



## AGENDA

### OPTIONAL HALF-DAY PROGRAMMING

#### Wednesday, January 11, 2023

##### **1 – 4pm | Optional Half-Day**

##### **Pre-Seminar Workshop: Law Practice Management (Additional fee applies)**

Introducing a new education workshop designed for attorneys in law practice management or those interested in a career in law management. During the half-day workshop, attendees will learn new solutions and best practices for advancing personal legal management skills—addressing daily operations, business needs, and workflows.

The following topics will be discussed:

- Attorney recruiting and retention
- Advancing technology within your law firm
- Management best practices for remote attorneys and employees
- Safety and security tips for legal offices
- Responding to client harassment and bullying and the importance of resiliency

Law Practice Management workshop is a must-attend program for any community association attorney or insurance and risk management professional, no matter your years of practice.

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

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

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

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

*Thomas O. Moriarty, Esq., CCAL fellow, Moriarty Troyer & Malloy, LLC, Quincy, MA*

### LAW SEMINAR PROGRAMMING

#### Thursday, January 12, 2023

##### **12:10 – 1:10pm | General Session**

##### **Wayne Hyatt Lecture Series: From the Field to the Desk with Briana Scurry**

*Sponsored by HireSmart Virtual Employees*

The 2023 Law Seminar Planning Committee announces Briana Scurry, legendary U.S. goalkeeper, World Cup Champion, and Two-time Olympic Gold Medalist, as the keynote speaker for the 2023 Community Association Law Seminar.

Through her impact on the landscape of women's soccer and American sports culture, Briana has received the National Association of Black Journalists' Sam Lacy Award, inclusion in the United States Women's National Team's All-Time Best XI, and a permanent feature as the Title IX Exhibit in the Smithsonian National Museum of African American History and Culture.

During her keynote presentation, Briana draws on her ability to overcome obstacles to provide insight on the importance of teamwork, motivation, focus, and strategies for leveraging personal strengths.

Resources: [CAI's College of Community Association Lawyers Webpage](#)

### 1:30 – 2:40 pm | Concurrent Sessions

#### **Disaster Proof Your Association: Preparing for and Addressing Risks Facing Community Associations**

Wildfires, mega-storms, earthquakes, rising sea levels, wind events, and other climate-related issues are forcing community associations throughout the country to respond to an increasing number of natural and other disasters. Few are fully ready to address disaster preparedness, recovery, and disaster-related insurance. Come explore the types of environmental challenges and potential natural disasters facing community associations. Listen to advice for how attorneys can guide community associations through a disaster and long-range planning to address disaster challenges. This presentation will also discuss the changing landscape of disaster-related insurance coverage and how to utilize insurance to best protect the community association and its members.

*Andrew J. Bateman, CMCA, CIRMS, TriSure, Raleigh, NC*

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

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

#### **Brain Waves: The Science Behind Attorney Wellness and Mindfulness Practices <<Mental Health>>**

Lawyer turned psychologist Dr. Kolette Butler will explain the brain science behind mindfulness as a tool for attorney wellness and stress reduction. Participants will learn about the unique legal mind and how to practice exercises that manage stress and enhance cognitive, emotional, and social performance. Consistent with the College of Community Association Lawyers' goal to promote high ethical standards, this presentation will explain why one has to be a healthy lawyer to be a good lawyer. Ethics continuing legal education credits available for most jurisdictions.

*Dr. Kolette Butler, Verdant Hope Therapy & Evaluations, LLC Gilbert, AZ*

*Alexis Guanzon Firehawk, Esq. Carpenter, Hazlewood, Delgado & Bolen, LLP, Tempe, AZ*

Resources: [CAI's Community Association Managers Guide](#)

#### **Digital Decision-making: Boards Conducting Business through WhatsApp and Other Modern Platforms**

This presentation will examine the friction in cooperate governance between the use of emerging technology by board of directors and the fundamental requirements of the law.

