

ICAC 23rd Annual Arson & Fire Investigation Seminar

Agenda

Sunday, February 26, 2012

2:00 p.m. – 6:00 p.m. ICAC Registration Desk Open

2:00 p.m. – 6:00 p.m. ICAC Exhibit Show set up

Monday, February 27, 2012

8:00 a.m. – 5:00 p.m. Registration Desk Open

9:00 – 9:10 a.m. **Opening General Session – Welcome and Introductions**

9:10 – 10:30 a.m. **General Session**
""The New Fire Science: Do Your Experts Know it?"

There has been a tremendous evolution in the field of fire science over the course of the last thirty years. Many indicators previously used to determine the origin of a fire have been debunked and determined to be no longer valid. Recent fire research has called into question the ability of fire investigators to determine the area of origin of post-flashover fires on visual cues alone. In addition, NFPA 921, the "Bible" of fire investigation, continues to be revised to reflect the most up-to-date fire science. This presentation will address the recent fire research and the changes to NFPA 921 that impact the insurance industry and should be known by all investigators retained by insurance carriers to investigate losses.

Mike McKenzie
Counsel
Cozen * O'Conner
Atlanta, GA

10:30 – 10:45 a.m. Break in Exhibit Show Area

10:45 – 11:45 a.m. **General Session**
""Emerging Issues in Electronic Discovery"

The continued exponential growth in volumes of unstructured data, as well as the emergence of mobile computing, social media and cloud computing, presents greater challenges -- and opportunities -- regarding discovery.

Jonathon Redgrave
Partner
Redgrave LLP
Washington, DC

Noon – 1:00 p.m. Lunch in Exhibit Show Area

1:30 – 2:30 p.m. **General Session**
“Why Can’t We Be Friends? The Interplay Between Insurance Carriers and Public Agencies”

Insurance Companies and Public Agencies have very different responsibilities and goals, yet both frequently must share a common loss scene, evidence, witnesses, and the like. This course will explore how public agencies and insurance carriers can most effectively cooperate with each other to maximize the probability of uncovering (and being able to prove) the Truth, while guarding against later false claims of inappropriate conspiracy against the insured.

Douglas K. Wood
Attorney
Morris Polich & Purdy LLP
San Francisco

2:30 – 3:00 p.m. Break in Exhibit Show Area

3:00– 4:45 p.m. **General Session**
“Arson Trends in the U.S. – An ATF Perspective”

Join us at this session to hear updates about the how the ATF inter-relates to the insurance industry and how we can work together in the area of fire investigations. We will also be reviewing societal trends that the ATF is tracking.,

Daniel P. Heenan
Special Agent, ATF

CFI/NRT
Las Vegas, Nevada

5:00 - 6:00 p.m. Welcome Reception for Attendees in Exhibit Show area

Tuesday, February 28, 2012

7:00 – 8:00 a.m. Continental Breakfast in Exhibit Show Area

8:00 a.m. – 5:00 p.m. Registration Desk Open

8:00 – 9:30 a.m.

Concurrent Sessions

1. “Eliminating Accidental Fire Causes” (**basic course**)

This session teaches the student how to apply NFPA 921 in a methodology that will allow for the fire investigator to conduct a thorough fire scene investigation and how accidental fire causes are eliminated as a part of an arson investigation. Failure analysis techniques are discussed to show the student how possible fire causes are identified and considered for their competency.

Mike Reynolds, IAAI-CFI, FCLS
Assistant V.P – Gulf & Western regional Director
Unified Investigation & Sciences

2. “Proper Interaction and the Role of the Public Adjusters During an Arson Investigation”

Given the state of the economic and mortgage crisis, combined with an increase in home foreclosures, it should come as no surprise that suspect fire claims are on the rise. As a result, the insurance industry must come to grip with the fact that more and more fire claims are exhibiting evidence of fraud. At the same time, an increasing number of insureds are retaining the services of public adjusters to aid them with their loss. The issue becomes, what are the rights, duties and proper role of the public adjuster during an arson investigation? And, to what extent is the insurer obligated to

communicate with and involve the public adjuster in its examination under oath or interaction with its insured?

The seminar will also discuss how to properly and effectively handle a suspicious fire investigation when a public adjuster is involved, and will address the following as they pertain to public adjusters:

- Government regulation
- Solicitation tactics and business models.
- The relationship between public adjuster and the insured. What rights the public adjuster may or may not have relative to the contact, EUO's statements and interviews.
- The gray area: Practicing law vs. Public Adjusting
- What if the insured fires the public adjuster?
- Red flags: Is there a problem and how to effectively confront those problems when allegations of bad faith or interference with a contract come into play.

