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# THE PANELIST

## Insurance Defense Marketing News

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### New Year's Resolution #1 Get on More Insurance Panels

Start early, have a detailed plan, and stay focused to achieve more panel appointments in 2017.

- **Update your sales tools.** An attractive website and firm resume, both featuring recent attorney photos and updated bio pages, will help to make a favorable impression.
- **Know your numbers.** Metrics are important to the litigation managers who hire law firms. Make 2017 the year that you will either start a new case management metrics program or refine an existing one.
- **Figure out flat rates.** Everybody talks about flat rates, but in truth it is difficult to arrive at a solution that serves the law firm as well as the carrier. Perhaps this is the year for you to test flat rates in certain parts of your practice.
- **Master the emerging technologies.** Drones, ride-sharing, and cybersecurity are all rapidly expanding coverage areas but few law firms have the necessary expertise. Build and promote these skills as one way to stand apart.

### New Year's Resolution #2 Stay on Current Insurance Panels

Here are three ways to build current relationships.

- **Stay in touch.** Personal visits are ideal, but often hard to arrange. A monthly e-newsletter is a great way to keep clients informed of firm news and case law updates.
- **Give a CE seminar.** Offer to give on-site continuing education that gets you in front of adjusters and claims executives. Give away pens, coffee cups, or other items with your contact info.
- **Cross-market between practice areas.** Many carriers are multi-line, so if you already serve them in one area, try to expand further.

### How to Start a Panel Counsel Business Development Campaign

Now that you've made a commitment to expand your panel counsel appointments in 2017, the next step is to decide where to start.

In addition to your own knowledge of the local market, you can build a market penetration study for your state based on data that is often available from the Department of Insurance.

Many states publish an annual report that identifies the top insurance carriers in the property and casualty sector. Lines of coverage that are typically identified include automobile, fire, homeowners, liability, medical professional liability, and workers' compensation.



Study the market penetration data in detail by building an Excel file that records the top carriers within each P&C line. This will give you a true picture of the top carriers in the state.

The next step is to map this against your client list, so that you can target the best prospects most efficiently.

The challenge with state-level data is that the list will include both parent and subsidiary companies, requiring an advanced level of data analysis to get a true picture of the top carriers.

You can also look beyond insurance carriers to the self-insured sector, particularly in sectors like retail, restaurants, and hospitality. Most large companies have some level of self-insured retention that is managed in-house, and they often maintain their own panel counsel program.

**Tip:** If you want to accelerate your 2017 business development effort, call Margaret Grisdela at 1-866-417-7025 for a complimentary consultation.

# Marketing Matters

## Your Representative Case List

One essential sales tool for 2017 is a current case list of the firm's significant trials and settlements. Surprisingly, many law firms do not keep this roster up-to-date.

It is best to feature cases in the past three to five years, unless an older case set a precedent that continues to be cited. If your firm does not go to trial often but has an active motion practice or settles cases quickly, list your best outcomes.

High dollar value cases, favorable outcomes achieved in tough court venues, or results that were unexpected due to difficult odds are particularly important.

There is no recommended format for the case list, other than that it should be consistent in terms of presentation, punctuation and description length. Include the year, venue, a brief factual summary, the outcome, and any dollar values. Cases can be grouped by practice area, or simply listed in date order with the most recent case presented first.



Client confidentiality is a definite consideration in creating your case list. Rule 1.6 on Confidentiality of Information under the ABA's Model Rules of Professional Conduct reads in part that "a lawyer shall not reveal information relating to the representation of a client unless the client gives informed consent."

Client confidentiality applies even if the case is made public through court records or the client-lawyer relationship has terminated. Check with your State Bar for compliance requirements.

If you do not wish to seek client consent, describe the case without revealing the name. For example, "Represented a national restaurant chain in a slip and fall case where plaintiff demanded \$1 million but settled for \$10,000."

Also, include cases on attorney bio pages and website practice pages.

## Restaurants Hungry for Diners

Restaurant premises liability claims may slip and fall as consumers reportedly pull back from dining out.



The number of restaurants dropped from a peak of 638,000 in 2014 to about 624,000 in 2016, according to an October article in *The Wall Street Journal* titled "Restaurant Chains Get Burned by Overexpansion, New Rivals." The decline also reflects independent restaurants that closed as a result of competition from chains.

Eight bankruptcy filings from restaurant operators in 2016 include restaurant closures as part of detailed restructuring plans. Filers include Boston-based soup and sandwich chain Cosi Inc., Don Pablo chain owner Rita Restaurant Corp., and Garden Fresh Corp., known by its brand names Souplantation and Sweet Tomatoes.

Other chains are pulling back on locations in an effort to protect profitability. Ruby Tuesday Inc. closed almost 100 restaurants in September, and Bob Evans Farms Inc. closed almost 50 of its 548 restaurants in the past year.

Contributing factors in the pull-back include previous over-expansion, new competitors like Blue Apron and grocery stores in the pre-packaged meal category, and fewer business lunches as more people work from home.

Industry observers predict that it may take 5-10 years before the casual-dining and fast-casual restaurant sectors adjust to competition from the growing off-premise dining segment.

**Tip:** Premises liability panel counsel members with a focus on the restaurant sector may want to start broadening their base of panel appointments.



## Promote Your Law Firm with Professional Marketing Services

- Panel campaigns
- Marketing brochures
- Blog copywriting
- Proposals (RFPs)
- Press releases
- Social media

Call **866-417-7025** or email **mg@legalexpertconnections.com** for details.

