



2021 Virtual Law Seminar
January 25-29, 2021

Monday, January 25, 2021

11:00 a.m. – 12:00 p.m.

Optional Networking Opportunities

(Each day we will have a specific topic/focus for the discussion. More information will be posted in December)

12:00-1:30 p.m.

Wayne Hyatt Lecture Series: The Kindness Diaries with Leon Logothetis

Leon Logothetis is a global adventurer, philanthropist, and the best-selling author/creator of the book and Netflix show, *The Kindness Diaries*.

A discussion described as, 'right for the times,' the former stockbroker shares his approach to success and survival—highlighting the remarkable benefits of kindness and hope. Leon's perspective is sure to leave you with strategies to boost your own wellbeing and lead with goodwill. This keynote address will help you appreciate the incredible positive impact community association lawyers have on community association leaders and residents.

Real. Raw. Rewarding. Leon's speech shows how kindness during uncertain times, can lead to your biggest moments and opportunities.

Visit www.leonlogothetis.com to learn more.

1:30-2:00 p.m.

Virtual Exhibit Hall and Q&A with Speakers

2:00-3:00 p.m.

Concurrent Sessions

Back to the Future: How a Pandemic Changed the Reality of Electronic Meetings

The COVID-19 pandemic has forced homeowners associations to change how they conduct business. Some of these changes include holding online meetings. Hear how virtual meetings will force homeowners associations, and possibly state legislatures, to reconcile this practice with statutory requirements and bylaws provisions. Learn how to implement these changes, the benefits and pitfalls of virtual meetings, and their impact on the board's decision-making process. *Darren Bevan, Esq., Baydaline & Jacobsen, LLP, Sacramento, CA; Thomas Ware, II, Esq., Kulik Gottesman Siegel & Ware LLP, Sherman Oaks, CA; and Scott D. Weiss, Esq., CCAL fellow, Ortale, Kelley, Herbert and Crawford, Nashville, TN*

Trends in Collections: Defending Against Fair Debt Collection Practices Act Lawsuits from Deceitful Debtors

A new class of debtors has emerged that is educated in how to avoid paying creditors, including community associations. They are employing a number of different techniques to argue they are no longer responsible for paying assessments. These same debtors also may file lawsuits against community association attorneys and their clients under the Fair Debt Collection Practices Act (FDCPA). This seminar will focus on different devices that debtors use to avoid

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liability, including filing multiple bankruptcies, transferring property, writing restrictive language or payment in full on checks, and writing checks with insufficient funds. The seminar will examine ways the association can defend itself from these debtors by exploring law that would allow it to prevail against these techniques. In addition, the seminar will provide proactive ways that an association can safeguard its interests, including amending documents, adopting a collections policy and procedure, seeking relief from the court, and pursuing personal liability or attorneys' fees from a debtor who tries to avoid paying assessments. Finally, this seminar will discuss some of the most common allegations made by debtors in FDCPA lawsuits and what community association attorneys can do to defend against them.

R. Travis Campbell, Esq., Simmonds & Narita LLP, San Francisco, CA; Shannon M. McCormick, Esq., Kaman & Cusimano, Columbus, OH; and Tomio B. Narita, Esq., Simmonds & Narita LLP, San Francisco, CA

CIRMS Insurance Masters Program: Community Association Risk Management & Insurance Case Law Review

This presentation will go beyond the basics of community association insurance and risk management by examining and reviewing legal issues that have developed through case law that effect all insurance providers in the community association marketplace. This review is scheduled to look at eight cases across the United States. The instructors will be prepared cover more cases if time allows. Additional current insurance updates from ISO and the IIABA that effect community association risk management and insurance will also be presented.

George E. Nowack, Jr., Esq., CCAL fellow, NowackHoward, LLC, Atlanta, GA; and Ms. Jennifer Wojciechowski, CIRMS, Community Association Underwriters of America, Newtown, PA

Tuesday, January 26, 2021

11:00 a.m. – 12:00 p.m.

Optional Networking Opportunities

(Each day we will have a specific topic/focus for the discussion. More information will be posted in December)

12:00-1:30 p.m.

Case Law Update: Part 1

When times are tough, a little laughter can put things in perspective. Get a first look at 2020's most significant court cases and developments shaping community association law with this fast-paced, entertaining presentation. Connect with your community association law peers for a brilliant review of relevant statutes and regulations setting precedent for future cases, plus learn more about emerging trends in association jurisprudence.

Sandra L. Gottlieb, Esq., CCAL fellow, SwedelsonGottlieb, Los Angeles, CA; and Steven L. Sugarman, Esq., CCAL fellow, Steven L. Sugarman & Associates, Berwyn, PA

1:30-2:00 p.m.

