



## AGENDA

**LEGEND:** A - Action may be taken  
I - Information  
1 - Included  
2 - Handout  
3 - Separate  
4 - Verbal

**JPA:** ACCEL CLAIMS COMMITTEE MEETING

**DATE/TIME:** Thursday, March 16, 2023 at 10:00 AM

**LOCATION:** Teleconference

Link: <https://alliantinsurance.zoom.us/j/97666347267?pwd=NGlpWUdtT3BMZlptNGFQVmVseTNUQT09>

Meeting ID: 976 6634 7267

Passcode: 197763

Dial: (669) 900-6833

---

***In accordance with the requirements of the Brown Act, notice of this meeting must be posted in publicly accessible places, 72 hours in advance of the meeting, at the office of ACCEL's Secretary.***

---

*Per Government Code section 54954.2, persons requesting disability-related modifications or accommodations, including auxiliary aids or services in order to participate in the meeting, are requested to contact Alliant Insurance Services at (415) 403-1400, 24 hours in advance of the meeting. Access to some buildings may require routine provision of identification to building security. However, ACCEL does not require any member of the public to register his or her name, or to provide other information, as a condition to attendance at any public meeting and will not inquire of building security concerning information so provided. See Government Code section 54953.3.*

---

- MEMBER** • **City of Anaheim**, 201 South Anaheim Blvd., Suite 503, Anaheim, CA 92805
- LOCATIONS** • **City of Bakersfield**, 1600 Truxtun Ave., 4<sup>th</sup> Floor, Bakersfield, CA 93301
- VIA TELE -** • **City of Burbank**, 275 E. Olive Ave., Burbank, CA 91510
- CONFERENCE** • **City of Santa Cruz**, 1200 Pacific Ave., Suite 290, Santa Cruz, CA 95060
- **City of Santa Monica**, 1685 Main Street, Room 131, Santa Monica, CA 90401

**PAGE**

**A. CALL TO ORDER**

**B. CONSENT CALENDAR**

(A)

3-5

- 1 1. Approval of Minutes for the February 6, 2023 Claims Committee Meeting  
*The Committee will review these minutes and will take action to approve or give direction.*

**C. REPORTS**

**1. CLAIMS COMMITTEE'S REPORT**

6-13

- 1 a) Litigation Update (I)  
*George Hills will provide the Committee a litigation update.*

14-16

- 1 b) ACCEL's Legal Counsel (A)  
*The Committee will discuss ACCEL's legal counsel. Action may be taken or direction given.*

- 3 c) **CLOSED SESSION – Pursuant to Gov't Code 54956.95** (A)

*Members will review the following Closed Session items and may take action or give direction.*

- i. Committee Review – ACCEL Open Loss Run
- ii. George Hills Estimated Loss Payments

**RECONVENE - DISPOSITION OF CLOSED SESSION ITEMS**

# ACCEL

**Authority for California Cities Excess Liability**  
c/o Alliant Insurance Services, Inc.  
Corporation Insurance License No. 0C36861  
560 Mission Street, 6<sup>th</sup> Floor, San Francisco, CA 94105



---

## **D. PUBLIC COMMENTS**

(1)

4 *The public is invited at this point to address the Committee on issues of interest to them.*

## **ADJOURNMENT**

**MINUTES OF THE  
ACCEL CLAIMS COMMITTEE  
MEETING**

Item No. B.1  
Claims Committee  
March 16, 2023

**Monday, February 6, 2023 at 3:00 PM**

**LOCATION:  
TELECONFERENCE**

Link: <https://alliantinsurance.zoom.us/j/95964023881?pwd=LzBaOGZCcnFHUTdDcWNRm3NaWHI2UT09>

Meeting ID: 959 6402 3881

Passcode: 754800

Dial: (669) 900-6833

**MEMBERS PRESENT:**

Tracey Matthews, City of Anaheim  
Jena Covey, City of Bakersfield  
Betsy McClinton, City of Burbank  
Oles Gordeev, City of Santa Monica

**MEMBERS ABSENT:**

Ross Brandon, City of Santa Cruz

**GUESTS AND CONSULTANTS:**

Ben Oram, George Hills Company  
David Tratus, George Hills Company  
Conor Boughey, Alliant Insurance Services  
Lorissa Huey, Alliant Insurance Services

**A. CALL TO ORDER**

Tracey Matthews called the meeting to order at 3:02 PM.

