



CAI's 40th Annual Community Association Law Seminar
January 23 – 26, 2019
New Orleans, LA
Agenda

Wednesday, January 23, 2019

Optional Half-Day Program | Associates Track: L-100 How Community Associations Work (Attorneys Only)

1 – 5pm

Ellen Hirsch de Haan, Esq.*, Wetherington Hamilton, P.A., Tampa, FL

Matt D. Ober, Esq.*, Richardson|Ober, Pasadena, CA

Ronald L. Perl, Esq.*, Hill Wallack LLP, Princeton, NJ

Loura K. Sanchez, Esq.*, Burg Simpson Eldredge Hersh & Jardine, P.C., Englewood, CO

Steven L. Sugarman, Esq.*, Steven L. Sugarman & Associates, Berwyn, PA

Successful community association legal practice starts with the essentials and a strong ethical approach. Join experienced community association lawyers for an overview and case-law examples of the legal basis of community associations' rights and responsibilities as it relates to assessments, maintenance, policy, restrictions, and litigation, and how all the players involved make it come together.

Optional Half-Day Program | Managing Partner Track: Running a Community Association Law Practice

1 – 5pm

Moderated by P. Thomas Murray, Esq.*, Eads, Murray & Pugh, P.C., Indianapolis, IN

Amy K. Tinetti, Esq.*, Hughes Gill Cochrane Tinetti, Walnut Creek, CA

Joseph J. Cusimano, Esq.*, Kaman & Cusimano, Cleveland, OH

Kelly G. Richardson, Esq.*, Richardson|Ober, Pasadena, CA

Join managing partners and other community association law firm executive leaders from around the country for a two-part workshop to help you better lead your association practice. The first half features a panel of managing and executive level partners discussing common challenges and best practices, including starting a new firm; what happens when a partner leaves the firm; practicing community association law within a multi-practice large firm; challenges of medium and small firm association practices; marketing; retirement planning; and human resource and business management issues. The second half provides time for attendees to gather in networking groups with firm leaders from different markets to share their own ideas and individual experiences.

Thursday, January 24, 2019

Wayne Hyatt Lecture Series with the Hon. Mitch Landrieu

Sponsored by Burg Simpson Eldredge Hersh Jardine, P.C.

12:30 – 1:30pm

Voted America's top turnaround mayor in 2016 for leading efforts on public health, infrastructure, and gun violence, Mitch Landrieu, a two-term mayor of New Orleans, has been named as the Wayne Hyatt Lecture Series keynote speaker for the upcoming 2019 Community Association Law Seminar in New Orleans, Jan. 23–26.

As New Orleans' mayor, Landrieu inherited a city crippled by Hurricane Katrina. He was able to secure billions in federal funding for schools, hospitals, parks, and critical infrastructure to help New Orleans become one of the nation's great comeback stories. During his second term as mayor, Landrieu was awarded the prestigious John F. Kennedy Profile in Courage Award for advocating for and overseeing the removal of four Confederate monuments in New Orleans.

Louisiana's 51st lieutenant governor from 2004 to 2010 prior to becoming New Orleans' mayor, Landrieu also spent many years as a representative in the state's legislature. He will share highlights from his many years' experience as a legislator and lawyer with Law Seminar attendees.

INTROSPECTIVE: Are You a Jaded Community Association Attorney?

1:45 – 2:45pm

Joshua M. Bolen, Esq.*, Carpenter, Hazlewood, Delgado & Bolen, LLP, Tempe, AZ

Scott B. Carpenter, Esq.*, Carpenter, Hazlewood, Delgado & Bolen, LLP, Tempe, AZ

Kelly McQueeney, Esq., Altitude Community Law, Lakewood, CO

Join a panel of attorneys with 20+, 10+, and 0+ years of practice experience to explore how your career's longevity may affect your views on current community association legal topics. Focus includes identifying strengths and improvement areas for each practice level, and how to strike balance between experience and innovation to best serve your clients.

