

# Business Insurance

RIMS 2008 | DAILY NEWS & CONFERENCE COVERAGE | SAN DIEGO

## NEWS IN BRIEF

[ AT PRESS TIME ]

### Bill to drop time limit on bias suits fails

Senate supporters of a bill that would remove time limits on filing claims for employment discrimination under the Civil Rights Act of 1964 failed last week to gather enough support to move the measure to the floor for a vote. The bill—the Lilly Ledbetter Fair Pay Act—would have essentially overturned the Supreme Court's 2007 decision in *Ledbetter vs. Goodyear Tire & Rubber Co.*, which upheld time limits on filing claims under the act. The bill won House approval last year.

### BB&T to acquire Union Bank unit

BB&T Insurance Services Inc. has agreed to buy the insurance operations of Union Bank of California N.A. The acquisition of an San Diego-based UnionBank Insurance Services Inc. will expand BB&T Insurance Services operations in California. Those operations of the Raleigh, N.C.-based unit of BB&T Corp. include wholesale brokerage CRC

See **NEWS IN BRIEF** page 10

## Questions Answers



Mark Way of Swiss Re America discusses how the insurance

industry's approach to addressing climate change is shifting, as well as what risk managers need to be doing within their own organizations. **Page 6**



COURTESY OF RIMS

For the second consecutive year, RIMS attendees worked to give something back to the community where the conference is held.

## RIMS volunteers work to renew neighborhood

By JOANNE WOJCIK

**SAN DIEGO**—Thanks to the efforts of about 180 members of the risk management community, second-graders at one of San Diego's inner-city schools will discover today that a garden has replaced the urban blight they usually see when they gaze out their classroom windows.

Wielding hammers, shovels and paint brushes, the group transformed an alley behind King-Chavez Academy during the Risk & Insurance Management Society Inc.'s second Community Service Day, which was held Sunday. At last year's inaugural event, a slightly larger group cleaned up a park in New Orleans left devastated by Hurricane Katrina.

RIMS plans to hold the event, which is sponsored by Chicago-based Aon Corp., every year, ac-

ording to Samantha Cohn, a senior meeting planner for the New York-based society.

The Community Service Day provides an opportunity for the risk managers and their business partners to share their time and talents in giving something back to all the cities that have played host to the annual conference over the years, RIMS' leadership has said.

King-Chavez Academy was chosen as this year's hands-on community service project because it is located in a part of the city with a high level of gang activity, according to Sara Adams, a program director at Volunteer San Diego, a local nonprofit that partnered with RIMS and Aon to organize this year's event.

"These are children who see do-

See **COMMUNITY** page 8

## Sports events raise money for Spencer

By SALLY ROBERTS

About 150 athletes attending this week's Risk & Insurance Management Society Inc. annual conference took to the links, courts and ice on Sunday to compete and raise money for the Spencer Educational Foundation Inc.

As usual, golf was the main attraction for RIMS athletes, though attendance was down 50% compared with last year's event in New Orleans. The funds raised by the event totaled \$55,000—compared with \$65,000 last year—which included an extra contribution from tournament sponsor Arthur J. Gallagher & Co.

J. Patrick Gallagher Jr., chairman and chief executive officer of Gallagher, encouraged golfers after the event to help increase participation next year.

"I can't think of a more worthy

See **SPENCER** page 10



The golf tournament raised \$55K, but attendance was down.

## INSIDE

**RISK MANAGERS POLLED ON COMPENSATION OF BROKERS / PAGE 3**

**BECKMAN NAMED RISK MANAGER OF THE YEAR / PAGE 3**

**ATTENDEES SHARE THEIR PLANS FOR RIMS '08 / PAGE 6**

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and enter to win a 42" Panasonic Plasma TV.



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U.S. auto insurance policies won't cover crashes south of the border.

## ¿Seguros? No se seguros? Don't drive to Mexico

By JOANNE WOJCIK

Before getting behind the wheel to drive south of the border, take note: U.S. automobile insurance is not valid in Mexico.

While some U.S. insurers may extend their coverage to a few miles from the border or for a few days, only a Mexican automobile liability policy is acceptable as evidence of financial responsibility if a U.S. citizen has an accident south of the border.

Mexican law treats an automobile accident as a criminal, rather than a civil, offense. Moreover, because Mexican law is based on the Napoleonic Code, which presumes guilt until innocence has been established, all parties involved in an automobile accident involving injuries may be detained until authorities assess responsibility. If no injuries are involved, only the drivers may be required to go to the police station to complete an accident report, but their vehicles likely will be impounded for investigation. Once blame is established, the negligent driver's vehicle will remain impounded until he or she pays damages.

