

RACHEL K. EHRlich CURRICULUM VITAE

EXPERIENCE

Mediation. Ms. Ehrlich's multi-faceted background as a casualty and coverage attorney, insurance claims person, underwriter, and executive makes her perspective on mediation unique. Ms. Ehrlich has a deep understanding of the insurance industry and the factors that motivate both claimants and insurers to settle cases. By establishing rapport with the parties through candid communications, she develops effective resolution plans that are acceptable to opposing parties in mediation.

Strategic Resolution Planning. Throughout her career, Ms. Ehrlich has developed and executed strategic resolution plans for thousands of pre-litigation disputes and litigated cases. She has undertaken multiple roles in the mediation process: decision-maker, mediator, counsel of record, party representative, and insurance executive with the final settlement authority. Ms. Ehrlich's most satisfying work has been the facilitation of negotiated resolutions of multi-party disputes.

Insurance Claims. As a claims executive, Ms. Ehrlich was responsible for ensuring the appropriate handling and resolution of over 20,000 claims, representing hundreds of millions of dollars in reserves. She evaluated matters to determine the merit of the claim, the reasonableness of alleged damages, and the settlement value the claim. As an insurance company executive, she established claims handling standards, administered audits, and addressed reinsurance issues.

Insurance Coverage and Bad Faith. As an insurance coverage lawyer, Ms. Ehrlich advised her client-employer regarding appropriate handling and resolution of matters across the country. She drafted policy language, managed coverage and bad faith litigation, and represented insurance companies in coverage disputes and litigation. This insurance coverage experience and expertise adds value to the resolution process, allowing her to understand and address insurance coverage positions that might pose an obstacle to resolution. Ms. Ehrlich's expertise includes property, liability, and automobile coverage, regulatory compliance, and good faith claim handling country-wide.

Expertise in Cases Involving:

- Personal Injury
- Automobile Accidents
- Construction Site Accidents
- Premises Liability
- Product Liability
- Toxic Tort
- Life Sciences
- Property Damage
- Defective Construction
- Construction Disputes
- Contamination
- Landlord Tenant
- Real Estate
- Sexual Misconduct/Assault

Expertise in Insurance Coverage:
(ISO and Specialty)

- Commercial
 - General Liability
 - Excess Liability / Umbrella (supported and unsupported)
 - Automobile Liability / First Party Medical (medpay and personal injury protection) / Uninsured/Underinsured Motorist / Comp & Collision
 - Property
 - OL&T (Owners Landlords & Tenants)
 - Errors & Omissions
 - Employment Practices Liability
 - Directors & Officers Liability
 - Employee Dishonesty (including fidelity bond cover)
 - Environmental
 - Garagekeepers
 - On- and Off-shore Energy
- Personal Lines
 - Liability – Homeowners and Personal Liability
 - Excess / Umbrella (supported and unsupported)
 - Property – Homeowners and Dwelling
 - Automobile – Liability / First Party Medical (medpay and personal injury protection) / Uninsured/Underinsured Motorist / Comp & Collision

ADR-RELATED APPOINTMENTS

Judicate West

- Mediator
- Arbitrator

US District Court, Northern District of California

- Mediator
- Early Neutral Evaluator

Superior Court of California, Alameda County

- ADR Administration Committee
- Mediator
- Mediator for joint program with the Alameda County Bar Association: Unlawful Detainer Mediation Program
- Mediator for civil restraints calendar

Superior Court of California, Contra Costa County

- Mediator
- Settlement Mentor

California State Bar Association Fee Arbitration

- Arbitrator

Contra Costa County Bar Association Fee Arbitration & Mediation Program

- Mediator
- Arbitrator

PRESENTATIONS AND ARTICLES

Contrasting Mediation Perspectives: Claims Executives and Mediators. DRI Insurance Coverage and Practice Symposium. New York, NY – December 2017

Mediation and Negotiation Ethics. Various Locations, CA – September 2017

Dean. CLM Claims College, School of Claims Mediation. Baltimore, MD – September 2017 and ongoing

Faculty in Alternative Dispute Resolution. CLM Claims College, School of Construction. Baltimore, MD – September 2017

Mediator Training. Maryland Circuit Court for Baltimore City, Civil Division, ADR Program. Baltimore, MD – September 2017

Your own mediation-confidentiality agreement. Published by CAALA. *Advocate*, Volume 45, Number 8, August 2017

Claims Managers Speak – Moderator. West Coast Casualty Construction Defect Seminar. Anaheim, CA – May 2017

Special Considerations for Special Education Mediation. Northern California Attorneys & Advocates (NCAA). San Francisco, CA – April 2017

