers’ compensation subrogation laws? Workers’ compensation subrogation is highly regulated and statutory dependent, often with considerable variations in law across the country. For the claims professional who handles claims in multiples states, this can make daily practice confusing. We will examine the “nuts and bolts” of select jurisdictions and the elements that differentiate these states from others. You will learn the essential features of law in the states addressed from adjusters and lawyers who practice there and have an open forum for answers to your state-specific questions.

**T.3.6**

**GENERAL**

**THE CROSROADS OF SUBROGATION AND AGENCY LAW: SUBROGATION SCENARIOS INVOLVING AGENCY ARGUMENTS**

This presentation will explore subrogation scenarios that involve often overlooked legal principles of express and implied agency as a pathway to recovery. There will be a discussion about general agency law as well as examples of agency scenarios that often play out in subrogation matters. Participants will engage in an interactive discussion of case facts that have resulted in successful agency arguments and will be given tools to help identify agency issues likely to come up in subrogation matters.
2:15 PM – 3:15 PM  
**CONCURRENT SESSIONS #8 (CONT.)**

**T.3.7  
PRODUCT LIABILITY**

**WHAT IN THE WATER IS GOING ON?**

In this presentation, we will flood you with knowledge regarding water-related subrogation topics. We will cover trends in washing machine, dishwasher, water heater and water softener failures. We will discuss the recent losses in equipment, and the trends, along with the defenses that manufacturers and installers typically advocate. We will also whet your appetite on how to pursue manufacturers on dezincification losses, and how to do a better initial investigation to enhance your potential recovery, and to avoid further costs in litigation. Finally, we will submerge into water-based class actions, the status of where the various class-actions are in payment, as well as trends in water litigation.

3:15 PM – 3:45 PM  
**BREAK IN EXHIBIT HALL**

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3:45 PM – 4:30 PM  
**CONCURRENT SESSIONS #9**

**T.4.1  
AUTO**

**ONE SIZE DOES NOT FIT ALL: TAILORING SUBROGATION RELEASES FOR THE RIGHT FIT**

Nearly all claims settled with other insurers are concluded with the signing of a release. Most of these releases are crafted to fit bodily injury or other claims brought by individuals and not subrogation claims. Signing an ill-fitting release can prejudice you or your insured’s ability to bring future claims which weren’t contemplated in the settlement discussion. Even worse, a sloppy release can leave your company on the hook for someone else’s claim. Practical solutions for concluding a case without leaving your company exposed will be discussed.

**T.4.2  
PROPERTY**

**HOW NFPA921 CAN SERVE AS YOUR GUIDELINE WHEN SCALING THE SUBROGATION MOUNTAIN**

Judges must evaluate the reliability of expert testimony before allowing it to the jury. Judges utilize “measuring sticks” to evaluate the evidence and testimony. No other “measuring stick” is more significantly relied upon in a fire subrogation case than NFPA 921, and the defense will use NFPA 921 to their full advantage. To be successful, you have to climb “Mount 921” and plant your flag at the top. The Chairman of the NFPA 921 Committee will present an overview of how to apply the document to your case to avoid the missteps that may send you tumbling back down the mountain.

**T.4.3  
HEALTH**

**EVERYTHING A HEALTH SUBROGATION PROFESSIONAL NEEDS TO KNOW ABOUT FORM 5500I**

Ever think you need to wear black rimmed glasses, a skinny tie and a pocket protector to understand intricacies of the 5500I form? The 5500I is a federal form that must be filed annually by each employer maintaining an ERISA plan. This form contains a wealth of information for the astute subrogation professional. In this session, we will walk through the information contained in the 5500I and discuss how to interpret the form and how it can impact a plan’s recovery rights. No pocket protector needed!

**T.4.4  
MANAGEMENT**

**RETENTION: LESSONS LEARNED FROM THE HOSPITALITY INDUSTRY**

Anne Alba, Resident Manager of the Broadmoor, host to the 2016 NASP Annual Conference, will speak on how she and her leadership team have created and maintained a culture that breeds retention, not only of guests but employees as well. The Broadmoor is the longest-running consecutive winner of both the AAA Five-Diamond and Forbes Travel Guide Five-Star awards. Anne will share her powerful story reflecting on the core and leading business principles which have guided the continued success of the Broadmoor.

**T.4.5  
WORKERS’ COMP**

**PERSONAL INJURIES - THEIR CAUSES AND LIABILITIES**

This session will focus on the assessment of causation in personal injury claims, from an engineering perspective. Attendees will learn how to avoid chasing “red herrings”, and explore how the resultant root cause of an accident can be quite different from the original theory. The presentation will provide an overview of 28 injury cases, with examples of how causation was developed through further investigation. Attendees will learn to better identify the causes of common accidents, and avoid false leads.
3:45 PM – 4:30 PM
CONCURRENT SESSIONS #9 (CONT.)

T.4.6
GENERAL

THE TRUTH OR SOMETHING LIKE IT – THE ART OF TAKING EFFECTIVE STATEMENTS
Gathering evidence in the form of recorded statements is common in the insurance industry, but are recorded statements accurate, relevant or useful? Are written statements just as effective? What is the general quality of the recorded statements being taken in the industry? In this presentation these questions will be discussed. The need for higher quality statements will be demonstrated. The group will probe the hurdles and barriers to obtaining informative recorded statements. The class will include helpful practical tips and important strategies for taking recorded statements. The goal is for participants to increase their ability to conduct successful recorded statements.

T.4.7
PRODUCT LIABILITY

BICYCLE PRODUCT LIABILITY: THIS ISN’T KID STUFF!
Do you think of a bicycle as a child’s toy? Think again. An aging population is rediscovering cycling for health, fitness, and transportation. Even weekend warriors have access to exotic, lightweight materials. More traffic means more accidents, and accidents are costly in terms of property, medical bills, lost wages, and disability. This presentation will discuss tools to determine why a bicycle accident happened and whether a product failure or improper assembly or service was a factor. From collapsed wheels to slipping gears, there are myriad ways a bicycle can be front and center in subrogation.

4:30 PM – 6:00 PM
RECEPTION IN EXHIBIT HALL

WEDNESDAY, OCTOBER 26, 2016

8:30 AM – 9:30 AM
AMICUS / LEGISLATIVE AFFAIRS UPDATE
NASP’s Amicus and Legislative Affairs Committees will update attendees on what is presently happening in the industry, what we anticipate in the near future, and what you can do to help!

9:30 AM – 10:00 AM
ONE-ON-ONE WITH THE BOARD / CONFERENCE ATTENDEE FEEDBACK
End the conference with an one-on-one, Q & A session with the NASP Board of Directors. Bring your questions, and also let us know your feedback on the conference.