Virtual Exhibit Hall and Q&A with Speakers

2:00-3:00 p.m.

Concurrent Sessions:

Agents of Change: Overcoming Racism in Community Associations – ETHICS

This panel presentation will tackle the sensitive, yet timely topic of racism in community associations. The focus will be on calling attorneys to action. As attorneys, we must use our platform to coach and educate our boards and managers on overcoming bias in communities by recognizing microaggressions and their consequences, engaging in healthy conversations, and enforcing antiracist policies and procedures.

Leah K. Burton, Esq., Roberts Markel Weinberg Butler Hailey PC, San Antonio, TX; Noelle Hicks, Esq., Roberts Markel Weinberg Butler Hailey PC, San Antonio, TX; and Wil Washington, Esq., CCAL fellow, Chadwick, Washington, Moriarty, Elmore & Bunn, P.C., Fairfax, VA

Cybercrime and Community Association Liability

No company is immune against cyberattacks, including community associations. Hear what the next generation of cybersecurity and cybercrimes mean for community associations, such as regulatory issues, recovery of information

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through third-party vendors, and cybercrime insurance policies and limits. During the presentation, attendees will explore the obligations community associations have to protect owners' privacy and information, discover preventative steps for community associations and management firms, and learn of the ultimate costs associated with cybercrime and cybersecurity. Attendees will leave with best practices for community associations and managers to make sure they are covered in the event of a breach and will learn state-specific laws and standards for information security, including how such incidents may affect attorneys' obligations to their clients.

David Artman, Esq., Lewis Brisbois, Portland, OR; and Mr. Dwain Clifford, Ball Janik, LLP, Portland, OR

CIRMS Insurance Masters Program: Building Your Insurance Skills

This presentation is designed to provide community association insurance and risk management education to a range of professionals in the condominium, housing cooperative and planned community industry—insurance agents, attorneys, and association managers. Rather than use individual terms, the terminology in the program is linked to similar terms because the definition of a single term often misses critical related terms. The similarities and differences between the insurance terms sometimes are not fully understood.

Ms. Ronda Ashley, CIRMS, CB Insurance, Greenwood Village, CO; Mrs. Sara Eanni, CIRMS, ABI Insurance, Beaverton, OR; Mr. Douglas J. Henken, CIRMS, Community Association Underwriters of America, Chantilly, VA; and Mr. Clifford J. Treese, CIRMS, Association Data, Inc. (ADI), Mountain House, CA

Wednesday, January 27, 2021

11:00 a.m. – 12:00 p.m.

Optional Networking Opportunities

(Each day we will have a specific topic/focus for the discussion. More information will be posted in December)

12:00-1:00 p.m.

Concurrent Sessions:

COVID-19 & Community Association Operations: What we've learned

Like you, we know that 2020 has been a year of change. How has the COVID-19 pandemic fundamentally changed the community association housing model, and your law practice? To answer these questions, we are presenting an interactive panel discussion focusing on the following topics:

- COVID-19 insurance related issues
- COVID-19 impact on community association law including— OSHA requirements, Paycheck Protection Program loans, foreclosures, and collection moratoriums
- COVID-19 legal and legislative responses

David J. Graf, Esq., CCAL fellow, Moeller Graf P.C., Englewood, CO; Mr. Douglas J. Henken, CIRMS, Community Association Underwriters of America, Chantilly, VA; Donna A. Zanetti, Esq., PCAM, Leach Kern Gruchow Anderson Song, Reno, NV

CIRMS Insurance Masters Program: Securing the Board from Exposures

Safeguarding community associations proved to be difficult in 2020 due to unprecedented challenges stemming from COVID-19. Boards had to quickly move to mitigate the spread of the disease in their communities, often while facing scrutiny over their decisions. On top of that, new regulations from the Department of Housing and Urban Development that create liability for discriminatory practices between homeowners now hold a board responsible for neighbor-to-neighbor harassment of a protected class or third party. Boards also are faced with increased litigation, nuclear jury awards, and broader definitions of liability. This presentation will provide real-life cases relating to some of these challenges and discuss specific insurance coverage to ensure that the board members are protected.

Ms. Karen O'Connor Corrigan, CIRMS, O'Connor Insurance Agency, Saint Louis, MO; Ms. Theresa Melson, AMS, PCAM, CIRMS, USI Insurance Services, Chesapeake Beach, MD; and Andrew J. Terrell, Esq., CCAL fellow, Whiteford, Taylor & Preston, LLP, Falls Church, VA

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1:00-1:30 p.m.

Virtual Exhibit Hall and Q&A with Speakers

1:30-3:00 p.m.

Case Law Update: Part 2

When times are tough, a little laughter can put things in perspective. Get a first look at 2020's most significant court cases and developments shaping community association law with this fast-paced, entertaining presentation. Connect with your community association law peers for a brilliant review of relevant statutes and regulations setting precedent for future cases, plus learn more about emerging trends in association jurisprudence.

