

# PSAA MONTHLY

## HIGHLIGHTS

### SAVE THE DATE

- "Welcome Back Luncheon on May 20th (front page)
- PSAA Golf Tournament June 17th (page 6)

### PSAA OFFICERS AND COMMITTEE LIASONS

(pages 2-3)

### CLAIMS CONVERSATIONS

(beginning on page 5)

### ADVERTISE WITH US

(page 14)

### PSAA MEMBERSHIP INFO

(page 19)

## WHAT'S HAPPENING NOW...



May "Welcome Back" Luncheon

Friday, May 20th, at 11:30am

Renaissance Seattle Hotel  
515 Madison Street  
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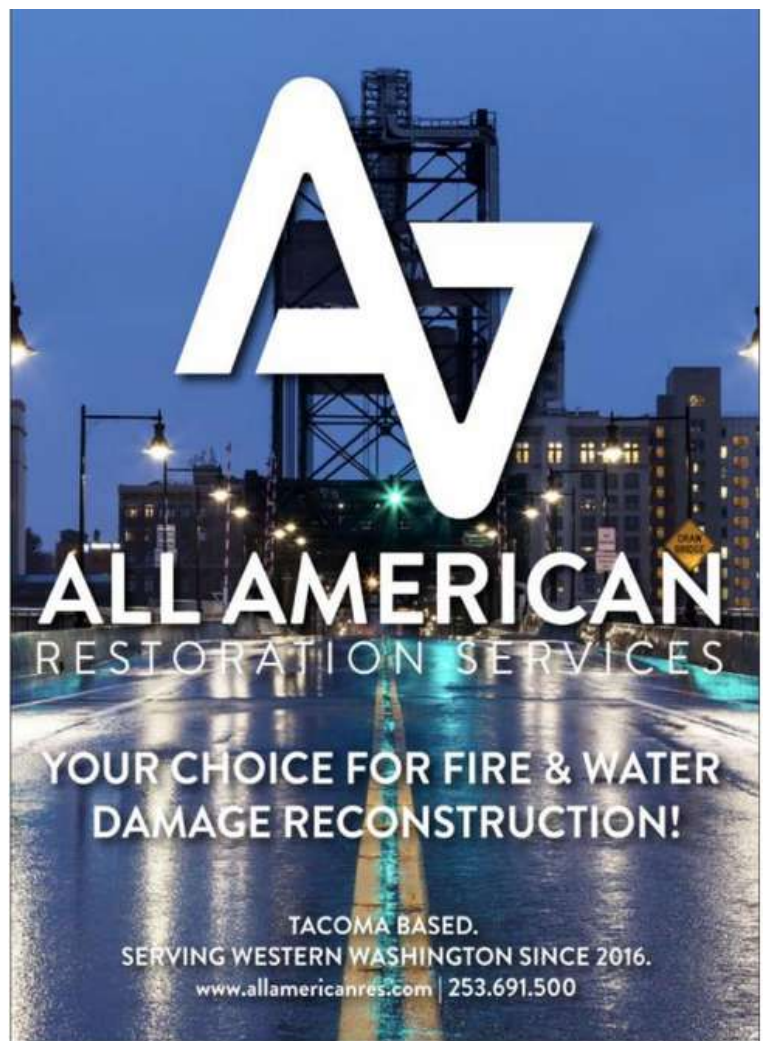
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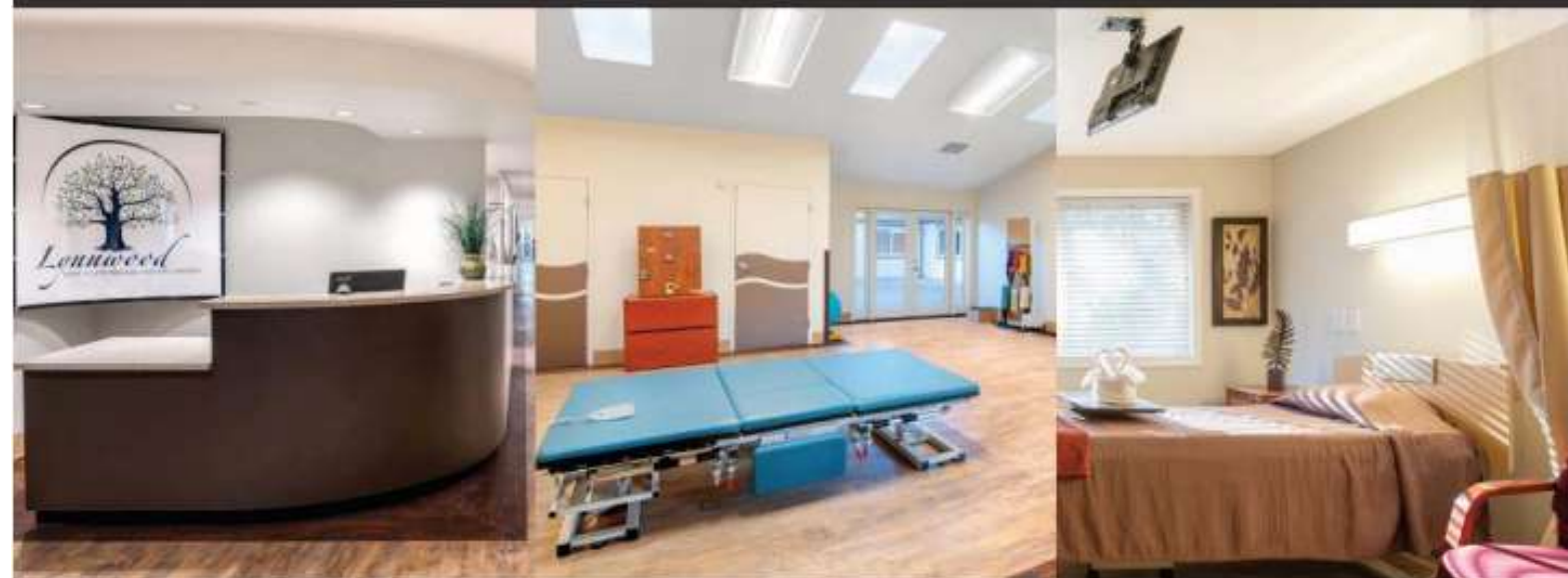
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# CLAIMS CONVERSATIONS



