



AICA BULLETIN

February 2015

Volume 13 Issue 6

**GUEST SPEAKER: DAVID AMORI, PE, RRC
VICE PRESIDENT OF ENGINEERING AT EFI GLOBAL**

TOPIC: STRUCTURAL ASSESSMENT AFTER A FIRE

Mailing Address
2302 N. 44th Street
Suite 14-1502
Phoenix, AZ 85008

INSIDE THIS ISSUE:

President's Message 2

Membership 2

Golf Tournament 3

Expert's Corner 4

2014 Officers & Board Members 6



Mr. Amori is a Structural/Geotechnical Engineer and Registered Roof Consultant with more than 25 years of experience in building construction, geotechnical engineering, structural engineering, and building envelope consulting. He is the VP of Engineering for EFI Global Inc.; a national forensic engineering, fire investigation, and environmental consulting company.

Mr. Amori earned a BS in Civil Engineering from the University of Colorado at Denver, a MSc in Construction Management from the University of Birmingham UK, and a Graduate Certificate in Contemporary Structural Engineering from the University of Missouri Science and Technology. He resides in San Antonio, TX with his wife and three daughters.

MEETING DETAILS

DATE: Thursday, February 19th

TIME: Social Hour 5 p.m.
Dinner/Meeting 6 p.m.

PLACE: Doubletree Hotel
320 N. 44th Street
Phoenix, AZ

RSVP: By February 16th online at www.aicaonline.org

COST: Company Adjusters—\$5 pp
Current Members—\$30 pp
Non-members—\$45 pp

Payment can be made online using PayPal at www.aicaonline.org or by cash or check at the meeting.

Please be sure to cancel your reservation via treasurer@aicaonline.org at least 48 hours in advance if you are unable to attend. AICA pays for your dinner whether you attend or not. Late cancellations and no-shows will be billed.

Any questions or to RSVP and pay by cash/check at the door, please contact treasurer@aicaonline.org.

SOCIAL HOUR SPONSOR:

Interested in hosting the social hour at a monthly meeting?

Contact Ron Vinyard at vicepresident@aicaonline.org.

PRESIDENT'S MESSAGE



The new board has been working hard to plan a great year for the AICA. We have lined up some relevant and interesting guest speakers and are working on the remaining events for the year.

The annual golf tournament will be held May 1st and it's time to register as a player and/or a sponsor. Please see the next page for all the details. This is such a fun event each year, so please plan to attend. If you are not a golfer, you can still attend and just join us for lunch.

Please be sure to renew your AICA Membership or join if you haven't done so already. Our annual membership is very inexpensive and can be done online. See the article below for the link to the website.

Be sure to spread the word about the AICA and invite a friend or colleague to one of our monthly meetings.

Have a great month!

David A. Conger, RPA, RGA
AICA President
president@aicaonline.org

AICA MEMBERSHIP

ANNUAL MEMBERSHIP FEES:

- Carrier Adjuster - FREE
- Independent Adjusters - \$25.00/year
- Associate (Service) Member- \$75.00/year

Memberships are INDIVIDUAL. If multiple persons from your company wish to join, each will have to purchase a membership

To join the AICA or renew your membership, click on this link: <http://www.aicaonline.org/membership.php>. Although memberships are free for Carrier Adjusters, you must still register online to activate your membership.

If you have questions about membership contact one of our Board Members located on page 5.



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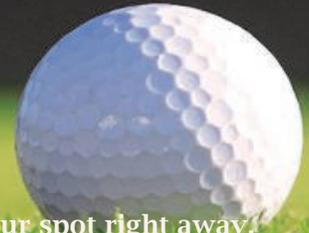
ANNUAL GOLF TOURNAMENT

Friday, May 1st
Wigwam Golf Course
300 E. Wigwam Blvd.
Litchfield Park, AZ

\$125 per player (includes lunch)
\$500 per foursome (includes lunch)

Not a golfer? Come out and join us for lunch—\$35 per person.