**B. Consent Calendar**

**B1. Approval of Minutes for the January 9, 2023 Claims Committee Meeting**

A motion was made to approve the consent calendar.



**MOTION:** Betsy McClinton

**SECOND:** Oles Gordeev

**MOTION CARRIED**

	Tracey Matthews	Jena Covey	Betsy McClinton	Ross Brandon	Oles Gordeev
Aye	X	X	X		X
Nay					
Abstain					

**C. REPORTS**

**C1. Claims Committee’s Reports**

**C1a. Closed Session – Pursuant to Gov’t Code 54956.95**

A motion was made to enter into Closed Session at 3:04 PM.

**MOTION:** Oles Gordeev **SECOND:** Jena Covey **MOTION CARRIED**

	Tracey Matthews	Jena Covey	Betsy McClinton	Ross Brandon	Oles Gordeev
Aye	X	X	X		X
Nay					
Abstain					

A motion was made to come out of Closed Session at 3:23 PM.

**MOTION:** Jena Covey

**SECOND:** Oles Gordeev

**MOTION CARRIED**

	Tracey Matthews	Jena Covey	Betsy McClinton	Ross Brandon	Oles Gordeev
Aye	X	X	X		X
Nay					
Abstain					

Tracey Matthews reported out of Closed Session that the Committee took action on the agendized claim.



**D. PUBLIC COMMENTS** - No public comments were made.

## **ADJOURNMENT**

Tracey Matthews adjourned the meeting at 3:25 PM.

DRAFT



**Item No. C.1.a**  
**Claims Committee**  
**March 16, 2023**

## LITIGATION UPDATE

**ISSUE:** At today's meeting, Ben will provide another update because the Committee requested these to be provided quarterly.

**RECOMMENDATION:** This is an information item, no action is necessary.

**FISCAL IMPACT:** No financial impact is expected.

**BACKGROUND:** The Program Administrators discussed services with ACCEL's Claims Chair, Tracey Matthews. As a result of that discussion, ACCEL requested that George Hills provide a quarterly or semiannual litigation update.

ACCEL has not previously received litigation updates as part of our litigation management services, but has received updates at strategic planning meetings.

The Litigation Update documents are posted on the ACCEL Website in the Members' Only section.

**ATTACHMENT:** Litigation Update from George Hills.

**JURY VERDICT**

<b>Loggervale, et al. v. County of Alameda</b>		3/1/2023
[violation of civil rights under Sec. 1983; wrongful arrest and detention]		
Verdict	\$8.25M total; \$2.75M awarded to each of three plaintiffs against two deputies	
Venue	U.S. District Court for the Northern District of California; Judge Alsup	
Facts:	<p>Two deputy sheriff’s received information from multiple sources that vehicle burglaries were taking place outside a Starbucks in the mornings by two black or hispanic males driving a silver vehicle. On 9/20/2019, at 6:35am, the deputies observed a grey vehicle parked in a handicap parking space with people inside it. Deputies observed the people for several minutes and they did not exit the vehicle. Deputies approached to investigate and upon approach determined that the vehicle had a disabled placard in the front window. One deputy spoke with the driver who turned out to be a black female. The woman was initially compliant but then refused to provide her ID. The two other occupants, two black teenage girls, become loud and belligerent. They yelled at deputies, began recording the incident, exited the vehicle despite instructions to stay in the vehicle and to get back into the vehicle. One girl hit a deputy with her car door as she opened it. Deputies handcuffed the two girls who continued to resist and kick the door of the patrol vehicle as they were placed inside. The driver was cuffed and placed in a separate vehicle. Both girls refused to provide IDs but told the deputies that their IDs were in the vehicle. Deputies performed a search for the IDs, found them, and clear. The driver’s ID was found in her person. All three plaintiffs were released once cleared. The two girls were the teenage daughters of the driver, who was a local CPA. The older girl was a student at Cal Berkeley, and the family was just pulling in from a trip to Las Vegas. The three women was unconnected to any of the suspected vehicle burglaries.</p>	
Plaintiffs’ Attorney	Joseph May, Esq.; Brian Gearinger, Esq.; Craig Peters, Esq. (Trial Counsel)	
Settlement Efforts	Last demand prior to trial was \$1,050,000 for the plaintiffs with attorney fees undisclosed and to be based on motion; County’s last offer was \$750K all inclusive	

