



COMMUNITY ASSOCIATION
**Law
Seminar**

Jan. 31–Feb. 3, 2018 | Palm Springs, CA

CAI's 39th Annual Community Association Law Seminar
January 31 – February 3, 2018
Palm Springs, CA

Associates Track: L-100 How Community Associations Work

Wednesday, January 31, 2018 (1/2 Day Optional Program)

1 – 5pm

Ellen Hirsch de Haan, Esq.*

Ronald L. Perl, Esq.*

J. David Ramsey, Esq.*

Laura K. Sanchez, Esq.*

Steven L. Sugarman, Esq.*

Successful community association legal practice starts with the essentials and a strong ethical approach. Join experienced community association lawyers for an overview and case-law examples of the legal basis of community associations' rights and responsibilities as it relates to assessments, maintenance, policy, restrictions, and litigation, and how all the players involved make it come together.

Managing Partner Track: Running a Community Association Law Practice

Wednesday, January 31, 2018 (1/2 Day Optional Program)

1 – 5pm

Brendan P. Bunn, Esq.*

Elina B. Gilbert, Esq.*

Julie McGhee Howard, Esq.*

Marc D. Markel, Esq.*

Daniel J. Miske, Esq.*

Join managing partners and other community association law firm executive leaders from around the country for a two-part workshop to help you better lead your association practice. The first half features a panel of managing and executive level partners discussing common challenges and best practices, including starting a new firm; what happens when a partner leaves the firm; practicing community association law within a multi-practice large firm; challenges of medium and small firm association practices; marketing; retirement planning; and human resource and business management issues. The second half provides time for attendees to gather in networking groups with firm leaders from different markets to share their own ideas and individual experiences.

Wayne Hyatt Lecture Series with Jeffrey Toobin

Thursday, February 1, 2018

12:30 – 1:30pm

Jeffrey Toobin

A high-profile senior analyst for CNN and staff writer for The New Yorker, Jeffrey Toobin is one of the country's most esteemed experts on politics, media, and the law. With unparalleled journalistic skill, Toobin has provided analysis on some of the most provocative and important events of our time. The author of critically acclaimed best-sellers, Toobin delved into the historical, political, and personal inner workings of the Supreme Court and its justices in his book *The Nine: Inside the Secret World of the Supreme Court*.

Toobin's latest book, *American Heiress: The Wild Saga of the Kidnapping, Crimes, and Trial of Patty Hearst*, was released to considerable acclaim in August 2016. The book examines the 1974 kidnapping of Patty Hearst, granddaughter of publishing magnate William Randolph Hearst, by the Symbionese Liberation Army. The astonishing, theatrical details of the saga are firmly bound to a tangible reality, aided by more than a hundred interviews and thousands of previously secret documents.

*CCAL fellow

Toobin allows readers to peek into the past – right into one of the most insane eras of American history. The book has already been optioned for film by Fox 2000. His book, *The Run of His Life: The People vs. O.J. Simpson*, was the basis for the acclaimed mini-series on FX, starring Cuba Gooding, Jr., John Travolta, and Sarah Paulson.

Bucking the Trends – The Impact of Legislative Trends on Community Association Governance

Thursday, February 1, 2018

1:45 – 2:45pm

Dawn Bauman, CAE

Matt D. Ober, Esq.*

Amy Tinetti, Esq.

The ever-increasing micromanagement of community associations through state and federal legislation significantly impacts how our communities govern effectively. From HAM radio antennas to short-term rentals, and free speech to clotheslines, community association leaders and managers across the country maneuver through a maze of legislation that challenges the way they manage, maintain, and govern. Learn about the role of legal counsel in preparing communities for new legislation on the horizon.

Dealing with Difficult People: Strategies for Responding to Hoarding Disorders and Hostile Environments

Thursday, February 1, 2018

1:45 – 2:45pm

Sean D. Allen, Esq.

Jasmine Hale, Esq.

Five percent of the population suffers from hoarding disorder, and community associations will face greater numbers of these cases as the American population ages. The 2016 changes to the Fair Housing Act make dealing with these issues even more difficult. Learn about the laws related to both topics, explore the psychological elements associated with these complex issues, outline resources, and gain strategies and recommendations on how best to respond to these problems.