*Bill Gourley, Esq., NowackHoward, LLC Atlanta, GA*

*Karna Gustafson, Esq., Vial Fotheringham, LLP Mesa, AZ*

*Claudia Lopez, Esq., Whiteford, Taylor & Preston, LLP, Falls Church, VA*

Resources: [CAI's Publication: Mastering Virtual Meetings and Electronic Voting](#)  
[CAI's Electronic Voting and Virtual Meeting State Laws Webpage](#)

#### **Hot Topics in Community Association Law: Corporate Investors and Accessory Dwelling Units**

- **The new mafia: Are institutional investors infiltrating and controlling community associations?**  
Corporate real estate investors are increasingly and aggressively purchasing homes within community associations. This is leading to overly inflated purchase prices and property values, nonresident corporate owners with weighted voting power, occupants who violate covenants, and difficulty enforcing covenants. These and many other factors are quickly causing community associations to view institutional investors as public enemy number one. This session will explore the trend and provide guidance on what community associations can do to protect themselves.
- **Accessory dwelling units: Panacea or problem?**  
When housing production doesn't keep pace with demand, you may end up with laws allowing ADUs on existing lots. This program will examine ADUs, why these laws are enacted, how they are approved by local government, and how ADUs can be managed to reduce negative impacts on community associations.

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

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

Resources: [CAI's Accessory Dwelling Units \(ADUs\) Public Policy](#)

### **3 – 4:10 pm | Concurrent Sessions**

#### **CIRMS Masters Program: Community Association Risk Management & Insurance Case Law Review Part 1**

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.

*Elina B. Gilbert, Esq., CCAL fellow, Altitude Community Law P.C., Lakewood, CO*

*Kevin Hirzel, Esq., CCAL fellow, Hirzel Law, PLC, Farmington, MI*

#### **Hire Power: Factors Impacting Association Employees, Volunteers, and Contractors**

Community associations grapple with decisions whether to hire employees, seek volunteers, or outsource to subcontractors many of the jobs and tasks required to keep the association up and running. From snow removal and general maintenance to landscaping and a myriad other tasks, board members and managers need to weigh the right fit. They're often constrained by budgetary concerns, and none of the available options are without risk. This session will cover the many considerations at play in these important decisions and the risks and insurance concerns raised by each option.

*Edward Hoffman, Jr., Esq., CCAL fellow, Hoffman Law LLC, Montgomeryville, PA*

*Brian D. Moreno, Esq., CCAL fellow, Brian D. Moreno Law Corporation APC, Los Angeles, CA*

*Gregory Vinogradsky, Esq., Callahan & Fusco, LLC, Roseland, NJ*

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

#### **Aiding & Abetting: Lawyer Liability for A Client's Breach of Fiduciary Duty <<Ethics>>**

Governing boards are frequently reminded about the fiduciary duty they owe their respective associations. While directors clearly could be held personally liable for breaching that fiduciary duty, a growing number of states are extending the liability to those who aid and abet that duty, including lawyers in their representation of a corporate client. This program provides an overview of the aiding and abetting tort as well as a community association attorney's liability and ethical considerations.

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

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

*Rebecca D Shiland, Esq., Jensen Baird, Portland, ME*

#### **Can I Rent Your Pool? Practical Strategies in the Ever-Evolving Gig Economy**

Owners seeing increased living costs may start looking for other ways to use their property to produce income. Some are getting creative and finding new opportunities to rent out their swimming pools, parking spaces, residences, backyards, and garages for everything from parties to photo and movie shoots to long-term storage. Learn about communication strategies with owners, as well as effective enforcement options.

*Dea C. Franck, Esq., Epsten, APC, San Diego, CA*

*Matthew Gardner, Esq., Richardson|Ober, LLP, Pasadena, CA*

*Maria Kao, Esq., Briscoe Ivester & Bazel, San Francisco, CA*

## 4:25 – 5:55pm | General Session

### Case Law Update Part 1

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 2022. Connect with your community association law peers for a brilliant review of statutes and regulations revealing important developing trends in community association governance.