Fortunately, a Mexican insurance policy can serve as a kind of "get out of jail free card," because authorities recognize it as a guarantee of proper payment for damages. It also can significantly reduce red tape and bring about an early release.

Obtaining Mexican insurance is easy as picking up the phone or

# Risk management innovations reduce medical errors, save lives

By ROBERTO CENICEROS

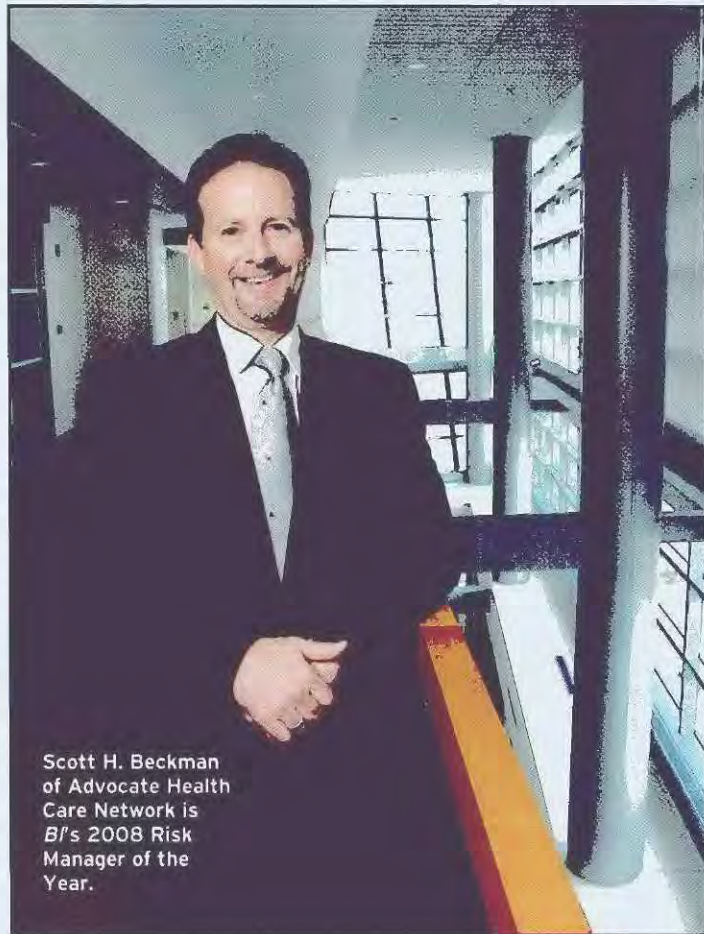
If you are ever in need of medical care, just hope you receive it from a hospital with a risk manager like Scott H. Beckman.

*Business Insurance's* Risk Manager of the Year for 2008 has implemented a host of clinical risk management innovations that eliminate medical errors and save lives along with reducing insurance costs.

The vp of risk management and insurance for Oak Brook, Ill.-based Advocate Health Care Network oversees a program with a \$200 million annual cost of risk. His department of more than 40 risk management professionals and support staff constantly work to eliminate the root causes of medical malpractice, wrongful death and other treatment-related claims.

The former plaintiffs attorney also seeks to speed resolution of the litigated claims that his staff regularly manages in-house.

Mr. Beckman, for example, created practice guidelines for the 12 legal defense firms he uses. His department audits the firms for their



Scott H. Beckman of Advocate Health Care Network is *BI's* 2008 Risk Manager of the Year.

See **BECKMAN** page 8

## Broker fees cheaper than commissions

By SALLY ROBERTS

More risk managers are paying their brokers on a fee basis today rather than on a commission basis—and are saving money as a result, a study reveals.

At the same time, many risk managers would like to see their brokers offer more services, such as enterprise risk management consulting, and would be willing to pay for them, the study found.

The inaugural "Broker Services and Remuneration Study," which is based on re-

sponses of more than 1,500 insurance buyers, quantifies what buyers are paying their brokers and the services they are receiving.

The study is included in the forthcoming "2008 RIMS Benchmark Survey," which will be published next month.

The New York-based Risk & Insurance Management Society Inc. and New York-based Advisen Ltd. are announcing the release of the study at this week's conference. The study

will be conducted annually. According to the study, 70% of

the insurance buyers who use brokers compensate them through an overall fee arrangement, terms of which differ widely. The fees range from \$15,000 to \$10 million, with an average fee of about \$483,000, the survey found.

