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"Beyond Bromides: Operationalizing a 'Reasonable' Covid-19 Coverage Investigation"

— By Kevin Quinley CPCU, AIC, ARM, ARE, RPA

Emerging Covid-19 bad faith lawsuits against insurers often include allegations of insurers' failure to conduct reasonable investigations. Axiomatic in claim-handling is the principle that insurers receiving claims should conduct reasonable investigations. For example, Section 4 of the NAIC Model Act – Unfair Claims Practices Defined includes as one unfair claim practice, "refusing to pay claims without conducting a reasonable investigation." [1]

Most state Unfair Claim Settlement Practice Regulations mirror the NAIC Model Act and embed the principle of insurers conducting a reasonable claim investigation. However, some insurers have issued what customers view as warp speed denials, decisions so fast that -- plaintiffs reason -- there is no way insurers could have done a reasonable investigation. Concerns arise that adjusters read "virus" in claim reports, spot "virus" in policy exclusions and issue hasty coverage denials, slamming files shut. The risk of bad faith claims from deficient coverage investigations is not purely theoretical. For example, multiple Chicago restaurants sued Society Insurance Company in U.S. District Court, Northern District of Illinois, alleging among other things, that Society "immediately denied the claims (either verbally or through cursory emails) without conducting any investigation, let alone a "reasonable investigation based on all available information." [2]

Other suits parrot the same allegation. Doubtlessly, future lawsuits will incorporate the claim as part of the policyholder bar's playbook. Claim managers or attorneys, speaking from on high, may dispense to adjusters risk mitigation pearls along the lines of, "Conduct reasonable, good faith and prompt investigations." Such nostrums, however, are as meaningful as the official motto of the movie Animal House's mythical Faber College: "Knowledge is Good." The operational challenge for front-line adjusters is translating platitudes into practical, actionable steps.

What is a "reasonable coverage investigation" of Covid-19 claims? Few templates exist to guide adjusters here. That said, here is an attempt to fill that void, offering action steps in place of bromides through the following nine tips on the contours of such coverage investigations:

1. Read the entire policy! Not to overlook the obvious -- read the policy. As some insurance specialists say, "RTFP" – "Read the Freakin' Policy!" Not a sample, not just the Declarations page and not just the body of the document without endorsements. Claimhandlers should review the whole policy and reference that in the claim file notes. If the form is post-2006, check to see if a Virus and Bacteria exclusion appears. Look at how the policy defines key terms such as "property damage." For third-party liability claims, check how the policy defines "occurrence." Consider too the wording of "pollution" or "communicable disease" exclusions. (Deconstructing policy forms to determine coverage -- or lack thereof -- arising from Covid-19 business interruption claims will likely occupy courts for years to come. A discussion of these issues is beyond this article's scope.)

2. Contact the insured. An interview with, or a statement from, the insured is warranted. Insurers who deny coverage without ever having at least spoken with the policyholder are open to bad faith claims based on deficient investigation.

3. Review relevant state unfair claim settlement practices act and regulations. Although many have common features from state to

state, certain jurisdictions have detailed requirements for time limits for acknowledging claims, time limits within which insurers must accept or deny, time limits for periodic policyholder updates if insurers lack sufficient information to accept or deny coverage, etc. Now is not the time to run afoul of state unfair claim practice regulations, so continuing education refreshers for claim staffs are essential.

4. Involve the intermediary. Discuss the file with the insurance agent or broker. If the adjuster is leaning toward a "no coverage" stance, rehearse this with the insurance intermediary. Determine if they have a different perspective. The adjuster is not seeking approval from the agent or broker, but pays them the courtesy of knowing the adjuster's thinking. An agent or broker might raise an issue or mention a fact that the adjuster should weigh before reaching a final decision. Or, the agent and broker may (perhaps reluctantly) concede that the adjuster's coverage analysis jives with the policy. Or they may be agnostic and defer coverage decisions to the adjuster.