Click [here](#) to register now. Space is limited for golfers so be sure to reserve your spot right away!



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GOLF TOURNAMENT SPONSORSHIPS

We are able to put on this great tournament each year, thank to sponsors. The following sponsorships opportunities are available:

Hole Sponsor—1 course	\$250.00
Hole Sponsor—2 courses	\$450.00
Prime Hole Sponsor—1 course	\$400.00
Prime Hole Sponsor—2 courses	\$275.00
Drink Hole Sponsor—1 course	\$500.00
Drink Hole Sponsors—2 courses	\$800.00
Photo Booth Lunch Sponsor	\$1,500.00
Cigar Sponsor	\$275.00
Breakfast Sponsor	\$1,000.00
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DJ Sponsor	\$1,400.00
Green Flag Sponsor	\$750.00
Putting Contest	\$475.00
Driving Range	\$350.00
Men's & Women's Straightest Drive	\$50.00 each
Men's & Women's Longest Putt	\$125.00 each
Men's & Women's Longest Drive	\$75.00 each
Men's & Women's Closest to the Pin	\$100.00 each

For complete description of what is included and/or to purchase a sponsorship, go to www.aicaonline.org/2015-golf-sponsorships/.

EXPERT'S CORNER—FACTORS TO CONSIDER WHEN HIRING AN EXPERT

Expert guidance and testimony play a central role in the late stages of legal proceedings, when experts provide reports and serve as witnesses concerning the substance of the case and the appropriate damages. In the hope of minimizing fees, many insurers often wait until the late stages to engage them.

But that's false economy. Early retention of experts is critical to helping insurers decide if a case is worth pursuing or disputing; or if it makes more sense to settle, based on forensic evaluation of specific evidence and economic evaluation of likely damages.

If the case is worth pursuing, these experts can increase the odds of winning by helping improve strategy, guiding discovery and depositions, and enhancing the quality of Daubert challenges, both to exclude the opposition's experts and to achieve summary judgments.

The sooner insurers add this expert knowledge to the case preparation team, the greater the benefit they will be able to realize. The overall impact of early-stage expert contributions is an improvement in efficiency and win rate.

While a significant impact of economic and forensic experts is on the "go/no go" decision at the outset, and in challenging opposition experts, they can make a meaningful contribution throughout the development of a case.

For instance, expert knowledge of forensics and economics can guide the case "narrative," generate more effective depositions, inform the discovery process, and improve the development of expert and rebuttal reports.

Hiring an expert can be a complex process, and it

deserves the same consideration as any other aspect of case preparation. There are several factors to weigh, including:

- Hiring from a group can be easier and more cost-effective than identifying the right individual – but it's important to make sure that the group doesn't always draw on its own full-time experts. If that's their practice, then it's necessary to consider the possibility that they may be force-fitting someone on you for their own financial benefit.
- You must also determine the type of expert you need – forensic or economic, a subject-matter expert or someone who is also versed in litigation.
- Make sure the expert has recognized subject-matter credentials, as well as litigation experience.
- Perform due diligence on individual candidates, through public domain searches and one-on-one interviews, to make sure they present well, can commit time to the case, and will fit comfortably into the team. Strictly speaking, there are no absolute "right answers" – the expert must produce to prove his or her qualifications, but there are certain issues to consider.

Among the most critical questions to ask, and issues to consider, are:

How many times have you testified?

Obviously, experience is an advantage. Particularly when you are thinking about adding an expert to the



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David A. Conger, RGA, RPA

901 South Craycroft • Tucson, Arizona 85711-7112
(520) 790-4808 • FAX (520) 571-0419
E-mail: dave@westernclaimstucson.com



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EXPERT'S CORNER—CONT'D

case preparation team, knowledge of the litigation environment and of the case preparation process will be extremely helpful.

But there can be too much of a good thing. An expert who spends the bulk of his or her time testifying - a "professional witness" - can come under attack for lack of credibility.

The best qualified expert is one who is experienced, but who also pursues a range of activities in the furtherance of his or her expertise.