Of the remaining respondents, who do not have overall broker fee arrangements, one half of the business is placed through placement-specific fees and the other half through commissions, the survey found.

Those that place business on a fee basis, however, spend less money on broker compensation. According to the study, the aver-

See **SURVEY** page 8

**\$483k**

**FEES:** The average amount paid by the 70% of risk managers who use fees to compensate brokers.

See **MEXICO** page 8

## RISK MANAGEMENT HONOR ROLL

# Sky-high exposures create challenges

By **GLORIA GONZALEZ**

Being the risk manager for one of the world's largest aerospace companies is a demanding job and one that is never dull, as Mark A. Meyerhoff, senior director of risk management and insurance for Boeing Co., quickly learned.

"In this job, for a company like Boeing, it's never boring," Mr. Meyerhoff said. "I would not recommend it for the faint of heart."

The Boeing risk management and insurance program is widely admired for its efficiency, flexibility and creativity. His work there has earned Mr. Meyerhoff tremendous respect in the insurance industry and a place on *Business Insurance's* 2008 Risk Management Honor Roll.

"He's got a business compass that always points in the right direction," said William Eason,

president of Atlanta-based Starr Aviation Agency Inc., a unit of C.V. Starr & Co. Inc.

In May 2000, Mr. Meyerhoff began his second stint as a risk manager when he assumed responsibility for Boeing's risk management and insurance department. An aerospace indus-



**'In this job, for a company like Boeing, it's never boring.'**

Mark A. Meyerhoff  
Boeing Co.

try lifer, Mr. Meyerhoff previously served as manager of property and casualty insurance for aerospace manufacturer McDonnell Douglas Corp. in St. Louis starting in March 1996 before Boeing acquired the company the following year.

"I felt like a fish out of water," Mr. Meyerhoff recalled of his

early experience in the insurance arena. "I had no idea of the lingo."

His current list of responsibilities is extensive: managing a department of 18 employees in Chicago and Seattle, directing a team of brokers from four different companies, negotiating coverage terms and pricing for policies with total limits of more than \$10 billion from more than 60 different insurers, managing two captives and a workers compensation program, and keeping Boeing's board of directors abreast of the company's risk management and insurance programs.

The key exposure for the Boeing risk management program is aviation products liability. Managing the risk became an enormous challenge after the Sept. 11, 2001, terrorist attacks, when about half of the aviation insurance market indicated it would not write coverage for Boeing. In response, Mr. Meyerhoff revamped his aviation program,

See **MEYERHOFF** page 9

## Mining data improves risk assessment

By **JUDY GREENWALD**

Jeffrey F. Driver, chief risk officer at Stanford University Medical Center, is kind of a numbers guy.

"What really lights us on fire here is digging into data, understanding what that data is telling us, then pulling together evidence-based strategies that reduce losses," Mr. Driver said.

Programs to address the root causes of loss are then formulated based on the data analysis, "and then we re-measure," said Mr. Driver,



Mr. Driver

whose work has earned him a place on *Business Insurance's* 2008 Risk Management Honor Roll. It also has earned him praise from his bosses, including Christopher Dawes, president and chief executive officer of the Lucille Packard Children's Hospital at the medical center.

"Quite candidly, I don't spend a lot of time worrying about our risk management program," Mr. Dawes said. "I did a few years ago, but it's not on my worry list anymore, because I have confidence in Jeff."

Mr. Driver's successes since being appointed CRO in 2004 include an early settlement program to respond to medical errors, extensive reorganization of the medical center's captive to better meet its parent's needs and developing simulation centers to help hospital staff learn how to respond to mistakes.

The early settlement program—dubbed "PEARL," which stands for "process for the early assessment and resolution of loss"—responds in the event of preventable, unanticipated outcomes or medical errors. It allows for disclosure to patients when events occur, and, when appropriate, full apologies and

See **DRIVER** page 9

**heard  
onthestreet**

[VIEWS FROM RIMS]

**Q:** What do you hope to get out of this year's conference?



**Gwendoly Ezell**

Risk manager  
Combined  
Insurance  
Glenview, Ill.

"I'm attending all of the educational sessions. This year I am hoping to get a lot of education and get up to speed on new exposures for our company. It's an opportunity to attend the sessions."



**Thomas Masiello**

General counsel  
and director of  
risk management  
Cumberland  
Farms Inc.  
Canton, Mass.

"Always networking. I have found that this is by far the best place to network, spend time with good friends, and catch up on the latest industry practices."



**Gordon Adams**

Senior vp and  
director of risk  
management  
SunCal Cos.  
Irvine, Calif.