   This consultative step is also useful by making the insurance agent or broker part of the process, paying them the courtesy of advance notice if

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they get an irate call from their policyholder saying, "I thought you sold me full coverage!"[3] In fact, the adjuster and insurance intermediaries may agree that the latter will provide advance notice to insureds regarding looming (non) coverage notices.

5. Scrutinize the local government's specific shut-down orders, particularly in business interruption claims. The wording of the shut-down order may be highly relevant, to the extent it tracks or differs from policy language that grants or excludes coverage.[4]

6. Engage an environmental engineer to assess contamination or lack thereof. If policyholders seek coverage due to the alleged presence of the Covid-19 virus on their property constituting "damage to property," insurers pondering denial may test to see if an insured's property has coronavirus trace elements. The findings of such tests and samplings may inform coverage decisions.

7. Contact the underwriter who wrote the policy, not for approval or blessing, but to see if any blind spots afflict the adjuster analyzing coverage. If an underwriter disagrees with the adjuster's rationale, that is a red flag the adjuster should weigh. If the underwriter concurs with the adjuster's rationale for denial, record that in claim file notes.

8. Seek outside coverage counsel's input. This will incur expense, but not doing it may incur more expense in the long run by inviting bad faith claims that no legal opinion vetted the adjuster's coverage analysis. This is not to say that using outside counsel is required, necessary or insurance claim industry practice to seek coverage opinions on every file. However, given the contentiousness of Covid-19 claims and the certainty of litigation, prudent adjusters will seek the advice and counsel of a coverage attorney before making final decisions. It may be an investment in due diligence and money well spent!

9. Roundtable the coverage issue. This includes a claim supervisor, perhaps a claims manager and peer-level adjusters. The old saying that "two heads are better than one" applies. This "stress tests" the adjuster's coverage analysis. It minimizes the odds of analytical blind spots which could lead adjusters to shaky denials. This does not mean that every coverage issue warrants a roundtable, or that not convening one equals bad faith. What insurers seek is a protocol to inoculate themselves from bad faith claims, just as pharma companies scramble for a vaccine to protect citizens from coronavirus. Sound coverage investigations are not necessarily the product of robotically ticking off boxes from a checklist. However, checklists promote consistency in handling Covid-19 coverage investigations. We temper the preceding suggestions with the fact that adjusters should tailor investigations to the exigencies of each particular claim. These tips do not constitute legal advice. Nor do they suggest that omitting one (or more) of the steps automatically equals bad faith.

Managing risk is an insurer's core competency. Embracing and adopting the preceding steps can be part of each insurer's risk management strategy to inoculate themselves from the "bad faith virus" that Covid-19 claims may otherwise deliver. ❖

Endnotes

1 https://www.naic.org/store/free/MDL-900.pdf.

2 Big Onion Tavern Group LLC et al. v. Society Insurance Company , United States District Court for the Northern District of Illinois, Eastern Division, (No. 1:20-cv-02005).

3 Like it or not, many observers predict that a wave of lawsuits targeting insurance agents and brokers for failing to procure appropriate coverage for policyholders and/or misrepresenting the nature of the coverage that the intermediary placed for the policyholder/client.
See www.jdsupra.com/legalnews/when-insurers-deny-claims-brokers-are-55803/

4 See "Language in Emergency Orders Gives Ammo to Plaintiffs in Business Interruption Suits," Claims Journal, 5/13/20, https://www.claimsjournal.com/news/national/2020/05/13/297037.htm

About the Author
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An Introduction to Multidistrict Litigation

By Amy Saack, Associate
Davis Rothwell Earle & Xóchihua, PC

This article was originally published for Oregon practitioners. However, because Multidistrict Litigation takes place in Federal Court, much of the article will also be useful for those practicing in Washington and looking to understand the basics of Multidistrict Litigation or "MDL."

1. What is Multidistrict Litigation and how can it affect my Oregon case?

Multidistrict Litigation (or "MDL") is the consolidation of many related federal cases into a single federal venue to efficiently oversee pretrial proceedings—with the expectation that the individual cases will be remanded back to the district in which they were originally filed after pretrial proceedings are concluded.

