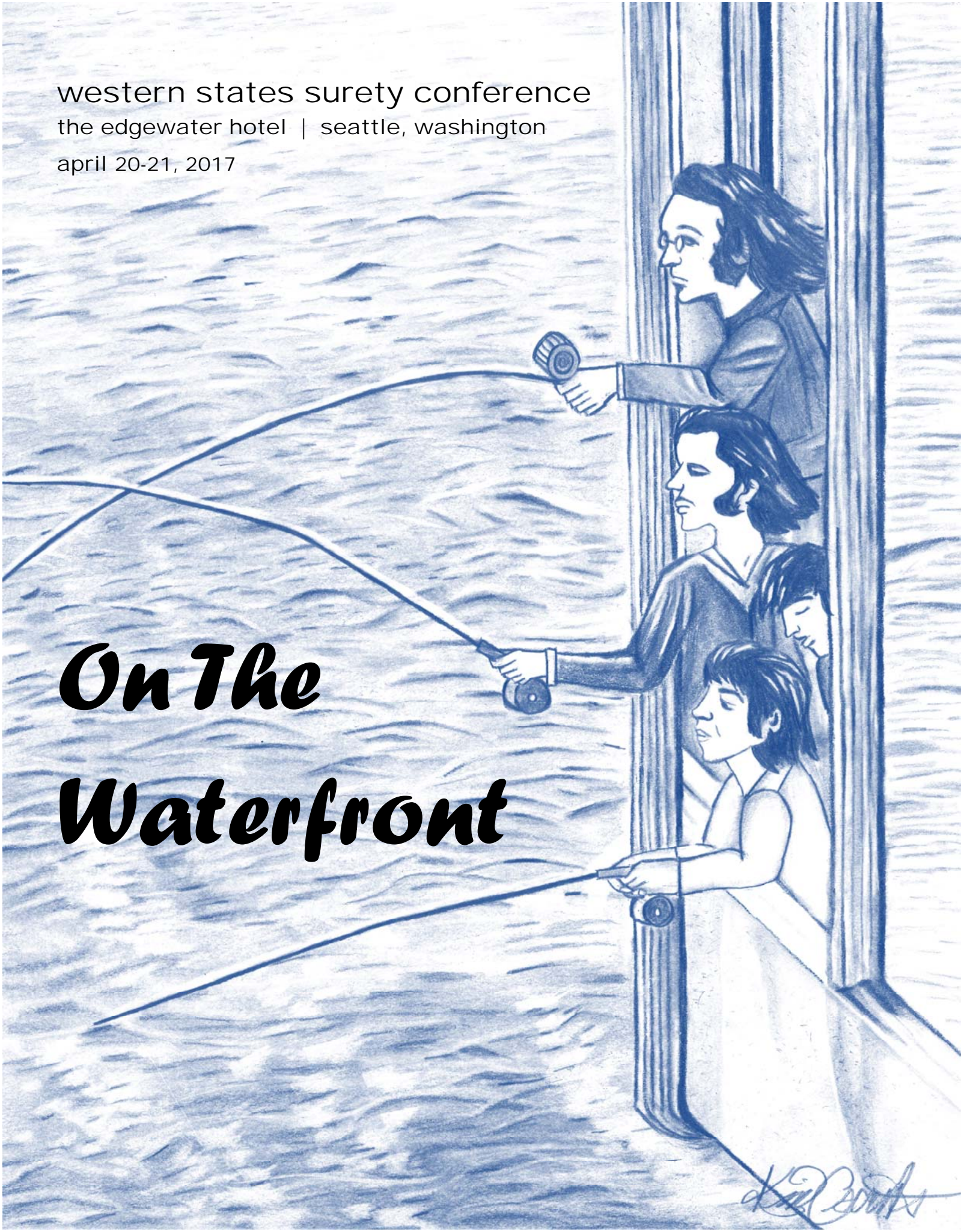


western states surety conference
the edgewater hotel | seattle, washington
april 20-21, 2017

On The Waterfront



Dear Surety Practitioners:

On behalf of the sponsoring firms, I am pleased to extend an invitation for you to join us at the Twenty-Fourth Annual Western States Surety Conference on Thursday evening and Friday, April 20-21, 2017. This year we will be at Seattle's premier luxury waterfront hotel, The Edgewater Hotel.

The 2017 conference kicks off on Thursday evening, April 20, with a cocktail/dinner party at the Cutters Crabhouse, located within walking distance from The Edgewater. At this annual event, you will have the opportunity to enjoy not only a fantastic dinner, but also the camaraderie of colleagues and old friends, as well as the opportunity to make new acquaintances. As with the conference, Surety company employees are our guests at this event.

On Friday, April 21, the educational program will address a variety of interesting and timely topics including presentations on indemnity, specific bond language issues, financing, computer data mining, subcontractor default insurance products, and controlled insurance programs. There will also be a site visit (via video) to the Washington Supreme Court and, back by popular demand, there will be a construction panel discussing progress on a large local public works project. The program will feature a number of presentations and panels comprised of surety industry professionals and practitioners. Finally, as in past years, attendees will benefit from the Western States case law and statutory updates, as well as a presentation on surety industry statistics and trends. As always, every attendee will receive a copy of the 2017 Quick Reference Guide to Western States Surety Law in addition to the program materials.