"Primarily education. The sessions here are offered in all different grades and levels, so you can find information on virtually anything that you have an interest in. Secondly, networking. Why reinvent the wheel when you can find someone who has already done it."

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# Questions & Answers

*The climate change discussion within the insurance industry is shifting from focusing on awareness of the risks toward developing solutions to help companies manage their exposures. Mark Way, head of sustainability issue management and reporting for Swiss Re America in Armonk, N.Y., discusses this shift, the risks associated with climate change and what companies need to be doing.*

## Industry broadens its approach to addressing climate change

**Q: How would you describe the insurance industry's response to climate change risks?**

Various companies in the insurance industry have been engaged in the climate debate for quite some time.

Originally, this was in the risk dialogue and awareness-building area.

However, we are witnessing a broader industry shift toward solution-seeking, sparked by the realization that climate change presents not just risks to our industry but opportunities, too—opportunities to develop new products and services to help our clients manage climate-related risks or to support the de-

velopment of a low-carbon economy.

**Q: What are some of the business risks associated with climate change?**

The clear focus currently is on the potential damage to property caused by an increase in the frequency or severity of extreme weather events.

In the longer term, however, climate change and changes in climate-related regulations, litigation and shareholder activism may pose a risk also to other lines of business like casualty, life and health. The agriculture, energy, transport, marine, engineering and tourism sectors are particularly exposed to various types of cli-

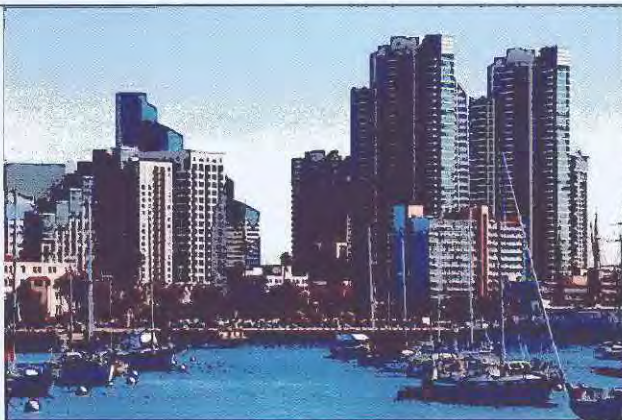
mate-related risk.

**Q: What do risk managers specifically need to know and be doing today to mitigate those exposures?**

As an industry, we need to continue to build our understanding of the risks associated with climate change and refining our modeling capabilities. We can also assume our traditional role of advising society on risk and explaining what measures need to be taken by, for example, governments, municipalities, etc....to adapt and thereby make society more resilient to climate change and reduce the corresponding risks.

### aboutTOWN [SAN DIEGO FACTS]

Explorer Juan Rodriguez Cabrillo sailed into what now is San Diego Bay in 1542 and claimed "San Miguel" for Spain. The name stayed until 1602, when Spanish explorer Sebastián Vizcaíno arrived and renamed the city "San Diego" for St. Didacus, whose feast day was near the date of the landing.



de'Medici, in the Gaslamp Quarter, serves delicious Italian dishes.

