November/December 2016

# Independent







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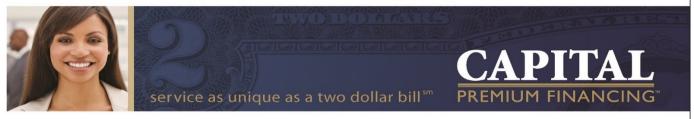
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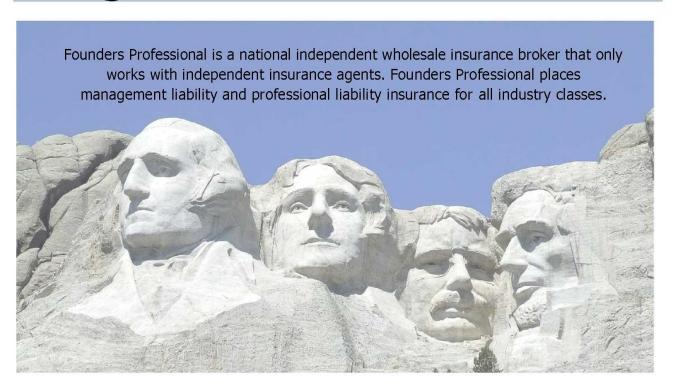
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### **Commercial Marine: The Consequences of Widespread Appeal**

BY JACQUELYN CONNELLY



To say commercial <u>marine insurance</u> is currently a buyer's market would be an understatement.

The industry boasts an overabundance of capacity from players both new and old—to the point where Damon Vaughan, senior vice president of Venture Insurance Programs' Tidal Marine unit, has "never seen anything like it."

"There's a very strong appetite to get into specialty marine," observes Vaughan, who anticipates overcapacity to persist through 2017. "Even though it's already very crowded, one hears stories of additional players coming in, particularly Lloyd's syndicates."

"Pricing changes right now are driven by new markets coming in and out of the market," agrees Shawn Kucharski, president & CIO of Falvey Yacht Insurance. "Over the last five years, you have seen many markets come in and then leave a few years later. Many of these are London capacity and hence have no problem coming in and out. There are one or two markets expected to leave the U.S. yet again in the coming year."

#### What's Happening

Lloyd's has always been a major marine player. But now, "many of these syndicates are finding it somewhat more expensive to underwrite business actually sitting at the box in London, and they're looking to put their tentacles out a little bit further afield," Vaughan explains—which means "quite a few are setting up branches in the U.S. to get closer to the business."

It's a big departure from the usual business model, where a Lloyd's broker works a piece of marine business into the syndicate in London, then assesses the risk there, Vaughan points out. "Now, they're really going out and garnering the business domestically at the source," he says. "And that's in addition to many of the domestic carriers that are already very aggressive in the space."

Why are so many insurers clamoring for a piece of the commercial marine pie? Vaughan notes that in the U.S., carriers don't have to file rate and form for marine business—which means "there's quite a lot of freedom in terms of what can be charged," he explains. "It really is sort of a trader's market based on the skill of underwriter, the relationship with the broker and the knowledge of the space."

And that, of course, can be a double-edged sword. "The good thing is the barriers to entry are not too high—you can move in and take advantage of major loss events to make meaningful profits quite quickly," Vaughan explains. "The flip side is because there isn't filing of rate, there's no underpinning, so things can go quite low. Driven by pure competition, when you look at the equilibrium price, it's the purest form of supply and demand."

Heading into 2017, the consequences are clear: Commercial marine faces "a case of oversupply" as an abundance of carriers fight over the business, Vaughan says.

And that's a problem, because "demand, particularly in our area, is not so strong at the moment," Vaughan points out.

"If you look at the commercial marine lines we underwrite, a lot of that is affected by the price of oil. There are many insureds who are putting vessels into layup. The contracts aren't there to work on, and it's just not as busy as it once was given the low price of oil." There are many insureds who are putting vessels into layup. The contracts aren't there to work on, and it's just not as busy as it once was given the low price of oil."

"There's obviously downward pressure on rates because ship owners really are fighting for every dollar," agrees Andrew Hills, managing director of Loch- And don't be afraid to be blunt with your clients ain Patrick Insurance Brokers, which he helped found in 1987 with a group of London market marine insurance specialists. "With the lack of increase in world trade and the number of ships that are now laid up, marine income drops further, because a laid -up vessel may only generate half the premium it does when it's trading."

