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THE PANELIST

Insurance Defense Marketing News

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On Your Mark, Get Set, Go!



The 2018 Olympic Winter Games serve as a reminder of the tremendous discipline, stamina, and dedication to practice that each athlete brings to their sport.

The business development process within an insurance defense law firm has many similarities. A successful race

to attract new clients takes place on a competitive field, with participants from many law firms vying for the coveted position of panel counsel.

The law firm that best demonstrates its competitive advantage wins the gold medal in the panel counsel race, while others achieve a respectable silver or bronze medal position. Other contestants go home empty handed but with a renewed commitment to keep trying, while many just sit on the sidelines wishing they could compete.

Achieving a place on the panel counsel podium is achievable with careful planning and preparation. Our work with more than 125 insurance defense law firms reveals that successful candidates work from a proven set of marketing tools.

Here are the items your law firm needs to launch a successful business development campaign:

- An attractive firm resume, with background information on attorneys and practice areas.
- A list of targeted prospects at insurance carriers and self-insured entities.
- An up-to-date website, with compelling attorney bio pages.
- A representative case list (for trial firms).

Metrics on case closure rates and average case costs can be useful, since insurance carriers value this data but surprisingly few law firms track it.

Build Your Winning In-House Team

Law firms that want to win the business development race often achieve success with a team of two to four attorneys who are willing to invest the time needed to pursue new accounts.

Under the leadership of the managing partner or a practice group chair, populate your team with attorneys who have an ability to get things done. Group dynamics often create a friendly rivalry, which can drive team members to stay the course in connecting with litigation panel managers.

Your game plan of play-by-play business development steps will keep your team focused on the goal of crossing the finish line.

The Value of a Business Development Coach

The right coach can enhance the performance of a competitor with the attributes below.

- Discipline. Applying a step-by-step process guides the team to the finish line.
- Encouragement. Helping the team cope with common obstacles improves results.
- Focus. Keeping an eye on the ball is easier said than done in a busy law practice.
- Goal setting. Establishing success measures in advance enhances coordinated execution.
- Stopwatch. Monitoring quick execution helps the law firm maintain the momentum.

If you are looking for a business development coach, call Margaret Grisdela at 866-417-7025.

A coach plays a key role... The quality of the relationship between a coach and the athlete has a crucial effect on the athlete's satisfaction, motivation and performance.

-- International Olympic Committee

News About Panel Counsel Opportunities

Walmart Drops Panel Web Page

As some insurance defense law firms may have noticed, Walmart deactivated a former web page providing instructions on how law firms could apply online to be a panel counsel member.

The only way to get on the Walmart panel counsel program now is to either already be approved counsel, or to be recommended by a Walmart in-house attorney. Diversity of counsel remains an important priority for the retailer.

XL Catlin Adds Marine Line



The marine contractor industry is the target of a new offering from XL Catlin that combines hull, general liability, cargo, builders' risk, property, and business auto in both primary and excess coverage options.

Maritime defense firms can visit the XL Catlin website for more details.

Pennsylvania Homeowners Coverage

Berkshire Hathaway GUARD Insurance is now offering homeowners and personal umbrella coverage in Pennsylvania.

The product targets one- to four-family dwellings, renters, and condo units (both owner-occupied and those held for rental).

Beazley Expands in Cyber

Beazley Breach Response (BBR) coverage is expanding for small and mid-sized U.S. policyholders. Services include up to 100 hours of post-breach remediation and consultation.

USAA Has 1,000 Phoenix Tech Jobs



USAA recently announced plans to hire up to 1,000 technology professionals by the end of 2020 at its Phoenix campus.

The new jobs will be part of the larger Chief Technology and Digital Office consisting of technology, innovation, digital experience, data and analytics, and design. USAA strives to bring innovative products to market using the latest in technology advancements.

USAA is also expanding staff in Plano, Texas, Colorado Springs, Colo., and Tampa, Fla.

Mergers, Acquisitions and More

Ironshore was acquired by Liberty Mutual in 2017 and is now part of Liberty International Underwriters. Ironshore provides specialty commercial property and casualty coverages for varying risks located throughout the world.



Validus Holdings, Ltd., a global provider of reinsurance, and insurance, and asset management services, is being acquired by AIG. Validus owns Western World, an E&S carrier offering general liability,

commercial auto property, trucking, professional liability, and liquor liability.

