



COMMUNITY ASSOCIATION  
**Law Seminar**  
Jan. 15-18, 2020 | Las Vegas, NV

CAI's 41<sup>st</sup> Annual Community Association Law Seminar  
January 15 – 18, 2020  
Las Vegas, Nevada  
Agenda

**OPTIONAL HALF-DAY PROGRAMMING**

**Wednesday, January 15, 2020**

**1 – 5 p.m. | Optional Half-Day Program – Internal Challenges of a Community Association Law Practice**

Meet your challenges head-on and learn how you can better lead your association practice in this interactive two-part presentation by managing partners and other community association law firm executive leaders from around the country. Part I features managing and executive level partners discussing common challenges and best practices, including: starting a new firm; what happens when a partner leaves the firm; practicing community association law within a multi-practice large firm; challenges of medium and small firm association practices; marketing; retirement planning; and human resource and business management issues. Part II provides attendees the opportunity to network and share ideas and individual experiences.

*Matt D. Ober, Esq. \*, Richardson|Ober|DeNichilo, LLP, Pasadena, CA*

*J. David Ramsey, Esq. \*, Becker, Morristown, NJ*

*Ellen A. Shapiro, Esq. \*, Goodman, Shapiro & Lombardi, LLC, Dedham, MA*

*Robin L. Strohm, Esq., Williams & Strohm, LLC, Columbus, OH*

*P. Thomas Murray, Esq. \*, Eads, Murray & Pugh, P.C., Indianapolis, IN*

**LAW SEMINAR PROGRAMMING**

**Thursday, January 16, 2020**

**12:30 – 1:30 p.m. | General Session**

**Wayne Hyatt Lecture Series – Keynote Speaker Charles "Chuck" Marohn**

*Sponsored by Burg Simpson Eldredge Hersh Jardine, P.C.*

Charles Marohn, known as "Chuck" to friends and colleagues, is the Founder and President of Strong Towns and the author of the forthcoming *Strong Towns: A Bottom-Up Revolution to Rebuild American Prosperity*. He is a Professional Engineer (PE) licensed in the State of Minnesota and a land use planner with two decades of experience. He holds a bachelor's degree in Civil Engineering and a Master of Urban and Regional Planning, both from the University of Minnesota.

Marohn is also the lead author of *Thoughts on Building Strong Towns* — Volume 1, Volume 2 and Volume 3 — as well as the author of *A World Class Transportation System*. He hosts the Strong Towns Podcast and is a primary writer for Strong Towns' web content. He has presented Strong Towns concepts in hundreds of cities and towns across North America. He was named one of the 10 Most Influential Urbanists of all time by Planetizen.

Marohn is a long-time commentator on KAXE Northern Community Radio. He currently co-hosts KAXE's Dig Deep program, a monthly examination of public policy issues affecting Minnesotans.

Chuck grew up on a small farm in Central Minnesota. The oldest of three sons of two elementary school teachers, he joined the Minnesota National Guard on his 17th birthday during his junior year of high school and served for nine years. In addition to being

passionate about building a stronger America, he loves playing music, is an obsessive reader and religiously follows his favorite team, the Minnesota Twins.

Chuck and his wife live with their two daughters in their hometown of Brainerd, Minnesota.

### **1:45 – 2:45 p.m. | Concurrent Sessions**

#### **Crowded House: Enforcement of Occupancy Restrictions in a World Focused on Higher-Density Housing**

Many community associations have recorded covenants restricting the number of people residing in a home, but enforcement of these provisions can be problematic and can expose the association to discrimination claims. Some cities are looking for ways to create higher-density housing, which can mean nonenforcement of existing city occupancy ordinances and more difficulty for associations that want to enforce similar provisions of their covenants.

*Patrick T. Costello, Esq., Keay & Costello, P.C., Wheaton, IL*

*Andrea L. O'Toole, Esq., Berding | Weil, LLP, Walnut Creek, CA*

#### **How Legal Is It Anyway? Tips for Dealing with Recreational and Medicinal Marijuana Use in Community Associations**

A growing number of states are making medical and recreational marijuana legal, which means that more and more community associations have to address the issue. Get the advice you need to draft documents to deal with the growth, use, and sale of marijuana and learn about existing provisions that can be relied on to enforce related issues. You'll get the most up-to-date information on local, state, and federal laws.

