



**Community Association Law Seminar
February 9 – 12, 2022
La Quinta, CA
Agenda**

OPTIONAL HALF-DAY PROGRAMMING

Wednesday, February 9, 2022

1 – 2:45pm | Associate Track and Managing Partner Track Combined – COVID-19: Has it Changed Us?

Nobody was ready for the COVID-19 pandemic, but it's been a game-changer for community managers, board members, and attorneys. Now that we've adjusted and adapted to the challenges, hopefully we're in a better place than before. The pandemic has impacted how law firms operate internally but also how associations function, make decisions, and handle legal issues. We have all learned a lot during over the past two years. Now it's time to learn from one another. This presentation is a moderated panel where firm leaders from various parts of the country discuss and share their experiences, successes, challenges, and failures from both an internal and external perspective.

Richard S. Ekimoto, Esq., Ekimoto & Morris, LLC, Honolulu, HI*

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

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

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

3 – 5pm | Managing Partner Track – Associate Attorney Retention: Why Do We Care? Why Is It So Difficult? What Can We Do?

It's expensive to find and train new associates, so when one leaves, it causes us to wonder what went wrong. This session will discuss the costs (quantifiable and not) of associate attorney turnover, why it is difficult to retain quality candidates, and what firms are doing to minimize turnover.

Kristen Dillie, Esq., Altitude Community Law P.C., Lakewood, CO

Melissa Hirst, Esq., Altitude Community Law P.C., Lakewood, CO

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

LAW SEMINAR PROGRAMMING

Thursday, February 10, 2022

12:30 – 1:30pm | General Session

Wayne Hyatt Lecture Series with Jonathan Fields (LIVESTREAM)

Sponsored by Gordian Staffing

We all have a unique imprint for work that makes us come alive with meaning, drops us into flow, energizes and excites us, and let's us feel like we're accessing our fullest potential. Work that lets us live and contribute from a place of purpose and possibility. This imprint is your Sparketype®. Once you discover yours, you understand, often for the first time ever, why certain tasks, projects and opportunities fill you up, and others empty you out. You become equipped to make better decisions, and integrate your Sparketype into your work and life.

The Sparketypes also have powerful implications for leaders of communities, groups, and organizations. When you lead from your Sparketype, you show up in a more authentic, energized, inspired, and capable way. Similarly, when those you lead discover their Sparketypes, each person becomes more empowered to better align the work they do with the work that innately makes them come alive. The end result is a healthier, more communicative, collaborative, and engaged team, higher performance, and less friction.

In this presentation, Jonathan Fields - founder of Spark Endeavors and award-winning author of the bestselling book, SPARKED - will introduce you to the world of the Sparketypes.

You'll learn how the Sparketypes were identified, drawing upon years of application, and more than 30-million data-points generated by over 600,000 people, and why they are so critical in today's work environment.

You'll discover your own Sparketype Profile via the Sparketype Assessment

You'll understand the 10 unique Sparketypes, how they work together, and the three key elements of your Sparketype profile.

You'll find new language to understand and share the work that fills and empties you, and better align what you do with what makes you come alive.

You'll explore specific ways to tap the Sparketypes within your organization to lead more effectively.

You'll see how the Sparketypes can fuel more energized, self-motivated, purpose-inspired, and collaborative teams.

You'll grasp how to better cultivate a culture in which people are intrinsically motivated by work that provides meaning, and allows them to fully express their potential.

Jonathan Fields is a dad, husband, award-winning author, executive producer, and host of one of the top-ranked podcasts in the world, Good Life Project®. He is also the founder of a series of companies focused on human potential, currently helming Spark Endeavors, where he developed the groundbreaking Sparketype® Assessment. This tool has been tapped by over 600,000 individuals and organizations to identify, embrace, and cultivate work that makes people come alive, and help leaders unlock purpose, engagement, and potential. His latest *USA Today* bestselling book, SPARKED: Discover Your Unique Imprint for Work That Makes You Come Alive (HarperCollins Leadership 2021), is both a rally cry and a field guide to reclaiming work as a source of meaning, joy, and possibility. Jonathan also speaks and facilitates globally for groups and organizations of all sizes, both virtually and in person. His work has been featured widely in the media, including *The New York Times*, *FastCompany*, *The Wall Street Journal, Inc.*, *Entrepreneur*, *Forbes*, *Oprah Magazine*, *Elle*, *Allure*, *The Guardian*, and many more.

