

## **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:**

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

**Expertise in Insurance Coverage:**

(ISO and Specialty)

**Commercial Lines**

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

US District Court, Northern District of California  
Mediator  
Early Neutral Evaluator

Superior Court of California, Alameda County  
ADR Administration Committee  
Mediator Civil Mediation Panel  
Mediator Unlawful Detainer Mediation Program

Superior Court of California, Contra Costa County  
Mediator  
Settlement Mentor

### **ADR-RELATED AWARDS & RECOGNITION**

**SuperLawyer – Alternative Dispute Resolution**  
Northern California 2018 & 2019

**Negotiation/Mediation Process & Practice**  
University of California, Hastings College of the Law  
San Francisco, CA – Spring Semester 1996  
American Jurisprudence Bancroft-Whitney Award  
CALI Excellence For The Future Award

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**EMPLOYMENT**  
(ADR, Insurance, Legal)

- Ehrlich Mediation & Dispute Resolution Services** 2014 – Present  
*Mediator*  
Mediate, evaluate, and arbitrate litigated and non-litigated matters.  
Affiliated with Judicate West. 2016 – Present
- 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 Manager** San Francisco, CA 1992 – 1993  
*Assistant Underwriter*
- American E&S** (now known as RT Specialty) San Francisco, CA 1991 – 1992  
*Claims and Office Administrator*

### **VOLUNTEER WORK**

#### **University of California, Hastings College of the Law**

Alumni Association Board of Governors	2018 – Present
Co-Chair Student Liaison Committee	2019 – Present
Mentor students in job search and career planning	2007 – Present

#### **Alameda County Superior Court, ADR Administration Committee**

Collaborate and consult with Judicial Officers, Court Staff, and other Community members to insure appropriate provision of ADR Services to litigants and counsel	2016 – Present
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#### **ABA Committee on Mediator Ethical Guidance**

Co-Chair	2019-Present
Member: Collaborate on opinion drafting and submission review	2015-Present

### **BAR ADMISSIONS**

**US Supreme Court**

**California Supreme Court**

**US Courts of Appeals for the Ninth and Tenth Circuits**

**US District Courts of Northern California and Colorado**

### **EDUCATION**

#### **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

## ARTICLES

### **Alert for Attorneys Who Represent Clients in Mediation**

Published by Alameda County Bar Association, February – 2019

### **New Attorney Duties When Going To Mediation**

Published by Bar Association of San Francisco, February – 2019

### **Your own mediation-confidentiality agreement**

Published by CAALA *Advocate*, Volume 45, Number 8 – August 2017

### **Questions Every Litigator Should Ask About Mediation Confidentiality**

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

### **Effective E-Signatures: Tips on Navigating the UETA**

Published by Daily Journal Corp. *California Lawyer* – December 2015

### **Shhhh! The Big Risk Associated With Mediation Confidentiality That Nobody Talks About**

Published by *Mediate.com* – September 2014

### **Independent Counsel (Walk-In or Reservations Required?)**

Published by CLM *Litigation Management* – Winter 2014

## **PRESENTATIONS**

### **Dean School of Claims Mediation**

CLM Claims College  
Baltimore, MD – September 2019

### **Mapping Toward a Mediation Practice**

Bar Association of San Francisco  
San Francisco, CA – July 2019

### **Mediation and Negotiation Ethics**

Judicate West Sponsored for Law Firms and Organizations  
Various Locations, CA – May 2019

### **Lifting the Veil – The Future of Confidentiality in Mediation and Settlement**

CLM Annual Conference  
Orlando, FL – March 2019

### **Coverage Nightmares**

American Bar Association, Section of Litigation, Insurance Coverage Litigation Committee CLE  
Seminar  
Tucson, AZ – March 2019

### **No More Failed Mediations**

National Association of Mutual Insurance Companies – Claims Conference  
Phoenix, AZ – February 2019

### **When Bias Manifests In Mediation**

Alameda County Bar Association  
Oakland, CA – January 2019

### **Women In The Courtroom**

Daily Journal Corporation – Women Leadership In Law  
San Francisco, CA – November 2018

### **Making the Most of Mediation – 90+percent of ALL Cases Settle!**

CLM Construction Conference  
Chicago, IL – September 2018

### **Dean School of Claims Mediation**

CLM Claims College  
Baltimore, MD – September 2018

### **Mediation and Negotiation Ethics**

Judicate West Sponsored for Law Firms and Organizations  
Various Locations, CA – June & August 2018