The first step toward the creation of an MDL is the individual filing of many related cases in multiple venues in Federal Court. The Judicial Panel on Multidistrict Litigation (or "JPML") then decides whether the related cases—from any number of federal venues—should be consolidated, and to what single venue the cases will be transferred. The threshold for consolidating cases into an MDL is whether the cases have a question of fact in common, and whether consolidation would be efficient.

Increasingly, the JPML is consolidating mass tort cases—for example, those involving pharmaceutical products, medical devices, allegedly defective products or exposure to toxic substances. Recent high-profile examples of MDLs include the NFL Players' Concussion Injury Litigation, the Volkswagen "Clean Diesel" MDL, and the National Prescription Opioid Litigation MDL. There are also several pending motions for consolidation related to COVID-19 business interruption claims and claims against airlines for flight cancellations without refunds during the pandemic. As of June 15, 2020, there are more than 186 pending MDLs in the United States, which have consolidated over 500,000 separate actions.

The Volkswagen MDL consolidated cases relating to 2.0 and 3.0 liter diesel engines sold by Volkswagen which allegedly contained software enabling the vehicles to evade emissions requirements. The JPML transferred at least one case filed in the District of Oregon to the Volkswagen MDL in the Northern District of California. Local news sources reported that many more individual cases and class actions pending in the District of Oregon were transferred to

the Northern District of California after the Volkswagen MDL was created. At its height, the Volkswagen MDL contained 1,881 actions from across the nation.

With respect to the Opioid MDL, the JPML consolidated cases filed by various states and counties from across the nation alleging that the manufacturers, distributors and retailers misrepresented the risk of long-term use of prescription opioids and failed to properly monitor suspicious orders of prescription drugs, contributing to the current opioid epidemic. The JPML assigned the Opioid MDL to a judge in the Northern District of Ohio. Related cases filed in the District of Oregon against both national companies like Purdue Pharmaceuticals as well as local businesses, retail pharmacies, and physicians were therefore transferred to the MDL in the Northern District of Ohio.

Oregon state court cases, although safe from consolidation, can also be affected by the creation of a federal MDL. Specifically, the MDL judge may order the participants in the MDL to coordinate discovery with the parties in related state court cases, even though state courts operate independently from federal courts. For example, the Opioid MDL created a special committee within the MDL to coordinate discovery and other matters with attorneys and parties involved in parallel state court cases. This theoretically prevents duplication by providing related state court cases with discovery from the federal MDL. In Oregon state court cases, however, this could mean access to expert depositions and materials that would otherwise be unavailable under the Oregon Rules of Civil Procedure.

2. Is an MDL the same as a class action?

An MDL is a device used to aggregate multiple civil actions—so it shares similarities with the class action mechanism—but the two should not be confused.

While a class action is able to obtain class certification only after meeting certain requirements—outlined in Federal Rule of Civil Procedure 23—cases consolidated into an MDL need only share a question of common fact. This allows mass tort cases that would normally be precluded from class certification—due to the dissimilarity of injuries, interests, or claims—to be consolidated.

Still, in many ways, an MDL will mimic a class action when the class action device is not available. Instead of a defined class, an MDL judge will typically create different "tracks" to organize the MDL by grouping similar cases together for discovery. A class action has a class representative (or several representatives for each subclass) which pursues

the case on behalf of the class. Similarly, the MDL judge might designate lead cases in each track where discovery and motions move forward, while the remaining cases are stayed.

While procedurally different, an MDL and a class action are not mutually exclusive. In fact, the JPML may consolidate multiple class actions (along with individual actions) into an MDL or the MDL judge may approve the creation of a class within the MDL. For example, in the Volkswagen MDL, the court has overseen discovery for three separate class actions, facilitated several settlements, and continues to maintain control over the remaining pretrial proceedings.