Of the times you have testified, what percentage was for the plaintiff and what percentage was for the defendant?

Again, balance is the watchword. You want an expert who understands the defense's terms and conditions of engagement. But an expert who testifies only for the plaintiff can be portrayed by plaintiff's counsel as a "hired hand" who lacks objectivity.

Have you ever been excluded? If so, why?

This is a straightforward due diligence question. You want to understand whether (and why) the expert might be at risk of exclusion.

Although any exclusion by an expert is a red flag and reason not to engage that expert, equally important is his or her explanation - the discussion of the circumstances can tell you a great deal about the expert's bearing and professionalism.

What percent of your income is based on expert testimony?

Similar to the first two questions, this is designed to expose professional witnesses. The most credible expert is one who works in his or her field of expertise, not just on the witness stand.

Do you have specific experience related to this matter? What is that experience?

Again, a matter of due diligence - you want to make sure that the expert can address the particular matter at hand and not be subject to challenge.

A generic expert is no expert at all - only specific expertise is credible. Here, too, the tone of the

response matters - watch for defensiveness, a clear red flag. An expert who understands the intent of the question is likely to be one who will be comfortable participating in the case development process.

Also consider the tradeoff between general experience versus industry or case specific experience. In many cases general experience, which gives credibility to the analysis techniques used, may be more relevant than industry or case specific experience.

The process of disputing a claim can be risky and expensive - investigations, mediations and lawsuits are costly, and outcomes are uncertain. As these questions indicate, engaging experts early certainly adds to the workload in the initial stages. However, in weighing the costs and benefits, the payoff is a well-prepared case that is more likely to succeed.

Donald M. May, Ph.D., is a Director in the Litigation and Corporate Financial Advisory Services Group at Marks Paneth & Shron LLP. Dr. May has prepared expert reports and expert witness testimonies related to business valuation, hedge fund valuation, lost profits, lost enterprise value, time-series forecast models, asset and investment portfolio valuation and statistical forecasting models and methodologies.

EXPERT'S CORNER ARTICLES WANTED

Contact
Member at Large
Matthew Thompson

602.510.4934

mmthomps@rimkus.com

2015 AICA OFFICERS & BOARD MEMBERS

PRESIDENT

David A. Conger, RGA, RPA
Western Claims & Appraisers
520.790.4808
president@aicaonline.org

MEMBER AT LARGE

Jana Gutierrez
OnSite Temp Housing
602.361.3663
jana@onsitetemphousing.com

VICE PRESIDENT

Ron Vinyard
Assurant Specialty Property
623.274.9354
vicepresident@aicaonline.org

MEMBER AT LARGE

Matthew Thompson
Rimkus Consulting Group, Inc.
602.510.4934
mmthomps@rimkus.com

TREASURER

Brad Sharp
McLarens Global Claims
treasurer@aicaonline.org

MEMBER AT LARGE

Kat Hemyari
The Garment Restoration Co.
602.469.2023
Kat.garmentrestoration.net

SECRETARY

Jon Peterson
EMC Insurance Companies
623.980.0089
secretary@aicaonline.org

GOLF CZAR

Jeff Moore
American Technologies, Inc. (ATI)
909.322.3476
jeff.moore@ATIrestoration.com

SERGEANT AT ARMS

Bryan Houser
Belfor Property Restoration
623.434.3333
Bryan.houser@us.belfor.com

TECHNOLOGY CZAR

Karl Epps, EnCE, CHFI
Epps Forensic Consulting, PLLC
623.463.5544
karl@eppsforensics.com

PARLIAMENTARIAN

Venessa J. Bragg, Esq.
Elardo, Bragg, Appel & Rossi P.C.
vbragg@ebarlaw.com

PAST PRESIDENT

Nadine Mar, AIC, CCLA, ARM
EMC Insurance Company
800.432.8422
Nadine.F.Mar@emcins.com

MEMBER AT LARGE

Logan Erickson
Envirocheck, Inc.
623.772.5985
logan@envirocheckinc.com