### localFLAVOR [BI RECOMMENDS]

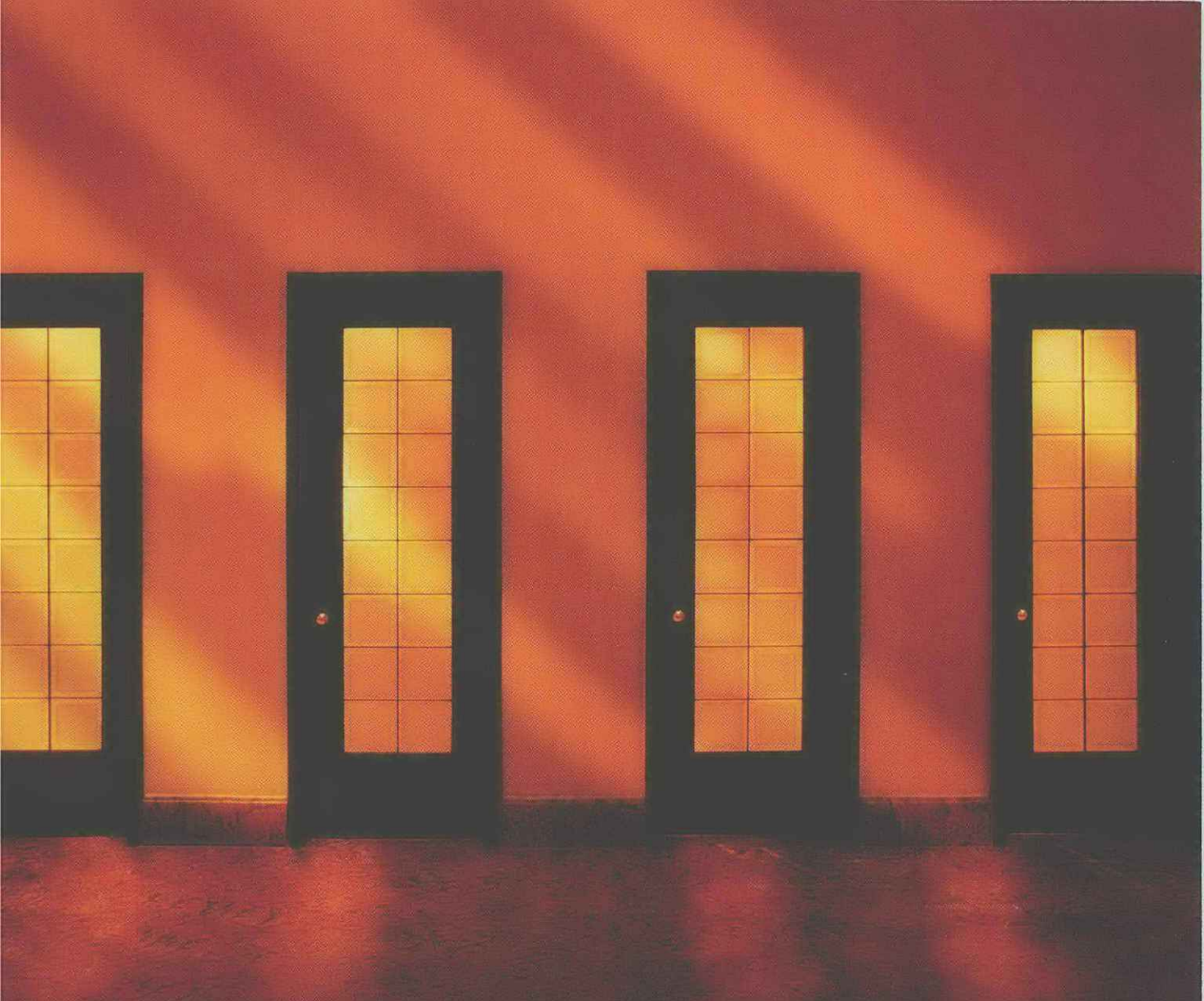
#### de'Medici

815 Fifth Ave., San Diego  
619-702-7228

If you can splurge only on one restaurant while in San Diego, make it de'Medici, an Italian/seafood restaurant in the Gaslamp Quarter.

The wine list is extensive, the portions are huge, the booths a roomy, the service is prompt and friendly, and the dining room is impressive. And the food is among the best in San Diego. If you are in the mood for an appetizer, try the langostino—Icelandic baby lobster sautéed in olive oil and garlic butter. It is exquisite.

Prime, aged beef is given an Italian twist, and de'Medici also offers a full selection of pastas, from spaghetti al pomodoro fresco—pasta with fresh tomatoes, basil and garlic—to more complex preparations. And if you want a meal you can recommend to friends without reservation, try the sole portofino, a sole fillet stuffed with lobster, crab and shrimp and then baked. This dish alone makes a trip to San Diego worthwhile.



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**TOWERS  
PERRIN**

## Beckman: Cutting medical errors

CONTINUED FROM PAGE 3

guideline compliance, which pushes the lawyers to frequently communicate with Mr. Beckman's staff while aggressively resolving litigation.

The 12 firms are ranked against each other based on their audit performance, and that ranking both provides feedback for improving their service and nudges them to compete for Advocate's business.

And while Mr. Beckman cultivates long-term relationships with his vendors, lower-ranking law firms that don't improve within a year are replaced.

Advocate needs Mr. Beckman's vigilance because it operates more than 200 health care facilities, including eight hospitals with 3,500 beds in the Chicago area—a region the American Tort Reform Assn. ranks as the third-worst "judicial hellhole" in the nation.

Advocate is a nonprofit, faith-based corporation sponsored by the United Church of Christ and the Evangelical Lutheran Church of America. It has 25,000 employees and affiliates with 4,600 doctors while generating \$4.1 billion in annual revenues.

With many of its patients' bills paid by Medicare and Medicaid, the health system can't



**Scott H. Beckman's innovative approach to risk management helps Advocate Health Care improve medical care.**

offset losses by raising rates. So there is a direct link between Mr. Beckman's risk management efforts and Advocate's ability to provide hospital services and hire caregivers in the communities it serves, his bosses say.