In the Opioid MDL, the MDL judge created a "Negotiation Class" within the MDL—an admittedly new use of the class action mechanism under Rule 23— for specifically named plaintiffs and defendants, in order to facilitate settlement discussions. Although the Opioid MDL has several tracks and lead cases, settlement of a lead case in an MDL does not bind all cases in the same track, where as any settlement reached on behalf of a class would generally be binding on all class members once approved by the court.

3. Can I oppose the transfer of my case in the District of Oregon to an MDL in another jurisdiction?

There are a variety of reasons one might want to avoid consolidation into an MDL. The forum will likely change (perhaps to a distant one), continued control over the litigation is unlikely, and although the purpose of the MDL is efficiency, consolidation with hundreds or thousands of other actions will extend the timeline of an individual case—perhaps by years.

The Judicial Panel on Multidistrict Litigation (JPML) has authority under 28 U.S.C. § 1407 to transfer related actions into a single Federal district court for coordinated or consolidated pretrial proceedings. The JPML has its own procedural rules, which allow a party to an action to file a motion with the JPML seeking the creation of an MDL. The party must also file a copy of the motion in each district court where the motion affects a pending action. Any party opposing transfer must file a response with the JPML within 21 days. However, many cases are transferred to an MDL after the MDL has already been created. These are called "tag-along actions." For tag-along actions, the MDL will issue a conditional transfer order, and in that case the party opposing transfer in this case has only seven days to file a notice of opposition to the transfer.

The only other procedural device to challenge such

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an order from the JPML is extraordinary writ under 28 U.S.C. 1651— and the party opposing transfer must seek review in the federal appeals court for the district to which the action has been transferred. Practically speaking, opposition to transfer is unlikely to succeed because the consolidated actions need only share "one or more" common questions of fact—which is not a very high bar.

A party might still avoid consolidation and transfer if, however, there is a basis to challenge federal jurisdiction over the action prior to transfer. For example, a case filed by Multnomah County against Purdue Pharma, LP and other defendants in Oregon state court was removed to the District of Oregon and conditionally transferred by the JPML to the Opioid MDL in the Northern District of Ohio as a "tag-along action." Multnomah County objected to the transfer, then moved to remand the case from the District of Oregon back to Multnomah County Circuit Court for lack of subject matter jurisdiction. The District of Oregon agreed it did not have subject matter jurisdiction based on lack of diversity. The court remanded the case back to state court and Multnomah County avoided consolidation in the MDL.

If an individual case is consolidated into an MDL, it will remain in the MDL until pre-trial proceedings in the MDL are concluded—and likely only after serious attempts at a global settlement are made. At that point, if the individual case is not resolved through settlement, the MDL will remand the case to its district of origin—where the case will continue through to resolution, whether by motions practice, trial or individual settlement.

4. What happens after my case is transferred to an MDL in a new jurisdiction?

It is important to note that your case might be joining an MDL that is already in progress—perhaps having been initially consolidated years prior to the transfer of your case. Every MDL is different, but larger and more high-profile MDLs usually create a webpage for the MDL. If your individual action is joining an MDL already in progress, the webpage is the best place to start catching up on the proceedings to date. MDL webpages usually provide important information such as the names and contact information of key participants in the MDL, as well as general instructions, and often have copies of important rulings that can be accessed directly from the webpage.

For example, the website may identify any "special masters," which are persons appointed by the judge to oversee specific tasks such as handling discovery disputes or settlement negotiations. It may

also describe the different tracks created within the MDL, the lead counsel for plaintiffs and defendants in each track, and liaisons for each track appointed to ensure attorneys not in lead counsel positions are kept apprised of the status of proceedings. Lead counsel essentially take control of the pre-trial proceedings for their track. Discovery in other tracks may be stayed while lead cases move forward—perhaps even to a bellwether trial.