Jeffrey G. Rapattoni, Esquire
Marshall, Dennehey, Warner,
Coleman & Goggin

James Cole, Esquire
Marshall, Dennehey, Warner, Coleman
& Goggin

3. "Overcoming the "Undetermined Fire" in Subrogation Cases"

Leslie Wiernik
Executive Director
National Association of Subrogation Professionals

Ken Levine
President
National Association of Subrogation Professionals

9:30 – 10:00 a.m. Break in Exhibit Show Area

10:00 – 11:30 a.m. **Concurrent Sessions**
1. "Eliminating Accidental Fire Causes"

(Course Continues)

Mike Reynolds, IAAI-CFI, FCLS
Assistant V.P – Gulf & Western regional Director
Unified Investigation & Sciences

2. "Overcoming the "Undetermined Fire" in Subrogation Cases"

Leslie Wiernik
Executive Director
National Association of Subrogation Professionals

Ken Levine
President
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3. "Protections for the Expert Witness: Representation and Retention Agreements"

This session will discuss the concept of expert preclusion (including the technical process and substantive bases for preclusion), the impact preclusion has on the expert, and various protections experts can utilize to avoid preclusion. The presentation will be led by Attorney Brian P. Henry, whose practice consists of product liability and subrogation litigation, civil arson cases, and the direct representation of expert witnesses in their corporate and litigation endeavors.

Brian P. Henry, Esq., CFEI
Partner
Smith, Rolfes & Skavdahl
Lakewood Ranch, FL

11:30 – 12:30 p.m. Lunch in Exhibit Show Area

1:00 – 2:30 p.m.

Concurrent Sessions

1. "SOCIAL NETWORKING RESEARCH & INVESTIGATIONS: The Legal, Ethical and Evidentiary Issues"

Social networking sites have become an exceptional tool when conducting research on individuals involved in civil litigation, criminal activity, and insurance claims. This rapidly evolving industry has also raised many issues about the legal, ethical, and evidentiary efficacy of the information obtained. This presentation will explore current issues related to past and current laws, ethics, and evolving trends that will make this a hot topic for years to come.

Richard Harer, C.F.E., C.P.I., C.F.s., W.C.C.A.
Vice President
Specialized Investigations

Northridge, CA

2. "Determination of Fire Origin Using Structural Deformation"

This session will introduce the participants to the use of structural deformations in the locating of fire origins. Topics will include basic structural mechanics, material behavior, and load redistribution. All topics will then be explained with regards to their importance in area of origin determination.

Andrew Tinsley, PE
Assistant Professor
Fire and Safety Engineering Technology
Eastern Kentucky University
Richmond, KY

2:30 – 3:00 p.m. Break in Exhibit Show Area

3:00 – 4:30 p.m. **Concurrent Sessions (Repeated)**

1. "SOCIAL NETWORKING RESEARCH & INVESTIGATIONS: The Legal, Ethical and Evidentiary Issues"

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Andrew Tinsley, PE

Assistant Professor
Fire and Safety Engineering Technology
Eastern Kentucky University
Richmond, KY

3. "Best Practices for Preparing Expert Reports"
(Session goes to 5:00 pm)

This session will provide advice to expert witnesses on how to prepare written reports which are compliant with the Federal Rules and the rules of most states, and will outline the "best practices" experts should adopt when presenting their formal findings through a written report. The presentation will be led by Attorney Brian P. Henry, whose practice consists of product liability and subrogation litigation, civil arson cases, and the direct representation of expert witnesses in their corporate and litigation endeavors.

Brian P. Henry, Esq., CFEI
Partner
Smith, Rolfes & Skavdahl
Lakewood Ranch, FL

Wednesday, February 29, 2012

7:00 – 8:00 a.m. Continental Breakfast in Exhibit Show Area

8:00 a.m. – Noon Registration Desk Open

8:00 – 9:00 a.m. **General Session**
"Trends in Arson Motives"

The session will discuss the latest trends how arson motives are being cited in fire investigation guides, training programs, research, and court cases. The presentation will be led by Dr. Dave Icové, whose research in the early 1980's at the FBI led to the construction of the present-day arson motive classification system included in NFPA 921.

Dave Icové, PhD, PE, CFEI
Research Professor
The University of Tennessee

Knoxville, TN

9:00 – 9:45 a.m.

General Session

“The Dealer’s Choice-New Cards and New Games”

This session will focus on new cases and trends throughout the United States. We will discuss the Royal Flush of fire science in the courtroom, examinations under oath; mortgagee issues, the concealment and fraud defense and wild cards in the legal arena

Jerry Albrecht
Partner
Butler, Pappas, Weihmuller, Katz, Craig, LLP
Tampa, FL

9:45 – 10:15 a.m.

Break in Exhibit Show Area (Exhibit show ends)

10:15 – 11:45 a.m.

General Session

“Improper Use of Negative Corpus – Elimination Method & Changes in NFPA 921”

Our presenters will provide their interpretation of a typical fire scene investigation and the process of elimination investigative technique commonly utilized in fire origin and cause investigations. We will examine and discuss new language regarding these issues contained in the 2011 issue of NFPA 921.

The instructors will address three intertwined and critical components of an investigation: investigative process, scientific methodology and the validation and reliability of opinions as required under current legal standards and what they mean to the success or failure of an investigative effort.

The presentation will conclude with a discussion on “how much” an insurance professional needs to know about origin and cause investigations & what they can do in order to properly evaluate the work product of “experts” hired by their companies so that informed decisions can be made based on their conclusions.

Sandy Burnette
Guy Burnette, Jr. P.A.
Tallahassee, FL

Joseph P. Toscano, IAAI - CFI
Consultant, Fire Investigation
& Litigation Support

11:45 – Noon Wrap up - ICAC Arson Investigation Seminar adjourns