

Auto Accident Insurance 2018

Live Program & Live Webcast: **February 20, 2018**

Live program will be held at the **CBA-CLE Classroom**

1900 Grant St., Suite 300, Denver, CO

This program requires CBA-CLE book
***Colorado Automobile Accident
Litigation and Insurance
Handbook***, 3rd Edition



Specialists in the field will reveal the hot topics in litigating UM/UIM cases in Colorado – from both the Policyholders’ and Insurers’ perspectives. Do not miss this unique opportunity to hear plaintiff and defense counsel discuss strategies at the same time!

Attendees Will Learn:

- How to Handle Common (and Some Not-So-Common) Issues Which Arise in UM/UIM Litigation
- Best Practices and Pitfalls to Avoid During the Litigation of UM/UIM Lawsuits
- The Essentials of the Latest Colorado Case Law Which Directly Impact UM/UIM Litigation
- New Strategies for Success in this Highly Litigious Practice Area

Knowledge of these important topics is essential to any attorney involved in automobile insurance law and the litigation of automobile accident cases.

Colorado Automobile Accident Litigation and Insurance Handbook, 3rd Edition, will save you countless hours of research time by providing the case or statute on point for every issue that might arise in handling an automobile accident case. ***Colorado Automobile Accident Litigation and Insurance Handbook***, 3rd Edition, is a required element of the class.

Who Should Attend:

- Tort & Insurance Attorneys
- Personal Injury Attorneys
- Litigation Attorneys

Submitted for 6 General CLE Credits

Video Replays: **March 16, 2018**

In Denver, Colorado Springs, and Grand Junction

Auto Accident Insurance 2018

REGISTER TODAY ONLINE! @ www.cba-cle.org

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AGENDA Presented by *Gregory Giometti, Esq., Michael D. Bellamy, Esq., Jon F. Sands, Esq., and Jeremy A. Sitcoff, Esq.*

8:30 AM Registration and Continental Breakfast

9:00 AM **Important Developments in Automobile Insurance Law**

- Exhaustion Clauses in UIM Policies Are Unenforceable
- UIM Insurers Have No Obligation to Provide “Gap” Coverage
- Passengers in Single Vehicle Accidents Are Not Entitled to Recover Both Liability and UIM Benefits Under the Driver’s Policy
- An Insurer May Not Reduce the Amount of an Insured’s UM/UIM Benefits by Amounts Paid Under Medical Payments Coverage
- UM/UIM Causation Issues: Insureds Assaulted by Assailant Wielding Golf Club Were Not Entitled to UM/UIM Coverage
- Since a Person Can Have More Than One Residence, Provision in UM/UIM Policy Limiting Definition of Resident Relative to Person Who Maintains Primary Residence with Named Insured is Unenforceable

Presented by Gregory R. Giometti, Esq., and Michael D. Bellamy, Esq.

10:00 AM Networking Break

10:15 AM **Important Developments in Automobile Insurance Law**

- Waiver of UM/UIM Coverage by One Named Insured, Acting with Apparent or Implied Authority, Is Enforceable Against Second Named Insured
- Under C.R.S. §§ 10-3-1115 & -1116, an Insurer May Have an Obligation to Pay UM/UIM Benefits on a “Piecemeal” Basis
- Filing and Obtaining Judgment Against Uninsured or Underinsured Motorist Is Prerequisite for Insured to Recover Prejudgment Interest as Part of a UM/UIM Claim
- For Purposes of UIM SOL, Receipt of Payment of Settlement Does Not Equate With Receipt of Settlement Check, but Means Settlement Agreement Must Be Final
- Under McHaffie Rule, Where Employer Admits Potential Liability for Employee Driver’s Negligent Conduct Under Respondeat Superior, Plaintiff May Not Maintain Direct Claims Against Employer for Negligent Entrustment or Negligent Hiring, Training or Supervision of Driver
- Car Dealer Has No Duty to Inquire into Customer’s Driving History or Record Before Selling a Car

Presented by Gregory R. Giometti, Esq., and Michael D. Bellamy, Esq.