This conference is an excellent opportunity to share and exchange information with other attendees. We appreciate your support and very much hope that you can join us this year.

Loren D. Podwill
Bullivant Houser Bailey PC
2017 Conference Chair

** Cover art by Kim Csontos inspired by the famous photo of The Beatles fishing from the window of their suite at The Edgewater Hotel in 1964.*

Agenda

MORNING SESSION

8:00 - 8:45 **Registration and Continental Breakfast**

8:45 - 8:55 **Welcome, Announcements, Program Introduction**

8:55 - 9:30 **Data Mining – Digging for Dirt**

Jordan Rosenfeld, *Sutor, Krystad & Rosenfeld*

Benjamin Rose, *Carden Rose, Inc.*

Michael Huhn, *Jones, Henle & Schunck*

Today's technology landscape offers unprecedented capabilities and ever increasing risks for the Surety industry. Digital forensics and Electronic Discovery are critical to addressing the current threats to fraudulent claims, intellectual property protections, reputation, and the bottom-line. Strategies for litigation planning and response will be discussed, including best practices for identifying, preserving, collecting, searching and producing digital evidence.

9:30 - 10:00 ***King County v. Travelers, et al.* –**

A Site Visit to the Washington Supreme Court

Loren Podwill, *Bullivant Houser Bailey*

R. Daniel Lindahl, *Bullivant Houser Bailey*

The presentation will follow the road less traveled as the Court revisits Olympic Steamship and Colorado Structures attorney fee awards against a surety on a statutory performance bond. A video of the oral argument will be presented and discussed.

10:00 - 10:15 **Surety Law Updates - Western States (except California)**

Jennings, Haug & Cunningham (AZ, NV, NM)

Bullivant Houser Bailey (AK, MT, WA)

Snow, Christensen & Martineau (CO, UT, WY)

Stewart Sokol & Larkin (ID, OR)

Ogawa, Lau, Nakamura & Jew (HI)

This presentation will cover case and legislative updates during the last year for the 12 western states referenced.

**** Business Casual Attire for both Dinner and Conference***

Agenda

10:15 - 10:30 **Industry Statistics**
Future Trends in U.S. Construction
Richard Tasker, *Sage Associates, Inc.*

This presentation will provide an overview of surety industry statistics for 2016 and a look at future trends for U.S. construction.

10:30 - 10:45 **Coffee Break**

10:45 - 11:10 **Indemnity Tools and Traps: Avoiding the Fate of Wile E. Coyote**
David Pinkston, *Snow, Christensen & Martineau*
Scott Powers, *Snow, Christensen & Martineau*

This presentation will look at various “tools” to recover from indemnitors, as well as potential pitfalls in taking assignments and security interests in collateral.

11:10 - 11:40 **It's a Wrap: Controlled Insurance Programs - A Surety's Overlooked Considerations**
Roy Ogawa, *Ogawa, Lau, Nakamura & Jew*
Steve Wagner, *HUB International Limited*
Christine Bartholdt, *Liberty Mutual Surety*
Paul Harmon, *Travelers Bond & Financial Products*

This presentation will cover a surety's overlooked consideration and effect on performance option decisions.

11:40 - 11:50 **California Case and Statute Updates**
Booth, Mitchel & Strange
Watt, Tieder, Hoffar & Fitzgerald

This presentation will cover case and legislative updates during the last year in California.

11:50 - 12:00 **California Labor and Commercial Bond Update**
Stacie Brandt, *Booth, Mitchel & Strange*

This presentation will cover: (1) California Labor - recent developments in administrative hearing process for California Labor claims, negotiation points during the administrative hearing process, direct contractor safe harbor requirements; (2) DMV Dealer Bonds - what do they cover, the surety's obligations and defenses, and recent litigation outcomes; (3) Car Wash Wage Bonds - what do they cover, and the surety's obligations and defenses, (4) Immigrant Consultant Bonds - what do they cover, and the surety's obligations and defenses.

Agenda

12:00 - 1:15 **Lunch (hosted)**

AFTERNOON SESSION

1:15 - 1:45 **Just Hurry Up and Decide**
Richard Tasker, *Sage Associates, Inc.*
Brittany Rose, *Travelers Bond & Financial Products*
Dan Pope, *Zurich Surety*

This presentation will cover short trigger requirements on performance bond claims.

1:45 - 2:15 **Complex Projects at the Top of the Cascades:
The I-90 Snoqualmie Pass Projects**
Tom Larkin, *Stewart Sokol & Larkin*
Brandon Dully – Operations Manager, *Guy F. Atkinson Construction*

Brandon Dully, Operations Manager for Atkinson, will describe the challenges, issues and risks involved with the ongoing I-90 Snoqualmie Pass projects for WSDOT, including Atkinson's Cost Reduction Incentive Proposal to address avalanche events and the seasonal challenges with the projects.