Mock Mediation – Explosive Coverage Arguments Meet Bad Facts. CLM Annual Conference, Nashville, TN – March 2017

Deciding Whether to Jump into the Ring of Fire or Just Walk Away. CLM Annual Conference, Nashville, TN – March 2017

Mediator Training. Maryland Circuit Court for Baltimore City, Civil Division, ADR Program. Baltimore, MD – March 2017

Mediation and Negotiation Ethics. Various Locations, CA – January 2017

Are Ethical Negotiations an Oxymoron? Bar Association of San Francisco. San Francisco, CA – December 2016

Are Settlement Discussions Soundproof? The Confidentiality And Admissibility Of Settlement Negotiations And Offers In Extra-contractual Disputes. CLM New York Conference. New York, NY – December 2016

Questions Every Litigator Should Ask About Mediation Confidentiality.

Published by American Bar Association, Section of Litigation. *Woman Advocate Committee* Summer 2016, Vol. 21, No. 4

Dean. CLM Claims College, School of Claims Mediation. Baltimore, MD – September 2016 and ongoing

Faculty in Alternative Dispute Resolution and Executive Council Member. CLM Claims College, School of Construction. Baltimore, MD – September 2016 and ongoing

Documenting the Deal. The Mediation Society. San Francisco, CA – August 2016

The Set Up: How a Jurisdiction’s Insurance Bad Faith Law Affects the Resolution of Construction Defect Claims. West Coast Casualty Construction Defect Seminar. Anaheim, CA – May 2016

Problems & Solutions: Resolving Multi-Layered Complex Construction Defect Cases. West Coast Casualty Construction Defect Seminar. Anaheim, CA – May 2016

Negotiation. Guest speaker/mediator. UC Hastings School of Law. San Francisco, CA – April 2016

How Confidential Are Mediation Communications? You Might Be Surprised (Pitfalls for the Unwary and Tips to Avoid Them). American Bar Association, Section of Litigation, Insurance Coverage Litigation Committee CLE Seminar. Tucson, AZ – March 2016

Mediation Ethics - But that was just posturing in a negotiation! Various attorney audiences. Various Locations, CA – January & April 2016

“Effective E-Signatures: Tips on Navigating the UETA” Published by *California Lawyer*, December 2015

Ethics in Negotiations and Mediation. Bar Association of San Francisco. San Francisco, CA – December 2015

Mediation Ethics - But that was just posturing in a negotiation! Various attorney audiences. Various Locations, CA – February 2015, May 2015, September 2015

Mediation – Advocacy. Guest lecturer/mediator. UC Davis School of Law. Davis, CA – November 2015

Dean. CLM Claims College, School of Claims Mediation. Philadelphia, PA – September 2015 and ongoing

Faculty in Alternative Dispute Resolution and Executive Council Member. CLM Claims College, School of Construction. Philadelphia, PA – September 2015 and ongoing

Insurance In Mediation: How Mediators Can Keep Liability Company Priorities From Derailing Settlement. Orange County Bar Association, Alternative Dispute Resolution Section. Newport Beach, CA – June 2015

Coverage Tail Wagging the CD Dog? Strategies for Handling Coverage Issues in Mediation. West Coast Casualty Construction Defect Seminar. Anaheim, CA – May 2015

Mediation – Advocacy. Guest lecturer/mediator. UC Davis School of Law. Davis, CA – April 2015

How Mediators Can Keep Liability Insurance Company Priorities From Derailing Settlement. The Mediation Society. San Francisco, CA – March 2015

Streamlining Resolution of Complex Multi-Party Construction Cases. Second Annual Axis Construction Conference (Best Practices for Managing & Resolving Construction-Related Issues). San Francisco, CA – October 2014

Mediation Ethics - But that was just posturing in a negotiation! Various attorney audiences. Various Locations, CA – October 2014

Mediation – Issue Spotting for State Bar Prosecutors. California State Bar. San Francisco, CA – September, 2014

Update on Mediation Confidentiality. Construction Defect Claims Managers Association (CDCMA) Meeting. San Diego CA – September 2014

Executive Council Member. CLM Claims College, School of Construction. Philadelphia, PA – September 2014 and ongoing

“Shhhh! The Big Risk Associated With Mediation Confidentiality That Nobody Talks About.” Published by *Mediate.com*, September 2014

Are Insurers Attending Mediation Naked? Construction Defect Claims Managers Association (CDCMA) Meeting. El Segundo, CA – June 2014

“Independent Counsel (Walk-In or Reservations Required?).” Published in *Litigation Management*, Winter 2014

Risk Management – Avoiding, Mitigating & Covering Construction

Exposures. AXIS Consulting Construction Forum 2013. San Francisco, CA – October 2013

Evaluation and Assessment, Impact Reporting. Litigation Management Institute. Claims and Litigation Management Alliance (CLM). New York, NY – October 2013

Construction Defect Claims and Insurance Issues Facing the Northeast.