11:15 AM **Hot Topics In Litigating UM/UIM Cases in Colorado – Policyholders’ and Insurers’ Perspectives**

- When Does a UM/UIM Claim Arise, Triggering an Insurer’s Duty to Investigate?
- Timing, Extent and Scope of an Insurer’s Duty to Investigate a UM/UIM Claim
- Insured’s Duty to Provide Documents and Information to Insurer to Support UM/UIM Claim in Context of Insured’s Duty to Cooperate
- Use of Investigatory Tools by an Insurer in a UM/UIM Claim – Medical Records Reviews, IMEs and EUOs – Insured’s Duty to Cooperate

Presented by Jon F. Sands, Esq., Jeremy A. Sitcoff, Esq., and Moderator Gregory R. Giometti, Esq.

12:15 PM Lunch Break (On Your Own)

1:15 PM **Hot Topics In Litigating UM/UIM Cases in Colorado – Policyholders’ and Insurers’ Perspectives**

- Duty of Insurer to Provide Reasonable Explanation, Under Policy and Law, of Claim Decision to Pay or Deny Claim for UM/UIM Benefits
 - Duty of Insurer to Make Advance Payments of “Undisputed Amounts” of UM/UIM Benefits
 - Quality of Medical Evidence Necessary to Support Claims for UM/UIM Benefits – Sufficiency of Treating Physicians’ Records
 - Challenging the Admissibility of Experts’ Opinions Under Rule 702 – Experts’ Qualifications and Reliability of Methodology
- Presented by Jon F. Sands, Esq., Jeremy A. Sitcoff, Esq., and Moderator Gregory R. Giometti, Esq.*

2:15 PM **Hot Topics In Litigating UM/UIM Cases in Colorado – Policyholders’ and Insurers’ Perspectives**

- Litigating UM/UIM Claims in the Context of Colorado’s Statutory Bad Faith Scheme – Does Every Delay/Denial of Benefits Constitute Statutory Bad Faith?
- When Does an Insurer Have a “Reasonable Basis” for Denying/Delaying Payment of a UM/UIM Claim?
- Strategies of Litigating UM/UIM Claims – Plaintiffs’ Perspective versus Insurers’ Perspective
- How Juries Perceive Insureds and Insurers in UM/UIM/Bad Faith Litigation – Successful Techniques in Litigating Cases and Mistakes and Pitfalls to Avoid

Presented by Jon F. Sands, Esq., Jeremy A. Sitcoff, Esq., and Moderator Gregory R. Giometti, Esq.

3:15 PM Adjourn

ABOUT THE BOOK

This program requires CBA-CLE book **Colorado Automobile Accident Litigation and Insurance Handbook**, 3rd Edition



Colorado Automobile Accident Litigation And Insurance Handbook, 3rd Edition

by Gregory R. Giometti, Esq.

SUMMARY TABLE OF CONTENTS

- Chapter 1 - Overview of the Colorado Motor Vehicle Insurance Law
- Chapter 2 - Uninsured and Underinsured Motorist Claims and Coverage
- Chapter 3 - Automobile Liability Claims and Liability Insurance
- Chapter 4 - Litigation of Motor Vehicle Liability Claims under Colorado’s Tort System
- Table of Authorities
- Subject Index

Colorado Automobile Accident Litigation and Insurance Handbook,

3rd Edition

Print Book – Non-Member: \$119; CBA Member: \$99

Print Book – CLE Item Number: ZCAALB18B

PDF e-Book – Non-Member: \$109; CBA Member: \$89

PDF e-Book – CLE Item Number: ZCAALE18E



Other CBA-CLE Publications to Watch For:

- **Colorado Law of Insurance Bad Faith**, 4th Edition (ZCLOIB15B)
- **Handbook of Colorado Wrongful Death Law**, 3rd Edition (ZWDLHC15B)