In a bellwether trial, the MDL judge chooses one lead case in the MDL to be tried to a jury. The purpose of a bellwether trial is to allow many claims in the MDL to efficiently "mature" toward settlement. For example, imagine there are one hundred cases involving similar claims, and one of these cases is tried to a jury. After the trial, the ninety-nine remaining untried cases can better assess how juries respond to certain facts and legal theories, or assign value to claims. That is why the bellwether case is chosen based on its ability to develop key factual or legal issues shared with other actions in the MDL. However, the outcome of a bellwether trial is not binding on any other cases in the MDL.

Bellwether trials can improve the efficiency of MDLs, but can also cause delay. For example, in the Opioid MDL, cases filed by two Ohio counties against prescription drug manufacturers and distributers were set to be tried as bellwether cases in October of 2019. The cases would have tried claims similar to those in the remaining three thousand cases in their MDL "track." However, the parties to the bellwether cases reached a settlement the day before the bellwether trial. The MDL court then had to appoint a new lead case for the track and set a date for a new bellwether trial, delaying the ability for other cases in the same track to learn from the bellwether trial.

5. When will my case go back to Oregon?

In theory, individual cases should be remanded back to the court from which they originated once pre-trial proceedings in the MDL venue have concluded. Although the stated purpose of an MDL is to promote efficiency in pretrial proceedings, the coordinated discovery of hundreds of complex yet subtly different cases is no easy task and can take years. Simply put, an MDL is more efficient for federal courts than it is for individual actions.

MDL judges and the JMPL itself promote the goal of resolving the majority of consolidated cases through global settlements. Fewer cases in the MDL means less bargaining power and less efficiency. Remand prior to settlement (or breakdown of settlement talks) is therefore generally disfavored.

An individual case, once consolidated into an MDL, may no longer be the focus of discovery, especially if it is not designated as a lead case. However, the parties should nonetheless prepare as if the case will eventually go to trial by preserving documents and identifying and interviewing witnesses. If the case is not settled in the MDL, the judge will remand the case to its original district to allow the case to continue to resolution. At the time of remand, discovery is—hypothetically—complete, and the case is ready for trial. In reality, parties should notify the district court of any additional discovery needed after remand from the MDL and prior to trial.

Understanding Multidistrict Litigation, which is complicated and unfamiliar to many, can be a daunting task. MDL judges are aware of the complexity of MDLs and typically have the resources to respond to questions. However, the use of MDLs is becoming increasingly popular in federal court and it is helpful to be generally familiar with the process. The current growing backlog of cases created by court closures due to COVID-19 will likely increase the popularity of consolidating cases into an MDL in the coming years. We hope this article provides you with a helpful overview of and introduction to Multidistrict Litigation. ❖

Claims Conversation

with **Roger Howson,** Claims Dispute Resolution, PSAA Newsletter Editor & Education Chair, TCAA Past President

Soon the PSAA Board will be videoconferencing to determine the upcoming PSAA schedule and agenda for 2020-2021. This might be a short meeting.

Liberty Mutual, State Farm, Allstate, Farmers, and most of the other major insurers have closed their offices for the foreseeable future. Google informed their employees they will not be expected to come back to the office until July 2021. Microsoft and Amazon tell employees they can work from home at least through October and probably into January of 2021. REI announced they are selling their magnificent, newly built corporate complex in Bellevue without ever taking possession because most of their employees are now working remotely.

Seattle Public Schools have announced that all classes will be held online. Other school districts are also cancelling in-class learning or experimenting with a hybrid of limited attendance combined with distance learning. Many colleges and universities have closed their campus in favor of conducting

classes online. Parents and students are reconsidering the privilege of paying Ivy League tuition for a University of Phoenix experience.

The PAC 12 and Big 10 have suspended their 2020 football season. The NBA, WNBA, MLB, NFL, and MLS are all playing to empty stadiums and arenas, but even with those precautions their seasons are still at risk of cancellation if there is a Covid-19 breakout amongst their players and personnel. The nationwide AMC and Regal movie theater chains have yet to reopen. Restaurants restrict inside dining to parties of no more than five people so long as they are all from the same quarantine bubble. The Democratic Party is calling for a nationwide mandate on wearing masks and social distancing.