with Roger Howson

Claims Dispute Resolution  
PSAA Newsletter Editor and  
Education Chair

Claims are what happen while you're making other plans.

There is not enough time in the day, not enough days in the week, not enough weeks in the month, and not enough months in the year to keep up with the volume of incoming claims and ongoing pending files. We are inundated with calls, texts, emails, and even snail mail.

One of my longtime claims cohorts used to joke that he answers the phone, "I'm sorry it's late, and I promise to get it to you right away. Who is calling please?"

We get it! Claims professionals (adjusters is too limiting a title and category) are too busy to attend PSAA meetings and events. Regardless of whether you are an adjuster, attorney, administrator, agent, estimator, expert, or middle to upper management, the profession of insurance claims can be difficult and demanding. You will age seven years for every year you work in claims (I am currently 337 years old).

(continued on page 9)

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## TOURNAMENT

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# CLAIMS CONVERSATIONS

*(continued from page 5)*

No one else understands the pressure to perform. My first claims manager told me that a diamond is a lump of coal that made good under pressure. One of our senior claims representatives heard my boss telling me that, and he whispered, "For every diamond there are acres and acres of coal burned up in a furnace." Some days we're a diamond, and other days we're smoke.

One major property and casualty insurer is currently scrambling to immediately find, recruit, and hire 12,000+ claims representatives. 12,000+ job openings... at just ONE insurance company!!

*(continued on page 10)*



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# CLAIMS CONVERSATIONS

*(continued from page 9)*

Claims professionals have never been in so much demand, AND the profession has never been so demanding as right now. These past two years of the Coronavirus pandemic has isolated too many of our claims community, so we might be unaware of the many changes within the insurance industry, claims protocols, legislative mandates, economic disruptions, and societal conventions.

On any given day, a claims representative will have to answer for inflation, infectious diseases, supply chain snafus, labor shortages, judicial logjams, culture wars, and overall bad attitudes... that's in addition to explaining deductibles, depreciation, exclusions, policy limits, liability, and coverages.

*(continued on page 11)*



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## CLAIMS CONVERSATIONS

(continued from page 10)

NOW do we understand why there needs to be a PSCAA, and why we need to show up, and why we need to encourage everyone even tangentially involved in our industry to become a PSAA member? We NEED each other!! We need to know that we're not alone out there. We need to connect with people who understand what we go through every day. We need to know what's going on in the industry, in our profession, and our claims community.

(continued on page 12)



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**HELLO!  
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## CLAIMS CONVERSATIONS

*(continued from page 11)*

Think of PSAA as a combination of professional development, career advancement, networking, and mental and emotional health therapy. (Lizzy, that should be PSAA's new motto, "PSAA, cheaper than therapy".)

If we are not yet convinced of the importance of PSAA, perhaps the following news flash from Arizona (see below) will incite a stampede of PSAA membership. See y'all next month!!

