TEAM Work
(Together Everyone Achieves More)
When UP pairs our expertise in disaster recovery and insurance with partners like the American Red Cross, the Salvation Army, FEMA, state emergency managers and local governments, it’s win-win. We’re able to serve a large number of people, and our partners benefit from our subject matter expertise. Our relationships with these partners are yielding important results:

Preparedness and Recovery coordination
The American Red Cross (ARC) is now including United Policyholders’ tips in their National Home Fire Preparedness Campaign and working toward a formal Memorandum of Understanding with our organization. When the ARC installed free smoke detectors in Colorado and California homes this year, they gave each household our renters and home insurance buying tips and the free download link for our UPHelp home inventory app. …continued on p3

“Thank you so very much for the amazing toolkit. You are a wealth of information and we really appreciate your help.”
– Karen, whose home was destroyed in the “Round Fire”

Although a wildfire recently destroyed the home he’d built and raised a daughter in, Mark Bowe and his wife Susan graciously welcomed UP staff as overnight guests in their temporary rental after our first Roadmap to Recovery workshop in their CA community. The workshop drew a capacity crowd of nearly 100 people. Mark and Susan won our hearts with their warmth and determination.

Bach Talk
Doing well, doing good
The UP team feels appreciated, energized and grateful. Thanks to recent individual donations and a grant from The Home Depot Foundation, we’re off to a strong start serving wildfire and flood victims in California and South Carolina. With our upgraded online library, people can find guidance and info 24/7.

And as we spot new issues – we’ve got the credibility and relationships to help tackle them: Who knew that some insurers recently put a $2,500 cap and 45-day notice limit on smoke damage claims? We didn’t, but now we (and the CA Department of Insurance) do and we say “no dice.” Not fair. TBC.

We constantly seek input from experts so our guidance is accurate and clear and our tools useful. The wisdom of previous wildfire survivors is captured in our “Survivors Speak” tips.

Our core teachings benefit all insurance consumers: Forget the feel-good ads. A large dollar insurance claim is a business negotiation. The better you document your losses and advocate for your rights, the more money you will collect. Our Colorado volunteer Steve Price calls it “learn to earn.”

The nFIP – Can we fix it?
Yes We Can!
The fact that Sandy victims were systematically underpaid on their flood insurance claims has been chronicled in Newsday, The New York Times, 60 Minutes and many other forums.

UP is deep in the fight to make it right. You’ll find all the details on our website uphelp.org/news.

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Insuring the “sharing economy”

Business innovations create unknowns that require insurance adjustments. Cases in point: People earning money giving strangers rides in their car. People earning money renting out their rooms and homes to strangers. Stranger danger? That’s how insurance companies may see these innovations at first. Then they adjust. Right now we’re in the insurance adjustment phase for Transportation Network Companies such as Uber, Lyft, etc. and AirBnB and its competitors.

Insurance companies have been selling coverage to professional taxi and limo drivers for many moons, and they have decades of accident and injury data on which to base their pricing. Layperson drivers ferrying strangers on a daily basis? Not so much. Insurance companies have been covering homeowners and their guests for many moons. They have decades of data on mishaps, losses and payouts. But strangers staying over night when the homeowner is not there? Not so much.

Regulators, insurers, innovators and UP are all working hard on the necessary adjustments to assure that people are protected when taking advantage of these innovations. So whether you’re earning money as an Uber driver or as an AirBnB host — we want you to have access to affordable, quality insurance. And whether you’re catching a convenient ride or renting a cool place…or just crossing the street, we want you to be protected by someone’s insurance.

UP’s “Auto Insurance Basics for Ride-sharing Drivers” was distributed to over 160,000 Uber drivers this year. And at the National Association of Insurance Commissioners, UP is helping make the adjustments these innovations require.

Rogan tapped for Agent Oversight Board

Program Coordinator Emily Rogan has been appointed to the California Department of Insurance Curriculum Board. The board oversees the development of pre-licensing and continuing education for agents and brokers, including the list of preapproved courses of study and courses of study for professional designations. The board also develops standards for providers and instructors of pre-licensing and continuing education courses, programs and seminars.
In September 2014 the “Boles” fire destroyed 157 homes in Weed, a scenic mill town 5 hours north of San Francisco. When UP staff arrived soon after the fire, they found a devastated and vulnerable town in the throes of grief. Although there was no available funding, United Policyholders’ traveled back up to Weed as soon as a Long Term Recovery Group solidified.