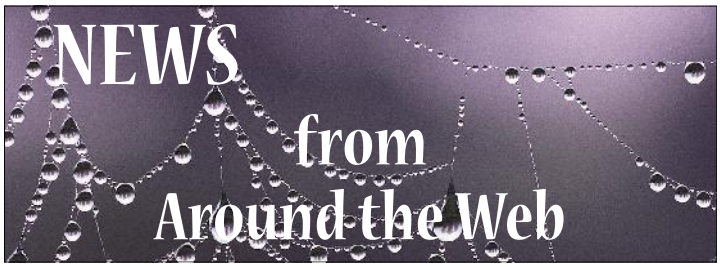
In other Coronavirus-related news, bikers at a Sturgis, South Dakota rally set the record for quarantine bubbles at 250,000+ individuals. Consequently, scientists and medical professionals are now researching the efficacy of leather vests, full sleeve tattoos, Ray Ban sunglasses, MAGA hats, Confederate flags, unregistered firearms, and desperate ponytails on balding male Baby Boomers as a remedy or vaccine against transmission of the Coronavirus. They are also studying the rumored correlation between wearing masks and loss (or lack) of testosterone.

The motorcycle rally in Sturgis, South Dakota proves that there may still be hope in the 2020-2021 year for PSAA to host monthly meetings, holiday celebrations, bowling and golf tournaments, an educational symposium, and/or a vendor fair. We are counting on Lizzy Adkins and Barb Tyler to provide viable alternatives and/or workarounds to ensure that the PSAA membership stays sufficiently connected.

We miss you. Hopefully, you miss us.

Elsewhere in this newsletter you will find an excellent article forwarded by PSAA stalwart Dave Mandt on the necessity of thoroughly and thoughtfully investigating Coronavirus-related claims. Your professional liability and/or errors and omissions insurer will thank you for reading this timely and informative piece. Dave does not get nearly enough credit for being such a reliable and frequent contributor and commentator at meetings, symposiums, and within the pages of the PSAA and OCAA newsletters. Please make sure to thank Dave (and his much better half, Susan) at the next PSAA meeting… in September of 2025.

Enjoy the rest of your summer! ❖



Avoiding Litigation: What's the Secret?
By Wendy Strow
Reprinted from www.adjustingexpectations.com

When I began thinking about some of the lessons I've learned in flood litigation, I made a list of estimating errors, coverage mistakes and customer service disasters that could have been avoided.

Then I threw the list away.

Of course, many lawsuits are simply about the numbers. But in many cases, litigation is personal. Someone feels they have been wronged, ignored, shortchanged. They just want to be heard and most of the time their adjuster simply was not listening.

I've been lucky to have met hundreds of catastrophe adjusters from all over the country and each one has their own unique approach to doing their job. Tape measure vs laser? Handwritten vs paperless scoping? Pickup truck vs fuel efficient car? RV vs hotel? Early-risers, late-nighters, fast food junkies and portable grillers. The combinations are endless. But almost all of them have a few essential tools in common: compassion, tenacity and a genuine desire to serve the survivor.

These adjusters care. They treat each policyholder with decency and dignity. They listen. They teach as they learn. Then they get to work helping their fellow citizens rebuild their lives. They leave no stone unturned in the search for coverage, while patiently explaining why, at times, there is none to be found. These adjusters will almost never have a claim end up in litigation.

Unfortunately, there is another kind of adjuster and it's easy to spot their files a mile away. This is the adjuster who cranks out vanilla reports with little useful information, cookie cutter estimates with no attention to detail, and photos that barely tell the story. These files are full of missed opportunities and reek of indifference towards the policyholder and the job itself.

So, what is the real secret to avoiding litigation? Don't be that adjuster.