**Mediator Risk Management – Malpractice Insurance**

The Mediation Society  
San Francisco, CA – July 2018

**Claims Managers Speak – Moderator**

West Coast Casualty Construction Defect Seminar  
Anaheim, CA – May 2018

**Mediation**

Stanford Law School  
Palo Alto, CA – April 2018

**Mediation and Negotiation Ethics**

Judicate West Sponsored for Law Firms and Organizations  
Various Locations, CA – March & April 2018

**Mediator Risk Management – Paperwork**

The Mediation Society  
San Francisco, CA – February & April 2018

**Mediation – Does Gender Matter?**

Alameda County Bar Association  
Women Lawyers of Alameda County  
Oakland, CA – March 2018

**Does Sophie Have a Choice? Ethics and Consequences when Right to Independent Counsel is Triggered**

CLM Annual Conference  
Houston, TX – March 2018

**What Did 2017 Teach Us?**

American Bar Association, Section of Litigation, Insurance Coverage Litigation Committee CLE Seminar  
Tucson, AZ – March 2018

**Mediation and Negotiation Ethics**

Judicate West Sponsored for Law Firms and Organizations  
Various Locations, CA – February 2018

**Cannabis Insurance Symposium – Chair**

California Cannabis Industry Association, Insurance Committee  
Sacramento, CA – February 2018

**Contrasting Mediation Perspectives: Claims Executives and Mediators**

DRI Insurance Coverage and Practice Symposium  
New York, NY – December 2017



**Mediation and Negotiation Ethics**

Judicate West Sponsored for Law Firms and Organizations  
Various Locations, CA – September 2017

**Dean School of Claims Mediation**

CLM Claims College  
Baltimore, MD – September 2017 and ongoing

**Faculty in Alternative Dispute Resolution School of Construction**

CLM Claims College  
Baltimore, MD – September 2017

**Mediator Training**

Maryland Circuit Court for Baltimore City, Civil Division, ADR Program  
Baltimore, MD – September 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**

Judicate West Sponsored for Law Firms and Organizations  
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

**Dean School of Claims Mediation**

CLM Claims College  
Baltimore, MD – September 2016

**Faculty in Alternative Dispute Resolution and Executive Council Member School of Construction**

CLM Claims College  
Baltimore, MD – September 2016

**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 lecturer/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

**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, School of Claims Mediation**

CLM Claims College

Philadelphia, PA – September 2015

**Faculty in Alternative Dispute Resolution and Executive Council Member  
School of Construction**

CLM Claims College

Philadelphia, PA – September 2015

**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 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 School of Construction**

CLM Claims College  
Philadelphia, PA – September 2014

**Are Insurers Attending Mediation Naked?**

Construction Defect Claims Managers Association (CDCMA) Meeting  
El Segundo, CA – June 2014

**Risk Management – Avoiding, Mitigating & Covering Construction Exposures**

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

**Evaluation and Assessment, Impact Reporting**

CLM Litigation Management Institute  
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

## **PROFESSIONAL TRAINING RELEVANT TO ADR**

### **Mediator Boot Camp (Ethics, Bias, And Mediating With Self-Represented Parties)**

Contra Costa County Bar Association, ADR Section  
Concord, CA – September 2019

### **Top Ten Coverage Decision of 2018 – Impact & Implications Ordinance or Law Coverage Truthiness & False Claims Act Liability Recoupment of Defense Costs: What is the State of Law? The Protection Gap in Property Insurance Ethical Issues Arising Out of Sharing Information**

American Bar Association, Section of Litigation, Insurance Coverage Litigation Committee CLE  
Seminar  
Tucson, AZ – March 2019

### **Traumatic Brain Injury: Analyzing Claims**

National Association of Mutual Insurance Companies – Claims Conference  
Phoenix, AZ– February 2019

### **Acknowledging and Working Through Racial Bias**

The Mediation Society  
San Francisco, CA – January 2019

### **Handling the Handlers**

### **Ways to Best Tailor an Insurance Policy and Warranty Statement to Fit Your Client's Needs**

American Bar Association, Section of Litigation, Insurance Coverage Litigation Committee WIN  
Dallas, TX – November 2018