Learn more about these publications online at www.cba-cle.org

YOUR DISTINGUISHED AUTHOR AND FACULTY



AUTHOR AND FACULTY: **Gregory R. Giometti, Esq.**, Gregory R. Giometti & Associates, PC, Denver, CO

Gregory R. Giometti graduated from the University of Oregon in 1979 with a bachelor's degree in history. He then attended the University of Idaho College of Law, obtaining his J.D. degree in 1982 and becoming licensed in Idaho in September 1982. After law school, he clerked for the Idaho Court of Appeals for a year and then began practicing with a Boise insurance defense firm, Quane, Smith, Howard and Hull. In October 1987, he was admitted to the bar in Colorado and began practicing law in Denver. For more than 29 years in Colorado, Mr. Giometti has concentrated his practice in the area of insurance defense litigation, but he also handles some plaintiffs' cases, particularly wrongful death, probate, and health and disability insurance matters. Since October 6, 2006, Mr. Giometti has practiced with his own firm in Denver, Gregory R. Giometti & Associates. He has conducted more than 65 civil jury trials in Colorado district courts and has also handled numerous appellate matters. He is one of Colorado's most experienced attorneys in handling insurance bad faith and wrongful death litigation. Since 1996, Mr. Giometti has authored numerous works for Continuing Legal Education in Colorado, Inc., the nonprofit educational arm of the Colorado Bar Association. Mr. Giometti's publications include *Colorado Law of Insurance Bad Faith*, 4th ed. (CLE in Colo., Inc. 2015); *Colorado Automobile Accident Litigation & Insurance Handbook*, 3rd ed. (CLE in Colo., Inc. 2018); and *Colorado Handbook of Wrongful Death Law*, 3rd ed. (CLE in Colo., Inc. Supp. 2015).



FACULTY: **Michael D. Bellamy, Esq.**, Gregory R. Giometti & Associates, PC, Denver, CO

Michael D. Bellamy is an Associate Attorney with Gregory R. Giometti and Associates. He practices civil litigation primarily focusing on insurance defense of bodily injury and property damage claims. Before joining Giometti and Associates, he served as the law clerk in Colorado's 19th Judicial District. Prior to becoming an attorney, he received an undergraduate engineering degree from the Georgia Institute of Technology, obtained his professional engineering license, and worked in the areas of civil and environmental engineering in Georgia and South Carolina for nearly a decade.



FACULTY: **Jon F. Sands, Esq.**, Sweetbaum Sands Anderson PC, Denver, CO

Jon Sands, Esq., received a B.S. from the University of Colorado and a J.D. from the University of Colorado School of Law (1980). Mr. Sands practices in the firm's litigation department, specializing in insurance defense; bad faith defense; and insurance coverage, title insurance, and real estate litigation. He has been lead trial counsel in numerous jury and bench trials throughout Colorado, and also teaches courses on insurance and real estate litigation and trial presentation. He is also an ABOTA Associate. He also has an extensive appellate practice history. He is currently a member of the CBA Litigation Section Council. He has published articles in *The Colorado Lawyer*. Mr. Sands has been selected for inclusion in *The Best Lawyers in America*® for the years 2007 through 2017, and has been included in the *U.S. News and World Report Best Lawyers* edition. He was selected as Defense Lawyer of the Year for 2012. He has been selected by his peers as one of the "Top 10" lawyers in Colorado for 2016; top 50 trial lawyers in Colorado for 2010 and one of the "Top 100" for 2014. Mr. Sands is past president of the Denver Dumb Friends League; past president of the Animal Assistance Foundation, a \$30 million foundation headquartered in Denver; and former member of the board of directors of the Colorado Humane Society.