The New Normal: Transgender and Gender Variance in Community Associations

Thursday, February 1, 2018

1:45 – 2:45pm

Jeffrey A. Beaumont, Esq.*

Drian Juarez

Susan B. Tarley, Esq.*

Join two CCAL attorneys and the Los Angeles LGBT Center's transgender economic empowerment project program manager for a panel discussion to explore the unique issues faced by transgender persons in housing with a focus on the emerging trends that affect community associations. Learn ways to address policies and rules, how to effectively communicate with transgender persons, and how to foster a discrimination- and bias-free environment.

Building a Partnership in Claims: Adjusting Significant Property Losses Before They Occur (CIRMS)

Thursday, February 1, 2018

1:45 – 2:45pm

Moderated by Clifford J. Treese, CIRMS

Presented by Marc D. Markel, Esq., Sandra K. Denton, CMCA, LSM, PCAM, Vincent J. Hager, CIRMS, Lisa A. Magill, Esq.*,*

Kathryn C. Danella, CMCA, LSM, PCAM, Phillip Masi, CIRMS

Contributors Dawn Bauman, CAE, C. Scott Canady, Robb Greenspan (Public Adjuster), Theresa N. Melson, PCAM, CIRMS,

Ronald R. Reitz (Public Adjuster), Robert Sides, AMS, PCAM, Robert A. Travis, CIRMS, Jennifer Wojciechowski, J.D., George E.

*Nowack, Jr., Esq.**

The successful adjustment and processing of significant property claims must begin before the loss occurs. Learn about the values at risk, who is responsible for determining those values, how those values are stored and how they're communicated to the various stakeholders. The presenters include specialists in insurable replacement cost valuation and estimating debris removal, and adjusters with experience in dealing with significant property losses from a variety of perils.

Does Foreclosure of the Superpriority Lien Violate the Takings Clause? Bourne Valley Court Trust v. Saticoy Bay LLC (Series 350 Durango 104)

Thursday, February 1, 2018

3 – 4 pm

Michael McKelleb, Esq.

Join a discussion of superpriority lien foreclosure litigation using cases from the Nevada Supreme Court and Ninth Circuit who, within five months of each other, issued contradictory holdings where one found the foreclosure of a common-interest community superpriority lien (amended version of 1982 UCIOA) facially unconstitutional and the other constitutional, followed by discussion of how Nevada fixed the constitutional defects to save its superpriority statute.

Staying on Top of Issues in Over-55 Community Associations

Thursday, February 1, 2018

3 – 4 pm

Marshal Granor, Esq.*

Steven L. Sugarman, Esq.*

With baby boomers expected to comprise over thirty-five percent of the United States' population within the next several years, housing for the over-55 owner or tenant is now a huge part of the real estate marketplace in today's community associations. Join your colleagues to dissect and evaluate real case scenarios involving the owner and associations—and in some instances, the lawyers—in age-restricted communities and take away creative and practical solutions to difficult problems.

Trends Involving Owners: A Case Study of a Bankrupt Association

Thursday, February 1, 2018

3 – 4 pm

Ursula K. Burgess, Esq.

Michael A. Feltenberger, CMCA, AMS, PCAM

Jacqueline D. Foster, Esq.

Erin Maloney, Esq.

Paul Sweeney, Esq.

Part I of the session focuses on the latest cases, opinions, and trends in bankruptcies involving owners as debtors. Learn about the increasingly challenging issues in owner-related bankruptcy matters across the country that require skill and experience in community associations and bankruptcy practice. Part II explores a case study of a luxury condominium association in Baltimore's Inner Harbor forced to file for bankruptcy protection when all of its bank accounts were frozen by garnishments filed by a unit owner who had judgments against the Council of Unit Owners.

Building a Partnership in Claims: Adjusting and Funding Significant Property Losses After They Occur (CIRMS)

Thursday, February 1, 2018

3 – 4 pm

Moderated by Clifford J. Treese, CIRMS

Presented by Marc D. Markel, Esq., Sandra K. Denton, CMCA, LSM, PCAM, Vincent J. Hager, CIRMS, Lisa A. Magill, Esq.*,*

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*Nowack, Jr., Esq.**

Now that the loss has occurred, where will the funds come from to repair the damage? And how will the loss be adjusted? For property losses involving high valued claims, insurance may or may not be available. If coverage is available, the deductibles and self-insured retentions may be very expensive and the use of insurance may limit certain types of federal aid. Experience indicates that it is unlikely that a single source of funding (such as insurance) will be sufficient to pay for major property losses. In some instances, parts of the association may be subject to eminent domain and/or zoning laws that forbid entire reconstruction. The presenters include those involved with adjusting, insuring, and funding large losses.