#### What It Means

Vaughan has no doubt that ship owners will bounce back eventually. But at the moment, commercial marine "is in a sort of a depressed state," he says. "So you've got less dollars to spend, you've got a soft insurance market and you've got many insurers kind of scrapping for the business."

That's the case even beyond the borders of the U.S. Patrick Barco, national product leader at Burns & Wilcox Canada, refers to Canadian marine insurance as "a very soft market situation" where complex risks don't get the underwriting attention they deserve because "the bottom line is the lowest price." Similarly, Hills says that when it comes to marine hull and liability insurance worldwide, "the market remains very soft."

"In probably 19 or 20 of the last 20 years, hull underwriters have not made a profit," Hills points out. "At the same time, we're in a market where freight rates for ships are extremely low at the moment."

But what's tough for insurers is good for your clients. In a time when "buyers are spoilt for choice,"

Vaughan says, agents should consider insurer attributes A.M. Best ratings, capital size, security controls and specialization. "Obviously the buyer's going to look at price, but the market is so competitive that a lot of companies are coming in within a hair's breadth of each other on pricing."

Vaughan suggests pushing longer-term policies, perhaps up to 18 months, "because in this current market, if you can lock in a cheap price, you might want to do that for a longer period—just to try and capitalize on how reasonable the market is."

when business is tough. "When a contractor doesn't have too many contracts, or if business is slow or trading conditions are tough, point that out to your clients, and then really push to get as much leniency as possible from the insurance market," Vaughan recommends. "At the end of the day, if the work schedule is down, exposure's going to be down."

Will any emerging risks change the tides for commercial marine insurance in 2017? Keep an eye on IAmagazine.com and upcoming editions of the Markets Pulse e-newsletter to find out.

Jacquelyn Connelly is IA senior editor.

"Commercial Marine: The Consequences of Widespread Appeal" by Jacquelyn Connelly was originally published in the IA Magazine on December 19, 2016

### From the Chairman

drafting a then Junior Larry Bird with the 6th pick overall in the 1978 NBA draft (back then Larry wouldn't be able to play until the 1979 season). When asked why he would 'waste' a pick on someone who couldn't play for another season Red waved his signature cigar and remarked "Do you have any idea how short an amount of time one year is?" ...the rest you could say is history. Time flies and it's a good time of year to try and slow things down and take inventory of how things have gone and where they can be improved. I hope along with improvement we can all figure out a way to ease back and as they say, "smell the roses."

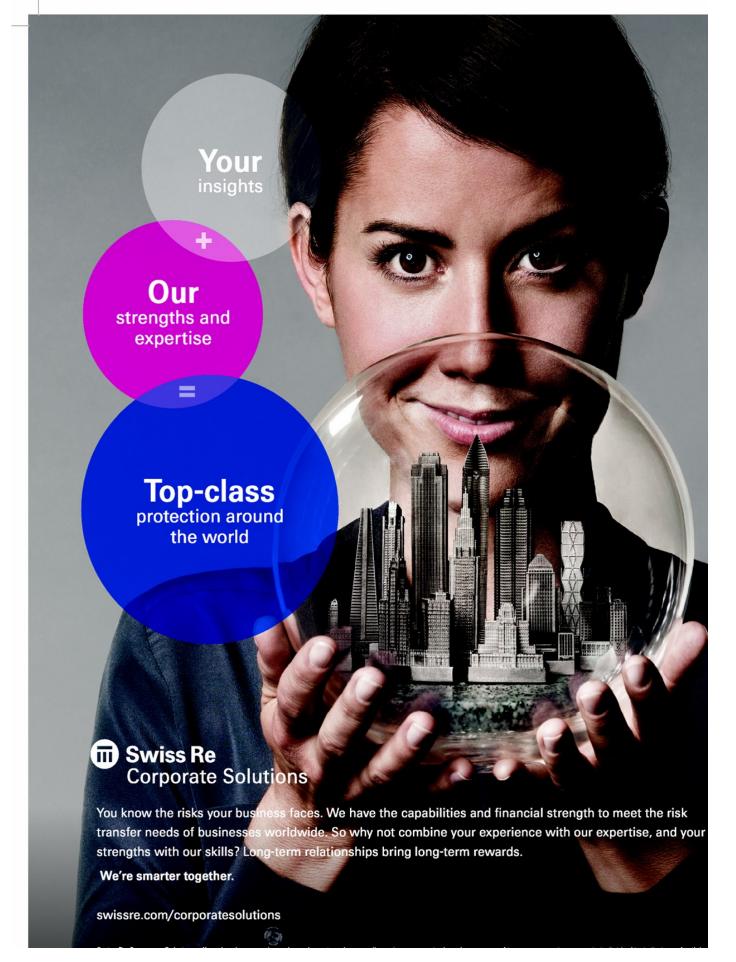
As a reminder we will be having our 9<sup>th</sup> Annual Tradeshow at Tuscany Suites & Casino February 2, 2007 from 10:00AM - 8:00PM. If you have never been to a trade show I really encourage you to come. The access you get with our valued

