



Northern California Regional Liability Excess Fund

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Executive Summary **Claims & Coverage Committee Meeting** **December 7, 2016**

The Claims & Coverage Committee met on December 7, 2016 at 9:30 a.m. The Committee reviewed various claim settlement requests, trial updates, coverage opinions and total incurred reserve activity. The significant action(s) taken or discussion(s) and recommendations held by the Committee was/were:

President:

Kimberly Dennis
Alameda County
Schools Insurance
Group

Vice President:

Brent Swanson
Tulare County
Schools Self
Insurance Authority

Secretary:

William Tucker
Organization of Self-
Insured Schools

Treasurer:

Scott Lantsberger
Washington Unified
School District

Electronic Records Retention Policy

Plaintiff attorneys are now making discovery demands in asking for email content as it relates to litigation. This can be very time consuming and costly from a resource perspective and costly for Panel counsel to review. An Ad Hoc Committee was formed to create a template "Electronic Record Retention Policy" districts can use as there is no legal standard that currently exists and NCR is looking to develop consistency where possible from the membership in this regard. Members of the Ad Hoc Committee are: Mike Smith, Kevin Collins and Minh Vu.

Defense Counsel Selection Policy

NCR maintains an Approved Defense Attorney Panel to ensure appropriate legal counsel for the membership while controlling litigation expenses. The NCR policy is to formally review the panel for necessary additions and deletions at the Fall meeting each year. An Ad Hoc Committee was formed to review the selection criteria in the Policy to determine if amendments need to be made to more clearly outline NCR's review and acceptance practices. Members of the Ad Hoc Committee are Kevin Collins and Bryan Richards.

AR/BP 3320 Government Code section 935

It was reported during closed session that panel defense counsel was successful in getting a sexual abuse claim dismissed at the Superior Court level without leave to amend because the district took the appropriate steps to pass the Administrative Regulation 3320 provided by NCR that requires a tort claims for damages be filed within six (6) months under Government Code Section 935. The Manager will be sending out a Member Alert to the members with more detail as well as the appropriate Documents for districts that have not yet taken action to approve.

Subrogation Report

Property Claims Examiner Nancy Langella provided the Committee a Property Claim Subrogation activity report as to what has been collected and outstanding, provided an outline of the subrogation process and discussed recent status and activity on the large open Property Claims for NCR. Pursuant to the terms and conditions in the MOC, reimbursements are paid on a top down basis: 1) Reinsurance 2) NCR and 3) Member.

Defense Counsel Summit

The 6th Annual Defense Counsel Summit will take place on March 7, 2017 in Pleasanton, CA. This summit will provide Panel Attorney's an opportunity to hear from the Claims Administrator on Pool policies, procedures and guidelines as well as discuss pertinent legal issues affecting public entities. The Summit also provides for an open discussion between Panel attorneys, the C&C Committee members and Claims Examiners. An invitation to register for the Summit will be emailed at a later date. Any member is welcome to attend.