1:45 – 2:45pm | Concurrent Sessions

“We’re Staging a Coup!” How to Manage Homeowner Insurrections in Community Associations

Petitions calling for special meetings, removal of directors, and reversal of approved budgets are becoming common in community associations. Whatever the cause, these disruptive outbreaks sap the energy of board members and require immediate attention from association counsel. This presentation will examine common factors that lead to owner unrest, discuss how to counsel boards to avoid the coup, and explore the ethical considerations of our duties as legal counsel if a coup is launched.

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

*Anthony Rafel, Esq. *, Rafel Law Group PLLC, Seattle, WA*

Love Thy Neighbor and Your HOA: Reducing Conflict in Community Associations

Conflict resolution and avoiding conflict in the first place leads to a healthy, functional community association. The presentation will examine various conflict strategies and dispute resolution procedures that may yield a better result, save significant time, and save money compared to litigation. We'll review various ethical issues that arise from dispute resolution and the pursuit of litigation.

*CCAL fellow

Edward Hoffman, Esq.*, Hoffman Law LLC, Allentown, PA
Emmie Kinnard, Esq., Ortale, Kelley, Herbert and Crawford, Nashville, TN
Jennifer Wojciechowski, CIRMS, Community Association Underwriters of America, Newtown, PA

Surfside Public Policy Panel (LIVESTREAM)

In the aftermath of the tragic partial collapse of Champlain Towers South condominium in Surfside, Fla., in late June, Community Associations Institute (CAI) released its much anticipated *Condominium Safety Public Policy Report*. During this session, we'll examine the public policy initiatives, best practices, and recommendations presented by the three task forces CAI convened shortly after the June 24 condominium collapse to recommend changes to laws and best practices for the community association housing model.

T. Peter Kristian, CMCA, LSM, PCAM, Hilton Head Plantation Property Owners Association, Inc., Hilton Head Island, SC
Lisa A. Magill, Esq.*, Kaye Bender Rembaum, PL, Pompano Beach, FL
Ronald L. Perl, Esq.*, Hill Wallack LLP, Princeton, NJ

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

The presentations will go beyond the basics of community association risk management and insurance by examining and reviewing legal issues that have developed through case law that affect all risk management and insurance providers in the community association marketplace. Both reviews will look at as many as 10 cases across the U.S. Additional discussion will be included regarding substantive issues raised in the case law that may impact the administration of agency practice and/or evaluation of risk for association insureds.

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

3 – 4pm | Concurrent Sessions

What a Nuisance: Managing the Spread of Sounds, Smoke, Smells (and More) in Community Associations (LIVESTREAM)

Sometimes, mere knowledge of the law is not enough to guide association clients to resolve interpersonal disputes over matters some consider “mere” nuisances. But owners living under the late-night-TV watcher or above the chain smoker, have serious issues enjoying their own home. This highly interactive session will address legislative solutions as well as document clauses and rules to address these concerns. We will suggest practical solutions, tools to physically adjust units, and legal options to help return communities to a more peaceful coexistence.

Marshal Granor, Esq.*, Granor & Granor, PC, Horsham, PA
Theresa M. Torgesen, Esq., Sage Community Law, PLLC, Seattle, WA
Lucia Anna Trigiani, Esq.*, MercerTrigiani, Alexandria, VA

Bias in Our Communities: Strategies for Recognizing, Managing, and Eliminating Prejudice (ETHICS)

We all have biases, but some are more harmful than others. We'll discuss ways to recognize explicit and implicit bias, including some surprising and damaging ways it shows up in our communities and our lives. We'll examine how bias in the way we govern our communities can lead to discrimination, which can result in fair housing actions and civil suits against our associations and boards. Finally, we'll learn some strategies for recognizing, managing, and eliminating bias from our day-to-day operations and interactions with others.