*(continued on page 14)*



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# CLAIMS CONVERSATIONS

(continued from page 12)

## Arizona Appellate Court to Consider Standard for Aiding and Abetting Bad Faith Claims

Iglesia v. Brotherhood  
Arizona Court of Appeals  
April 12, 2022

In cases alleging bad faith against an insurance carrier, policyholders will often sue employee adjusters or contractors (independent adjusters, engineers, experts) of the insurance carrier in order to keep the case out of federal court. In a legal sense, policyholders sue the employee adjusters or contractors to defeat “diversity jurisdiction” necessary for the federal court to hear the case. The most common legal claim alleged against the employee adjuster or contractor is “aiding and abetting” the breach of the duty of good faith and fair dealing. In *Iglesia v. Brotherhood*[1], the Arizona Court of Appeals will address the standard to state a claim against the employee adjuster or contractor for aiding and abetting the breach of the duty of good faith and fair dealing.

*Iglesia* arises out of a hail loss at a church in Phoenix, Arizona. After the loss, the insurer retained an engineering firm to evaluate the damages. After the insurer denied the claim, *Iglesia* filed suit against the insurer for breach of contract and breach of the duty of good faith and fair dealing, and against the engineering firm for aiding and abetting the breach of the duty of good faith and fair dealing. The trial court granted the engineering firm’s Motion to Dismiss, finding that *Iglesia* failed to state a claim upon which relief could be granted. The church appealed.

(continued on page 17)

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ALOHA  
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HOLA

# CLAIMS CONVERSATIONS

(continued from page 14)

Non appeal, the engineering firm is not challenging the state of the law for aiding in abetting in Arizona, which was pronounced in the case Federico v. Maric[2]. According to Federico, aiding and abetting tortious conduct requires three elements: (1) the primary tortfeasor must commit a tort that causes injury to the plaintiff; (2) the defendant must know that the primary tortfeasor's conduct constitutes a breach of duty; and (3) the defendant must substantially assist or encourage the primary tortfeasor in the achievement of the breach. Rather, in Iglesia, the Court of Appeals will address what is necessary under Arizona's pleading rules to state a claim for aiding and abetting. In other words, what a plaintiff must allege in the complaint to defeat a motion to dismiss on an aiding and abetting claim.

(continued on page 18)

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**HELLO!  
ALOHA!  
BONJOUR!  
HOLA!**

## CLAIMS CONVERSATIONS

(continued from page 17)

Iglesia could prove to be an important case for insurance carriers, who typically prefer to litigate coverage and bad faith claims in federal court. If an employee adjuster or contractor is named in the suit, insurers often file motions to dismiss to remove that particular defendant, and if granted, remove the case to federal court. Iglesia will give both policyholders and insurance carriers better guidance on what claims can be dismissed, and consequently, what cases can be removed to federal court.

The Court of Appeals heard oral argument on April 12, 2022. A decision is expected in the next several months.

Full disclosure- this Claims Conversation (above) is a copy of the article I wrote for this month's OCAA Newsletter. My profuse apology to those of you who subscribe to both the PSAA and OCAA Newsletters. (Although, I DID take the time to change any mention of OCAA to PSAA.)

# PSAA Membership Application for 2021-2022



## PSAA Mission Statement

*Puget Sound Adjusters Association is a professional organization dedicated to the ongoing education of the claims community — providing an arena for member interaction and the sharing of knowledge and resources.*

- Share timely & professional information
- Camaraderie with colleagues & service providers
- Keep current regarding professional products & services
- Learn skills that enhance daily service operations & delivery

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**DUES ARE \$50 FOR THE YEAR.\***

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Mail to: PSAA, 2409 78th Ave W, Tacoma, WA 98466 or scan and email to [lizzy.adkins@us.crawco.com](mailto:lizzy.adkins@us.crawco.com)

Please print or type information

Application is: (Check one)    Renewal \_\_\_\_\_    New \_\_\_\_\_    Change \_\_\_\_\_    Referred by \_\_\_\_\_

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**Carrier Claims Personnel** (claims adjusters, managers, supervisors, underwriters, subrogation, etc.), Risk Managers, Self-Insured & Insurance Pool personnel, Independent Adjusters, TPAs, Agents, Brokers
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  - Corporate Members** (6 or more employees from one office) \$30 per person  
 To qualify for this rate, persons must be eligible for ACTIVE membership and there must be at least 6 applicants located within the same office.
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Home Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Work Phone \_\_\_\_\_ Cell Phone \_\_\_\_\_

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