West Coast Casualty Construction Defect Seminar. Anaheim, CA – May 2013

Litigation Management: Remodeling the Complex Case Management Order for Improved Case Performance and Metrics.

Claims and Litigation Management Alliance (CLM) Annual Conference 2013. San Antonio, TX – April 2013

Plan and Prepare, Part Two: Selecting the Outside Response Team.

Hinshaw Culbertson Insurance Services Symposium. Chicago, IL – October 2011

Moderator on Re-Examining the Case Management Order (perspectives from past efforts and a new proposal).

Construction Defect Claims Managers Association (CDCMA). San Diego, CA – March 2011

Is It Ok to Be Wrong?: Can an Insurer Avoid An Extra-Contractual Liability if Its Position Is Fairly Debatable?

Hinshaw Culbertson Insurance Services Symposium. Chicago, IL – October 2010

What the Insurer Client Wants from Counsel. Harmonie Group. San Francisco, CA – September 2009

California & Other Jurisdictions Fair Claims Settlement Practices Regulations.

Various dates and locations.

Hundreds of other presentations including the following subjects:

- Indemnity, Risk Transfer, and Additional Insured issues.
- Insurance Fraud.
- First Party Property coverage under personal and commercial lines policies relating to water, flood, earth movement, time element (ALE and business interruption), arson, builders risk, and other form-specific topics.
- First Party Medical under personal and commercial lines policies, including medical payments provisions in auto and liability policies and personal injury protection (PIP) provisions in auto policies.
- Commercial General Liability coverage issues relating to duty to defend, property damage, occurrence, bodily injury, emotional distress, causation, and other form-specific topics.
- Good faith claims handling for all property/casualty lines of business.

ADR-RELATED TRAINING/EDUCATION/AWARDS

What Every Mediator Should Know About Forgiveness. The Mediation Society. San Francisco, CA

Who's Afraid of Real Mediation. Alameda County Bar Association. Oakland, CA

Mediator Practice Tips for Appellate Mediation. The Mediation Society. San Francisco, CA

Structured Negotiation: A Twenty Year Track Record Of Resolving Claims Without Lawsuits. The Mediation Society. San Francisco, CA

Customizing the Mediation. The Mediator's Role as Process Architect. The Mediation Society. San Francisco, CA

Mediator's Proposals. The Mediation Society. Oakland, CA

Unlawful Detainer Mediation. California Superior Court of Alameda County and Alameda County Bar Association. Oakland, CA

Dispute System Design: Underground to Online. The Mediation Society. San Francisco, CA

Mediator Malpractice. The Mediation Society. Oakland, CA

Making Use of the Behavioral Sciences: The practical implications for mediators of behavioral studies of litigant preferences, attorney handicapping and cognitive biases. The Mediation Society. San Francisco, CA

Mediator Certification. The Mediation Society. San Francisco, CA

The Road to Cultural Understanding in a Diverse World: Recognizing and Avoiding Bias for More Successful Negotiations. The Mediation Society. San Francisco, CA

Mediation Confidentiality. The Mediation Society. San Francisco, CA

Fee Arbitration. Contra Costa County Bar Association, Concord, CA

Impasse. The Mediation Society, San Francisco, CA

American Arbitration Association. Higginbotham Fellows Program, New York, NY

US District Court ADR Program Mediation Training. Northern District of California, San Francisco, CA

US District Court ADR Program Early Neutral Evaluation Training. Northern District of California, San Francisco, CA

Unlawful Detainer Mediation. California Superior Court of Alameda County and Alameda County Bar Association. Oakland, CA

Challenges and Opportunities of Mediating with Elders and Their Families. The Mediation Society, San Francisco, CA

Mediating with Self-Represented Litigants. The Mediation Society, San Francisco, CA

Advanced Training Program: Interests. Center for Understanding in Conflict / Center for Mediation in the Law, Mill Valley, CA

Mediation and Conflict Resolution. University of California, Berkeley, CA

Litigation Management Institute. Various faculty. Claims and Litigation Management Alliance (CLM), New York, NY - Certified Litigation Management Professional

Mediation Practice Workshop. American Arbitration Association, San Francisco, CA

Negotiation/Mediation Process & Practice. University of California, Hastings College of the Law, San Francisco, CA