*Hope Derby Carmichael, Esq., CCAL fellow, Jordan, Price, Wall, Gray & Jones, Raleigh, NC*  
*Brian W. Morgan, Esq., CCAL fellow, Maxwell & Morgan, LLP, Mesa, AZ*

Resources: [CAI's Community Association Law Case Law Database](#)

## Friday, January 13, 2023

## 8 – 9:10 am | General Session

### Panel of Pundits

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.

*Moderated by Brendan P. Bunn, Esq., CCAL fellow, Chadwick, Washington, Moriarty, Elmore & Bunn, P.C., Fairfax, VA*  
*Jason LoMonaco, Esq., NowackHoward, LLC, Atlanta, GA*

*Stefan Richter, Esq., CCAL fellow, Clemons Richter & Reiss, P.C., Doylestown, PA*

*Robin L. Strohm, Esq., CCAL fellow, Williams & Strohm, LLC, Columbus, OH*

*Lisa A Tashjian, Esq., CCAL fellow, Beaumont Tashjian, Woodland Hills, CA*

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

## 9:30 – 10:40am | Concurrent Sessions

### CIRMS Masters Program: Community Association Risk Management & Insurance Case Law Review Part 2

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*

### Not So Fast: Combating Marketable Title Acts to Preserve Community Restrictions

Seventeen states, covering nearly one-third of the U.S. population, have enacted marketable title acts designed to eliminate restrictions and encumbrances on property after a certain period of time. Learn and discuss legislative, judicial, and practical strategies to help restricted communities and community associations preserve their restrictions in marketable title act regimes.

*Kayleigh Long, Esq., CCAL fellow, Hirzel Law, PLC, Farmington, MI*

*Nicholas J. Meinert, Esq., Kaman & Cusimano, Columbus, OH*

Resources: [CAI's Marketable Record Title Act Public Policy](#)

### Who's the Client Anyway? Ethics of Organizational Clients & Difficult Directors <<Ethics>>

This seminar will address many of the ethical challenges and pitfalls in representing association clients through volunteer board members, and take a close look at ABA Model Rule 1.13. As a community association attorney, who are we actually representing? Who do we take orders from? We will provide practical solutions in dealing with split boards and rogue directors. Come and join us for a rousing and interactive conversation.

*Barry B. Ansbacher, Esq., Ansbacher Law, Jacksonville, FL*

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

*Mark Sahl, Esq., Carpenter, Hazlewood, Delgado & Bolen, LLP, Tempe, AZ*

### **Mischief Managed: When Associations Should Act Aggressively Versus Methodically**

This interactive journey will explore the facts and circumstances of several cases across the country where community associations took aggressive positions that led to negative results with the courts. The presenters will explore how the outcomes could have been different had those communities decided to take a more measured approach and what other options could have worked to avoid a negative impact on the association.

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

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

### **11am – 12:10 pm | Concurrent Sessions**

#### **CIRMS Masters Program: Deal or No Deal-Covered or Not Covered**

Bizarre claim stories will be presented in an interactive setting where the audience can decide whether they were covered or not covered. Expect the unexpected—coverage can be hidden in places you never would anticipate. Hear the surprising coverage stories ranging from hired and non-owned auto to violent assault.

*Moderated by George E. Nowack Jr., Esq., CCAL fellow, NowackHoward, LLC, Atlanta, GA*

*Karen O'Connor Corrigan, CIRMS O'Connor Insurance Agency, Saint Louis, MO*

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

*Jim Ruebsam, CIRMS, Daniel and Henry Co., Saint Louis, MO*

*A.J. Scott, CIRMS Community Partners Insurance Agency, Meridian, ID*

#### **Safer Communities: Confronting Guns in Community Associations**

From Buffalo and Uvalde to Highland Park, Ill., and many more cities in between, gun violence has become a regrettably common occurrence in the U.S. Shootings in Atlanta and Raleigh, N.C., have proven community associations aren't immune to the crisis. Prepare to tackle the complicated issue of firearms in community associations with an emphasis on awareness and education from the presenters who were awarded the past two Community Association Law Seminar Best Manuscript Awards. Get ready to discuss the rights of gun owners in community associations as well as the authority of and extent to which associations can regulate the use of firearms. After an exploration and analysis of current federal and state laws, including the timely Bipartisan Safer Communities Act, attendees will hear best practices for addressing firearms issues in community associations.