Julie McGhee Howard, Esq., CCAL fellow, NowackHoward, LLC, Atlanta, GA; and Brendan P. Bunn, Esq., CCAL fellow, Chadwick, Washington, Moriarty, Elmore & Bunn, P.C., Fairfax, VA

Thursday, January 28, 2021

11:00 a.m. – 12:00 p.m.

Panel of Pundits

Mark your calendar for the wildly popular Panel of Pundits presentation exploring topics and trends in community association law. Filled with professional banter, join the discussion in real time through our live Q&A chat room and bring your questions for our panel to be ready to answer. Panel of Pundits is the best place to hear what's happening in community association law straight—from the source.

Moderated by: Edmund A. Allcock, Esq. CCAL fellow, Marcus, Errico, Emmer & Brooks, P.C., Braintree, MA

Panelists: Lydia J. Chartre, Esq., Husch Blackwell LLP, Milwaukee, WI; Rebecca Drube, Esq., NowackHoward, LLC, Atlanta, GA; Anthony Rafel, Esq., CCAL, Rafel Law Group PLLC, Seattle, WA; Jerry Wright, Esq., Chadwick, Washington, Moriarty, Elmore & Bunn, P.C., Fairfax, VA

12:00-1:00 p.m.

Concurrent Sessions

Special Allocation of Expenses: Business Judgment and the Limited Expense Assessment

This program will focus on legal issues that arise in connection with special allocation of expenses, including a survey and analysis of governing documents, statutes, and cases dealing with "limited assessments." As the power to assess on a limited or benefit basis is a clear departure from traditional notions of the common expense, this program will explore the extent to which discretion and business judgment are implicated.

Hal A. Barrow, Esq., CCAL fellow, Barrow Hoffman, Warminster, PA; Robert M. Diamond, Esq., CCAL fellow, Reed Smith, LLP, Mc Lean, VA; J. David Ramsey, Esq., CCAL fellow, Becker, Morristown, NJ; and Stefan Richter, Esq., CCAL fellow, Clemons Richter & Reiss, P.C., Doylestown, PA

The Importance of Community and Mental Health - ETHICS

Whether it's a shouting match at a board meeting, an altercation in a common area, a pandemic-related shut down, or a nonresponsive unit owner, our community association boards and managers are experiencing mental health challenges in all aspects of community association life. As counsel, we are called upon daily to respond to community and resident mental health-related challenges. We'll discuss maintenance, governance, enforcement, and fair housing concerns; strategies for providing advice regarding mental illness; and unique liability considerations associated with our communities' mental health issues.

James R. McCormick, Jr., Esq., CCAL fellow, Delphi Law Group, LLP, Carlsbad, CA; Matt D. Ober, Esq., CCAL fellow, Richardson|Ober|DeNichilo LLP, Pasadena, CA; and Melissa B. Ward, Esq., Hughes Gill Cochrane Tinetti, Walnut Creek, CA

CIRMS Insurance Masters Program: Aging in Place Part 1

As we turn the calendar to 2021, the community association housing model is coming to the realization that many of our associations are now well over 30 years old and infrastructure maintenance is increasing in importance. At the same

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time, studies are revealing that the average age of residents in associations is steadily climbing. In this two-part session, we will explore the key risk management issues that become evident with both aging infrastructure and aging residents, and how risk management efforts can help the association deal with insurable and uninsurable potential losses.

Tyler P. Berding, Esq., Berding & Weil, LLP, Walnut Creek, CA; Mr. Peter B. Miller, RS, Miller-Dodson Associates, Annapolis, MD; Mr. Henry Dewitt Puckett, CMCA, AMS, PCAM, Ghertner & Company, Nashville, TN; and Mr. Robert A. Travis, CIRMS, Risk Management Matters, LLC, Bartonsville, PA

1:00-1:30 p.m.

Virtual Exhibit Hall and Q&A with Speakers

1:30-2:30 p.m.

Concurrent Sessions

Using Technology to Ethically Run a Remote Office - ETHICS

We are all learning to adapt to a new world amidst a pandemic. Technology can be a wonderful tool to allow us to continue to run our practices, but safeguards must be taken when working remotely. This presentation explores new technological options to facilitate running a remote office and ethical considerations that must be addressed when you or your staff are working from home.

Brian W. Morgan, Esq., CCAL fellow, Maxwell & Morgan, P.C., Mesa, AZ; and Mr. Brant Roberts, LegalTech Information Systems, Mesa, AZ

Community Associations and Harassment Complaints

Learn how one community association responded to a hostile environment harassment complaint, including analysis of the association's responsibility, education, and information provided to the community, the importance of diversity, and the impact of a town hall meeting bringing the parties together.