Jennifer Martin, Esq., Winstead PC, Austin, TX
Valerie Farris Oman, Esq., Condominium Law Group, PLLC, Seattle, WA
Melissa B. Ward, Esq., Hughes Gill Cochrane Tinetti, Walnut Creek, CA

Breaking Up Is Hard To Do: Challenges in Condo Termination

What happens when a condominium has reached the end of its useful life? This presentation will compare statutory treatment, including recent updates to the uniform acts, and will feature lessons learned from three different approaches taken in recent association terminations. Presenters will discuss Chapter 11 bankruptcy filings by two condominiums to take advantage of the federal bankruptcy code to sell the property free and clear of unit ownership interests.

Hope Derby Carmichael, Esq.*, Jordan, Price, Wall, Gray & Jones, Raleigh, NC
Jason Hendren, Esq., Hendren, Redwine & Malone, PLLC, Raleigh, NC
J. David Ramsey, Esq.*, Becker, Morristown, NJ

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

The presentations will go beyond the basics of community association risk management and insurance by examining and reviewing legal issues that have developed through case law that affect all risk management and insurance providers in the community association marketplace. Both reviews will look at as many as 10 cases across the U.S. Additional discussion will be included regarding substantive issues raised in the case law that may impact the administration of agency practice and/or evaluation of risk for association insureds.

Jennifer Wojciechowski, CIRMS, Community Association Underwriters of America, Newtown, PA

4:15 – 5:45pm | General Session

Case Law Update Part I (LIVESTREAM)

Sponsored by ANVA

Community association case law takes center stage. Be there for one of the most popular Law Seminar sessions, and get a first look at the year's most significant court cases and developments shaping community association law with this fast-paced, entertaining presentation. The collection features new cases that have been filed, and major developments in ongoing cases, during 2021. Connect with your community association law peers for a brilliant review of statutes and regulations revealing important developing trends in community association governance.

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

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

Friday, February 11, 2022

8 – 9am | General Session

Panel of Pundits (LIVESTREAM)

Mark your calendar for the wildly popular Panel of Pundits presentation exploring topics and trends in community association law. Engage with our expert panel of attorneys. Come with your questions, and get answers straight from the source. Filled with professional banter, you'll be entertained and enlightened.

Ursula K. Burgess, Esq., Rees Broome, P.C., Tysons Corner, VA*

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

Ed Ronsman, Esq., McCabe & Ronsman, Ponte Vedra Beach, FL`

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

Harmony Taylor, Esq., Law Firm Carolinas, Charlotte, NC

9:30 – 10:30am | Concurrent Sessions

Better Lawyering By Taking Care of Yourself First (ETHICS)

Our well-being as lawyers is in crisis. It's time to ask ourselves the tough questions. How do I take care of myself when I am busy taking care of my clients and my family? Am I driven by my busyness? Is my health suffering? Are my relationships fractured? Join this important presentation to learn what "well-being" really is and how it can help you in your life and your practice. Our discussion will identify and help you recognize common and personal stressors, gain understanding into how our thoughts, beliefs and personalities affect our well-being, explore different coping mechanisms, and provide information on helpful resources.

Bruce C. Jenkins, Esq., Jenkins Bagley Sperry, PLLC, St. George UT*

Susan B. Tarley, Esq., Tarley Robinson, PLC, Williamsburg, VA*

Trends in Collection Practices Litigation Against Community Association Attorneys (LIVESTREAM)

Community association attorneys continue to be sued under the Fair Debt Collection Practices Act (FDCPA). Consumer attorneys have targeted everything from the content of letters, collection pleadings, and actions taken to enforce judgments. What theories are being alleged? What can you do to defend against FDCPA lawsuits? In this session, two experienced collections defense attorneys discuss the latest trends in litigation and best practices for avoiding these claims.