# Industry News

## AIG and Zurich Throttle Back on Trucking

"Nuclear verdicts" in trucking accidents have caused AIG and Zurich to pull back from covering for-hire trucking fleets, according to an October, 2016 article in *The Wall Street Journal* titled "Truckers Scramble to Get Insurance."



Insurance broker AON, which tracks data on trucking cases internally, reports six cases with verdicts of \$20 million or more in 2016, which is the most it has recorded in recent years.

Both AIG and Zurich continue to cover truck fleets operated directly by retailers and manufacturers, report brokers. Other insurers are stepping up to fill the void, but many truckers are struggling to replace policies with multiple underwriters. Premiums are rising by 10 to 30 percent as a result of the market shift.

The Lexington Insurance Co. unit of AIG has discontinued fleet coverage, although other AIG units apparently continue to write coverage. AIG is in the process of streamlining operations in order to improve profitability overall, as we wrote about in an earlier blog post titled, "AIG Panel Counsel Program in Context."

Plaintiff attorneys reportedly shifted strategies starting in 2011. Rather than focusing on the individual aspects of a specific trucking accident, they are finding patterns of safety violations and non-compliance with federal regulatory standards within a defendant trucking company. The new legal approach appears to be working, opening up new avenues to punitive damages.

Read the full version of this article on our blog at [www.insurancedefensemarketing.com](http://www.insurancedefensemarketing.com).

### WE CAN HELP YOU:

- Get new clients
- Retain current clients
- Create marketing materials



## Lemonade Insurance Company to Expand



Lemonade is following its 2016 launch in the New York market for renters and homeowners insurance with 2017 plans to expand across the country (with the exception of Mississippi, Washington and Wyoming).

Low rates are luring insureds away from Allstate, State Farm, Liberty Mutual and Travelers, according to [www.lemonade.com](http://www.lemonade.com). The firm treats premium payments as the insured's money, takes a flat fee, promises to pay claims quickly, and donates funds to insured-designated charities.

## Allstate Prepares for Autonomous Future

Allstate Insurance Company, which wants to help shape the future of the insurance industry, announced a multi-year research agreement with the Intelligent Systems Laboratory at Stanford University in December. The nation's largest publicly held personal lines insurer sees an autonomous vehicle future as being a matter of "when, not if." See [www.allstatenewsroom.com](http://www.allstatenewsroom.com).

## \$100 Billion in Asbestos Losses Predicted

A.M. Best forecasts that U.S. P&C insurers will lose \$100 billion from third-party liability asbestos claims, an 18% increase from earlier estimates.

Plaintiffs' evolving theories of liability, longer life spans, and more cases of secondary exposure are contributing factors identified in a new report titled "A.M. Best Increases Estimate for Net Ultimate Asbestos Losses to \$100 Billion." The insurance rating and information service notes that insurers are paying \$2.5 billion in claims and incurring \$2.1 billion in new losses annually.

## Business Development Takes Time



*Start today to attract more business in 2017*

## Zurich Targets More Cost Cuts

Zurich announced plans in November to achieve \$1.5 billion in net savings by 2019, compared to the 2015 baseline. Technical excellence is a priority, with a commitment to better decision making and faster reaction to market changes in the underwriting and claims divisions.

Supporting the profitable growth of Farmers Group, Inc., a wholly owned subsidiary of Zurich that provides administrative and management services to the Farmers Exchanges as its attorney-in-fact, is another priority. (Zurich Insurance Group has no ownership interest in the Farmers Exchanges.)

Zurich also seeks to adjust its long-tail exposure, including workers' compensation and liability.

## Hiscox Examines Employee Lawsuit Trends

States with the highest risk of an employee lawsuit include Alabama, Arkansas, California, Delaware, District of Columbia, Georgia, Illinois, Mississippi, Nevada, New Mexico, Missouri and Tennessee, according to "The 2015 Hiscox Guide to Employee Lawsuits."

Hiscox, a specialist in protecting professional service businesses, conducted a study of 446 closed claims reported by small- to medium-sized enterprises with fewer than 500 employees.

While the number of nuisance cases is high (81% resulted in no insurance company payment), the 19% that resulted in a defense and settlement payment took an average of 275 days to close and cost \$125,000 per claim. The average self-insured retention for these claims was \$35,000.



## Insurance Panel Business Development

We assist insurance defense law firms across the country with:

- Business development campaigns
- Responses to RFPs

Call **866-417-7025**  
to learn more.

## About Us

Legal Expert Connections, Inc. is the leading U.S. legal marketing agency specializing in the insurance defense sector. We understand the panel counsel process, and have helped 90 insurance defense law firms connect with litigation panel managers at insurance carriers, third party administrators and self-insured entities.

You can focus on your law practice when we handle your marketing and lead generation. Our clients include small to mid-sized law firms that don't employ a marketing professional but do rely on our services for marketing communications and business development campaigns.



Margaret Grisdela, president, is an insurance defense marketing consultant with specialized knowledge of business development for defense law firms across the country. She leads a team of researchers, writers, graphic designers and others all focused on helping small to mid-sized law firms attract new clients.

We are available to create targeted marketing campaigns for a wide range of practice areas, including those outlined below.

- Construction defects
- Employment practices liability
- Inland marine / trucking
- Medical malpractice
- Personal and commercial auto
- Premises liability
- Product liability
- Professional liability

Geographically, we have conducted business development campaigns in 26 states.



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