**DUTY TO PRESERVE EVIDENCE**

<i>Victor Valley Union High School Dist. v. Super. Ct. (Docket No. E078673; 4<sup>th</sup> D.C.A.)</i>		12/22/22
[Safe Harbor Provision § 2023.030(f); discovery sanctions against school district reviewed for abuse of discretion]		
Issue:	Whether a school district had a duty to preserve video evidence of a student assault even before any litigation is reasonably foreseeable.	
Summary Rule:	<b>A public entity need not presume that litigation will result for every civil wrong and therefore is protected from sanctions when video of an incident is negligently deleted. Litigation is “probable” when it is “contemplated by the plaintiff,” not simply when knowledge of an incident is received by a defendant.</b>	
Facts:	<p>John Doe sued the school district for negligence and other causes of action arising from an alleged sexual assault on Doe while he was a high school student. John Does was sexually assaulted in a bathroom by two other students. During discovery, plaintiffs learned video that captured some of the events surrounding the alleged sexual assault had existed but had been erased in the normal course of school operations. Plaintiffs moved the superior court for terminating sanctions or, in the alternative, evidentiary and issue sanctions against the district under § 2023.030.</p> <p>The trial court concluded the erasure of the video was the result of negligence, and not intentional wrongdoing, and denied the request for terminating sanctions. However, the court granted the request for evidentiary, issue, and monetary sanctions because it concluded that, even before the lawsuit was filed, the district should have reasonably anticipated the alleged sexual assault would result in litigation and, therefore, the district was under a duty to preserve all relevant evidence including the video.</p> <p>On appeal in the Court of Appeal's original jurisdiction, the district argued the trial court applied the wrong legal standard when it ruled the district had the duty to preserve the video before it was erased and, therefore, that the district was not shielded from sanctions by the safe-harbor provision of section 2023.030(f).</p>	
Ruling:	<p>On appeal, the court concluded that the record did not support the trial court’s ruling that, <u>at the time the video was erased</u>, the district was on notice that litigation about Doe’s alleged sexual assault was reasonably foreseeable. The court granted the district’s petition and directed the trial court to vacate its sanctions order and reconsider its ruling.</p> <p>[Holding: The safe harbor provision of § 2023.030(f) shields a party from sanctions for the spoliations of e-evidence only if the evidence was altered or destroyed when the party was not under a duty to preserve the evidence, and the duty to preserve relevant evidence is</p>	

	triggered <u>when the party is objectively on notice that litigation is reasonably foreseeable</u> (i.e. probable and likely to arise from an incident or dispute and not a mere possibility).
--	--