What happened to 2016? As we remi- Company partners at the Trade show is nisce about our last 12 months both per- truly unique. The Tradeshow is also a sonally and professionally, I am remind- good opportunity to reach out to the Big I ed of the classic story about Boston office staff or the Board of Directors. We Celtics GM/owner/coach Red Auerbach would love to have you at the Tradeshow.

I'd like to wish a Merry Christmas to all and a Happy New Year.



Scott Schellin, CIC—NIIA Chairman
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### Large Commerical Clients Expect Expertise from Agents

**BY JORDAN REABOLD** 

In relationships with brokers, what drives customer satisfaction among large commercial clients?

The most important factor is quality of advice, according to the J.D. Power 2016 Large Commercial Insurance Study. Across the industry, brokers receive an average rating of 8.34 on a 10-point scale for this metric.

Reasonableness of fees is the second most important factor, followed by ease of the renewal process; effectiveness of risk control services; variety of program offerings; effectiveness of program review; price and given services received; billing and payment process; and lastly, claims process.

"Quality of advice and reasonableness of fees are primary in part because people are looking at the relationship with a broker as a value proposition," explains Greg Hoeg, vice president of the U.S. insurance practice at J.D. Power. "The quality of the broker's advice, coupled with the price of what they're offering, should go hand in hand."

This is the second consecutive year in the three-year study that customers are most satisfied with brokers who cultivate consultative relationships. Among the 20% of large commercial clients that indicate their broker doesn't understand their business needs, satisfaction decreases by an average of 136 points.

To combat this divide, Hoeg advises brokers to learn

more about the overall market in which their large commercial customers are competing. "It doesn't directly impact their risk, but it gives you context in order to understand what the client is asking for and why they're asking for it," he explains.

"Understanding their business means you can speak their language and help as their ally. It also proves your expertise when you're able to propose risk solutions that the client might not think of on their own."

On the insurer side, profitability is the most significant driver of large commercial customer satisfaction. The study reports that the correlation between customer satisfaction and insurer profitability is .67, as measured by total commercial combined financial ratios. The highest-performing companies in the study are also among the industry's strongest when it comes to combined ratios.

"The reason satisfaction relates to profitability is that large commercial insurers tend to retain more risk than small entities, and the pricing is more sensitive to risk this year as they look ahead to next year,"

Hoeg explains.

When a large commercial client receives a high leve of service with valuable products, "all that ties into the insurer's book and the pricing impact it may have," Hoeg says. "All those components come together and are made clear through an insurer's profitability."

Five factors contribute to a commercial client's satisfaction with insurers, in order of importance: service interaction, program offerings, price, billing process and claims—and service interaction is where independent agents play a crucial role.

"If I own a business, the person I think of as my insurance expert, my risk manager, is going to be the person who sells me the business," Hoeg explains. "An independent agent's opinion is highly valued by large commercial clients."

Part of an independent agent's role as trusted adviser lies in their role as liaison between the client and the carrier: "If an agent sees that an insured is not being properly serviced," Hoeg points out, "they will intervene to make sure their client gets the best service, which helps boost the insurer's credibility"—thus contributing to a higher satisfaction rating.

Since the study is only in its third year, long-term trends are difficult to detect. But heading into 2017, Hoeg predicts that the property-casualty insurance industry should continue to focus on customer satisfaction if it wants to thrive.

"In a competitive marketplace, the insurance industry in general is one of the most highly ranked in-

