



WHAT'S UP

Fall 2015

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.

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"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.

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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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ROADMAP TO PREPAREDNESS PROGRAM

Increasing insurance literacy and preparedness by sharing lessons learned after disasters

Wise UP: The Insurance Buyers Guide

We took our 24 years of experience in the claim trenches and the collective wisdom of our expert volunteers and created a new guide to buying home, renters, auto and umbrella insurance:

- Questions to ask before you buy
- How to avoid wasting money
- Gaps to fill, exclusions to avoid
- Protection worth paying for
- Comparing policies and insurer reputations

Sale proceeds will help support United Policyholders as a respected voice and trustworthy information resource for insurance consumers throughout the USA. Available on Amazon in early 2016.

Double Your Donation with Workplace Giving

Does your employer match charitable donations? Many do. Ask your Human Resources Department or boss if your donation to UP can be doubled. We will thank you... disaster victims will thank you!



Board member Sue Piper helps with UP's recovery and preparedness work. Here she is speaking at the Valley Fire Community meeting in Middletown, CA.



Colorado Coordinator Kerri Olivier with Dana Goldsmith at the American Red Cross Ready Academy for Businesses in Colorado.

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

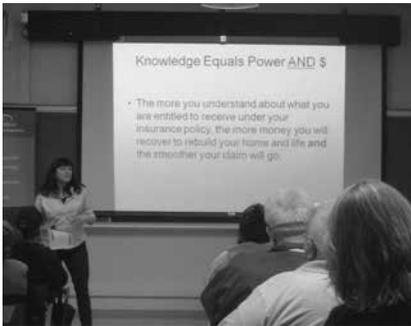
Program Coordinator **Emily Rogan** has been appointed to the California Department of Insurance Curriculum Board. The board oversees the development of pre-licensing and continuing education for agents and brokers, including the list of preapproved courses of study and courses of study for professional designations. The board also develops standards for providers and instructors of pre-licensing and continuing education courses, programs and seminars.



ROADMAP TO RECOVERY™ PROGRAM

Tools and resources for solving insurance problems that arise after a disaster or loss

From recovery to resiliency



“Knowledge = Power AND \$” at an R2R workshop in Weed

“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.” 🏠

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

TEAM Work...continued from p1

“After an apartment fire, we can help the families who have renters insurance quickly find a new apartment, but the people with no insurance have limited options. If they don’t have family in the area, we can only help them for a few days until they are placed in a homeless shelter.”

– Isabel Flores, Disaster Program Manager, American Red Cross

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!



UP staff attorney Dan Wade spent three days at the Local Assistance Center in Middletown, CA distributing R2R toolkits and guiding Northern CA wildfire survivors.

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.



CA Insurance Commissioner Dave Jones attended Tee UP, shown with Amy Bach and Independent Agent David Shaffer

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 (Perkins Coie), David Milliken (Latham & Watkins), John Buchanan (Covington & Burling).

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:

Mark A. Boyle and Molly A. Chafe of Boyle Gentile and Leonard, P.A.; David F. Herr of Maslon LLP; Lorelie S. Masters and Christopher R. Healy of Perkins Coie; David B. Goodwin and Ryan Buschell of Covington and Burling, LLP; E. Gerard Mannion of Mannion and Lowe, P.C.; Lee S. Harris of Goldstein, Gellman, Melbostad, Harris & McSparran, LLP; Seth H. Row and Christopher Rycewicz of Miller Nash Graham and Dunn, LLP; Mark D. DeBofsky and Martina B. Sherman of DeBofsky and Associates, P.C.; Tybe Anne Brett of Feinstein Doyle Payne and Kravec, LLC; John Ellison, Timothy P. Law, Ann Kramer, Jennifer J. Dotson, James M. Doerfer and Anthony B. Crawford of Reed Smith, LLP; George A Vaka and Nancy A. Lauten of the Vaka Law Group, PL; Adrian Neiman Arkin and Timothy Crutchfield of Mintz Truppman; Michael J. deBarros, Todd A. Rossi, and Mark Mese, Esq. of Kean Miller LLP; Steve W. Berman and Ashley A. Bede of Hagens Berman Sobol Shapiro LLP; William Passannante, Robert Horkavich, Edward Stein of Anderson Kill P.C.; Jean F. Gerbini, Whiteman, Osterman and Hanna LLP; Pat LePley, LePley Law Firm; John M. Leonard, Anderson Kill; Michael H. Sampson, Evan T. Knott, Emily E. Garrison, Reed Smith LLP; David J. Hungeling, solo.



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. 🏠



AL homeowners are fighting for affordable insurance.

(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 non profits. 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.



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

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.

A cool tool

UP was instrumental in helping the CA Dept. of Insurance create and launch a valuable tool for shopping and comparing home and renters insurance. Check it out at uphelp.org/CAtool

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. 🏠

Bach Talk...continued from p1

Earlier 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.

A Great Time for a Great Cause



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 deLuise, 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 Cabraiser 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 to Development Director **Michaela Cordes** on her upcoming marriage to **Raj Roy**.



“UP’s amicus project is the single most important voice advocating for the interests of policyholders in courts throughout the country. Without their efforts to balance the playing field on critical policyholder issues, the game would be far more uneven than it is.”

– John Ellison, Reed Smith

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.
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The Greenspan Co./Adjusters International (Southern California)
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SILVER LEVEL

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Claim Solutions Group
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Langrock Sperry & Wool, LLP
Law Offices of Eric Dinnocenzo
M. Miller & Son
Mehr Fairbanks Trial Lawyers
Metropolitan Adjustment Bureau
Milodragovich, Dale & Steinbrenner, PC
Morgan Law Firm, Ltd.
The Murray Law Firm, P.A.
Myers, Widders, Gibson, Jones & Feingold
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RC Advantage
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Ward & Hagen LLP
Xpera Group

VENDOR LEVEL

Environmental Remedies, Inc.



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



Attorney Jon Wilkofsky 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



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Take action for disaster victims and consumer rights:



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.

KEEP UP



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info@uphelp.org



Visit our website and blog
uphelp.org/news/blog

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