TRANSITION: Transitioning Developer Control from Start to Finish

1:45 – 2:45pm

Brendan P. Bunn, Esq.*, Chadwick, Washington, Moriarty, Elmore & Bunn, P.C., Fairfax, VA

Steven Y. Brumfield, CMCA, AMS, PCAM, Toll Brothers, Inc., Horsham, PA

Gain new insights on the process of transitioning developer-controlled community associations to homeowner-controlled communities from a developer's perspective. Topics include an overview of the design process from design to conveyance of all homes, developer board service, construction and design issues, conflict resolution, and releases.

TRENDS: Trends in Association Fining Authority

1:45 – 2:45pm

Lydia J. Chartre, Esq.*, Husch Blackwell LLP, Waukesha, WI

Clint G. Goodman, Esq., Goodman Law Group, LLP, Mesa, AZ

*Examine the evolution of an association's fining authority by reviewing *Turtle Rock III v. Fisher*, a case that represents a national trend toward tougher regulations on how associations must provide advanced notice to owners before assessing monetary penalties. Topics include adopting a fine schedule and proving damages prior to awarding fines.*

CIRMS: Important Risk Management & Insurance Updates: Federal and Industry Wide (i) Restatement of Liability Insurance, (ii) Federal Update of Certain Insurance Issues and (iii) NAIC Cyber Security Model Law

1:45 – 2:45pm

Moderated by Clifford J. Treese, CPCU, ARM, CIRMS, Association Data, Inc., Mountain House, CA

Jennifer Wojciechowski, J.D, CIRMS, CLMP, CCP, Community Association Underwriters of America, Inc., Newtown, PA

Andrea J. (AJ) Scott, CPCU, Cline Agency Insurance Brokers, Santa Monica, CA

(i) *The Restatement of the Law of Liability Insurance is intended to provide courts and litigants with guidance on the standards and rules that come into play when a person or business has been sued and is relying on their insurance company to defend and indemnify them.*

(ii) *There are several federal insurance initiatives including those for Flood Insurance and for Risk Retention Groups.*

(iii) *The NAIC last year approved the Insurance Data Security Model Law, which creates a legal framework for requiring insurance companies to operate cybersecurity programs. The NAIC Model Law seeks to establish a guiding framework for regulated entities to set up cybersecurity programs.*

*CCAL fellow

BEST PRACTICES: Fiduciaries: Everything You Need to Know

3 – 4pm

Darren M. Bevan, Esq., Baydaline & Jacobsen, LLP, Sacramento, CA

Thomas Ware, II, Esq., Kulik Gottesman Siegel & Ware LLP, Sherman Oaks, CA

Scott D. Weiss, Esq.*, Ortale, Kelley, Herbert and Crawford, Nashville, TN

Explore the topic of fiduciary relationships and gain clarity on common assumptions about the roles of officers, directors, and members of a community association. Topics include review and analysis of those roles and how each act as fiduciaries; and the corresponding duty, standard of care, and liability that arises from common association functions.

INTROSPECTIVE: Life Balance and Mindfulness for Attorneys

3 – 4pm

Gregory B. Coxe, Esq., Vial Fotheringham, LLP, Lake Oswego, OR

Ellen Hirsch de Haan, Esq.*, Wetherington Hamilton P.A., Tampa, FL

Learn to create inner peace and increase productivity in today's demanding, constantly connected world of technology. Avoid burnout by exploring ways to find the right work life balance to weave mindfulness into your work life, daily life, and everyday experiences—your physical, mental, and spiritual health depends on it!

TRENDS: Trends in Fair Debt Collection Litigation

3 – 4pm

Travis Campbell, Esq., Simmonds & Narita LLP, San Francisco, CA

Tomio B. Narita, Esq., Simmonds & Narita LLP, San Francisco, CA

Fair Debt Collection Practices Act (FDCPA) lawsuits against attorneys who collect debt for homeowners associations are on the rise. Keep your practice and your clients out of litigation by reviewing the latest FDCPA lawsuit trends, common debt collection practices, typical complaints and allegations, and methods used in post-judgement enforcements.