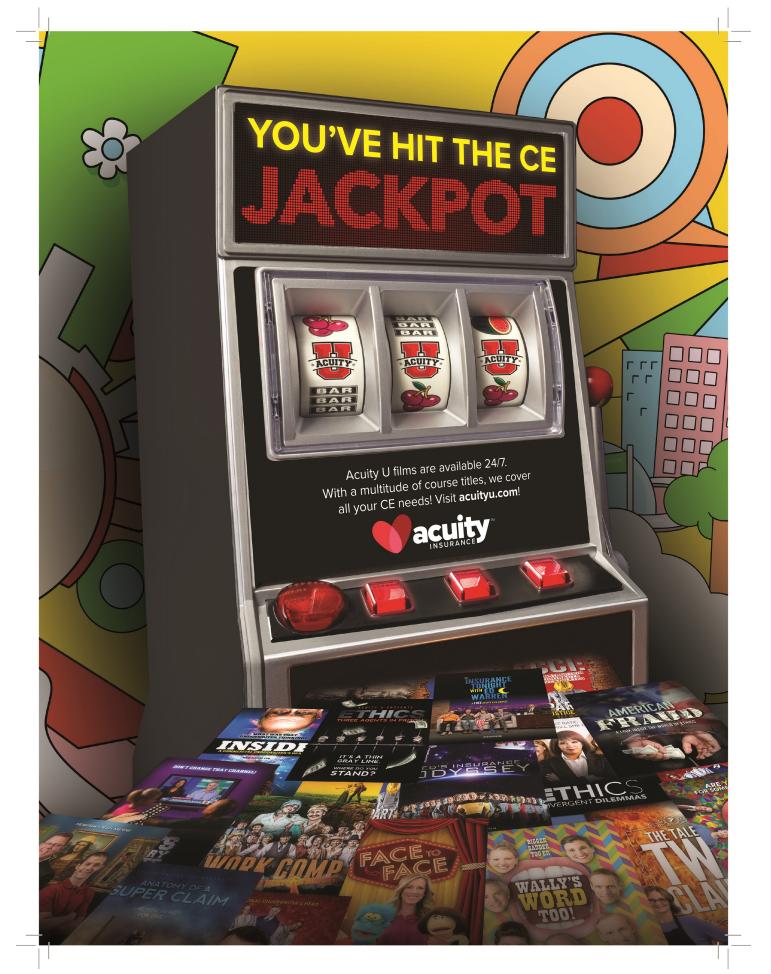
When a large commercial client receives a high level dustries for customer satisfaction, particularly in the of service with valuable products, "all that ties into claims function," Hoeg points out.

However, "the fact that we have a new Administration coming in, and the anticipated impact on the economy, can make a big difference. If the economy picks up, I would expect rates to level off or increase."

Jordan Reabold is IA assistant editor.

"Large Commerdial Clients Expect Expertise from Agents" by Jordan Reabold was originally published in the *IA Magazine* on December 15, 2016







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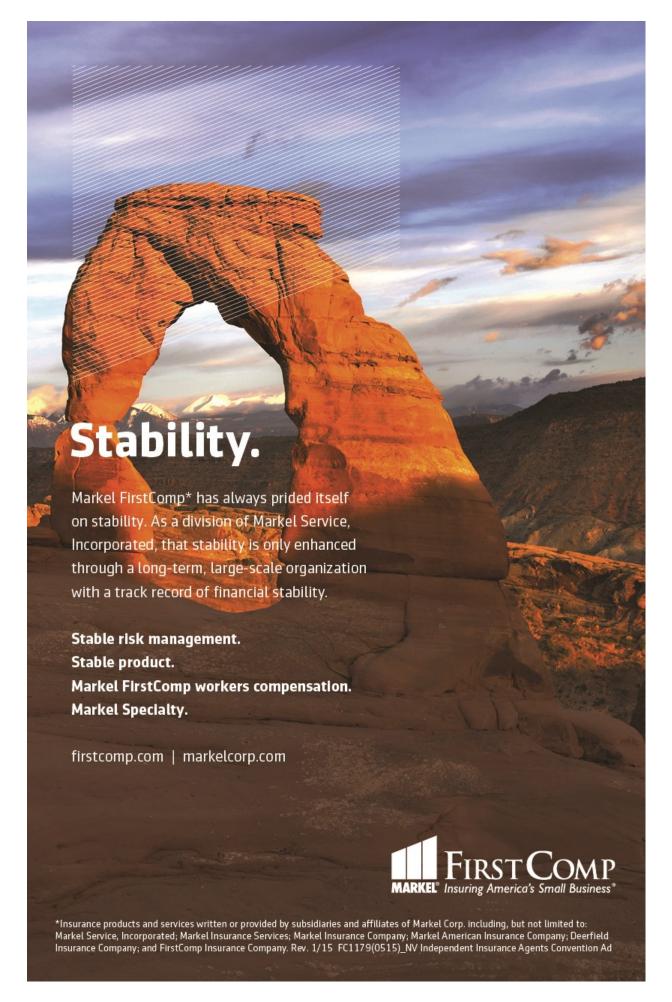




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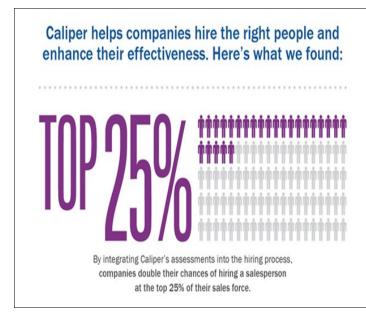
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### **How to Hire Your Next Top Producer**



Job postings for sales positions tend to range between wishful and delusional thinking. The list of demands could read something like: "Aggressive, competitive self-starter that can close business and be customer-service focused. Must be a deadline-driven multitasker who is also highly detail-focused and organized."