Case Law Update Part I

Thursday, February 1, 2018

4:15 – 5:45pm

Loura K. Sanchez, Esq.*

Scott B. Carpenter, Esq.*

The Community Association Law Seminar Planning Committee is proud to present College of Community Association Lawyers (CCAL) fellows Scott B. Carpenter and Loura K. Sanchez to host Part I of the Case Law Update, a discussion of significant cases that shaped community association law in 2017 and upcoming, emerging trends in association jurisprudence.

Hot Topics: Emerging Community Association Law Issues

Friday, February 2, 2018

9 – 10:30am

Kevin Hirzel, Esq.

Margaret Wangler, Esq.*

Marla Diaz, Esq.

Tomio B. Narita, Esq.

Learn about the latest, most burning issues for community association law practitioners. This year's topics include: HUD's "hostile housing" rule; fair debt collection trends; how millennials impact legal issues for community associations; and free speech.

If You Were Scared Before...Just Wait! Hot Ethical Trends and Updates on Ethics Cases and Opinions *ETHICS*

Friday, February 2, 2018

9 – 10:30am

Jon H. Epsten, Esq.*

Sandra L. Gottlieb, Esq.*

Janet L.S. Powers, Esq.*

A fast-paced review and interactive discussion of hot trends in ethics around the country and how they affect your practice with an expert panel of community association lawyers. Topics span all areas of ethics and professional responsibility from A to Z—attorney-client privilege to zero tolerance firm ethics policies. Bring a topic idea and prepare to discuss a variety of issues.

Navigating the Nuances of the Fair Housing Act

Friday, February 2, 2018

9 – 10:30am

Augustus H. Shaw, IV, Esq.*

Wil Washington, Esq.*

Understanding the complexities of determining what constitutes a "reasonable and necessary" accommodation is critical to avoiding a fair housing complaint. So is the art of advising clients regarding the parameters of a reasonable investigation of an accommodation request or a hostile housing dispute. Hear an in-depth discussion of the expectations that HUD and the courts have for community associations.

CIRMS Risk Management & Insurance Case Law

Friday, February 2, 2018

9 – 10:30am

Moderated by Clifford J. Treese, CIRMS

George E. Nowack, Jr., Esq.*

Jennifer Wojciechoski, J.D.

Learn about important insurance case law directly involving community associations as well as insurance cases that could impact association governance, maintenance, and operations. As in the CIRMS Case Law 2017, all of the CIRMS Case Law 2018 will be supplemented with additional links for supporting material. Included with the CIRMS Case Law 2018 will be Appendices including one on "Deductibles and Self-insurance Retentions."

A Day in the Life of a Community Association Lawyer

Friday, February 2, 2018

10:45am – 12:15pm

Ellen Hirsch de Haan, Esq.*

Lincoln W. Hobbs, Esq.*

Frank A. Lombardi, Esq.*

Beyond the significant body of knowledge of the law and case law that governs the community association law practice are the actual business itself and daily realities and routines within the practice. Learn about recruiting attorneys, desirable skill sets to seek, client intake, developing and keeping clients, communications, marketing, talking to the media, and value billing.

Answering "Why?" Before "What?"

Friday, February 2, 2018

10:45am – 12:15pm

Terrence A. Leahy, Esq.*

Theresa M. Torgesen, Esq.

Governing documents tell owners, at great length, what must be done. Some owners resist being told what to do and resent the legalese that governing documents use. Join your colleagues to explore how lawyers might overcome such resistance with some simple shifts in how to approach drafting documents. Watch an expert panel use a sample declaration to illustrate that explaining why the tasks imposed by documents actually matter—and balancing legalese with simple English—can help replace owners' resistance with good citizenship.

The Power of Workplace Equality: Perspectives in a Community Association Law Practice

Friday, February 2, 2018

10:45am – 12:15pm

Moderated by Julie McGhee Howard, Esq.*

M. Katherine Bushey, Esq.

Gabriella Comstock, Esq.*

Elina B. Gilbert, Esq.*

Gayle A. Kern, Esq.*

Sara Ross, Esq.

Susan B. Tarley, Esq.*

Join the women of the Law Seminar Planning Committee and community association law for a panel discussion about their perspectives on the unique challenges faced by women in our profession and area of expertise. Both men and women practitioners are welcome to learn real-world advice on topics including advancement in law firms and the profession, public perceptions of women lawyers generally and in community association law, discrimination (both overt and subtle), communication, marketing, technology, work-life-family balance, and more.