Those efforts include an enterprise risk management approach, with Advocate's Cayman-based segregated portfolio captive providing professional liability insurance for its doctors and hospitals.

Advocate senior managers serve on the captive's board, which helps ensure that risk management efforts remain aligned with Advocate's business operations and expansion goals.

Apart from work, Mr. Beckman serves on the Risk & Insurance Management Society Inc.'s Conference Program Committee. For this year's conference, he coordinated 16 sessions. Mr. Beckman is also a board member

for the Chicago chapter of RIMS.

His list of accomplishments, on and off the job, is long. But seeing a loving family leave an Advocate hospital with a healthy newborn is among the most rewarding, Mr. Beckman says.

The father of three improved Advocate's medical outcomes for newborns and their mothers, while at the same time reducing lawsuits. He did that by requiring Advocate hospitals to hire enough obstetricians to ensure one is always on site when complications arise and a patient's own doctor can't make it to their side quickly enough.

The work was supervised by 15 members of Volunteer San Diego as well as several school staff members.

To ensure that every volunteer was adequately protected from Sunday's scorching temperatures, Aon equipped them with sunscreen, T-shirts and baseball caps.

Kelly Drinkwine, account supervisor at KemperLesnik, a Chicago-based communications firm that works with Aon, said after the event that "the transformation was remarkable." Despite the heat, "everybody had a great attitude," she said.

Salvatore Chiarelli, RIMS' director of meetings and events, estimated that approximately 70% of the volunteers this year returned for the second year, while about 30% were first-timers.

Janice McGraw, manager of risk management and insurance at McGill University in Montreal, and Harsh Dutia, assistant director of risk management at Rutgers University in New Brunswick, N.J., participated both years.

"It seemed like such an enormous task, but we accomplished a lot in a very short time," Ms. McGraw said of the experience in New Orleans. "I was very pleased when they continued it again this year."

"It was a great experience," Mr. Dutia said.

## Mexico: Drivers must buy cover

CONTINUED FROM PAGE 3

surfing the Internet.

Coverage, which can cost as little as \$ per day, can be obtained through one of numerous insurance agencies located on the U.S. side of the border. Nearly all agencies accept payment by credit card.

To be eligible for coverage, drivers need a valid U.S. driver's license, proof of insurance in the United States and their automobile registration.

Because the Mexican government does not set minimum coverage requirements, the agent will help drivers determine appropriate limits based on their likely exposure, taking into account their vehicle's value, duration of the trip and where they will stay.

Drivers who rent cars should ask the rental agency whether they will be covered if they take the cars into Mexico. Some car rental agencies don't permit cross-border usage regardless of whether a driver buys Mexican insurance.

**\$20**

**FACT:** Coverage which can cost as little as \$20 per day, can be obtained through several insurance agencies on the U.S. side of the border.

## Community: RIMS volunteers help out

CONTINUED FROM PAGE 1

mestic violence, drugs and gangs on a regular basis," she said, adding that school administrators hope that changing the environment will help improve the students' performance.

The volunteers were divided into 11 teams and assigned to various jobs such as painting a mural on a wall that had been tagged by gang graffiti, planting flowers and shrubs, and building wooden park benches, creating a space to provide a peaceful retreat for students and teachers. They also planted about 80 trees and made a flagstone garden path behind the school.

The objective was to create "a comforting and relaxing place," said Doug Turk, Aon's U.S. head of sales and marketing in Los Angeles.

The murals, which were designed by school personnel, were essentially "paint by number," with each team member coloring in specific areas.

Aon plans to sponsor the event again next year, Mr. Turk said.

## Survey: Fee costs vs. commissions

CONTINUED FROM PAGE 3

age per-placement fee as a percentage of premium is 8.8%, compared with an average commission of 10.5%.

David Bradford, editor-in-chief of Adviser, noted that while that trend could change as a result of the soft commercial pricing environment, which is keeping premiums down, it is up to risk managers to negotiate their fees downward to keep their cost savings in place.

The risk managers also identified several services they would be willing to purchase from their brokers if they were available. The three services respondents are most interested in purchasing are: enterprise risk consulting; risk management information systems and self-insurance and captive feasibility studies, the survey found.

For further information about the "2008 RIMS Benchmark Survey" or to place an order, go to [www.rims.org/book](http://www.rims.org/book).

## Driver: Data focus helps reduce risk

CONTINUED FROM PAGE 4

ly offers of compensation. With PEARL, "we're in there so early afterwards, (families) don't feel compelled to see a lawyer," he said. "It's really a new way to treat liability claims."