- American Jurisprudence Bancroft-Whitney Award
- CALI Excellence For The Future Award

Mediation. University of California, Hastings College of the Law, San Francisco, CA

PROFESSIONAL ASSOCIATIONS

(Present & Past)

- The Mediation Society – Board of Directors
- ABA Section on Dispute Resolution – Committee on Mediator Ethical Guidance, appointed September 2015
- ABA Section on Litigation
- California Dispute Resolution Council (CDRC)
- Bar Associations
 - San Francisco Bar Association (Ethics Committee)
 - Contra Costa County Bar Association

- Alameda County Bar Association
- California Dispute Resolution Council (CDRC)
- Claims and Litigation Management Alliance (CLM)
 - Mediator/Arbitrator Member
 - Dean of Claims College School of Claims Mediation 2015 – present
 - Executive Council member of and instructor in Claims College School of Construction 2014 – present
- First Tuesday Lawyers
- Ladies Who Lunch Bay Area
- Expired Memberships: Construction Defect Claims Managers Association (CDCMA) (exp 2012), Defense Research Institute (DRI) (exp 1998), Women’s Construction Litigation Alliance (WCLA) (became part of CLM Diversity program in 2016), Mediate.com (exp 2016)

EMPLOYMENT

(Insurance and Legal)

- CAMICO Mutual Insurance Company, San Mateo, CA** 2013-2014
- Chief Claims Officer & Vice President
Manager of claims department of national mutual insurer providing professional liability and employment practices liability coverage to CPAs.
- Navigators Management Company, San Francisco, CA** 2009 – 2013
- *Senior Vice President, US Casualty Claims* (2012 – 2013)
 - *Vice President Specialty Claims* (2009 – 2012)
- Managed national departments handling primary and excess casualty, personal lines excess, automobile, environmental, and commercial surety claims. Claims types included construction site injuries and damages, construction defect, automobile injuries and damage, product liability, premises liability, life sciences, global package, and surety.
- The Travelers Indemnity Company, Walnut Creek, CA** 1997 - 2009
- *Claim Legal Coverage, Managing Counsel, Construction Defect* (2005 – 2009)
Manager of national legal group providing dedicated construction defect claim related coverage advice and litigation management.
 - *National Team Leader/Coordinator for Regulatory Compliance* (2004 – 2006)
Led team of attorneys serving national claims department on regulatory/compliance issues including responding to inquiries from state regulators, preparing for and responding during market conduct exams, SIU referrals for prosecution, responding to federal agencies (including Homeland Security and Social Security), and advice and training on claims handling laws and regulations.
 - *Claim Legal Coverage Counsel* (fka Dwain W. Bird & Associates) (1998 – 2005)
Advice counsel for commercial and personal lines claims in eight Western states regarding property, inland marine, employee dishonesty, general liability, garagekeepers, auto, D&O and E&O issues and good faith claim handling and regulatory/compliance issues. Handled some high profile national matters outside of assigned territory and conducted audits of counterparts around the country.
 - *Staff Attorney* (Dwain W. Bird & Associates) (1997 – 1998)

Staff attorney handling all aspects of civil litigation for commercial lines and personal lines insureds.

- Robinson & Wood, Inc., San Jose, CA** 1996 – 1997
- *Associate Attorney*
Civil litigation of tort and business disputes including patent and trademark infringement, legal malpractice, bodily injury, and insurance coverage and bad faith.
- Maloney & Associates (Aetna Staff Counsel), Walnut Creek, CA** 1994 – 1996
- *Law Clerk*
- Alameda County Superior Court, Law & Motion Department, Oakland, CA** 1996 – 1996
- *Judicial Extern* to the Honorable Judge Sandra Margulies
- Wexford Underwriting Managers, San Francisco, CA** 1992 – 1993
- *Assistant Underwriter*
- American E&S (now known as RT Specialty), San Francisco, CA** 1991 – 1992
- *Claims and Office Administrator*

LICENSED TO PRACTICE BEFORE THESE COURTS

US Supreme Court
California Supreme Court
US Courts of Appeals for the Ninth and Tenth Circuits
US District Courts of Northern California and Colorado

DEGREES

University of California, Hastings College of the Law, San Francisco, CA
Juris Doctor, 1996 – Admitted to California Bar, December 1996
Hastings West Northwest Journal of Environmental Law & Policy, 1993-1996
(Executive Editor, 1995-1996)

University of California, Santa Cruz
B.A. Politics, 1990 – Phi Beta Kappa, Honors in the Major, College Honors