**SOCIAL SERVICES/CHILD CUSTODY**

<b>Casey N. v. County of Orange (Docket no. G059917; 4<sup>th</sup> D.C.A.)</b>		<b>12/23/22</b>
[dependency proceeding; civil rights; Title 42 § 1983; qualified immunity; <i>Monell</i> ]		
Issue:	<i>Whether the judgment against the County employees should be reversed because it was not supported by substantial evidence (the jury had previously found the defendants had deliberately or with reckless disregard fabricated or misrepresented evidence or omitted known exculpatory evidence?)</i>	
Summary Rule:	<b>The jury verdict was supported by ample evidence establishing the social workers presented deceptive evidence, lied to the Court, hid exculpatory evidence, and that the County has a policy and practice of failing to train social workers’ on these issues which had been raised in another case and been the source of liability.</b>	
Facts:	<p>The daughter of Casey N. and Scott P. alleged that Scott had sexually abused her numerous times and in numerous ways. Casey N. reported the abuse to County social workers. One social worker believed the abuse took place but was replaced by another social worker who adamantly denied that the abuse took place and accused Casey N. of emotionally abusing the daughter to influence the custody determination in the dissolution action. The daughter was removed from Casey N. and placed in foster care. Casey N. sued the County and two social workers for violating her civil rights in connection with the removal of her daughter. A jury trial was held in 2020, finding in Casey N.’s favor and awarding damages (the two phases of the trial are discussed below).</p> <p><u>Phase 1 Facts (employee/County liability):</u> The jury found two social workers liable under USC § 1983 for making false representations to the Court about the alleged emotional abuse and withholding from the Court evidence of the sexual abuse. Casey N. sued the employees and County under § 1983 for violating her constitutional right to familial association by deceiving the juvenile court into removing the minor from custody.</p> <p><u>Phase 2 (Monell):</u> The jury found the County liable under <i>Monell</i> and awarded \$1,248,000 in compensatory damages plus \$5,700 in punitive damages against both social workers.</p>	
Ruling:	The Court of Appeal affirmed a jury verdict in favor of Casey N and which awarded compensatory damages (against County) and punitive damages (against the individual social workers).	

	Affirmed: (1) the trial court did not err by failing to determine the materiality of allegedly fabricated or misrepresented evidence or omitted exculpatory evidence before giving the case to the jury for deliberation; (2) the jury’s verdict against the employees was supported by substantial evidence; (3) the employees were not entitled to qualified immunity; and (4) the jury’s verdict against the County under <i>Monell</i> was supported by substantial evidence.
<i>In re M.C.</i>	
2/6/23	
[Solano County social services; clear and convincing evidence; abuse of discretion]	
Issue:	<i>Whether the County’s social services dept. established by clear and convincing evidence that placing Minor with Father “would be detrimental to the safety, protection, or physical or emotional well-being of the child.” Also, whether the juvenile court abused its discretion by ordering Father to engage in reunification services recommended by the dept.</i>
Summary Rule:	<b><i>One parent cannot be judged to present a danger to his/her child without clear and convincing evidence of harmful conduct by that same parent. It is not enough to determine that a father should have known that the mother was engaging in drug use.</i></b>
Facts:	Mother gave birth to Minor’s half-brother and tested positive for drugs at the hospital, triggering a referral to the Solano County Social Services Department. Mother abandoned the newborn at the hospital and eloped with another man. Three-year-old Minor’s whereabouts were unknown. The Department contacted Father, a truck driver, then in Michigan. Father explained that Mother left Minor in the care of a friend while she went to give birth to the infant. The Department confirmed that Minor was safe in the friend’s custody. Father had cared for Minor for several months in 2019 when Mother was using methamphetamines and alcohol. Mother “got sober” in 2020. The Department filed a petition alleging Minor was at substantial risk of serious harm due to Mother’s ongoing substance abuse and that Father knew or should have known Mother was continuing to use drugs but left Minor with her “without a safety plan.” Father entered a denial.
Ruling:	The court of appeal affirmed orders regarding detention and jurisdiction but reversed the disposition order. The Department must establish by clear and convincing evidence that placing Minor with Father “would be detrimental to the safety, protection, or physical or emotional well-being of the child,” The record lacked substantial evidence to support such a finding. The juvenile court also abused its discretion by ordering Father to engage in recommended reunification services—substance abuse testing, completion of a parenting class, and participation in a parent-partner program. The record lacks any evidence that Father uses or abuses narcotics or alcohol. Father co-parented three children of his prior marriage, all now adults.