Another core aspect of Mr. Driver's risk management approach is to bring as many functions as possible in-house, including claims administration for his organization's captive insurer, Hawaii-dominated Stanford University Medical Indemnity & Trust Co.

"Here at Stanford, we have a very strong drive to internalize almost all functions...we

are driven to reduce our expenses so we can get those dollars back into the health care enterprise" to help patients and conduct research.

**'We (at Stanford) are driven to reduce our expenses so we can put those dollars back into the health care enterprise.'**

Jeffrey F. Driver,  
Stanford University  
Medical Center

In addition, Mr. Driver's aggressive approach to risk management has led him to meet directly with companies seeking to provide reinsurance for the medical center's captive.

During these presentations, Mr. Driver, his broker and others discuss the risk management department's cornerstone strategies in each of its operational areas—risk management, finance and claims—and "make the connection between what we're doing and how it makes the captive effective," Mr. Driver said.

Overall, the risk management department is "very focused on driving down losses," he said.

Any successful risk management initiative frees up premium that is then invested in the next program. "I call that 'return on risk,'" Mr. Driver said.

And yet it is clear that the quest for data and its value in loss control is not an end in itself for Mr. Driver; behind it is

an acute recognition of the lives that are saved at the world-renowned medical institution he serves.

"Finances do not lead the way," he said.

## Meyerhoff: Huge risks test program

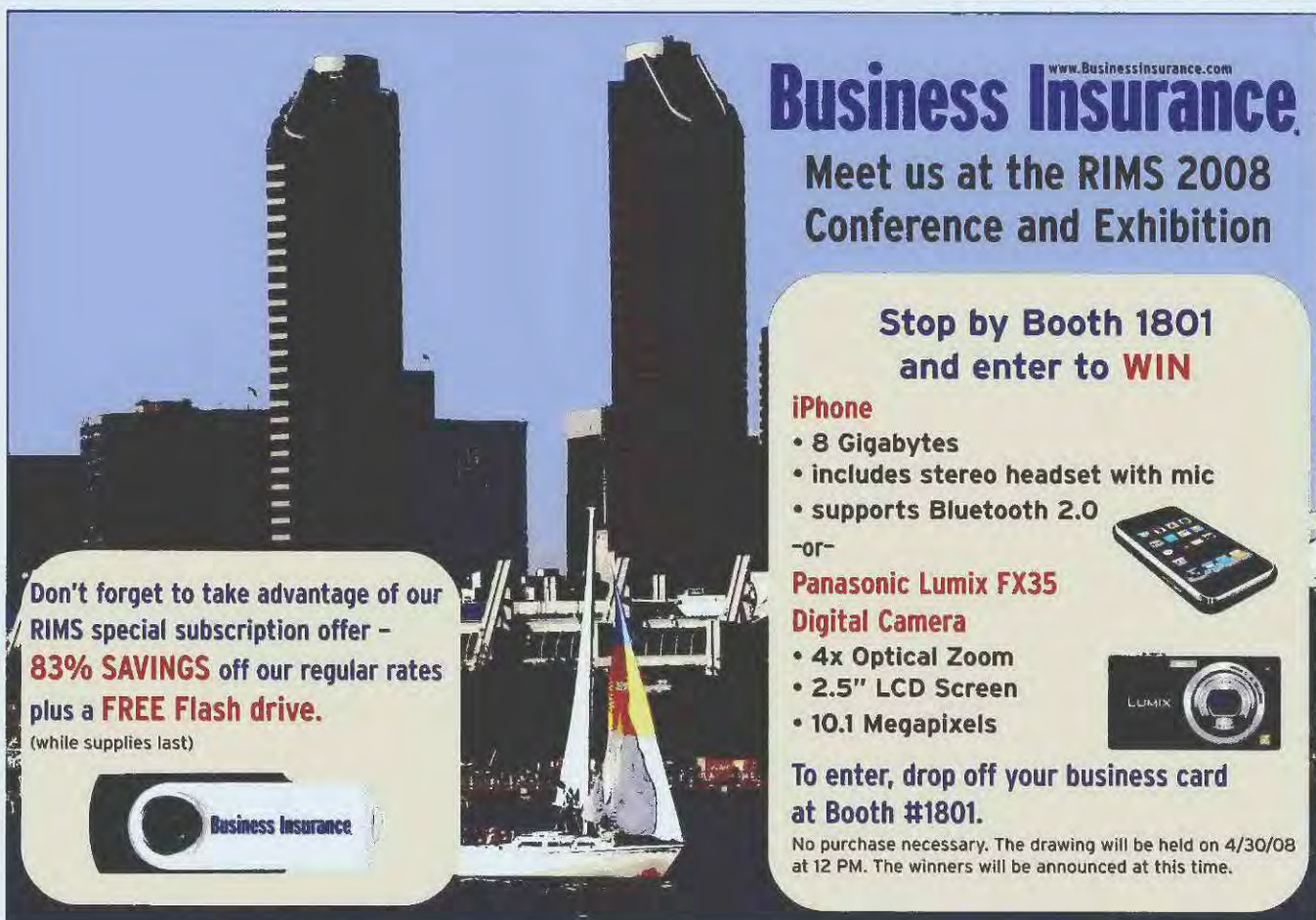
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using one of Boeing's captives to write the primary layer of coverage for the company's aviation risk. That move has saved millions in premiums since 2001 and created competition with the commercial market.