Case Law Update Part I

4:15 – 5:45pm

Steven S. Weil, Esq.*, Berding & Weil, LLP, Walnut Creek, CA

David J. Graf, Esq.*, Moeller Graf, P.C., Englewood, CO

The Community Association Law Seminar Planning Committee is proud to present College of Community Association Lawyers (CCAL) fellows David J. Graf and Steven S. Weil to host Part I of the Case Law Update, a discussion of significant cases that shaped community association law in 2018 and upcoming, emerging trends in association jurisprudence.

Friday, January 25, 2019

ETHICS: Call to Duty: Ethics and Politics Concerning Duties Owed

9 – 10:30am

Augustus H. Shaw, IV, Esq.*, Shaw & Lines, LLC, Phoenix, AZ

Raymond B. Via, Jr., Esq., Whiteford, Taylor & Preston, LLP, Bethesda, MD

Wil Washington, Esq.*, Chadwick, Washington, Moriarty, Elmore & Bunn, P.C., Fairfax, VA

Examine various duties owed in your role as a community association attorney and learn whether you owe duties to community association board members, the management company who sends you business referrals, or the members of the client community. Focus areas include attorney-client privilege and conflicts of interest.

COVENANT ENFORCEMENT: Square Pegs, Round Holes: Technological Challenges for Covenant Enforcement

9 – 10:30am

Jacqueline Z. Fox, Esq., Greenspoon Marder LLP, Denver, CO

Geoffrey A. Lottenberg, Esq., Lewis Brisbois Bisgaard & Smith LLP, Ft. Lauderdale, FL

Joel Martin McTague, Esq., Frank Weinberg & Black, P.L., Plantation, FL

Laws, technology, and society change faster than association boards can amend their governing documents. Discover how to advise your clients to use existing language to address new legal, technological, and social issues without the necessity of amendment. Focus includes common issues such as drones, medicinal marijuana, and short-term rentals.

TRENDS: Hot Topics: Emerging Community Association Law Issues

9 – 10:30am

Javier Delgado, Esq., Carpenter, Hazlewood, Delgado & Bolen, LLP, Tempe, AZ

*CCAL fellow

Brian R. Fellner, Esq., Fellner Legal Services, Severna Park, MD

Marshal Granor, Esq.*, Granor & Granor, PC, Horsham, PA

Learn about the latest issues affecting your community association law practice and your clients. Topics include short-term rentals, the discharge of post-petition assessments, and handling headline-making cases above the social and traditional media waterline.

CIRMS: Risk Management & Insurance Case Law

9 – 10:30am

Moderated by Clifford J. Treese, CPCU, ARM, CIRMS, Association Data, Inc., Mountain House, CA

George E. Nowack, Jr., Esq.*, NowackHoward, LLC, Atlanta, GA

Jennifer Wojciechowski, J.D., CIRMS, CLMP, CCP, Community Association Underwriters of America, Inc., Newtown, PA

Theresa N. Melson, AMS, PCAM, CIRMS, USI Insurance Services, Chesapeake Beach, MD

(i) *Learn about important insurance case law directly involving community associations as well as insurance cases that could impact association governance, maintenance, and operations.*

(ii) *As in the CIRMS Case Law 2018, all of the CIRMS Case Law 2019 will be supplemented with additional links for supporting material.*

(iii) *Included with the CIRMS Case Law 2019 will be a Special Report on the Capitol Property Management Case v. Nationwide Insurance.*

TRENDS: Advanced Issues in Bankruptcy

10:45am – 12:15pm

Jacqueline D. Foster, Esq., Fiore, Racobs & Powers, Irvine, CA

Melissa D. Francis, Esq., Zelmanski, Danner & Fioritto, PLLC, Plymouth, MI

Erin A. Maloney, Esq.*, Fiore, Racobs & Powers, Riverside, CA

A continued discussion about cutting-edge bankruptcy issues facing community associations across the country covering the latest cases, opinions, and trends in bankruptcies involving owners as debtors. Topics include reaffirmation agreements, objections to discharge and claims, recovery of attorneys' fees, and motions for relief.