Posting a list of unrealistic demands creates at least three immediate problems:

- Job seekers may think, "That's not me!" and move on—which means you risk eliminating potential top performers.
- The post doesn't give weight to different job demands, so the list may accidentally attract weaker applicants who are only strong in supporting competencies—not the critical ones.

• The post puts the onus on the job seeker to explain away any alleged shortcomings, instead of on the company to determine what actually works best in the role it is looking to fill.

Discovering the qualities necessary for sales success in specific roles increases revenue, reduces turnover and ensures a profitable bottom line. But not every company has the resources to perform a comprehensive analysis on key job competencies associated with sales roles. This is where Caliper's job models come in.

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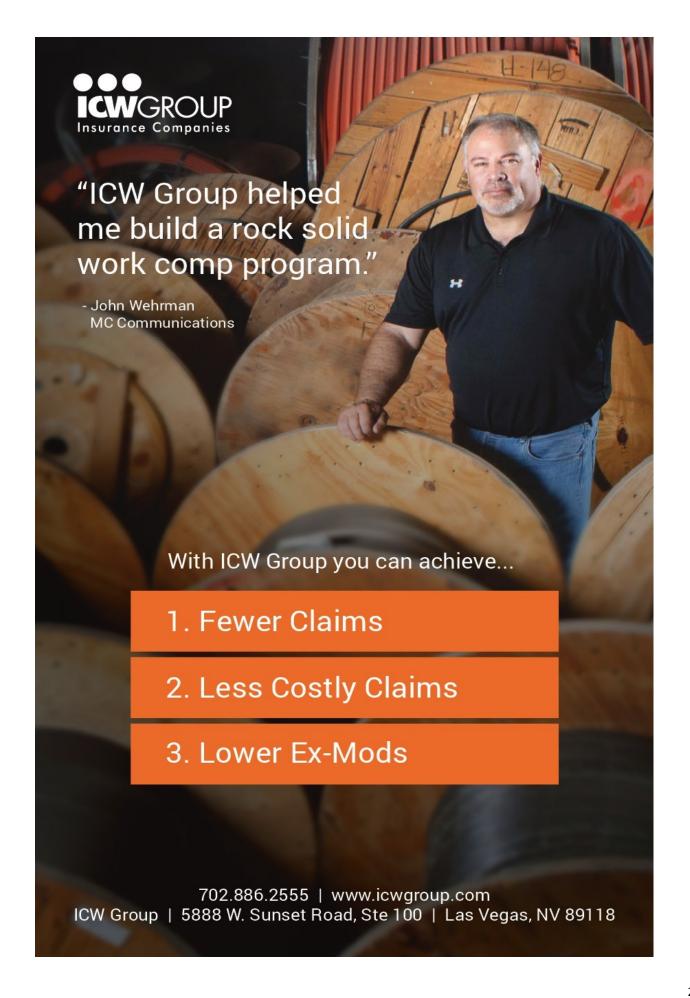


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#### New Years Resolution and How to Stay Motivated

By Scott Menath; NVYAC Chair

deep breath and sigh of relief; you made it through and we all know you already probably miss your family that you thought would never leave just days ago. January is finally here and welcome to 2017! Hopefully by the time you are reading this you haven't quite given up on your new year's resolution yet. If you have, fear not, as I have a quick tip for you to help you establish new and healthy work and personal habits. Studies show that over 40% of your decisions are made by your habits alone so why don't we establish some new ones?