*Leah K. Burton, Esq., Steptoe & Johnson PLLC, Plano, TX*

*Noelle Hicks, Esq., Roberts Markel Weinberg Butler Hailey PC, San Antonio, TX*

*Jay Lamar Roberts, Esq., Becker, Fort Walton Beach, FL*

Resources: [Foundation for Community Association Research Best Practice Guide: Community Security](#)

#### **Old Guard vs. New Guard: How a Law Firm Must Evolve to Thrive in Today's Multigenerational Workplace**

Law firms have always faced obstacles. Now more than ever, it seems there may be a growing divide between "old guard" and "new guard" ways of thinking. Firms must evolve to continue to be sustainable with a multigenerational workforce. Attracting and retaining talented lawyers while navigating seemingly polarized philosophies on work-life balance while attempting to meet multiple and varied motivations is a daily struggle. Presented by both seasoned and newer attorneys, this program will discuss and explore the problems, approaches that worked, those that didn't work, and potential solutions.

*Melissa M. Garcia, Esq., Altitude Community Law P.C., Lakewood, CO*

*Timothy J Krupnik, Esq., Krupnik & Speas, PLLC, Phoenix, AZ*

*James R. McCormick, Jr., Esq., CCAL fellow, Delphi Law Group, LLP, Carlsbad, CA*

*Kathryn Murphy, Esq., Whiteford, Taylor & Preston, LLP, Falls Church, VA*

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

## Can't We All Just Get Along? Neighbor on Neighbor Harassment and Bullying

Neighbor harassment can take many forms, including derogatory or offensive comments about sexual orientation, your nation of origin, or other discriminatory factors. In some cases, it involves repeated calls to law enforcement or intentionally inflicting emotional distress. Dive deeper in this session on what constitutes harassment, how to deal with your neighbors, and when to take legal action.

*Gabriella Comstock, Esq., CCAL fellow, Keough & Moody, P.C., Naperville, IL*

*Joan Lewis-Heard, Esq., SwedelsonGottlieb, Los Angeles, CA*

Resources: [CAI's Civility Pledge](#)  
[Foundation for Community Association Research Best Practice Guide: Community Harmony & Spirit](#)

## 1:10 – 2:40 pm | General Session

### Case Law Update Part 2

*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 2022. Connect with your community association law peers for a brilliant review of statutes and regulations revealing important developing trends in community association governance.

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

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

Resources: [CAI's Community Association Law Case Law Database](#)

## 3 – 4:10 pm | Concurrent Sessions

### CIRMS Masters Program: AI and Machine Learning: AI and Machine Learning: How they are Revolutionizing Insurance from Underwriting to Claims

This presentation will include an introduction to some of the new tools that technology is bringing to the insurance and risk management fields, particularly with respect to community association risks. It will explore how AI and machine learning tools are enabling insurance underwriters to evaluate property risks in a new way and how associations can leverage this data to improve their insurance coverage and costs. Finally, the presenters will discuss some of the legal issues presented by these new tools, specifically the additional liability they may create for an association.

*Brian S. Cohen, Arden Insurance Services, LLC, Glendale, CA*

*Heather Wentworth, Accelerant Holdings, Winter Park, FL*

### The Penumbra of Privacy: What's a Reasonable Expectation of Privacy in a Common Interest Community?

Privacy rights present a trap for the unwary. Community association disclosure, finance, security, and maintenance duties often infringe on member privacy. These obligations may not align with perceived privacy expectations. This program compares and contrasts how different states address: state and federal laws governing privacy; the scope of reasonable privacy expectations; and the pitfalls arising out of the cognitive dissonance between a homeowner's expectation of privacy and a community's legal obligations.