"I've been very impressed with how creative and flexible Mark has been" in managing aviation risk, said John Dillow, a Seattle-based senior partner and head of the national product liability practice group of law firm Perkins Coie L.L.P., which has advised Boeing on its aviation products liability for more than 35 years.

Mr. Meyerhoff is actively involved in all aspects of the program, including personally conducting negotiations in major settlements with airlines and other parties. While he is firm in his approach to handling claims, he is also realistic and objective, which eases the process, underwriters say.

"He is tough, but fair," said Tony Medniuk, group chief executive of Global Aerospace Co. in London. "You can only be that if you have a good understanding of what's possible."



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**NEWS IN BRIEF**

[ AT PRESS TIME ]

CONTINUED FROM PAGE 1

Insurance Services and retail brokerage McGriff, Seibels & Williams Inc. The deal is expected to be completed by the end of the second quarter.

**Senate passes ban on genetic bias**

The U.S. Senate voted last week to ban insurers and others from basing health care coverage on genetic information. The Genetic Information Nondiscrimination Act would bar insurers from basing eligibility determinations or adjusting premiums or contributions on the basis of genetic information. The bill also would bar making employment decisions based on genetic information. The House, which passed a version of the bill last year, is expected to take up the Senate measure soon.

**Lloyd's names president for North America unit**

Lloyd's of London has appointed LoriAnn Lowery as president of Lloyd's North America Inc. Ms. Lowery, who will be based in New York, succeeds Wendy Baker, who left the post at the beginning of the year. Ms. Lowery will be charged with managing all business operations in the United States and Canada. Most recently, Ms. Lowery was managing director and national practice leader for risk management and financial products at Wells Fargo Insurance Services Inc.



**WATCH**

See video interviews with RIMS President Janice Ochenkowski and Executive Director Mary Roth at [www.businessinsurance.com](http://www.businessinsurance.com).

... as seen at **RIMS** PHOTO BY MICHAEL MARCOTTE



**FIRST DAY** Attendees flocked to the San Diego Convention Center Sunday to register for this year's Risk & Insurance Management Society Inc. annual conference and exhibition.

**Spencer: Fun for a cause**

CONTINUED FROM PAGE 1

cause in our industry," he said. "We've got to be bringing young people into our industry—that's what Spencer does."

The 17th annual Spencer/Gallagher Golf Tournament, held at the Barona Creek Golf Club, attracted about 120 attendees who played a four-person scramble.

The first-place team, with a low gross score of 61, consisted of Kevin Finn, Tim Galvin, Doug Gregory and Dave Hovey.

Coming in a close second with a low gross score of 62 was the team of Paul Fix, Mike Horvath, Greg Lindsley and Steve Michalowski.

About 13 tennis players competed in the 14th annual Spencer/Logic Associates Inc. tennis tournament Sunday morning, which was held at the San Diego Marriott Hotel & Marina.

Bill Perry, president of sponsor Logic Associates Inc., said Sunday that he was unsure of how much money was raised from this year's event, though last year's tournament raised \$6,500 for Spencer.



**Matt Hewitt makes a shot Sunday afternoon on the way to a victory in one of the singles tournaments.**

Matt Hewitt won the "A-level" singles match, while Pat McGuinan was the runner-up. In the "B-level," the winner was Liz Hartley, and Jerry Colonna was the runner-up.

For the first time since the 2005 RIMS conference in Philadelphia, 20 skaters took to the ice for the Napco L.L.C. Spencer Cup Hockey Tournament. Team USA beat Team Canada by a score of 7-2.

The event was held at the San Diego Ice Arena.

The total sum raised from all of the Spencer sports events this year had yet to be tallied Sunday.

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