Like many of you, each year comes and goes and I try and focus on the big picture. I start to view the insurmountable task of reaching my goals right away; both business and personal goals. In this industry we seem to be problem solvers first and everything else takes a back seat. When I try and accomplish the big picture all at once I get burnt out and

Well now that holidays are over please take a bogged down. My new year's resolution is already on the rocks by mid-February. So I say, let's start small. Focus on forming the habit more than the big impact. For example, I'd like to become cleaner when I'm at home. Rather than thinking about yard work, vacuuming, dishes, laundry, and general "honey do" projects; focus on one thing for a few weeks. For me this would be vacuuming. I'm going to start vacuuming one room a day for a few weeks rather than the entire home. The idea is that I will be establishing a new routine. I'll also most likely end up vacuuming more than one room at a time because I am already in the process. We all know that getting started is the biggest hurdle anyhow. After a few weeks you will feel guilty about not vacuuming because it is such a small task. This method translates to business as well. An example may be to reach out to all your clients individually. This may be a large task that will take a long time.

Rather than mull over the daunting task, start by picking up the phone, email or write a hand written note. Keep it small at first. Possibly one to two calls a day until a routine had been established. After that, reaching out to more clients will come effortlessly.

When you feel a new habit is forming, reward yourself. Staying positive is key to your psyche with forming long lasting habits. I hope to make 2017 a great year and form healthy habits for myself this organization and my clients. We are in a great industry and let's make it better together.

SCOTT MENATH, Young Agents Chairman Menath Insurance 1325 Airmotive Way, Ste. 320 Reno, NV 89502 775-831-3132 scottmenath@menath.com



#### Merry Christmas - Here's My Claim

#### 3 Reasons Workers Comp Claims Rise during the Holidays

By Donna Stewart, RWCS



The holiday season is here! The office is buzzing about parties, Secret Santa games, gift exchanges, and ugly sweater contests. There are more than enough decorations going up and everyone seems to gather around the kitchen to see who brought in the next batch of holidays treats. For any employer, this would be the perfect scenario.

Unfortunately, not all employees cherish the yule tide offerings of their employer when it comes to the holidays. There are many reasons why employees become disgruntled between November and December, and this can have an impact on absenteeism and fraudulent workers comp claims. Here are a couple of reasons for claims, and recommendations that might help independent agents assist their clients if the inevitable question "how should we handle this claim" comes up.

#### **Reasons for holiday claims**

#### Number 1 - No child care

Winter break for parents can be challenging. Schools typically close between two and three weeks during the Christmas and New Year holidays. Child care is essential for working parents with children too young to be home alone. Especially if there is no winter program offered through the school district during the winter break. No family, no friends, no options can equal a drastic decision to report an injury in order to get enough time off to stay home with children. The employee might see this as a safer option than to risk losing their job from calling in sick for lack of child care. Remember, not all employees save their vacation for the holidays, and some company "sick time" policies are not written for "personal time."

#### Number 2 – Lay offs

The hard reality for many employers, who have suffered a lack of production or sales, or completion of projects, is that lay-offs become necessary when keeping your doors open becomes harder. For the employees, these issues become part of the work atmosphere and the fear of being unemployed at the holidays becomes a life-changing concern. Rather than losing their job, it might seems much easier and a good idea at the time to report an injury, seek medical attention for that old football knee or chronic back pain, and become temporarily disabled until a new job can be found. This guarantees an income, albeit reduced to two thirds of their former salary, but nevertheless an income.

#### **Number 3 – Time off for the Holidays**

Let's face it, not all employees keep very good track of their accrued vacation time or how much time they have actually used throughout the year.

Suddenly, Aunt Maybelle and Uncle Chuck show up ed sequence of events for the employer in the for the holidays and now there is a dire need for time off. Human resources say not enough time off ees before the actual announcement. Once again, if on the books and any time taken would be unpaid. So what is the next best thing when you have no paid vacation time left? File a claim! Revenge should be a "cause of injury" option on the injured worker claim form because it happens far too often.

#### Can these claims be prevented?

Unfortunately, the hard reality is that a person who is determined to file a workers comp claim will file a claim, and an employer cannot forbid them to do so. However, there are options for reducing the possibility of fraudulent claims and it doesn't take much to implement preventative measures.

**Documentation -** First things first, document everything! Documentation is the best protection an employer can have to establish knowledge of an illness or injury prior to a claim being filed. Does your employee limp from time to time? Request pain meds from the first aid kit more than two or three times a week? Do they grimace when lifting something over 10 pounds? Have they complained to another employee or supervisor about a weekend injury from jet skiing? All of these examples are reasons to talk to your employee, find out what is going on, and document their confidential medical file. You can also ask other co-workers or supervisors to write statements about their observations of, or conversations with an employee complaining of a non-work related illness or injury. Documentation is your best defense.