We taught a well attended evening workshop on how to Speak UP and overcome insurance obstacles, and a training session for case managers on working with clients to successfully resolve insurance problems.

Then in September 2015, at the invitation of a social services agency in Weed, UP participated in “Reflect and Prepare: from Disaster to Planning for the Future.” This event marked the one year anniversary of the Boles fire and focused on creating a more resilient community going forward. This is a perfect illustration of how United Policyholders Roadmap to Recovery program works in tandem with our Roadmap to Preparedness program. We use the window of opportunity after a disaster to get local residents to take action before the importance of adequate insurance and good record keeping becomes “out of sight out of mind.”

And thanks to collaboration with FEMA and the ARC, we are now distributing our “What’s UP with Renters Insurance” guide in English and Spanish through Bay Area community groups and landlords.

Earlier this year, a downed power line started the “Round” wildfire in the Eastern Sierras that destroyed 40 homes in a matter of minutes. With a limited budget for staff and volunteer travel, it’s hard for UP to help out in this type of remote region – especially where a disaster has interrupted internet and mail service. But impacted residents were quickly introduced to UP by John McKnight of The Salvation Army and the California Office of Emergency Services who made sure our First Steps After a Fire, and Roadmap to Recovery toolkit request forms were distributed at the Local Assistance Center.

We filled the requests and as soon as we got a toolkit delivered to an impacted resident – she read her copy of UP’s Disaster Recovery Handbook and spread the word to her neighbors. Completed request forms came pouring in and UP was able to provide toolkits to over a third of the fire survivors, thanks to a donation from The Greenspan Co./Adjusters International (Northern California).

Earlier this year UP helped serve California flood victims – mainly low-income mobile home owners – by providing free tools and resources at the American Red Cross service center at the College of San Mateo. We are proud to be able to offer some of our resources in English and Spanish. Vamos equipo!

Our Current Engagements
If someone you know has been affected by a disaster, introduce them to UP. Our UP disaster blogs are an easy way for overwhelmed people to find support, information and help navigating the insurance recovery process. Where we aggregate tips, tools and resources to help people after specific disasters.

October 2015 South Carolina Flood Help: www.uphelp.org/SCFlood
August 2015 Northern CA Wildfires: www.uphelp.org/NorCalFires
June 2015 Alaska Wildfire: www.uphelp.org/AlaskaFire
May 2015 Texas Flooding: www.uphelp.org/TXflood
February 2015 Round Fire: www.uphelp.org/RoundFire
September 2014 Boles Fire: www.uphelp.org/weed
August 2014 Napa Earthquake: www.uphelp.org/napaquake
2012 Superstorm Sandy: www.uphelp.org/Sandy
ADVOCACY AND ACTION
Advancing pro-consumer laws and public policy related to insurance

Legislative UPdate
We try, try again...

Insurance fairness in New York
If you read our August online Advocacy and Action Update, you know how hard we and our allies worked this past legislative session to reform New York law to give policyholders more leverage when negotiating claim settlements. Extra thanks to the tenacious Sandy survivors who helped this year and are committed to helping again next year.

Banning discretionary clauses in Massachusetts
We are continuing to build support for Mass. House No. 973 to ban wording in disability and long-term care insurance policies that gives insurers unfair power over medical decision-making.

And sometimes we win
Earthquake retrofitting aid in California
Two bills we supported became law in California that make it more cost effective for property owners to invest in making their buildings more resistant to earthquake damage. (AB 1429 and AB 1440)

Blocking immunity for bad behavior by adjusters in Texas
UP helped block passage of a bill in Texas that would have made it even harder than it already is for consumers to hold an insurance company adjuster responsible for bad behavior. (Texas SB1628)

Preserving class actions
UP weighed in on numerous other bills throughout the past year, including the federal H.R. 1927, which would have raised new obstacles for class action lawsuits that challenge unfair insurance practices. For details, visit the Advocacy and Action program section at uphelp.org/AA.