ETHICS: Breaking Up Isn't Hard to Do: Client Relationship Termination Ethics

10:45am – 12:15pm

David A. Firmin, Esq., Altitude Community Law, Lakewood, CO

Michael C. Kim, Esq.*, Michael C. Kim & Associates, Chicago, IL

Howard J. Perl, Esq., AMS, PCAM, Becker, Davie, FL

Long-lasting client relationships are ideal, but turnover is common. Learn best practices for handling client relationship termination ethically and efficiently. Topics include attorney responsibilities during and after termination, property dissemination, invoice and overdue payment collection, and protocol for incoming counsel transition.

TRENDS: Impacts of Evolution: Technology, Communication, and Generations

10:45am – 12:15pm

Carmen Rowe, Esq., Gryphon Law Group PS, Chehalis, WA

Scott J. Sandler, Esq.*, Sandler, Hansen & Alexander, LLC, Middletown, CT

Ellen A. Shapiro, Esq., Goodman, Shapiro & Lombardi, LLC, Dedham, MA

Learn how to leverage technology to accommodate new ideals in business interactions in a landscape of varying generations and demographics. Topics include best practices in technology for daily operations, virtual and paperless offices, inter-firm relationships, and methods and styles of communications with your clients and colleagues.

CIRMS: Cyber Risk Management and Cyber Insurance for Community Associations

10:45am – 12:15pm

Moderated by Clifford J. Treese, CPCU, ARM, CIRMS, Association Data, Inc., Mountain House, CA

Alan G. Crandall, Mutual of Omaha Bank - Community Association Banking & CondoCerts, Bothell, WA

Kevin Davis, CIRMS, Kevin Davis Insurance Services, Los Angeles, CA

Joel W. Meskin, Esq.*, CIRMS, McGowan Program Administrators, Fairview Park, OH

Josh Srnka, Ian H. Graham Insurance, Sherman Oaks, CA

(i) *Community associations and their boards of directors and association managers face several key cyber risks: Email/Social Engineering Ransomware, Malware, and hacking through the Internet of Things.*

- (ii) *Insurance can be obtained directly through cyber insurance policies or through amendments to existing policies.*
- (iii) *Cyber risks exist also for many vendors and professional entities that provide key services to community associations. These vendors and entities need to maintain cyber insurance to protect community association information and data.*
- (iv) *Insurance coverage is available for the risks connected to exposure of Personally Identifiable Information.*

Case Law Update Part II

1 – 2:30pm

Edmund A. Allcock, Esq. *, Marcus, Errico, Emmer & Brooks PC, Braintree, MA

Laurie S. Poole, Esq. *, Adams Stirling Professional Law Corporation, Carlsbad, CA

Fellows Edmund A. Allcock and Laurie S. Poole will host Part II of the Case Law Update. Join them as they review cases from 2018 that are sure to advance the future of community association law.

ETHICS: If You Were Scared Before, Just Wait

2:45 – 4:15pm

Sandra L. Gottlieb, Esq. *, SwedelsonGottlieb, Los Angeles, CA

Susan Hawks McClintic, Esq., Epsten Grinnell & Howell, APC, San Diego, CA

Janet L. S. Powers, Esq. *, Fiore, Racobs & Powers, Irvine, CA

Join a panel of experts for an updated discussion on the latest cases, statutes, opinions on ethics, and professional responsibility that may impact your practice of community association law. Topics include attorney-client communications, professional liability, social media, attorney marketing, cybersecurity, scope of privileges, and more.

TRENDS: Religion in Community Associations: Fair Housing or Free Speech?

2:45 – 4:15pm

Kevin M. Hirzel, Esq. *, Hirzel Law, PLC, Farmington, MI

Edward Hoffman, Jr., Esq., Barrow Hoffman, Warminster, PA

Michael S. Karpoff, Esq. *, Hill Wallack LLP, Princeton, NJ

Todd A. Sinkins, Esq., Rees Broome, P.C., Tysons Corner, VA

Get insights on the intersection of religion, fair housing, and other legal issues that continue to have an increased impact on community associations nationwide. Focus includes new and existing statutes and laws that impact religious freedoms and advice on how best to counsel your clients on this complex topic.