Secondly, document requests for time off that are denied. In some states, statutes might specifically outline the deniability of a claim if the claim is filed subsequent to a denied request for time off. Likewise, predetermined layoffs should also be recorded prior to the event. This is to create a document-

event that "news" of the layoff gets out to employa claim is filed following the layoff, there may be statutes in your state that outline the deniability of the claim.

**Light Duty -** Keep in mind that once the claim is filed, it must be reviewed for validity before it can be accepted or denied. During that time period, the employer should be proactive with light duty. A solid Return to Work Program can prevent an injury from becoming a disability. If an injured worker is successful in convincing a doctor that their alleged injury is related to work, a physician might certify that person off work for enough days that qualifies them as temporarily totally disabled. This changes a claim from an injury to a compensated disability. This is what a fraudulent claim is hoping for; paid time off. Therefore, by implementing a light duty program an employer can keep an injured employee working and manage the cost of the claim; all while the employer works with their broker representatives or the insurance carrier to challenge the validity of the claim. Remember, the claim exists unless the employer or the insurance carrier can prove by a preponderance of evidence that it should not.

**In review**, the burden falls to the employer to prove that a claim is fraudulent or unrelated to work. Documentation is the best defense. Return to work programs save money and prevent disabilities. Be mindful of the unexpected needs of the employee, and be prepared for those who do not appreciate your cool yule!

For more information about specific forms and employer requirements, consult with your insurance carrier or contact your Big I state association.

Donna Stewart is a Registered Worker's Compensation Specialist, a Master of Workers Compensation Law, and the Executive Director for the Nevada *Independent Insurance Agents* 

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#### In Memorandum



Patty Sue Hutchinson 1933—2016

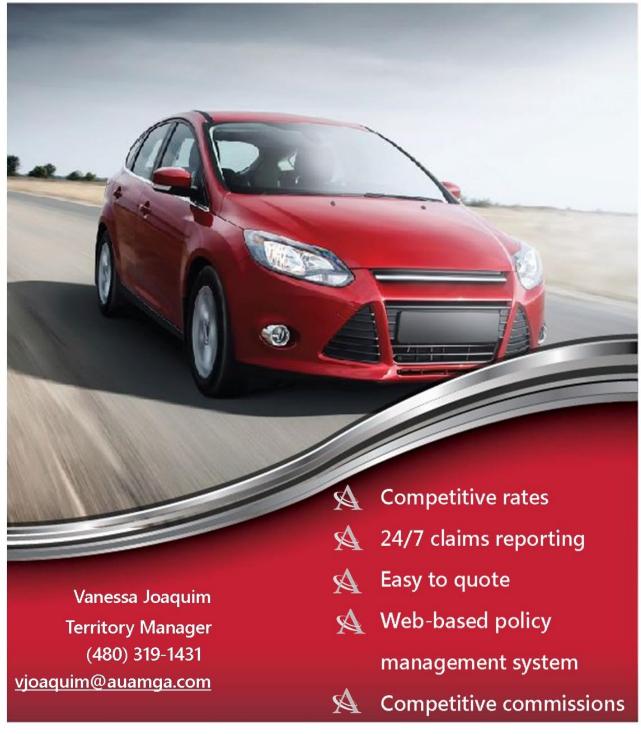
Patty Sue Hutchinson, 83, a 64-year resident of Las Vegas, passed away peacefully at home Monday, October 24, 2016.

Patty had a long and distinguished career in the insurance field. She and John McFadden were co-owners of the successful McFadden Insurance Agency. Patty served as president of Nevada Independent Insurance Agents, as president of Independent Insurance Agents of Southern Nevada and, on two occasions, as president of Insurance Women of Las Vegas. She has received the Woman of the year award from the Insurance Women's Association of Las Vegas and the Insurance Person of the Year award from the University of Nevada Las Vegas' Institute for Insurance and Risk Management.

#### See more at:

http://www.legacy.com/obituaries/rgj/ obituary.aspx?n=patty-suehutchinson&pid=182342875#sthash.1ygEhZhn.d puf

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4	Business Auto Coverages	6 AM - 9 AM	Patrick Deem
7	Contractors Property Exposures	10 AM - 1 PM	Paul Burkett
11	Insuring Toys and Collectibles	6 AM—9 AM	Keith Wilts
14	Personal Auto Policy	10 AM - 1 PM	Keith Wilts
17	Unlocking the Secrets of D&O Insurance	10 AM - 1 PM	Richard Clarke
18	Farm Property Coverages	6 AM - 9 AM	Keith Wilts
21	Ethics and Agent Liability	10 AM - 1 PM	Paul Burkett
22	Who Is An Insured	6 AM - 9 AM	Keith Wilts
22	Workers Compensation	10 AM - 1 PM	Bryan Tilden
29	Commercial Property Coverages  Exploring Key Concepts	10 AM—1 PM	Patrick Deem