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

A Pain in the Bleep: How an Age-restricted Community Overcame the Damaging Effects Caused By a Recalcitrant Member

Hear how a lovely active adult community suffered years of abuse by a recalcitrant member, who ultimately caused the community severe distress and financial harm. This member was committed to doing what he thought was "just" by: filing frivolous lawsuits against volunteer directors; sending staff threatening, hostile, and abusive letters on a daily basis; sending the association's insurance carrier claims and threats of litigation; and sending anonymous newsletters to the community replete with hurtful and damaging statements. The association and its boards endured a clear pattern of harassment for more than 10 years, finding itself faced with significant insurance deductibles, increased premiums, and dropped policies. How did the community finally find relief? Learn how counsel used eye-witness and expert testimony to convince a jury that enough was enough in this community's saga.

Jeffrey A. Beaumont, Esq., Beaumont Tashjian, Woodland Hills, CA*

Tara Radley, Esq., Beaumont Tashjian, Woodland Hills, CA

CIRMS Insurance Masters Program: Sorry America, Your Insurance Has Been Canceled: Solutions for Today's Underwriting Challenges

Learn real-life stories of what is happening to condominium insurance policies across the U.S. and how you can prepare to advise your clients. This will include discussion on affirmative risk management practices and strategies for educating community leaders for what the future holds.

Lori A. Long, CIRMS, Community Association Underwriters of America, Newtown, PA

Robert G. Morgan, CIRMS, Philadelphia Insurance Companies, Bala Cynwyd, PA

11am – 12pm | Concurrent Sessions

Are You Compliant with the New Reg F? How Collections Must Change Under the CFPB (LIVESTREAM)

We are well-versed in the Fair Debt Collection Practices Act (FDCPA), but what about the mandatory requirements implemented by the Consumer Financial Protection Bureau. The CFPB recently went through a major overhaul and instituted Regulation F (commonly referred to as Reg F). Every person and entity that engages in assessment recovery must comply with Reg F to avoid potential liability. Such changes include modified language contained in the initial 30-day notice, as well as limitations on how email communications can be used with owners. Attend this session to gain an initial understanding of how Reg F will impact your collections practice.

*Adam M. Beaudoin, Esq. *, Ward and Smith, P.A., Wilmington, NC*

Cynthia A. Jones, Esq., Sellers, Ayers, Dortch & Lyons P.A., Charlotte, NC

*Brian W. Morgan, Esq. *, Maxwell & Morgan, P.C., Mesa, AZ*

Dangerous Waters: Navigating Invisible Disability and the FHA

Disability discrimination complaints filed with the Department of Housing and Urban Development are on the rise. Navigating any request for accommodation can be difficult, but community associations often make errors when weighing an invisible disability. We will explore the evaluation framework for accommodation requests and provide real-life scenarios you may successfully implement in your own daily practice.

*Mary M. Howell, Esq. *, Epsten, APC, San Diego, CA*

Lydia Linsmeier, Esq., Carpenter, Hazlewood, Delgado & Bolen, LLP, Tempe, AZ

The War on Single-Family Zoning: Are Single-Family Use Restrictions Going the Way of the Dodo?

The recent affordable housing crisis has brought the practice of single-family zoning under severe scrutiny. Minnesota and Oregon eliminated single-family zoning. California is considering doing the same. Zoning even was an issue in the 2020 presidential election. Municipalities traditionally establish zoning after considering population, social services, transportation, and infrastructure impacts. What does this trend mean to common-interest development "single-family use" deed restrictions? This presentation discusses this trend's impact on community association operations.

A. Patrick Munoz, Esq., Rutan & Tucker, LLP, Costa Mesa, CA

Kieran James Purcell, Esq., Epsten, APC, San Diego, CA

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

CIRMS Insurance Masters Program: Surfside: Point/Counterpoint

Deliberating business decisions of insurance companies to tender policy limits and the impact they will have on the insurance industry. Explore the insurance, ethical, professional, legal, public relations, and potential legislative implications.

