

Minutes of the CLEW Section Committee Meeting
May 10, 2003 (Saturday)
Buccaneer C, Hyatt Regency Hotel, Tampa, Florida

The meeting was called to order by Chairman Donn McVeigh at 10:15 a.m. All committee members were in attendance, except Charles R. Shaddox and Norman Steinberg.

For the record, those members who signed in were: Donn McVeigh, Lawton Swan, III, Jim Robertson, Chip Boylan, Mike Vehec, Tom Veitch, Steve Stinson, Don Malecki, Dan Free, Greg Deimling, George Gottheimer, and John Diliberto.

Approval of Minutes. Chairman McVeigh requested that Don Malecki read the minutes that were recorded at the last midyear committee meeting in Orlando on October 19, 2002. The minutes were read with one correction. The word symposia was changed to symposium. The minutes were approved by Steve Stinson and seconded.

Membership. Chairman McVeigh stated that total membership is down for the whole society. There is discussion about eliminating Section dues of \$30 and including one section membership free with payment of Society dues.

Dan Free said it would be nice to get a roster of CLEW members to check who is dropping out so we can inquire about it, i.e., determine what the rationale might be for their dropping out. Greg Deimling, a new committee member, that a drop list is available from the Society. Jim Robertson said that the Society can obtain almost any type of data out of the main list of membership. John Diliberto said that the chair can get the list. The members said that John Kelly would be queried when he gives his status report.

Newsletter/CLEWS. Dan Free, editor of the CLEWS Section newsletter, said that two issues have been published and the third one is one the way. It contains a reprint from Practical Risk Management, a publication of the former firm of Warren, McVeigh, Griffin and Huntington. Also, CGL coverage for trademark infringement from Risk Vue

Dan Free said he wrote two articles, but needs some help. "Fresh, original articles are better than reprints," the Society reportedly said, but both Chairman McVeigh and Dan Free disagree.

Dan Free would like some war stories, humorous or otherwise. John Diliberto asked if any article or subject would be topical. Improve skills for experts would be a candidate for articles.

Chairman McVeigh read the e-mail response from Society president, Jim Nau, about the point, counterpoint article between Chairman McVeigh and George Gottheimer.

Dan Free wants to profile someone. Chip Boylan is the associate editor of the publication. He does an profile and will then asked those who are profiled to write an article for CLEW. Steve Stinson suggested that book review also might be nice for the newsletter. Tom Veitch said we need diversity with each issue. Dan Free said that next to mock trials and symposia, the newsletter should be a way to attract potential CLEW section members.

Section's Circle of Excellence Recognition Program. Chairman McVeigh provided a handout of those who received rewards. (See attached.) He said that former Chairman Stan Lipshultz was not happy about receiving the Silver award. Donn McVeigh said he does not feel that strongly about it.

John Diliberto said that winning is not the driver. Greg Deimling said that determining awards will be more subjective now.

2003 – 2004 Seminars -

A. How to Start Your Own Consulting Practice is being handled by Jim Robertson, Donn McVeigh and George Gottheimer. Jim Robertson said that he gets upset by the "(expletive) brochure." He said that maybe this Section should set its own deadlines. Either the local chapters' sponsorship gets on the stick or we will do it, he said.

Chairman McVeigh said that the seminars should be announced in the Chapter Officers newsletter. But comments were made by some of the committee that that publication is not widely read.

John Diliberto said that he would be willing to call people to get them moving on the seminars. Chairman McVeigh told John to e-mail John Kelly where we anticipate holding these seminars. The locations suggested were Tampa, Phoenix, Indianapolis, and Seattle.

B. Annual CLEW Seminar should be a symposium, said George Gottheimer. He said that he and Jim Robertson were asked to do this by Don Hurzler. They were going to get started but January 2003 was to late to do anything. The subject was "Insurance and Industry Under Attack – Homeland and Other Security Risks." The problem was that we could not get quality speakers. Don Hurzler was said to have offer the facilities and it is still a timely subject, George Gottheimer said.

Jim Robertson felt that the constant changes in insurance reserves is another Enron.

George Gottheimer offered the following others subjects:

- (1) How secure are your insurers (downgrades).
- (2) Reserve deficiency issues.
- (3) Impact of Enron, etc. on insurance.
- (4) Construction Defect Litigation

Chairman McVeigh asked when the committee could produce a seminar and Jim Robertson said by March 2004. George Gottheimer will check with Don Hurzler. George Gottheimer, however, needs assistance with speakers.