If you are motivated by a passion to serve, you won't think twice about going the extra mile on

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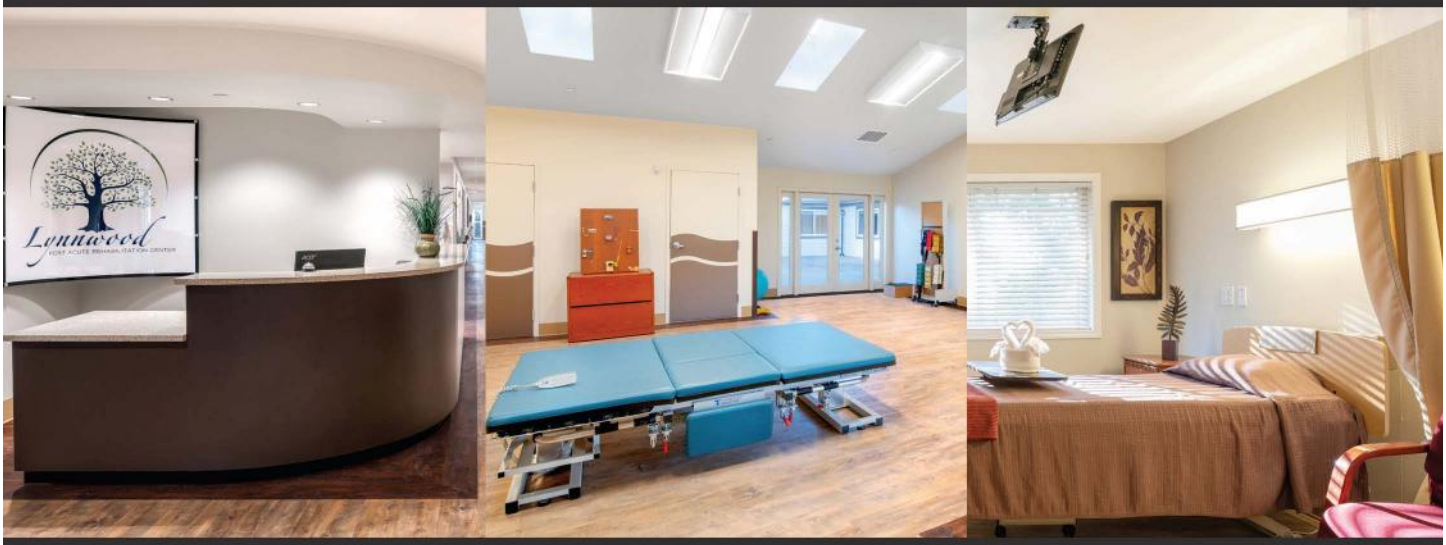

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every claim. You must have an intimate working knowledge of the policy and the confidence to explain it clearly. If you don't have a commanding grip on all the tools and shortcuts in your adjusting software, keep practicing. A detailed, nuanced estimate is a powerful tool in settling a claim. Finally, be honest and objective with yourself about the parts of your job that you don't do well. Do you need software lessons, better writing skills, or a more efficient process for collecting data on-site? Then get busy, keep learning and never stop working to relentlessly serve the survivor. They are counting on you. ❖

The Problem With Virtual Events
By Jon Picoult
Reprinted from www.insurancethoughtleadership.com

Are you Zoomed out? Had your fill of webinars? Well, you're not alone.

As the conference and events industry has pivoted to virtual gatherings, it's become increasingly apparent how unfamiliar many meeting sponsors and speakers are with the digital stage. Since the COVID-19 lockdown, I've attended several such events (as an audience member) and, well… let's just say there's plenty of room for improvement.

Most of the events were marked by technical glitches that should have been prevented with good, thorough preparation. (One major event even managed to mess up the posting of pre-recorded segments. I understand that livestreams are a bit of a wildcard, but to not nail the pre-recorded sessions – how does that even happen?)

What's worse, though, is that even when the A/V platforms were chugging along perfectly, the presenters weren't.

There were mind-numbing PowerPoint slides. (Granted, that can happen at live events, too – but, boy, it sure feels more painful online.)

There were physical printouts held up awkwardly to webcams as visual aids, eliciting a flurry of chat box complaints from viewers who couldn't make out the documents.