**PUBLIC EMPLOYEE RIGHTS AND TERMINATION**

<i>Jesse Griego v. City of Barstow (Docket no. B322638; 2<sup>nd</sup> D.C.A.)</i>		1/3/23
[administrative decisions/abuse of discretion; disciplinary actions/penalties/terminations of agency employees; <i>Miller v. Eisenhower</i> ; <i>Byrd v. Savage</i> ; <i>Skelly v. State Personnel Bd.</i> ]		
Issue:	Whether the trial court erred when it remanded Plaintiff’s case to the City with instructions to reconsider Plaintiff’s discipline.	
Summary Rule:	<b>The Superior Court may only overturn a municipal decision where the City abused its discretion which is construed as board. Here, the City utilized its discretion to terminate based on the allegations against Griego. Its “use” of discretion did not amount to “abuse” of discretion so remand was not warranted.</b>	
Facts:	Plaintiff was a captain in the Barstow Fire Protection District from 1997 to 2018. In 2017, Griego was reprimanded from coaching a youth sports team while on-duty. Griego was also accused of having an inappropriate relationship with a female high school student. Griego was also charged with criminal possession of a weapon in one incident outside his home and later was the subject of a TRO filed by his ex-wife in response to which he falsely claimed that he possessed no weapons. The City of Barstow fired him for criminal and perjurious acts, for willful refusal to comply with official orders, and for setting a poor professional example for his subordinates, as well as for other charges no longer at issue. Plaintiff appealed through nonbinding advisory arbitration. Plaintiff filed a petition for writ of administrative mandate in the superior court. The superior court, exercising its independent judgment as to the City’s findings of misconduct, granted the writ in part and denied it in part. The Court held that the City abused its discretion in terminating Griego based on the three sustained allegations and remanded the City to redetermine Griego’s discipline.	
Ruling:	The Appellate Court reversed trial court and affirmed City’s decision to terminate. The court held that the evidence demonstrated a lack of credibility, reliability, and trustworthiness and were a reasonable basis for the City’s decision to sustain termination. Judgment and costs were awarded to the City.	
<i>Brian Bresnahan v. City of St. Peters</i> [US Court of Appeals for the Eighth Circuit; No. 21-3910]		1/19/23
[First Amendment; policy department; Black Lives Matter]		
Issue:	Whether the City’s chief of police and city administrator are liable under § 1983 for violating plaintiff’s First Amendment rights when he was terminated for posting content to a message group.	
Summary Rule:	<b>Where off-duty speech involving a matter of public concern is mixed with work-related speech in a messaging group amongst coworkers, an employee states a viable claim when he is terminated for posting speech deemed offensive in that group and related to the main subject.</b>	

Facts:	<p>Plaintiff alleged that Police officers in the St. Peters Police Department created a text messaging group to update each other about local Black Lives Matter (BLM) protests. Although the text group was intended for official purposes, specifically for officers to share up-to-date information about local BLM protests, they also shared “unrelated” content. Plaintiff sent the group a video from an animated sitcom called “Paradise PD.” It showed a black police officer who accidentally shot himself with a media headline stating, “another innocent black man shot by a cop.” According to Plaintiff, the video was satire and a parody of the BLM protests. The next morning, the Police Chief berated Plaintiff, ordered him to resign, and told him that if he refused, Plaintiff would open an investigation and recommend to City Administrator that Plaintiff be fired. Plaintiff resigned and filed a lawsuit under Section 1983, alleging that he was retaliated against for exercising his First Amendment right to free speech. Defendants moved to dismiss, and the district court granted their motion on the argument that the complaint failed to include the context and details of the allegedly protected speech and therefore plaintiff had failed to state a claim.</p>
Ruling:	<p>The Eighth Circuit reversed and remanded. The court reasoned that based on the allegations in the complaint, the group text was used to send both work-related and unrelated messages, and Plaintiff’s video was such an unrelated message which arguably commented upon matters of public concern and therefore could have been protected speech. The court explained that while Plaintiff has met the threshold showing required to advance his First Amendment claim, the court expressed no opinion on the merits of that claim.</p>