C. Order in the Court – Techniques for testimony. Jim Robertson said that we have not done this for four years. We also need suggestions on how to do it and when. We also do not want it to overlap with How To Start Your Own Consulting Practice, he said. It has been a historically popular subject, he said. We need to 2 or 3 attorneys to pull it off. Chairman McVeigh ask John Diliberto to look into this subject.

D. New Ideas – Steve Stinson said we need to have another program dealing with technology in the court room.

2003 Annual Meeting

A. Jim Robertson said it is not too early to be thinking about subjects. Chairman McVeigh said we are going to have a mock trial. The meeting after New Orleans is on October 23 – 26, 2004 in Los Angeles and October 23 is a Saturday which is when the CLEW Section Committee meets. He also said that that April 20 – 26 is the 2004 midyear in Tampa. He passed out a document at this point and asked everyone to read it. It deal with a portion of a D&O Liability policy and asked for everyone's input

B. Virtual Courtroom. Steve Stinson passed out a document. We need to equipment to pull off a session on technology in the court, he said. This is going to be put on at the 2003 Annual Meeting. John Diliberto said he would provide a name of a New Orleans attorney who may be a good contact in this regard.

Research - Don Malecki mentioned that past Chairman Stan Lipshultz asked George Gottheimer and him to spear head a committee on D&O Liability. Since that subject has been widely exploited through print media, Don Malecki chose the highly litigated subject of the MCS-90 endorsement which has wide appeal because it also affects private truckers. He asked Greg Deimling to discuss what has been done so far on the project. Greg Deimling brought along a copy of the new book entitled "Truckers Versus Insurers and The Government Makes Three." As of this day, the page count stands at 250. It is also being submitted as a CLEW Research Project before June 1, 2003.

Currently the treatise is copyrighted in the name of the four writers. Chairman McVeigh stated that the copy right should be changed to the CLEW Committee. There are also problems on who would own it following publication. Greg Deimling said he would explore all of these questions.

Website - Chip Boylan gave everyone a handout about the website and explained it page-by-page. The first page of this handout was CLEW's Home Page. The consensus was that he did a nice job with it.

V. Staff Report – John Kelly - Membership was the first subject. He said there has been a general decline in all memberships. He thinks the CLEW Section can buck this trend based on all of its talents.

Dan Free asked John Kelly if it were possible to write a fifth newsletter. John Kelly said, yes. "If there is value, we will get it out," said John Kelly. Chairman McVeigh, however, said that four issues are enough.

On the subject of symposia, there are too many false starts. John Kelly said that Chris Behymer of Scottsdale Insurance Company is a potential contact. Jim Robertson told Kelly that the CLEW Section is not going to depend on local chapters. John Kelly countered, however, by stating that to a large extent, we are all chapter-driven and therefore must be careful not to step on the local chapters' feet. Having said that, John Kelly also said that going alone is okay, too.

On June 24, 2003 George Gottheimer said he will be in NYC doing a one-day seminar on the "Annual Statement."

Toxic Mold is a popular subject, said John Kelly. Bryan Tilden was said to have just given a workshop on this subject to 140 people.

Chairman McVeigh said that John Diliberto is our "point man."

Tom Veitch said that more attorneys are becoming CPCUs. Perhaps we can look through the data base of membership and sort this kind of data out.

George Gottheimer asked if there is a CLEW Section Directory. He was told by John Kelly that this information is available through sorting of data.

John Kelly said that the Website is a tremendous tool. It, however, would be too expensive to set up an Attorney – CPCU Section. But how about a subgroup of CLEW? John Diliberto asked for what purpose? Tom Veitch said it would be a good idea because getting growth in professionalism – not numbers but quality.

Chapter Liasion Project – "Involving Chapters" [How to] Chairman McVeigh read from the Claims Section Newsletter. Greg Deimling suggested that we should send e-mails to chapter presidents and say here is what CLEW can provide.

Old Business

A. Jim Robertson said that we have not as yet figured out how to develop standards, i.e., criteria about testifying. Need to develop a set of "best practices." Greg Deimling said that perhaps we should develop a white paper or research project on this subject.

Tom Veitch and Jim Robertson offered to investigate the matter and perhaps prepare a white paper.

The subject of compilation of an experts' roster came up and all were in favor of

dropping the subject.

New Business

Chairman McVeigh said that he invited Jean Lucey to join the CLEW Section. Ms. Lucey is the Librarian of the Insurance Library Association of Boston, one of the best and comprehensive insurance libraries any where in the world. He also that Joe Vetter also expressed an interest in joining. He is from FM Global. The committee said we should hold off until we hear on whether Charles Shaddox and the others who are not attending the committee are planning on leaving.

The CLEW Section Committee was adjourned by Chairman McVeigh at 3:15 pm.

These minutes were taken by Don Malecki