*Elna B. Gilbert, Esq.\*, Altitude Community Law P.C., Lakewood, CO*

*Kevin M. Hirzel, Esq.\*, Hirzel Law, PLC, Farmington, MI*

#### **Call to Order: What You Need to Know about Meeting Procedure and Robert's Rules**

Struggling to provide the right advice for community association clients struggling with their meetings? Parliamentary procedure and Robert's Rules of Order can make meetings shorter, more legal, and more efficient. Join a certified professional parliamentarian and the author of two books on parliamentary procedure for a fast-paced look at running effective meetings. Learn what rules you should follow, the order of business, agendas, minutes, board vs. annual meetings, motions, voting, and dealing with troublesome members.

*James H. Slaughter, Esq.\*, Black, Slaughter & Black, PA, Greensboro, NC*

#### **CIRMS Masters Program: Fidelity Insurance Losses: Adjusting and Prosecuting Claims to Ensure Efficient and Maximum Recovery**

Association funds or property can go missing, but what was it by theft? And, if so, by whom? Obtaining a recovery from a crime insurance policy may not be a simple matter. This program will explain why establishing the "proof of loss" is very important especially if the civil justice system is used.

*Moderated by Theresa Melson, AMS, PCAM, CIRMS, USI Insurance Services, Chesapeake Beach, MD and Andrea J. (AJ) Scott, CIRMS, Cline Agency Insurance Brokers, Los Angeles, CA*

*Thomas M. Ware, II, Esq., Kulik Gottesman Siegel & Ware, LLP, Sherman Oaks, CA*

*Ronald S. Stone, PhD, CPA, California State University, Northridge, CA*

### **3 – 4 p.m. | Concurrent Sessions**

#### **Associates Track: Part I | L:100 – Essentials of Community Association Law**

A successful community association legal practice starts with the essentials and a strong ethical approach. Join experienced community association lawyers for an overview and case-law examples for a three-part program.

The program addresses the legal basis of community associations; including governing documents and the source of legal obligation for a community association; including federal and state statutes.

*Speaker TBA*

#### **Extra—ordinary Amendments: From Daily Operations through Termination**

Amending community association governing documents is no easy task. Listen to an analysis of the different thresholds for achieving approval and join a discussion on just how difficult the job should be. Presenters will evaluate the ways presumptive consent, corrective amendments, and judicial reformation statutes can permit governing documents to be amended without owner consent or with reduced ownership approval thresholds. What are the benefits and abuses of these statutory powers, and what are the philosophies on how these statutes should be expanded or restricted by state legislatures?

*Robert M. Diamond, Esq.\*, Reed Smith, LLP, McLean, VA*

*Nick Meinert, Esq., Kaman & Cusimano, LLC, Columbus, OH*

## Recent Tax Law Changes Affecting Community Associations

Recent tax law changes and the shifting posture of the Internal Revenue Service in both tax audits and exemption applications can significantly affect community associations. A certified public accountant and a tax attorney team up to bring you the latest information on IRS and strategies on how to protect the association and reduce tax risks.

*Gary Porter, CPA, Porter & Lasiewicz, CPAs, Simi Valley, CA*

*John C. Knobelsdorf, II, Esq., CPA, MacNaughton, Knobelsdorf & Company, Houston, TX*

## CIRMS Masters Program: Vendor/Contractor Qualification Packets (VQPs): Creating an Alignment Between Contractor's Insurance & the Insurance Actually Provided by the Contractor's Insurance Agent

Transferring risk in the use of contractors and vendors works best if the contractor or vendor has insurance that can actually pay for claims and losses arising from their work for the association. It is important that the contractor's insurance agent is directly involved in the risk transfer. This program will provide a way to create that alignment of interests between all the parties.

*Moderated by Cliff Treese, CIRMS, Association Data, Inc., Mountain House, CA*

*Ronda Ashley, CIRMS, CB Insurance, Greenwood Village, CO*

*Phillip Masi, CIRMS, AssuredPartners, Winter Springs, FL*

## 4:15 – 5:45 p.m. | General Session

### Case Law Update Part I

The Community Association Law Seminar Planning Committee is proud to present a discussion of significant cases that shaped community association law in 2019 and upcoming, emerging trends in association jurisprudence.

*David J. Graf, Esq.\*, Moeller Graf, P.C., Englewood, CO*

*Steven S. Weil, Esq.\*, Berding | Weil, LLP, Walnut Creek, CA*

## Friday, January 17, 2020

### 8 – 9 a.m. | General Session

#### Panel of Pundits

You've got questions. We've got answers. Attendees of all experience levels have the opportunity to ask an expert panel of attorneys about issues that have arisen, or may arise, in their practices, and hear the panel pose questions about pressing legal concerns and trends in the community association industry.