AmTrust Financial Services is considering going private. The Karfunkel-Zyskind family, which controls 43 percent of the firm, is in discussions with private equity firm Stone Point Capital Partners.

Patriot National, a work comp services firm, filed for Chapter 11 bankruptcy on January 30.

Promote Your Law Firm with Professional Marketing Services



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

866-417-7025 • mg@legalexpertconnections.com

News by Line of Coverage

Employment Practices Liability (EPLI)

The “Me Too” movement may translate into more lawsuits alleging sexual harassment or discrimination, according to a Bloomberg Law report. An EPLI policy, if in place, can protect employers against claims alleging wrongful termination, discrimination, harassment and other issues, such as failure to promote.

EPLI carriers are moving toward the use of larger employment law boutiques in the defense of EPLI claims, according to Bloomberg, which makes it more difficult for smaller law firms to compete.

Employment defense firms can encourage clients to request that the law firm be named as counsel of choice when an EPLI policy is purchased or renewed, although this is at the discretion of the carrier.

Workers' Compensation Trends for 2018

Medical marijuana reimbursement requests in workers' comp claims are a key issue for 2018. Federal and state law conflicts may force more state courts to rule on the use of medical marijuana for work-related injuries.

Other hot buttons for work comp claims this year include:

- Opioid prescriptions and addiction risks
- Social media in workers' comp claims
- Cyber security protection for claims data
- Injury rates in an aging workforce

Workers' compensation panel counsel members can establish a leadership role on these issues through the use of CE seminars for adjusters, social media campaigns, and published articles.

WORKERS' COMPENSATION Claim Form

Proposed Insured's Name: _____
(Please use only letters)

Birth Date: 01 January 2018 Gender: Male

Address: _____
Phone Number: _____ Email Address: _____

ID Number: _____ Social Security #: _____

Spouse: Single Married Others: _____
Occupation: _____ Are you: Yes

Call to Discuss a Workers' Comp Panel Campaign

Trucking and Transportation

Federal safety rules, like the April deadline to log driver hours electronically, are one of several factors contributing to a nationwide truck shortage, according to *The Wall Street Journal*.

Freight volumes continue to increase as the economy improves, and harsh winter weather interfered with retailers' ability to restock shelves after a successful holiday season. Many markets saw sharp increases in spot-market prices, the “broker buy” rates that freight brokers pay to the carrier.

The robust trucking climate, coupled with increasing regulations, may increase the volume of claims for accident liability, workers' comp, and employment-related claims. Regulatory compliance assistance may also be in demand.

CONNECT WITH
Trucking Panel Managers
CALL 1-866-417-7025 FOR DETAILS

Retail, Restaurants and Hospitality

Many retailers are struggling as American purchasing patterns transition from in-store to online sales. Restaurants and hotels are also coping with technology changes. Key claim trends in 2018 include:

- ADA Title III defense of public places
- Cybersecurity and privacy
- Employment workplace investigations
- Meal delivery and pick-up liability
- Technology in premises liability claims
- Wage and hour class actions
- Work comp “return to work” strategies

Contact us for specialized panel counsel lists in retail, restaurants, and hospitality.

General Counsel Seek Creative Solutions

Law firms should be more proactive in pitching for work, according to corporate general counsel interviewed for a recent article in *The American Lawyer*.

GCs would like to see their outside law firms show more initiative when it comes to adopting innovative solutions, including proposals for adding value to the legal process.



Outside law firms that approach corporate law departments with a package of solutions to help manage costs while also providing efficient and cost-effective strategies are greatly appreciated by GCs. Alternatively, law firms that fail to provide the most efficient way of handling any piece of litigation are likely to miss out on future opportunities with the client.

Legal market trends include expanded in-house legal departments, as more GCs seek cost reductions by bringing work in-house rather than outsourcing to external law firms.

Substitute the chief claims officer at an insurance carrier with the general counsel role referenced above, and many of the same concepts apply. Claims executives are looking for law firms that can both articulate and demonstrate the value they bring to the table. For many insurance defense law firms, describing their strengths does not come easily.

Chief claims officers look for performance capabilities and metrics such as average time to close, average cost for a file, creative legal strategies, and ADR or trial experience.

Being able to distinctively communicate a law firm's capabilities through a website, firm brochure, and firm resume are essential.



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 more than 125 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 more than 25 states.



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Visit our Websites

www.InsuranceDefenseMarketing.com
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