You’ve been sued, now what do you do?

...you “tender” the claim to your insurance company so they can defend and protect you with the “liability” coverage in your home, renters, auto or business policy. Defending and protecting you means two things: Paying for your lawyer and getting you out of the legal mess. But insurance being big business, there are ifs, ands, and buts when counting on your insurer to do both these things.

Policyholders who get hit with a claim or lawsuit often need to do battle with their insurer to get the defense and protection they’re entitled to. UP fights right along with them. See “You’ve Got to Fight...For Your Right...To Independent Counsel” (apologies to the Beastie Boys) by Amy Bach and Dan Wade in a 2015 AAJ Insurance Section Newsletter.

Amy Bach continues to travel to Philadelphia twice a year to participate as an Adviser to the American Law Institute’s Restatement of the Law of Liability Insurance Project. Judges, law professors, and lawyers are working to craft an updated treatise on laws governing insurer-insured relationships. Other advisers include Lori Masters, Seth H. Row and John Buchanan.

Bach and Staff Attorney Wade also co-authored an article on causation exclusions in homeowner’s insurance policies that appeared in the American Association for Justice Insurance Law Section’s Winter 2015 Newsletter and was republished by the American Bar Association Tort Trial and Insurance Practice Section’s Spring 2015 Property Insurance Newsletter.

To read articles UP has contributed to in the International Business Journal, U.S. News and World Report, Newsday and many other publications, visit uphelp.org/news.

In Courts Where It Counts

The UP Amicus Project continues to grow and thrive, thanks to our Staff Attorney Dan Wade and an influx of new volunteers recruited by Amy Bach and the veterans who alert us when we’re needed and draft our friend of the court briefs. So far this year we have filed briefs in 21 cases in 9 states, the Federal Courts of Appeal for the 4th, 8th, 9th, and 11th Circuits, and the U.S. Supreme Court.

UP weighed in for consumers in cases involving covered and excluded causes of loss, insurers’ duty to defend their policyholders and settle claims, notice prejudice rules, policy interpretation and ambiguities; and the regulation of life, disability and health insurance sales and claims.

UP thanks these attorneys for pro bono amicus work this year:


FL attorney Mark Boyle wrote two important briefs for UP this year pro bono on the tripartite relationship and the duty to settle.

As UP’s pro bono lawyer, Ashley Bede argued for enforcement of the WA state consumer protection Act.

Appellate lawyer David Herr and UP Staff Attorney Dan Wade advocated for upholding policyholders’ reasonable expectations in a recent amicus brief in the 8th Circuit in Minnesota.
Gulf Coast Insurance UPrising

Vacant homes, “For Sale” signs, public protests and media coverage over the past ten years are the visible signs that home and business owners in Eastern and Southern coastal areas are really struggling to pay their rising insurance premiums. The cost of home insurance in AL, LA, FL, TX, MS and SC has become a full-blown political fight. And we’re not even talking about flood insurance – that’s a whole other problem. People are working hard to get attention and relief. They’ve taken to the streets, to legislators, regulators and United Policyholders for help.

What’s the cause? Hurricanes? Climate Change? Greed? Inflation? All those are contributing – but we believe the biggest driver was when insurance companies started basing their rates more on computer-based models than history and traditional rating factors.

Amy Bach has been helping homeowner advocates get up to speed on insurance economics and politics and engage in constructive dialogue with public officials and insurers for many years. She traveled to New Orleans in April to meet in person with Michelle Kurtz and Dan Hanson (leaders of the Al-based Hurricane Homeowner’s Insurance Initiative), and Paulette Mowbray (MS Affordable Wind Insurance Coalition). UP is aiding in the search for better (affordable and available) options for low and moderate income households to insure their homes and assets in the here and now.

(Em)powered by Pro Bono

Executive Director Bach recently co-taught two portions of a Practicing Law Institute continuing education course for lawyers. Organized by the S.F. and Alameda County Bar Associations, the course Providing Legal Assistance in the Aftermath of Disaster, was broadcast to hundreds of lawyers around the country.