**HECK V. HUMPHREY DEFENSE TO CIVIL CLAIMS**

<b>Francisco Duarte, et al., v. City of Stockton, et al., No. 21-16929 (9th Cir. 2023)</b>		<b>2/16/23</b>
[42 U.S.C. § 1983; <i>Heck v. Humphrey</i> ; definition of ‘persons’ when filing under § 1983]		
Issue:	<p><i>(1) Whether plaintiff’s false arrest and excessive force claims were barred by Heck v. Humphrey; and (2) whether the district court’s rejection of plaintiff’s municipal liability claims (as improperly filed against defendants who were not ‘persons’) was proper.</i></p>	
Summary Rule:	<p><b>Heck does not apply in a case where criminal charges are dismissed following a “no contest” plea which is held in abeyance and ultimately dismissed.</b></p>	
Facts:	<p>Plaintiff Duarte was standing with a group of friends in the vicinity of Stockton PD officers who were taking another person into custody. Officers told Duarte to back up, which he may not have heard, and then took him to the ground, attempted to handcuff him, stuck him multiple times with a baton breaking a bone, and then finalized the arrest. After he was criminally charged, Plaintiff pled “no contest” or “nolo contendere” to willfully resisting, obstructing, and delaying a peace officer in violation of section 148(a)(1) of the California Penal Code. Although Plaintiff entered the equivalent of a guilty plea, the state court never</p>	

	<p>entered an order finding him guilty of the charge to which he pleaded. Instead, the court ordered that its acceptance of Plaintiff’s plea would be “held in abeyance,” pending his completion of ten hours of community service and obedience of all laws. After the six months of abeyance elapsed, the charges against Plaintiff were “dismissed” in the “interest of justice” on the prosecutor’s motion. Plaintiff brought an action pursuant to 42 U.S.C. Section 1983 for claims of excessive force and false arrest against the officers. The district court held that Plaintiff’s false arrest and excessive force claims were barred by <i>Heck v. Humphrey</i> based on the “no contest” plea.</p>
<p>Ruling:</p>	<p>The Ninth Circuit reversed the district court’s dismissal of Plaintiff’s false arrest and municipal liability claims, as well as the district court’s adverse summary judgment on Plaintiff’s excessive force claim, and remanded for further proceedings. The panel held that the <i>Heck</i> bar does not apply in a situation where criminal charges are dismissed after entry of a plea that was held in abeyance pending the defendant’s compliance with certain conditions. The panel further held that the district court erred in dismissing Plaintiff’s municipal liability claims against the City of Stockton and Stockton Police Department. Longstanding precedent establishes that both California municipalities and police departments are “<b>persons</b>” amenable to suit under Section 1983.</p>



**Item No. C.1.b**  
**Claims Committee**  
**March 16, 2023**

### ACCEL'S LEGAL COUNSEL

**ISSUE:** Since 2015, ACCEL's General and Coverage Counsel is Byrne Conley. Byrne has a deep understanding of JPAs and provides fair and member-oriented coverage stances which is a benefit to ACCEL. As ACCEL's claims activity increases, there is a need for more coverage counsel work.

At a prior Claims Committee Meeting, the Committee agreed that by June 1<sup>st</sup>, ACCEL should develop an action plan on additional coverage counsel options and other matters (e.g. reservation of rights letters, coverage opinions).

Included in the background is a list of suggested attorneys pulled from internal resources.

In addition, the Program Administrators can work on a RFQ (Request for Quote) to obtain pricing for legal work. The action plan may be as follows and is about a six-month process:

1. ACCEL discussion to establish goals & objectives (*today and March BOD Meeting*).
2. Administrations obtain authority to issue RFQ for legal services.
3. Administrators issue RFQ with a two- or three-week deadline.
4. Based on Committee feedback, interviews will be scheduled as needed.
5. Committee recommendation to the Board.