FACULTY: **Jeremy A. Sitcoff, Esq.**, Levin Sitcoff, Denver, CO

Jeremy A. Sitcoff is a shareholder in the Denver law firm of Levin Sitcoff specializing in the areas of insurance bad faith, personal injury and commercial litigation. Mr. Sitcoff received his undergraduate degree from McGill University in Montreal, Quebec, Canada, and his Masters Degree from the University of Toronto. He is a 1997 graduate of The John Marshall Law School, where he served as Editor-in-Chief of *The John Marshall Law Review*. He was a member of the 1997 Robert F. Wagner, Sr. National Labor Law Moot Court team which received the award for Best Respondent's Brief. After graduation, Mr. Sitcoff served as law clerk to the Honorable Jose D.L. Marquez for the Colorado Court of Appeals. He is a member of the Illinois (inactive) and Colorado bars and the Denver, Colorado, and American Bar Associations. Mr. Sitcoff belongs to the Colorado Trial Lawyers Association and the American Association for Justice. He serves as Vice Chair on the Board of the Legal Community Credit Union. He has lectured in the areas of insurance coverage and bad faith law. Mr. Sitcoff was selected by his peers to the 2016 edition of *The Best Lawyers In America*® in the area of insurance law. He was recognized as a Top 100 Colorado Super Lawyer in 2017, and a Colorado Super Lawyer between 2011-2016. He has Martindale Hubbell's highest AV rating as voted by his peers.

AUTO ACCIDENT INSURANCE 2018 • REGISTRATION FORM

PROGRAM ORDER FORM

STEP 1 - REGISTRATION TYPE: *(Select live program, live webcast, or video replay)*

- Live Program: February 20, 2018** - In Denver at the CBA-CLE Classroom, 1900 Grant St., Suite 300 (TI022018L)
- Live Webcast*: February 20, 2018** - Must have access to high-speed internet (TI022018W)
 * Webcast participants: You must register by February 1, 2018 in order to receive *Colorado Automobile Accident Litigation and Insurance Handbook*, 3rd Edition in print before the start of class.
- Video Replay: March 16, 2018** - Please indicate video replay location:
- Denver:** CBA-CLE Classroom, 1900 Grant Street, Suite 300 (TI022018V)
 - Colorado Springs:** 421 S. Tejon Street, Suite 100 (TI022018VCS)
 - Grand Junction:** 1250 E. Sherwood Drive (TI022018VVGJ)

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HOMESTUDY/BOOK ORDER FORM

To receive CLE credit, you must purchase a Homestudy program format. Each Homestudy includes an electronic copy of the CBA-CLE book *Colorado Automobile Accident Litigation and Insurance Handbook*, 3rd Edition.

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ATTENTION PASSHOLDERS: *The Colorado Automobile Accident Litigation and Insurance Handbook* homestudy consists of the video-on-demand or MP3 download files ONLY. To obtain the printed publication, please contact the CBA-CLE offices. There is an additional fee for the book.

BOOK ONLY: *Colorado Automobile Accident Litigation and Insurance Handbook*, 3rd Edition

Skip this step if you purchased the HOMESTUDY.

- Print Book** (ZCAALB18B) (Includes Print & Digital):
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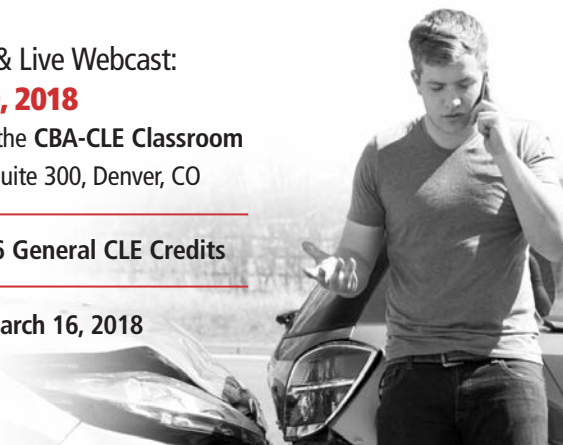
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