United Policyholders’ expertise in this arena is getting tapped more and more by legal aid and volunteer lawyers, state and local bar associations, and other nonprofits. They are using our materials, videos, and training webinars to help or represent disaster victims. Our list of partners continues to grow:

Touro Law School
Legal Services of New Jersey
New Jersey Volunteer Lawyers for Justice
Ocean County Long Term Recovery Group
The Legal Aid Society of Hawaii
Disaster Legal Aid
The Alameda County Bar Association
The Bar Association of San Francisco
UP is looking forward to forging an alliance with the American Bar Association’s Property Insurance Law Committee and Young Lawyer’s Division Disaster Legal Services Program.

Data (land)mining

Pharmaceutical salespeople court doctors. Data mining vendors court insurers. With sales pitches that promise higher profits, less claim “leakage” and more accurate rates, these vendors are tempting insurers to abandon traditional ratemaking and ethics. The result: More consumer anger toward insurance companies, and more households unable to afford car and home insurance.

I was honored to speak on these issues on a recent panel with Indiana Insurance Commissioner Stephen Robertson and others during the CPCU Society’s Annual Meeting in Indianapolis. For more information, visit our website and enter the terms “Price Optimization” and “Xactimate” in the search box.

Life (insurance)...Keep it simple

Financial services companies are inventing so many new and complex forms of life insurance and annuity products that regulators can’t keep up. So you can imagine the sales abuses that are going on. Agents convincing senior citizens to buy annuities that will never yield benefits while they’re alive… Agents convincing people to move from traditional life policies into super high risk products…

I moderated a panel discussion with a Minnesota regulator and an annuity seller’s counsel in New York last summer and they agreed: Companies are competing like mad to sell these new combination products, so they’re paying very high commissions. The high commissions tempt agents to push consumers into buying products that don’t suit their objectives. UP is doing what we can to help by supporting suitability standards, educating consumers and regulators at the NAIC and filing amicus briefs.

Early this year I shared the stage at a summit in our nation’s capital on the future of the National Flood Insurance Program. Fellow panelists were Frank Nutter (Reinsurance Assn. of America), Patty Templeton-Jones (Wright Flood), John Prible (Independent Insurance Agents and Brokers of America) and Chad Berginnis (Ass’n of State Floodplain Managers). The perspectives on the program’s strengths and weaknesses were diverse, but we agreed that:

1. The complicated limits and strict rules for NFIP policies are frustrating and expensive for all stakeholders.
2. Private market options and competition would benefit consumers.
3. The NFIP can be improved without being scrapped.

Bach Talk...continued from p1

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2. Private market options and competition would benefit consumers.
3. The NFIP can be improved without being scrapped.

U.S. Senator Menendez of NJ and UP partner Sue Marticek are working overtime to help Sandy victims get increased flood insurance payouts.

What’s UP fall 2015
A HUGE thank you to all of the sponsors, donors, and attendees who made our first annual TeeUP fundraiser a success. We networked, sipped cocktails and enjoyed Southern inspired cuisine and each other’s company at San Francisco’s Urban Putt to support UP. The event raised much-needed funds to support our three programs.

We honored Bay Area Consumer Reporter Michael Finney for being a problem-solver for consumers as host of “7 On Your Side” on ABC7 TV, and Congresswoman Jackie Speier as a fighter for consumer rights throughout her career as an elected official. We honored Sue Piper for overcoming the trauma of having her family’s home reduced to ashes in a 1991 firestorm and becoming a disaster preparedness expert. Scott deLuiise, CCIM, SPPA was honored for sharing his expertise in claim adjusting and passion for insurance fairness to support our work in his home state of Colorado, and The Price Family, who rebounded from the destruction of their home in a wildfire by rebuilding, becoming UP volunteers, and paying forward lessons learned. We feel blessed.

Special thanks to our Benefactor and Catalyst sponsors: Cotchette, Pitre & McCarthy LLP; Merlin Law Group; AT&T; Judicate West; Lieff Cabraser Heimann & Bernstein; and Jennifer Rosdail/Paragon Real Estate Group.