*Janet Aronson, Esq., Marcus, Errico, Emmer & Brooks, P.C., Braintree, MA*

*M. Katherine Bushey, Esq., Kaman & Cusimano, LLC, Columbus, OH*

*Darren Bevan, Esq., Baydaline & Jacobsen, LLP, Sacramento, CA*

*Wil Washington, Esq.\*, Chadwick, Washington, Moriarty, Elmore & Bunn, P.C., Fairfax, VA*

### 9:15 – 10:30 a.m. | Concurrent Sessions

#### Ethics: Substance Abuse and Behavioral Concerns: A Profession at Risk

Shockwaves ripped through the American legal community when two recent national studies revealed behavioral health and substance use disorders among attorneys and law students. Both studies reported dramatically higher percentages of alcohol and drug abuse, depression and anxiety, and attempted and completed suicide compared with the general population. Are you at risk?

*David S. Mercer, Esq.\*, MercerTrigiani, Alexandria, VA*

*Tim Carroll, Virginia Judges and Lawyers Assistance Program, Richmond, VA*

#### Associates Track: Part II | L:100 – Essentials of Community Association Law

A successful community association legal practice starts with the essentials and a strong ethical approach. Join experienced community association lawyers for an overview and case-law examples for a three-part program.

The program addresses the role and authority of the various stakeholders in the community association housing model; including the governing board, community association manager, attorney, and other professional advisors. This section will deep dive into the management contract and employment agreements.

Additionally, the program begins to covers rights and responsibilities of the various stakeholders; including homeowners, governing board, developer, etc... and their role and authority related to assessments, maintenance, policies and restrictions.

*Ronald L. Perl, Esq.\*, Hill Wallack LLP, Princeton, NJ*

*Jonathan H. Katz, Esq., Hill Wallack LLP, Princeton, NJ*

*Ellen Hirsch de Haan, Esq.\*, Wetherington Hamilton P.A., Tampa, FL*

*Ursula K. Burgess, Esq.\*, Rees Broome, P.C., Tysons Corner, VA*

### **Tech Talk: Practical Technology for the Practicing Lawyer**

Have you been able to leverage technology in your everyday practice, or is technology making you work for it? Attorneys who embrace technology will provide you with tools and tips that you can use on a daily basis to help you manage your practice and make you more productive. Learn about tracking tasks and assignments, collaboration tools, capturing time for billing, remote access and productivity, and how to make technology work for you.

*Robert DeNichilo, Esq.\*, Richardson|Ober|DeNichilo LLP, Irvine, CA*  
*Melissa M. Garcia, Esq., Altitude Community Law P.C., Lakewood, CO*  
*James R. McCormick, Jr., Esq.\*, Delphi Law Group, LLP, Carlsbad, CA*

### **CIRMS Masters Program: HO-6: Principles and Practices of Divvying Up Deductibles and Funding Loss Assessments**

Allocating insurance risk (its cost and deductibles) has at least two components: Defining financial responsibility and Funding that responsibility whether by the association (in the master insurance) or by the unit owner (in their personal insurance). This program will set forth the key issues for each component and focus on the use of personal insurance.

*Karen O'Connor Corrigan, CIRMS, O'Connor Insurance Agency, St. Louis, MO*  
*Robert M. Diamond, Esq.\*, Reed Smith, LLP, McLean, VA*  
*Stephen M. Marcus, Esq.\*, Marcus, Errico, Emmer & Brooks, P.C., Braintree, MA*

### **10:45 a.m. – 12 p.m. | Concurrent Sessions**

#### **Associates Track: Part III | L:100 – Essentials of Community Association Law**

A successful community association legal practice starts with the essentials and a strong ethical approach. Join experienced community association lawyers for an overview and case-law examples for a three-part program.

This program continues the discussion addressing rights and responsibilities of the various stakeholders; including homeowners, governing board, developer, etc... and their role and authority related to assessments, maintenance, policies and restrictions.

In addition, this program addresses Federal laws, litigation and ethics; including an overview of the law and equity actions, enforcement of governing documents, preparing for a community association case, and working with the community association managing agent.