### December

Date	Webinar	Time (Pacific)	Instructor
2	Cyber Liability	6 AM - 9 AM	Paul Burkett
5	The Dirty Dozen	10 AM - 1 PM	Keith Wilts
6	Insurance Valuation Strategies	6 AM - 9 AM	Bryan Tilden
6	It's Not My Fault, or Is Is? - Liability Issues in Personal Lines Policies	10 AM - 1 PM	Ross Pearce
7	Condominiums	10 AM—1 PM	Ross Pearce
8	E&O Risk Management: Meeting the Challenge of Change - Part One	6 AM—9 AM	Keith Wilts
8	E&O Risk Management: Meeting the Challenge of Change - Part Two	10 AM - 1 PM	Keith Wilts
9	Farm Liability Coverages	6 AM - 9 AM	Keith Wilts
12	Dispelling the Myths of Workers' Compensation	10 AM - 1 PM	Patrick Deem
13	Insuring Trusts—Protecting Your Client's Wishes	6 AM - 9 AM	Paul Burkett
14	Ethical Dilemmas Making the Right Choices	10 AM - 1 PM	Keith Wilts
15	Fiduciary Liability, ERISA Bonding, and Employee Benefits Liability  The Affordable Care Act contains significant  Responsibilities for benefit plan decision makers	10 AM—1 PM	Patrick Deem
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### Flood Reform Update: House Committee Releases Draft Principles

**BY JEN MCPHILLIPS** 



This week, Republican leadership in the U.S. House of Representatives Financial Services Committee took the first step in addressing reauthorization of the NFIP, which is set to expire on Sept. 30, 2017.

Blaine Luetkemeyer (R-Missouri), Subcommittee on Insurance and Housing Chairman, circulated a <u>set of draft principles</u> that could be used as a roadmap for the program's reauthorization. Jeb Hensarling (R-Texas), Full Committee Chairman, also supports the principles, which touch on a range of issues impacting overall flood program reform and take productive steps toward enhancing marketplace stability, increasing program transparency and bolstering overall soundness of the NFIP.

The Big "I" believes the principles are a reasonable starting point for next year's debate concerning the extension and reform of the NFIP. Although the principles do not suggest a specific number of years, they call for reauthorization and warn against the market uncertainty that could surface if the program lapses. The Big "I" supports many items in the document, including increasing the use of reinsurance and capital market alternatives to the NFIP; passing the "Flood Insurance Market Parity and Modernization Act"; updating the mapping process; and cre-

ating greater flexibility for mitigation assistance.

While the Big "I" supports many of the proposed ideas, the association has some concerns with a proposal that aims to phase out a number of policyholders from the NFIP. The specific proposal states, "Phase out over time NFIP coverage for those residential and commercial structures over the maximum allowable coverage limits in replacement cost value."

As reauthorization discussions continue, the Big "I" will work to ensure that <u>flood insurance</u> is available and affordable to consumers across the country. It is important to note that the principles are currently in draft form, which means they're still a work in progress. The Big "I" will continue to work with the committee to gain clarity on the issues listed in their document, and also provide input regarding how to improve the principles that will guide the NFIP reauthorization debate next year.

In the context of broader program reform, the Big "I" will also continue urging Congress to remember the important role independent insurance agents and brokers play in the selling and servicing flood insurance polices.

<u>Jen McPhillips</u> is Big "I" vice president of federal government affairs.

"Flood Reform Update: House Committee Releases Draft Principles" by Jen McPhillips was originally published in the *IA Magazine* on December 08, 2016

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#### 9th Annual NIIA Trade Show and Luncheon

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Dave Evans, CFP is Senior Vice President / Publisher, for the Independent Insurance Agents & Brokers of America (IIABA), the nations largest association of independent insurance agents and Executive Director of Trusted Choice ®, the leading insurance consumer brand. At IIABA he has overseen the Agent Development, Education and Communications areas and is President of Members Services, Inc. (MSI, the for-

profit corporation that oversees non-insurance programs.

Evans has been a frequent speaker at industry conferences, and he has also been a guest on CNN, CNBC, CNN International and has been a presenter at IIABA's annual convention and at numerous continuing education seminars. He has been published and has been quoted in the Wall Street Journal, USA Today, and the Washington Post.

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