### **James Gilliland Symposium: A Dialogue on Rethinking Dispute Resolution**

The Mediation Society  
San Francisco, CA – October 2018

### **Understanding the Role of Body Language in Mediation**

The Mediation Society & JAMS  
San Francisco, CA – October 2018

### **What Every Mediator Should Know About Forgiveness**

ABA Section of Litigation, ICLC, Women in Insurance Network Regional CLE  
San Francisco, CA – October 2017

### **Who's Afraid of Real Mediation**

Alameda County Bar Association  
Oakland, CA – October 2017

**Mediator Practice Tips for Appellate Mediation**

The Mediation Society  
San Francisco, CA – August 2017

**Structured Negotiation: A Twenty Year Track Record Of Resolving Claims Without Lawsuits**

The Mediation Society  
San Francisco, CA – May 2017

**Customizing the Mediation – The Mediator’s Role as Process Architect**

The Mediation Society  
San Francisco, CA – February 2017

**Mediator’s Proposals**

The Mediation Society  
Oakland, CA – November 2016

**Dispute System Design: Underground to Online**

The Mediation Society  
San Francisco, CA – September 2016

**Unlawful Detainer Mediation**

California Superior Court of Alameda County and Alameda County Bar Association  
Oakland, CA – May 2016

**Mediator Malpractice**

The Mediation Society  
Oakland, CA – May 2016

**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 – April 2016

**Mediator Certification**

The Mediation Society  
San Francisco, CA – March 2016

**Litigation Tree Analysis - What It Is and How It Can Best Be Used In Mediation**

The Mediation Society  
San Francisco, CA – March 2016

**The Road to Cultural Understanding in a Diverse World: Recognizing and Avoiding Bias for More Successful Negotiations**

The Mediation Society  
San Francisco, CA – October 2015

**Mediation Confidentiality**

The Mediation Society  
San Francisco, CA – October 2015

**Eva Paterson “Race Matters”**

The Mediation Society  
San Francisco, CA – October 2015

**Fee Arbitration**

Contra Costa County Bar Association  
Concord, CA – July 2015

**Impasse**

The Mediation Society  
San Francisco, CA – June 2015

**American Arbitration Association**

Higginbotham Fellows Program  
New York, NY – May 2015

**US District Court ADR Program Mediation Training**

Northern District of California  
San Francisco, CA – April 2015

**US District Court ADR Program Early Neutral Evaluation Training**

Northern District of California  
San Francisco, CA – April 2015

**Unlawful Detainer Mediation**

California Superior Court of Alameda County and Alameda County Bar Association  
Oakland, CA – March 2015

**Challenges and Opportunities of Mediating with Elders and Their Families**

The Mediation Society  
San Francisco, CA – January 2015

**Mediating with Self-Represented Litigants**

The Mediation Society  
San Francisco, CA – October 2014



**Advanced Training Program: Interests**

Center for Understanding in Conflict / Center for Mediation in the Law  
Mill Valley, CA – April 2014

**Mediation and Conflict Resolution**

University of California Berkeley  
Berkeley, CA – March 2014

**Litigation Management Institute**

Claims and Litigation Management Alliance (CLM) – Certified Litigation Management  
Professional  
New York, NY – October 2013

**Mediation Practice Workshop**

American Arbitration Association  
San Francisco, CA – 1997

**Negotiation/Mediation Process & Practice**

University of California, Hastings College of the Law  
San Francisco, CA – Spring Semester 1996  
American Jurisprudence Bancroft-Whitney Award  
CALI Excellence For The Future Award

**Mediation**

University of California, Hastings College of the Law  
San Francisco, CA – Fall Semester 1995

**PROFESSIONAL ASSOCIATIONS**

(Present & Past)

ABA Section on Dispute Resolution – Committee on Mediator Ethical Guidance,  
Co-Chair 2019 (initial appointment September 2015)

ABA Section on Litigation

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 – 2019

First Tuesday Lawyers

Ladies Who Lunch Bay Area

The Mediation Society – Member (formerly on Board of Directors, Treasurer  
2018/19)

Expired Memberships: Defense Research Institute (DRI) (exp 1998),  
Construction Defect Claims Managers Association (CDCMA) (exp 2012),  
Women’s Construction Litigation Alliance (WCLA) (became part of CLM Diversity  
program in 2016), Mediate.com (exp 2016), San Francisco Bar Association  
(Ethics Committee) (exp 2019) Contra Costa County Bar Association (exp 2019),  
Attorney Action Club (San Francisco) (exp 2019)