*Ellen Hirsch de Haan, Esq.\*, Wetherington Hamilton P.A., Tampa, FL*  
*Ursula K. Burgess, Esq.\*, Rees Broome, P.C., Tysons Corner, VA*  
*Matt D. Ober, Esq.\*, Richardson|Ober|DeNichilo, LLP, Pasadena, CA*  
*Amy K. Tinetti, Esq.\*, Hughes Gill Cochrane Tinetti, Walnut Creek, CA*

#### **Practicing in Your Personality: How to Thrive as a Community Association Lawyer**

Lawyers—women and men, new and experienced, big city and small town, West Coast, East Coast, and everywhere in between—all practice law in our own unique ways. The most effective lawyers play to the strengths of their individual personalities. Join this dynamic panel of law firm leaders from big, small, and mid-size firms to hear their fresh perspectives and real-world advice on how to practice law within your individual personality, and how to mentor and lead your firm's lawyers and colleagues to practice to the strength of their best qualities.

*Moderated by Julie McGhee Howard, Esq.\*, NowackHoward, LLC, Atlanta, GA*  
*Kellie Callahan, Esq., Carpenter, Hazlewood, Delgado & Bolen, LLP, Tempe, AZ*  
*Marla J. Diaz, Esq., Whiteford, Taylor & Preston, LLP, Falls Church, VA*  
*Alexis Firehawk, Esq., Carpenter, Hazlewood, Delgado & Bolen, LLP, Tempe, AZ*  
*Daniel J. Miske, Esq.\*, Husch Blackwell LLP, Milwaukee, WI*  
*Lisa A. Tashjian, Esq.\*, Beaumont Tashjian, Woodland Hills, CA*

#### **Vexatious Litigants – How to Handle the Frivolous Filer**

Can you stop the self-represented litigants who file numerous frivolous lawsuits costing the HOA unjustified attorney's fees and aggravation? Many states have laws that allow courts to enter an order prohibiting a vexatious litigant from filing new lawsuits without first obtaining leave of the court. Come discuss the various vexatious litigant laws and how you can take advantage of their protections.

*Augustus H. Shaw, IV, Esq.\*, Shaw & Lines, LLC, Phoenix, AZ*  
*Raymond B. Via, Jr., Esq., Whiteford, Taylor & Preston, LLP, Bethesda, MD*  
*Wil Washington, Esq.\*, Chadwick, Washington, Moriarty, Elmore & Bunn, P.C., Fairfax, VA*

## **CIRMS Masters Program: Risk Management & Insurance Case Law: Learning at the Expense of Others**

Learn about important insurance case law directly involving community associations as well as insurance cases that could impact association governance, maintenance, and operations. As in the CIRMS Case Law 2019, all of the CIRMS Case Law 2020 will be supplemented with additional links for supporting material.

*George E. Nowack, Jr., Esq. \*, NowackHoward, LLC Atlanta, GA*

*Jennifer Wojciechowski, JD, CIRMS, Community Association Underwriters of America, Newtown, PA*

### **1 – 2:30 p.m. | General Session**

#### **Case Law Update Part II**

Join the second part of the discussion of cases from 2019 that are sure to advance the future of community association law.

*Edmund A. Allcock, Esq. \*, Marcus, Errico, Emmer & Brooks, P.C., Braintree, MA*

*Laurie S. Poole, Esq. \*, Adams | Stirling PLC, Carlsbad, CA*

### **2:45 – 4:15 p.m. | Concurrent Sessions**

#### **Hot Topics: Emerging Community Association Law Issues**

Learn about the latest issues affecting your community association law practice and your clients. The following topics will be addressed; Harassment/Property Rights (accessory dwelling units and rentals), Lack of Board Volunteers and Defunct Associations.

*Sandra L. Gottlieb, Esq. \*, SwedelsonGottlieb, Los Angeles, CA*

*Susan Hawks McClintic, Esq., Epsten Grinnell & Howell, APC, San Diego, CA*

*Susan B. Tarley, Esq. \*, Tarley Robinson, PLC, Williamsburg, VA*

*Scott D. Weiss, Esq. \*, Ortale, Kelley, Herbert and Crawford, Nashville, TN*

#### **Ethics: To Sue or Not to Sue: Board Members in Defamation Actions**

How much abuse does a board member have to take? Allegations of corruption, kickbacks, bid rigging, criminal actions, and more are not uncommon. What protections do board members have in regard to their reputation? How and when can a board member successfully pursue a defamation claim? Come learn the answers to these questions and more.

*Howard J. Perl, Esq., AMS, PCAM, Becker, Davie, FL*

*Katherine G. Brady, Esq., Moriarty Troyer & Malloy, LLC, Braintree, MA*

#### **Love Me Tender: A Plea for Acceptance of Community Association Insurance Claims (CIRMS Master Program CROSSOVER Session)**

Maybe there's a reason to fear tendering a claim to insurance. But what is the point of having insurance if you aren't going to use it when the need arises? Hesitating to tender a claim can create issues for coverage options and availability. So, go ahead and tender the claim. What's the worst that can happen? They say no, and you're in the same place as if it wasn't tendered in the first place.