Dawn Bauman, CAE, Community Associations Institute, Falls Church, VA

*Ursula K. Burgess, Esq. *, Rees Broome P.C., Tysons Corner, VA*

*Robert M. Diamond, Esq. *, Reed Smith, LLP, McLean, VA*

Vincent J. Hager, CIRMS, Jacobson, Goldfarb & Scott, Inc., Holmdel, NJ

Robin C. Manougian, CIRMS, JGS Insurance, A Baldwin Risk Partner, Silver Spring, MD

1 – 2:30pm | General Session

Case Law Update Part II (LIVESTREAM)

Community association case law takes center stage. Be there for one of the most popular Law Seminar sessions, and get a first look at the year's most significant court cases and developments shaping community association law with this fast-paced, entertaining presentation. The collection features new cases that have been filed, and major developments in ongoing cases, during 2021. Connect with your community association law peers for a brilliant review of statutes and regulations revealing important developing trends in community association governance.

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

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

3 – 4pm | Concurrent Sessions

How to Get Your Amendments Passed: Navigating Obstacles and Guiding Clients Through the Amendment Process

Research suggests that certain words are more persuasive than others. Knowing the importance of communicating effectively and persuasively, are we using the words and strategies that are most likely to get document amendments passed? This topic is equal parts best practices for the amendment process (such as incorporating advice from Guiding Principles for Community Association Governing Documents) and a closer look at how the human mind is persuaded. Especially unique about this new topic is a dive into what steps attorneys can take to help their association clients pass their amendments, even unpopular ones. This presentation will add new insight into what drives homeowners to vote for (or against) an amendment and how we as attorneys can advise our clients to incorporate effective strategies into the amendment process to improve the chances of document amendments passing.

*Robert M. Diamond, Esq. *, Reed Smith, LLP, McLean, VA*

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

David C. Wilson, Esq., Law Firm Carolinas, Charlotte, NC

Tackling Mental Health Issues in Community Associations

Mental health issues impact community associations in many ways. COVID-19 made things worse. These issues aren't always confined to the home and, oftentimes, affect the community through extreme behaviors that can annoy and even scare neighbors. Associations need to know what they should do when confronted with mental health issues that may create dangerous conditions. This session will address the applicable statutes that pertain to mental health issues; discuss how to handle enforcement of restrictive covenants when dealing with mentally unstable individuals; and provide best practices for tackling these difficult issues.

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

Legislation Eroding Common Interest Communities' First Amendment Rights (LIVESTREAM)

Perhaps most fundamental to our modern political and legal structure—and the derivation of all our liberties and rights within the United States Constitution and each State Constitution—is our property rights. Property is the foundation of every right we have, including the right to be free. Community association professionals need to analyze whether the state and federal constitutional rights and any of these theories provide a barrier to enforcement of restrictions in private communities. Join this lively panel for further information on legislation eroding common interest communities' first amendment rights.

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

*Elna B. Gilbert, Esq. *, Altitude Community Law P.C., Lakewood, CO*

*Lynn Krupnik, Esq. *, Krupnik & Speas, PLLC, Phoenix, AZ*

Saturday, February 12, 2022

9:15 – 10:15am

Pandemic's Impact on Law Firm Technology: A Brave New World (LIVESTREAM)

Technology and the post-pandemic world is transforming community associations and our practices. This panel will take a futurist approach to addressing common issues in communities and will develop the idea of how current technology can fit in the existing legal framework. Our brave new world will impact community association lawyers, our industry partners, and our common-interest development clients.

Adrian J. Adams, Esq., Adams | Stirling PLC, Los Angeles, CA

Nathan P. Bettenhausen, Esq., Fiore, Racobs & Powers, Irvine, CA

Maria Kao, Esq., Berding & Weil, LLP, Walnut Creek, CA

10:30 – 11:30am

NEW Labor and Employment Guidelines for Association Boards and Management Companies (LIVESTREAM)

Learn how to advise your community association clients properly about the latest labor and employment law developments that affect association employees and management company employees on site as well as the association's relationships with vendors, contractors, and volunteers. Topics include discrimination, harassment, abusive conduct and bullying liability, misclassification of employees as contractors, new wage and hour law liability, updates on employee arbitration agreements, paid leave, and other hot topics.

Karen J. Sloat, Esq., Law Office of Karen J. Sloat, APC, Palm Desert, CA