There were awkward webcam angles that revealed far more about speakers' nostrils than any attendee needed to see.

There were distracting backgrounds, with speakers presenting in front of everything from cluttered home offices to gloomy basements to Zoom-generated tropical beaches.

There were light exposure goofs that made it ap-

pear that some speakers were presenting from the surface of the sun, while others were broadcasting from their closets.

And there were those little headshot video feeds of the presenter, tucked into the corner of a PowerPoint slide, looking more like a mediocre language translator than a stage-commanding keynoter.

If virtual events are to be successful (and, mind you, I think they can be), then conference organizers and speakers need to approach them less like a Zoom call and more like a TED talk.

People routinely consume TED talks online and love them. They're engaging, they're polished and they don't bear any resemblance whatsoever to boring, low-energy Zoom presentations.

Of course, TED talks are recorded before a live audience, giving them a vitality that no purely virtual event can match. Nevertheless, virtual events can certainly do more to replicate the character of a TED talk, even while we might all acknowledge that it is a high bar to fully meet.

As meeting professionals and speaker bureaus look for ways to stay relevant in the midst of a travel-inhibiting pandemic, it's incumbent upon them to guide their clients (both event sponsors and keynote speakers) in how to achieve that aspiration.

I've written about this previously ("7 Ways To Make Your Virtual Conference Successful"), but, given what I've witnessed in recent weeks, some additional tips are in order – specifically related to how speakers present themselves during these events:

- Stand up. Yes, you can sit down for a regular business videoconference, but to stay seated for delivery of a keynote? Absolutely not. Speakers exude so much more energy when they stand and deliver. Presuming speakers are physically able, that's the position from which they should present.

- Zoom out. Part of the energy that's conveyed by a live, onstage speaker comes from body language. If the virtual keynoter has the camera or webcam set for what is essentially a headshot, then the audience loses the opportunity to see hand gestures and other physical movements that help engage viewers.

- Go eye-to-eye. The speaker's camera angle shouldn't be the most intriguing part of the presentation. No one wants to see a digital keynote from the bird's eye view of a camera positioned

too high, or the nostril-revealing perspective of one positioned too low. Film at eye level (when standing, not sitting).

- Ditch the thumbnail. It's tough to command the digital stage when your video feed is constrained to a square inch of screen real estate on your audience's devices. Speakers should be using livestream software to exert greater control over how their video image and presentation visuals are rendered online (e.g., full screen speaker video with cuts to visuals, or split-screens with speaker video positioned alongside visuals).

- Swap the stage for a studio. When a live, onstage keynote isn't possible, the most suitable replacement isn't a laptop with a webcam and embedded microphone, positioned on a desk in a dreary office. (Imagine if TED talks were recorded that way.) World-class virtual events require something more, which is why speakers (and perhaps even showrunners and bureaus) should be investing in creating their own studios, complete with high-quality audio/video equipment, professional lighting, backdrops and all the related accessories.

- Avoid distractions. It can be tempting to enliven a virtual keynote with creative Zoom backgrounds, green screen effects, animations and other technological wizardry. Avoid that temptation; it gets old fast. Choose substance over sizzle. Compelling content, delivered in an engaging manner, will always win the day.

If event speakers and meeting organizers want to successfully move to a digital-first world, it's going to require more than "phoning it in" via a traditional webinar setup. Audiences don't want another boring Zoom or WebEx. They want a full-fledged digital event experience — as close a proxy as possible for seeing experts and luminaries onstage.

If meeting professionals and speakers don't start delivering precisely that, then the industry's pandemic-induced business pause will turn into a much longer and more troublesome drought. ❖

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PSAA Membership Application for 2020-2021

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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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ANNUAL MEMBERSHIP DUES FOR THE YEAR STARTING SEPTEMBER 1, 2020 TO AUGUST 31, 2021

DUES ARE $50 FOR THE YEAR.*

Submit this application and pay with check or pay online with credit card.
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