**RECOMMENDATION:** The Administrators recommend the Committee develop and discuss an action plan to make a recommendation to the Board at the March 2023 Board Meeting or provide further direction.

### Additional Consideration

**In favor:** The Board will have the authority to issue a RFQ or can delegate authority to the Claims Committee. Having additional Legal representatives working with ACCEL may help provide stability, increase response time, and diversify ACCEL's legal relationships.

**Against:** ACCEL may first choose to discuss with Byrne Conley, to address ACCEL's goals and objectives. Byrne has worked with ACCEL since 2015 and during the last Service Providers Surveys, the Board provided positive feedback. A vote against would indicate that the Committee may want not want to issue a RFQ before addressing our goals with Byrne.

# ACCEL

## Authority for California Cities Excess Liability

c/o Alliant Insurance Services, Inc.  
 Corporation Insurance License No. 0C36861  
 560 Mission Street, 6th Floor, San Francisco, CA 94105



**FISCAL IMPACT:** Cannot be determined at this time. The RFQ will be asking the attorneys for their hourly rate. Currently, ACCEL pays \$225/hr for attorney time and \$102/hr for paralegals per the contract with Byrne Conley.

**BACKGROUND:** On ACCEL's behalf, Ben Oram requested Steve Brower, from Brower Law Group, to consider working with ACCEL to provide legal assistance with claim related work such as creating Reservations of Rights (RORs) letters. Steve Brower currently works on a case where an ACCEL Member is in litigation with an excess carrier.

Steve's response was reviewed by the Claims Committee and explains the issue is the \$550/hr rate is much higher than what ACCEL currently pays, and has offered to work on one ROR for free and then ACCEL can provide feedback on his work. The Committee brought this to the Board at the January 2023 Board Meeting and no further action was taken on Steve's offer. However, direction was given to the Program Administrators to start the process to go out and market other coverage counsel.

Below is a list from soliciting feedback from other internal resources.

- Greg Rolen  
Haight Brown & Bonesteel, LLP  
Three Embarcadero Center, Suite 200  
San Francisco, CA 94111
- Richard Frischer  
Lamb & Frischer Law Firm, LLP  
500 Lighthouse Ave, Suite A  
Monterey, CA 93940
- Debra Sturmer  
Lerch Sturmer LLP  
One Samsome St, Suite 2060  
San Francisco, CA 94104
- Scott Vida  
Pollak Vida & Barer  
11500 West Olympic Blvd., Suite 400  
Los Angeles, CA 90064
- Blane Smith  
Law Office of Blane A. Smith  
455 University Ave, Suite 270  
Sacramento, CA 95825
- Andy Downs  
Bullivant Houser  
101 Montgomery Street, Suite 2600  
San Francisco, CA 94104-4146
- Doug Alliston  
Alliston Law Office  
2795 E. Bidwell #100-140  
Folsom, CA 95630
- Steve Brower  
Brower Law  
26062 Red Corral Rd  
Laguna Hills, California 92653

Prior to 2015, David Garthe in Oakland was ACCEL's Coverage Counsel and has retired. As such, ACCEL has given direction to the Program Administrators to approach potential new Coverage Counsel.

In 2015, The Administrators approached several potential Coverage Counsels for ACCEL. Byrne Conley shown interest in the position. Byrne works with several other Municipal Insurance Pools in the State and is known to the Administrators to be a competent Coverage Counsel.

# ACCEL

## Authority for California Cities Excess Liability

c/o Alliant Insurance Services, Inc.  
Corporation Insurance License No. 0C36861  
560 Mission Street, 6th Floor, San Francisco, CA 94105



---

Back then, ACCEL did not ‘officially’ have General Counsel either. We were able to combine these roles and Byrne Conley has been ACCEL’s General Counsel and Coverage Counsel since 2015.

**ATTACHMENT:** None