

RACHEL K. EHRlich CURRICULUM VITAE

EXPERIENCE

Mediation. Ms. Ehrlich became a full-time mediator in 2014 and has mediated hundreds of cases resulting in settlements that range from zero to nine figures, sometimes with highly complex terms. She establishes rapport with counsel and parties through well-informed, candid, and empathetic communications. Ms. Ehrlich works with counsel and parties to craft effective resolution plans that are acceptable to all sides. Ms. Ehrlich's perspective on mediation is unique as she draws upon her multi-faceted background as a casualty and coverage attorney, insurance claims person, underwriter, and executive. She also draws upon different living experiences, including rural and urban dwelling and time overseas, to assist her understanding of parties and issues.

Strategic Resolution Planning. Throughout her career, Ms. Ehrlich has developed and executed strategic resolution plans for thousands of pre-litigation 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

California Court of Appeal, Third District
Mediator

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 - 2021

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

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
President	2021-2022
President Elect	2020-2021
Co-Chair Student Liaison Committee	2019 – 2020
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

How To Make Remote Mediation Work For Your Cases

Published by SFTLA *The Trial Lawyer*, Summer – 2020

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

Real Estate Mediations: How Insurance Considerations Can Make or Break a Settlement

Contra Costa County Bar Association
Virtual – October 2020

Using Video in Litigation and Trials: What Has Been and What is to Come

National Trial Lawyers Associations
Virtual – September 2020

Mediation of Construction Matters Virtually

CLM Construction Conference
Virtual – September 2020

Update on Business Interruption Insurance Issues and Strategies: Plaintiff's Perspective, where this litigation is going with Plaintiff and Defense Counsel

Bar Association of San Francisco
Virtual – September 2020

Eliminating Bias and Tackling Issues of Diversity and Inclusion in the Insurance Industry

American Bar Association, Section of Litigation, Insurance Coverage Litigation Committee CLE Seminar
Tucson, AZ – March 2020

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

Advanced Mediation Training Program

Audrey Lee and David Hoffman of the Boston Law Collaborative for Judicate West
Interactive Video Training – June & July 2021

Appellate Mediation Program

National Conflict Resolution Center for California Court of Appeal, Third District
Interactive Video Training – May 2021

Working Creatively With Conflict

The Center For Understanding In Conflict
Interactive Video Training – April 2021

Implicit Bias: Moving Beyond Awareness to Specific Skills

Nina Meierdling for Judicate West
Interactive Video Training – March 2021

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 Decisions 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 2019-2021 (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)