The panel will discuss perils of the wait-and-see approach for small issues and arguments to obtain coverage.

*Daniela Burg, Esq., Community Association Underwriters of America, Newtown, PA*

*David C. Swedelson, Esq. \*, SwedelsonGottlieb, Los Angeles, CA*

### **Saturday, January 18, 2020**

#### **9 – 10:15 a.m. | Concurrent Sessions**

##### **Can an Association Effectively Regulate and Deter Incivility?**

A lack of civility comes in many forms: rudeness; threatening and disruptive behavior directed at other residents, staff and contractors on the property; and truly dangerous behaviors that put the association at risk for liability. It is imperative to take incivility seriously. The fallout manifests in operational disruption, delayed repair projects, financial issues, and potential damage to the person and property of residents, employees, board members, and service providers. Learn how to identify the behaviors that warrant regulation, draft and adopt appropriate regulations, and review the technical and practical enforcement options available to associations.

*Donna DiMaggio Berger, Esq. \*, Becker, Fort Lauderdale, FL*

*Kenneth S. Direktor, Esq. \*, Becker, Fort Lauderdale, FL*

### **Developer Transition and Identifying Defects: Perspectives from Community Association and Construction Defect Counsel**

Hear from Florida Bar Board Certified specialists Ed Ronsman, Condominium and Planned Development Law, McCabe | Ronsman, and Phillip Joseph, Construction Law, Ball Janik LLP, on what to expect during developer transition and turnover. Review the red flags of preventative maintenance, assess the different types of construction defects, and learn how to handle the process of lawsuits so associations can get repairs made.

*Phillip E. Joseph, Esq., Ball Janik, LLP, Portland, OR*

*Ed Ronsman, Esq., McCabe & Ronsman, Ponte Vedra Beach, FL*

### **HOA Election Trends: Does Increasing Government Regulation Protect or Harm?**

Laws that regulate the conduct of homeowners association elections run the gamut from standard corporation code-type overviews to detailed step-by-step election procedures and requirements. Recent legislation across the country mirrors a trend toward intense regulation, similar to what we are seeing in other areas of community association life. In the election arena, proposed and new statutes address a broad range of issues, including promoting technology (e.g., allowing electronic voting); enacting detailed voting procedures that regulate everything from the form and type of ballot to the quorum requirements for member approval; and statutory prohibitions or requirements for member approval of topics previously under the authority of the board. You'll learn the tricks and traps regarding statutory election requirements and also best practices for conducting fair association elections. Finally, don't miss the discussion on the uses of technological innovations such as electronic voting and the related privacy issues and transparency requirements.

*Christina M. Baine DeJardin, Esq., Delphi Law Group, LLP, Carlsbad, CA*

*Melissa B. Ward, Esq., Hughes Gill Cochrane Tinetti, Walnut Creek, CA*

### **10:30 – 11:45 a.m. | Concurrent Sessions**

#### **Legal and Insurance Strategies for Mitigating Risks Associated with Assessment Collection and Covenant/Rule Enforcement**

The presentation will examine how community associations can manage risks associated with pursuing enforcement and defending counterclaims. It also will cover the insurance that community associations should obtain to defend and attempt to offset the potential damages associated with counterclaims brought against community associations. Listen to a discussion of the best practices for tendering a claim, negotiating with the carrier/claims adjuster with respect to appointment of general counsel to defend the counterclaim, and strategies for reimbursement of legal fees and costs.

*Brian Friel, CIRMS, Smith Insurance Associates, Inc., Spring House, PA*

*Edward Hoffman, Jr., Esq., Barrow Hoffman, Warminster, PA*

*Brian D. Moreno, Esq.\*, SwedelsonGottlieb, Los Angeles, CA*

#### **Navigating the Collection Timeline in View of the FDCPA, Bankruptcy Code, and State Law Requirements**

Discover how you can perform the various searches throughout the community association collection process, including real property/title reports, probate, last known address, military, and bankruptcy. Presenters will discuss the collection practitioner's compliance requirements under the Bankruptcy Code, the Fair Debt Collection Practices Act (FDCPA), and state law requirements for some of the more prevalent community association states.

*Clinton F. Brown, Esq., Roberts Markel Weinberg Butler Hailey PC, Houston, TX*

*Marc D. Markel, Esq.\*, Roberts Markel Weinberg Butler Hailey PC, Houston, TX*