2:15 - 2:45 **Subcontractor Default Insurance:
Relevant Considerations for the Surety Claims Professional**
Rebecca Glos, *Watt, Tieder, Hoffar & Fitzgerald*
Amanda Marutzky, *Watt, Tieder, Hoffar & Fitzgerald*
Jamie Burgett, *Travelers Bond & Financial Products*

This panel will discuss subcontractor default insurance and the relevant considerations for the surety claims professional.

2:45 - 3:00 **Coffee Break**

3:00 - 3:25 **Beyond the Horizon – Where Bond Limitations Become Hazy**
Ed Rubacha, *Jennings, Haug & Cunningham*
Chris Simmelink, *RLI Insurance Company*
Mark Hewitt, *Western National Insurance Group*

This presentation will cover examples of when bond limitations might not be very clear, such as with supersedeas bonds and job-order bonds.

Agenda

3:25 - 3:55 **Financing the Bond Principal: Front Door, Back Door, or Trap Door?**

David Hughes, *Booth, Mitchel & Strange*

Stacie Brandt, *Booth, Mitchel & Strange*

Jordan Rosenfeld, *Sutor, Krystad & Rosenfeld*

Price Jones, *Liberty Mutual Surety*

Bryce Holzer, *Travelers Bond & Financial Products*

This panel will discuss the methods, reasons for, implications of and pitfalls of financing a principal.

3:55 - 4:00 **Wrap Up and Adjournment**

4:00 - 5:00 **Cocktail Reception (hosted)**

Pre-Conference Cocktail and Dinner Party

All Conference attendees are invited to join us for a cocktail hour and dinner on Thursday evening, April 20, 2017, from 6:00-10:00 p.m. at Cutters Crabhouse:

Cutters Crabhouse
2001 Western Avenue
Seattle, WA 98121
(206) 448-4884

Cutters Crabhouse is conveniently located within walking distance of The Edgewater Hotel. Additional information/directions can be found at their website by visiting:

www.cutterscrabhouse.com/location.php

Conference Venue and Hotel Accommodations

This year's Conference will be held in the heart of downtown, right on the water at The Edgewater Hotel:

The Edgewater Hotel
2411 Alaskan Way
Seattle, WA 98121

Convenient Online Reservations: [https://gc.synxis.com/rez.aspx?](https://gc.synxis.com/rez.aspx?Hotel=29020&Chain=11910&arrive=4/20/2017&depart=4/23/2017&adult=1&child=0&group=21G7W5)

[Hotel=29020&Chain=11910&arrive=4/20/2017&depart=4/23/2017&adult=1&child=0&group=21G7W5](https://gc.synxis.com/rez.aspx?Hotel=29020&Chain=11910&arrive=4/20/2017&depart=4/23/2017&adult=1&child=0&group=21G7W5)

Reservations: (800) 624-0670

A block of rooms has been arranged for conference attendees. The discounted room rate for conference attendees is \$189/night for Cityside View, \$289/night for Waterside-Partial View, and \$339/night for Waterside-Full View accommodations. If booking your room reservations by phone, please be sure to identify yourself as an attendee of the “**Western States Surety Conference**” to receive the group rate. The block of guest rooms set aside for Conference attendees will be held until **Tuesday, March 28, 2017**. The hotel will accept reservations after that date at the group rate on a space-available basis.

Additional information/directions can be found at their website by visiting:

<http://www.edgewaterhotel.com/contact.aspx>

Golf

While not an official part of the Western States Surety Conference, there will be a golf outing arranged for Thursday morning, April 20, 2017. Full details will be sent under separate cover via email. If you are interested in participating or would like additional information, please email Ed Rubacha at er@jhc-law.com.

Sponsors

Booth, Mitchel & Strange LLP

Bullivant Houser Bailey PC

Jennings, Haug & Cunningham, LLP

Ogawa, Lau, Nakamura & Jew

Sage Associates, Inc.

Snow, Christensen & Martineau PC

Stewart Sokol & Larkin LLC

Sutor, Krystad & Rosenfeld, PLLC

Watt, Tieder, Hoffar & Fitzgerald, LLP

CLE Information

Booth, Mitchel & Strange LLP has been approved as a provider of Minimum Continuing Legal Education Credit by the State Bar of California. Booth, Mitchel & Strange LLP has applied for Minimum Continuing Legal Education Credit by the State Bars of California and Washington as well as Insurance Adjuster Credits in the states of Washington and Texas in the amount of **5.0 hours**. The program conforms to the standards for approved educational activities prescribed by the rules and regulations of the State Bar of California governing minimum continuing legal education. It is our experience that California MCLE credits are transferable to most jurisdictions. If your jurisdiction requires special information or forms for MCLE approval, please contact David Hughes or Pamela Gann of Booth, Mitchel & Strange, LLP at (714) 480-8500.

RSVP Information

Please complete the attached Registration Form and click "Submit." You will receive confirmation of your response. RSVPs and/or questions may be directed to Christine Brakman at (949) 724-9600, ext. 12 or via email to cbrakman@sage-associates.com. **Please respond no later than April 6, 2017.**