New Board Chair Bill Hedden champions UP fundraising

At the February 2014 meeting of the UP Board of Directors, William Hedden was elected Chair of the Board. Hedden (Principal, Consolidated Adjusting) has served on UP’s Board for over 16 years. UP extends a heartfelt thanks to Immediate Past Chairs E. Gerard Mannion and Alice Wolfson for their dedicated service. Hedden is determined to help UP close a budget gap and get on firm financial footing.

We welcome two new Directors to our Board: Nicholas Casagrande, E.A. and William F. “Chip” Merlin, Esq.

A longtime UP supporter and volunteer, Chip Merlin is a leading plaintiff’s attorney with a focus on commercial and residential property insurance claim disputes and litigation since 1983. As the founder and President of Merlin Law Group, Chip dedicates his practice to representing and advocating for policyholders in disputes with insurance companies nation wide.

Nicholas Casagrande is the CEO of NC Financial Group and brings over 20 years of financial planning experience and charitable board service to our Board. NC Financial Group offers a wide variety of financial solutions including investment and retirement strategies, real estate services, insurance and annuity products, estate conservation, tax preparation and small business tax analysis.

Volunteer Spotlight

Timothy P. Law, Esq.

Tim Law is one of many UP advisers and volunteers who trained under the legendary Eugene Anderson. By constantly alerting UP to matters where our help is needed, Tim is one of our most important team members. Like a number of his partners on the Insurance Recovery Team at Reed Smith, he drafts and files amicus curiae briefs for UP in courts across the U.S., and is generous with help and guidance for our small staff.

Lynn Buchholz, MBA, CFP(R)

Lynn is a San Diego-based certified financial planner and founder of Buchholz Financial, a fee-only financial planning firm that provides comprehensive financial planning services to families and individuals. Lynn teaches a course entitled Fundamentals of Insurance in San Diego State University’s Board Certified CFP(R) program and regularly lectures on the topics of avoiding underinsurance and obtaining financial security. As a UP volunteer, Lynn is distributing UP tools at preparedness events in San Diego and coordinating with R2P part-time staffer Kaye Coates.

Pairing UP

Congratulations to Program Coordinator Emily Cabral - now Rogan, and her new husband Sean on their May 2015 wedding. And to Staff Attorney Dan Wade and his new bride Katie, and Development Director Michaela Cordes on her upcoming marriage to Raj Roy.
THANKS TO OUR PROFESSIONAL AND BUSINESS SPONSORS

UP Sponsors are policyholder advocates who “do well by doing good” by supporting our mission and our work. All sponsors are listed in our online “Find Help” directory. The directory is a 50-state resource that individuals and businesses use to find legal and professional claim help and useful products and services. To find out how your business can participate in the program, contact Michaela@uphelp.org.

PLATINUM LEVEL

Adjusters International Pacific Northwest
Alexander Cohen & Associates, LLP
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Consolidated Adjusting, Inc.
Cotchett, Pitre & McCarthy LLP
Darras Law
DL Law Group
Gianelli & Morris
Goldstein, Gellman, Melbostad & Harris & McSparran LLP
The Greenspan Co./Adjusters International (Northern California)
The Greenspan Co./Adjusters International (Southern California)
Kabateck Brown Kellner LLP
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The Lesser Law Group
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Childress Duffy
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RC Advantage
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Saura & Bergstrom, PLLC
Smith & McGinty
Springer & Roberts LLP
Swerling Milton Winnick Public Insurance Adjusters Inc.
Ward & Hagen LLP
Xpera Group

Rick Tutwiler and his father Dick are Florida based public adjusters and dedicated UP volunteers.

Attorney Jon Wilksfisky is a champion for policyholders and a UP partner on legal reforms in New York.

DC attorney August J. Matteis Jr. represents insurance whistleblowers and Sandy victims. We welcome his firm as a new UP sponsor.

UP does not endorse or warrant the quality of any sponsor. Check references, license status and membership in professional associations before hiring, and read United Policyholders’ tips. All aspects of the Sponsorship program are subject to the terms of use set forth at www.uphelp.org

what’s UP fall 2015 7
Imagine losing everything and having to fight for a fair insurance settlement? People count on United Policyholders to have their back, and we can’t let them down.

Take action for disaster victims and consumer rights:

Please Donate Today www.uphelp.org/donate

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