Case Law Update Part II

Friday, February 2, 2018

1 – 2:30pm

David J. Graf, Esq.*

J. David Ramsey, Esq.*

CCAL fellows J. David Ramsey and David J. Graf return to host Part II of the Case Law Update. Join "The Daves" as they review cases from 2017 that are sure to advance the future of community association law.

Ego on Trial: Do Attorneys Succeed Because of, or in Spite of, Ego? *ETHICS*

Friday, February 2, 2018

2:45 – 4:15pm

Bruce C. Jenkins, Esq.*

David S. Mercer, Esq.*

Attorneys surpass all other professions in several negative categories, including alcoholism, drug addiction, depression, and suicide. These problems are only symptoms of a deeper problem: the ego. Join your colleagues to examine to the burden of the ego, and whether we have succeeded as attorneys because of, or in spite of, our egos.

Fiduciary Duty in Community Associations: A Moderated Panel Discussion with Association General Counsel, a Senior Claims Adjuster, and Trial Defense Counsel [CIRMS Crossover Session](#)

Friday, February 2, 2018

2:45 – 4:15pm

Daniela Burg, J.D.

Terry A. Fox, Esq.

Edward Hoffman, Jr., Esq.

Gerald Charles Wigger, Esq.

An interactive, moderated panel discussion from the perspective of an association attorney, senior claims adjuster for a leading association insurance provider, and trial defense counsel. Join a discussion about fiduciary duty issues in the community association, including the legal standards that are applied to community association boards, alleged breach, insurance coverage issues, defense of claims, and best practices a board can follow in order to avoid a breach of fiduciary duty claim.

When is a Pig a Dog? Reasonable Accommodation of Assistance Animals in Community Associations

Friday, February 2, 2018

2:45 – 4:15pm

Moderated by Lydia Linsmeier, Esq.

Candace Harper

Mary M. Howell, Esq.*

Monica Lopez

Jason Smith, Esq.

CC&Rs, and their enabling regulations, often include pet restrictions. One of the most potentially divisive association issues occurs when a resident requests an assistance animal pursuant to the Fair Housing Act that does not comply with the community governing documents. Community associations must navigate between effectively enforcing their CC&Rs without violating the FHA. Explore best practices to help you develop compassionate real-world solutions to FHA animal accommodation requests that benefit the entire community.

Panel of Pundits

Friday, February 2, 2018

4:30 – 5:30pm

Moderated by George E. Nowack, Jr., Esq.*

Hope Derby Carmichael, Esq.*

David W. Kaman, Esq.*

Lisa A. Magill, Esq.*

Andrew J. Terrell, Esq.*

Got questions? Get answers. Attendees of all experience levels have the opportunity to ask an expert panel of attorneys about issues that have arisen, or may arise, in their practices, and hear the panel pose questions about pressing legal concerns and trends in the community association industry.

Land of the Free? Not if You Live in a Community Association!

Saturday, February 2, 2018

9:30 – 11 a.m.

Brian D. Moreno, Esq.*

Lisa A. Tashjian, Esq.

Join two California attorneys to learn about the First Amendment right to free speech and how such right may be restricted in community associations across the country. Under what circumstances can the right to free speech be curtailed? Where can and should the line be drawn? Hear the most prevalent scenarios where the right to free speech is being invoked, state and federal legislation surrounding the topic, and procedures and protocols boards can adopt to manage and address First Amendment issues.

Special Topics: Association Names and Websites

Saturday, February 2, 2018

9:30 – 11 a.m.

Geoffrey A. Lottenberg, Esq.

Joel Martin McTague, Esq.

Erica Stump, Esq.

One of the areas overlooked by community association law is the rights that a community association may have in its own name. Like any corporation, it's important for community associations to protect the usage of their name. Accompany your peers to explore various issues surrounding association names and websites.

For Whom The Bell Tolls: Is the Business Judgment Rule Dead?

Saturday, February 2, 2018

9:30 – 11 a.m.

Joel W. Meskin, Esq.*, CIRMS

Thomas Ware, II, Esq.

Traditionally, the Business Judgment Rule insulated volunteer directors from honest mistakes in judgment. The Model ABA Rule adopted in more than thirty states includes language suggesting that the application of the Business Judgment Rule is dependent upon demonstrating reasonable diligence. A California Court has interpreted such language as creating a reasonable diligence (i.e., negligence) standard. Does this case signal the end of Business Judgment Rule's protection for honest mistakes? If so, what are the legal and insurance impacts?