

EVENT	WEST COAST CASUALTY'S CONSTRUCTION DEFECT SEMINAR
DATE	May 14 & 15, 2009
LOCATION	The Disneyland Resort Hotel, Anaheim, CA
FACULTY	Michael Bayard, Esq./Arbitrator/Mediator Michael R. Powell, AAA VP Les Robertson, Esq./Arbitrator/Mediator
OBJECTIVE	This presentation will focus on the escalating costs of arbitration and litigation, which many believe are now one in the same, "arbitigation." Whether your case is large and complex or straightforward and uncomplicated, attorneys, clients, and insurance carriers need to know what really drives up the cost of arbitration. The audience will learn from inside experts how to effectively use proven techniques to control costs and save time in any construction defect arbitration.
COMPLEXITY LEVEL	Medium
OUTLINE	<p>LEAN AND FOCUSED: USING ARBITRATION TO CUT COSTS OF HANDLING CD CASES AND RELATED CD CASES</p> <p>1. Using Arbitration in Insurance Company and Insurance Coverage Disputes</p> <ul style="list-style-type: none"> ■ The Problem <ul style="list-style-type: none"> ❖ Federal and State Court forums costly for parties, time consuming and lack control over process <ul style="list-style-type: none"> ▪ Lack of control over decision making, discovery process, motion practice and trial ▪ Rulings are "public" and can be made to effect some other goal rather than interpretation of the insurance contract ▪ Rulings are inconsistent and unpredictable ■ The Solution <ul style="list-style-type: none"> ❖ Parties fashion an agreement to arbitrate <ul style="list-style-type: none"> ▪ The decision to arbitrate is by agreement so agreement can be tailored to fit needs ▪ All of the problem issues with using Federal or State Court can be addressed up front ▪ Giving claims professionals and claims managers ability to better budget legal costs and help avoid surprises <p>2. An Insider's View on How to Make Your Arbitration More Efficient And Effective</p>

- Six Time-Tested Tips
 - ❖ Pick the Right Arbitrator for Your Particular Case
 - ❖ What You Must Do at the Preliminary Hearing
 - ❖ Insist on a “Roadmap”
 - ❖ Expedite Communications with Your Arbitrator
 - ❖ Insist on the Use of a “Chess Clock”
 - ❖ Insist on a Reasoned Award

3. Cost of Arbitration vs. Litigation—Myths vs. Realities

- Inside look at American Arbitration Association construction arbitration caseload statistics
 - ❖ Cost analysis for Fast-Track, Regular, and Large Complex caseloads
 - ❖ Timeline for construction cases: Filing to Award
 - ❖ What ADR providers can do to help make the arbitration process less expensive

WHY WCC SHOULD
PICK OUR TOPIC:

Arbitration has been a staple in the construction industry for years because of four principles: subject-matter expertise in decision-maker; less costly than litigation; less time to resolve disputes; and finality of arbitration award. However, in the past few years there have been an increasing number of complaints that these principles are slowly eroding and what is left is arbitration with all of the less desirable tenets of litigation. Our topic addresses this issue head-on with advice from expert arbitrators and unpublished ADR provider (AAA) statistics. In a downward-spiraling economy, everyone involved in construction defect claims needs to know how to reach resolution with less money out-of-pocket. Arbitration does not have to be expensive.--users of the process, arbitrators, and ADR providers need to work together to be Dispute-Wise.