Mr. Drew R. Mulhare, CMCA, AMS, LSM, PCAM, Realtec Community Services, Williamsburg, VA; and Susan B. Tarley, Esq., CCAL fellow, Tarley Robinson, PLC, Williamsburg, VA

CIRMS Insurance Masters Program: Aging in Place Part 2

As we turn the calendar to 2021, the community association housing model is coming to the realization that many of our associations are now well over 30 years old and infrastructure maintenance is increasing in importance. At the same time, studies are revealing that the average age of residents in associations is steadily climbing. In this two-part session, we will explore the key risk management issues that become evident with both aging infrastructure and aging residents, and how risk management efforts can help the association deal with insurable and uninsurable potential losses.

Kenneth E. Chadwick, Esq., CCAL fellow, Chadwick, Washington, Moriarty, Elmore & Bunn, P.C., Fairfax, VA; Mr. Marc B McCoy, CMCA, Legum & Norman-Falls Church, Falls Church, VA; Ms. A.J. Scott, Cline Agency Insurance Brokers, Los Angeles, CA

Friday, January 29, 2021

11:00 a.m. – 12:00 p.m.

Optional Networking Opportunities

(Each day we will have a specific topic/focus for the discussion. More information will be posted in December)

12:00-1:00 p.m.

Concurrent Sessions:

What's That Smell? Tackling Nuisance Complaints

This interactive session will be presented by two community association attorneys—one from the perspective of general counsel and the other from the perspective of insurance defense counsel—and a noted association insurance claims professional. The presentation will examine how community associations can handle nuisance issues in communities as well as how a proactive defense and insurance policies and claims come into play in the event of a lawsuit.

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Mitchell Ayes, Esq., Callahan & Fusco, LLC., Roseland, NJ; Ms. Daniela Burg, Community Association Underwriters of America, Newton, PA; and Edward Hoffman, Esq., CCAL fellow, Barrow Hoffman, Warminster, PA

CIRMS Insurance Masters CROSSOVER Program: Filling the Gaps in Insurance Coverage through Document Amendments

One of the important lessons that community associations learned from the COVID-19 pandemic is that not all risks are covered by their commercial liability or directors and officers' insurance policy. This session is intended to review common exclusions in community association insurance policies and case law interpreting the same. After identifying exclusions, attendees will learn tips to limit their potential liability and reduce risk related to issues that may not be covered by insurance.

Kevin Hirzel, Esq., CCAL fellow, Hirzel Law, PLC, Farmington, MI; and Joseph J. Cusimano, Esq., CCAL fellow, Kaman & Cusimano, Cleveland, OH

1:00-1:30 p.m.

Virtual Exhibit Hall and Q&A with Speakers

1:30-2:30 p.m.

Concurrent Sessions

Trends in Attorneys' Fees Awards: How the Law Changed Overnight

An unprecedented uptick in rulings nationwide redefined when and how attorneys' fees incurred by associations can be collected from the owners that caused them. During the presentation, the speakers will dive into the nuts and bolts of these cases and how to avoid potential Fair Debt Collection Practices Act (FDCPA) claims they can create. Attendees will receive Q&A transcripts from respected judges across the country discussing what they wished attorneys did—and did not do—to maximize their fee awards.

Clint G. Goodman, Esq., Goodman Holmgren Smith, Mesa, AZ; Daniel J. Miske, Esq., CCAL fellow, Husch Blackwell LLP, Milwaukee, WI; and Lauren Vie, Esq., Mulcahy Law Firm, P.C., Phoenix, AZ

COVID-19 Restrictions: What's constitutional, reasonable and enforceable?

Description: COVID-19 has significantly disrupted the lives of Americans on many levels. Community associations have struggled to balance the interests of their membership with the interests of the association in developing policies that protect the health and safety of owners while at the same time preserving their property rights. Community associations have attempted to enact rules and policies intended to mitigate some of the most pernicious effects of the virus. However, owners continue to challenge the COVID-19 rules and assert that the rules are unconstitutional and/or unreasonable because such rules impact the owner's freedoms, property rights, etc. This presentation will examine whether State and Federal constitutions apply to community associations, and the constitutionality and reasonableness of some of the COVID-19 rules and policies being adopted by community association throughout the Country. The presentation will also cover important decisions and rulings relative to constitutionality of COVID restrictions, and it will offer some practical solutions to managing some of the disputes arising out of such COVID-19 rules.

Edmund A. Allcock, Esq., CCAL fellow, Marcus, Errico, Emmer & Brooks, P.C., Braintree, MA; and Brian D. Moreno, Esq., CCAL fellow, SwedelsonGottlieb, Los Angeles, CA