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

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

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

### Women in Community Association Law: Exploring How Far Have We Come and Where We Need To Go

Five years ago, a Law Seminar panel explored the challenges faced by women in our profession. We are continuing this important conversation with an interactive session that will provide today's perspectives and real-world advice on topics including leadership, mentoring, work-life balance, biases women attorneys experience, advancing long-term careers in

community association law, and more. Both men and women practitioners are encouraged to join the conversation.

*Melissa S. Doolin, Esq., The Travis Law Firm, PLC, Phoenix, AZ*

*Phaedra Howard, Esq., Hellmuth & Johnson, PLLC, Edina, MN*

*Naomie Kweyu, Esq., Husch Blackwell LLP, Milwaukee, WI*

*Laurie S. Poole, Esq., CCAL fellow, Adams | Stirling PLC, San Diego, CA*

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

### **Learning from Surfside: Avoiding Future Tragedy**

The Champlain Towers tragedy in Surfside Florida, has significantly impacted the condominium world. In light of this event, many Association have various questions concerning the safety and stability of their buildings. Association attorneys are in the forefront of advising their clients and guiding them through this complicated process.

The program's discussion will involve the fact that it is essential to know that buildings age and mature differently. What kinds of inspections should be conducted when to assess the structural integrity of condominium and co-op buildings and keep up with proper maintenance protocols regardless of a building's age. In doing so, associations can gather accurate snapshots of their building's structural health, perform proactive repairs and organize the funding necessary to move forward with large projects.

*Mitchell Frumkin, RS Kipcon, Inc., North Brunswick, NJ*

*Michael L. Hyman, Esq., CCAL fellow, Siegfried Rivera, Coral Gables, FL*

*David Ramsey, Esq., CCAL fellow, Becker, Morristown, NJ*

Resources: [CAI's Condominium Safety Information and Resource Webpage](#)

## **Saturday, January 14, 2023**

### **9 – 10:10 am | Concurrent Sessions**

#### **What's So Funny About Peace, Love, and Understanding? How to Address Protests in the Community**

In this current political climate, we're seeing protests popping up in our communities in a wide variety of forms—from displaying sociopolitical signs and flags to keyboard commandos on social media and angry outsiders marching to the home of a Supreme Court justice. This presentation will explore community protests from a legal perspective and discuss ways in which associations can best address them, finding the balance between despotism and anarchy.

*Norman Orban, Esq., Allcock & Marcus, LLC, Braintree, MA*

*Sara Ross, Esq., CCAL fellow, Chadwick, Washington, Moriarty, Elmore & Bunn, P.C., Fairfax, VA*

Resources: [CAI's Political and Non-Commercial Sign Public Policy](#)

#### **Rental Restriction Workarounds: Complex Concerns Regarding Real Estate Co-Ownership in Community Associations**

Many community associations are involved in a seemingly never-ending battle over short-term rental and occupancy restrictions. A recent trend involving co-ownership of real estate has been utilized as a workaround of existing rental and occupancy restrictions found in association covenants. This session will discuss the emerging issue, provide practical recommendations on how to advise your clients, and focus on pertinent case law and statutory provisions.

*Susan Hawks McClintic, Esq., CCAL fellow, Epsten, APC, San Diego, CA*

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

Resources: [CAI's Short-Term Rental Public Policy](#)

#### **Collections: Pitfalls, Useful Tips, and Out-of-the-Box Thinking**

Collections practice for community associations is nuanced and has become more complex over the past decade. This course offers a practical review of some procedures that attorneys can implement to increase efficiency and avoid liability.

*Katherine Bushey, Esq. Kaman & Cusimano, Columbus, OH*

*Winta Mengisteab, Esq. Rees Broome, P.C., Tysons Corner, VA*

*Daniel J. Miske, Esq., CCAL fellow, Husch Blackwell, LLP, Milwaukee, WI*

Resources: [CAI's Effective Collection of Assessments Public Policy](#)  
[CAI's Fair Debt Collection Practices Public Policy](#)