CIRMS CROSSOVER/BEST PRACTICES: Cyber Risk Reduction and Insurance for Lawyers, Offices and Their Clients

2:45 – 4:15pm

Moderated by Clifford J. Treese, CPCU, ARM, CIRMS, Association Data, Inc., Mountain House, CA

Lincoln W. Hobbs, Esq. *, Hobbs & Olson | Carpenter Hazlewood, Salt Lake City, UT

Nicholas R. Hobbs, Salt Lake City, UT

Andrew J. Terrell, Esq. *, Whiteford, Taylor & Preston, LLP, Falls Church, VA

- (i) *The Law Firm's security policies should incorporate the protection of client information.*
- (ii) *To protect its systems and applications, the firm should maintain anti-virus protection on all laptops and desktops as well as maintaining appropriate firewalls, and employing monitoring and intrusion detection practices.*
- (iii) *The law firm should employ industry standard encryption for all law firm owned laptops and desktops, as well as require use of encryption on portable devices to write client information such as flash drives.*
- (iv) *The firm should procure cyber security insurance. Most coverage will include (1) the public relations aspect in the event of a breach and (2) create a team to investigate the breach and recommend future conduct to avoid future problems. Cyber security insurance is relatively new but be prepared to be asked what systems/protocols the firm has in place to minimize hacks.*

Panel of Pundits

4:30 – 5:30pm

Moderated by Julie McGhee Howard, Esq. *, NowackHoward, LLC, Atlanta, GA

Jasmine Fisher Hale, Esq. *, Adams Stirling, Los Angeles, CA

Gayle A. Kern, Esq. *, Leach Kern Gruchow Anderson Song, Reno, NV

Steven L. Sugarman, Esq. *, Steven L. Sugarman & Associates, Berwyn, PA

Allen B. Warren, Esq. *, Chadwick, Washington, Moriarty, Elmore & Bunn, P.C., Fairfax, VA

Got questions? Get answers. You're invited ask an expert panel of attorneys about common issues that arise, or may arise, in your practice and hear the panel discuss the latest, most pressing legal concerns and trends in the community association industry. All experience levels welcome.

Saturday, January 26, 2019

BEST PRACTICES: Approaching Divisiveness in Our Current Climate

9:30 – 11 a.m.

John D. Morris, Esq.*, Morris Sperry, Midvale, UT

Quinn A. Sperry, Esq., Morris Sperry, Midvale, UT

Kieran J. Purcell, Esq., Epstein Grinnell & Howell, APC, San Diego, CA

Representing community associations in today's challenging social and political climate involves responding to more extreme and hostile approaches to disputes and disagreements. This session will cover the applicable ethical rules and offer practical advice in common HOA disputes, including disputes among board members, between board members and owners, and between board members and the Association.

LIABILITY: Liability Exposure in Specialty Communities

9:30 – 11 a.m.

Mitchell Ayes, Esq., Callahan & Fusco, LLC., Roseland, NJ

Daniela Burg, J.D., Community Association Underwriters of America, Inc., Newtown, PA

Phillip Masi, CIRMS, AssuredPartners, Winter Springs, FL

Specialty communities like long- and short-term rental markets, and coastal, resort, and high-rise communities are at increased risk for certain liabilities. Stay up to date with the latest legislation that affects your clients' liability exposure and get key takeaways for how to navigate common potential issues, such as negligent security and other risks.

BEST PRACTICES: The Early Bird Settles the Dispute: Effective Resolution

9:30 – 11 a.m.

Timothy P. Flanagan, Esq., Berding & Weil, LLP, San Diego, CA

Matthew A. Gardner, Esq., Richardson|Ober, Pasadena, CA

Barry Ross, Esq., ROSS Mediation Services, Burbank, CA

Daniel E. Zimberoff, Esq.*, Zimberoff Deutsch, APC, San Diego, CA

Explore how to successfully employ dispute resolution from three perspectives: a homeowner attorney, a community association attorney, and an experienced community association dispute mediator. Focus includes preparing, implementing, and participating in a successful dispute resolution process to prevent conflicts from escalating.