

2017 NATIONAL BOND CLAIMS SEMINAR AGENDA

Program Chair: Jeffrey S. Price, Manier & Herod, P.C.

Thursday, October 5, 2017

8:45 – 8:55 a.m. OPENING REMARKS

8:55 – 9:25 a.m. Preliminary Notice Requirements and Their Effect on the Surety's Obligations Under the Payment Bond

Presenter:

Jonathan P. Cohen
Jonathan P. Cohen, P.A.

James Keating
Allied World Insurance Company

This session will address the various notice requirements to perfect payment bond claims and the defenses arising from the claimant's failure to comply with those requirements. This session will also discuss other defenses arising from the claimant's failure to comply with conditions to claims under payment bonds.

9:25 – 10:15 a.m. Surety and Construction: Significant Developments and New Opportunities

Presenters:

Richard E. Tasker
Sage Associates, Inc.

Ali Salamid
*Salamid, Morrow,
Timpane & Dunn, LLP*

Scott Olson
SureTec

This session begins with a detailed review of present status of the U.S. and will discuss the Construction Industry including market sectors, volume of work and profitability and regional differences. It will discuss likely short term prospects. It will then present the present status of the Surety industry, both commercial and contract. This will include volume, major players and recent loss history. It will then discuss longer term trends. Next the panel will address major forces, changes and challenges that are transforming the construction industry in the years ahead. This will be followed by a shorter discussion of trends likely to shape the Surety markets in the years ahead. These forces and changes will then be evaluated in terms of impact and challenges facing practicing Construction and Surety Attorneys.

10:15 – 10:30 a.m. BREAK

10:30 – 11:15 a.m. Affirmative Claim Analysis and Preparation

Presenters:

Albert L. Chollet, III
*Watt, Tieder, Hoffar &
Fitzgerald, LLP*

John McDevitt
Liberty Mutual

Luis Aragon
Liberty Mutual

Mark Degenars
*The Vertex
Companies, Inc.*

This session will discuss the analysis, preparation and prosecution of affirmative claims on behalf of the surety. When the surety is presented with a potential affirmative claim of the principal as a source of either increase of contract balances or other recoveries to offset its loss, the analysis and valuation of the claim is critical. The surety will need to evaluate the factual and legal basis for the claim and present the claim in a manner that is both legally and technically sound and presents the most compelling case for recovery. The presenters will address recent case law as well as their experience and expertise on evaluating and maximizing the value of affirmative claims.

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Friday, October 6, 2017

8:55 – 9:35 a.m. *Dealing with the Difficult Owner*

Presenters:

Thomas K. O'Gara
Ernstrom & Dreste, LLP

Daniel Oldenkamp
CNA Surety

This session will discuss an obligee's refusal to sign a takeover or tender agreement. We will examine the obligee's obligation to enter into a takeover/tender agreement, if any, and what the surety should do when there is no agreement

9:35 – 10:15 a.m. *Litigating in the Federal Court of Claims*

Presenters:

John W. Morris
*McElroy, Deutsch,
Mulvaney & Carpenter, LLP*

John P. Wilson
Sompo International

This session will address the advantages and disadvantages and procedure for litigating with the federal government in the Federal Court of Claims

10:15 – 10:30 a.m. **BREAK**

10:30 – 11:15 a.m. *Putting Things in Perspective*

Presenters:

Jennifer Fiore
Dunlap Fiore, LLC

Rudy Dominguez
Liberty Mutual

Rex Crosswhite
Fort Worth District of USACE

This session is designed to provide the audience with the Government's perspective of its interaction with a surety on federal construction projects and also provide the surety claim handler's perspective on Federal construction projects.