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"A professional organization dedicated to the ongoing education of the claims community. Providing an arena for member interaction and the sharing of resources."

Next Zoom Meeting: March 19, 2021
See below for details

Join Others Via Zoom Friday, March 19

RSVP to info@pugetsoundadjusters.org

PSAA is hosting another joint Zoom meeting this month. Please mark your calendar for **Friday, March 19, 2021, at 1:00pm**. Special guest presenter will be Mark Olson of Vehicle Collision Experts LLC (VECO Experts). RSVP is required and dues/fees must be paid current in order to receive Zoom access.

"Auto Claims Challenges in the 21st Century"

Mr. Olson's companies specialize in partnering with collision repair technicians, shop owner/managers/estimators and forensic evaluations of collision damaged vehicles, quality of repair issues and valuation issues. He has over 32 years' experience in the collision repair industry, including roles as collision repair and refinish technician, body shop management and ownership. He has also worked as an independent physical damage appraiser and is a former Allstate Insurance Company adjuster.

About Our Presenter...



Mark Olson is a founder and former COO of VeriFacts Automotive LLC and was with the company until November 2016. Currently he is the founder and CEO of Vehicle Collision Experts, LLC (VECO Experts). He is also president of

Future Forensics – Automotive damage investigations a company he founded in 1997. His companies specialize in partnering with collision repair technicians, shop owner/managers/estimators and forensic evaluations of collision damaged vehicles, quality of repair issues and valuation issues. He has over 32 years' experience in the collision repair industry, including roles as collision repair and refinish technician, body shop management and ownership. He has also worked as an independent physical damage appraiser and is a former Allstate Insurance Company adjuster.

He is a former regional trainer for Hunter Engineering in Missouri, with training centers in Seattle, Portland, Bay area, Orange County and Hawaii.

Known as an expert in the industry, he has been involved in well over 11,000 individual cases as an expert witness in matters of collision repair, vehicle collisions and manufacturer defect. He has also testified in many states in well over 100 cases.

Mr. Olson has traveled all over the United States teaching for I-CAR, VeriFacts and other companies - and also coaching individual technicians and collision repair facilities on the proper repair methods in collision repair and conducting seminars on industry challenges and remedies. He has presented many times at NACE, SEMA, many Trade shows – and others presenting on the industry issues and challenges. Mr. Olson can be seen on Collision Hub Repair University Live and Collision Hub OEM Edition on a monthly basis. He has been co-hosting the show since February 2017. Mr. Olson is a licensed independent insurance adjuster and public adjuster in numerous states. ❖



**PSAA Golf
Tournament
June 18, 2021
Northshore
Golf Club**

**Mark your calendar
More info coming soon!**



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Next Meeting...

Meeting Date: **March 19, 2021**

Time: **1:00pm**

Location: **Zoom Meeting**
Join us from your own location!

Presentation: **Special Guest Speaker Mark Olson of Vehicle Collision Experts**
"Auto Claims Challenges in the 21st Century"

Sponsored by: **EFI Global and FRSTeam**

Important Info: **RSVP required in order to receive Zoom access. Please submit to info@pugetsoundadjusters.org.**
When RSVPing please also provide a preferred snail mail address.



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June 18, 2021
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Claims Conversation

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

March is “Mixed Message Month” (yes, I made that up), so in celebration of “Mixed Message Month” I will illustrate the need for personal service despite a global pandemic, and the very real consequences of providing personal service during a global pandemic.

The Coronavirus crisis is challenging employers in every industry to radically rethink their business model and service logistics. Too many businesses and a surprising number of industries are failing. Too many jobs and even entire professions have vanished forever.

Conventional wisdom predicts that remote work will dominate the job market even after the COVID lockdowns. The following article (heavily edited for space) illustrates the unintended consequences of an economy that devalues personal contact.

On eternal hold in the middle-finger economy

By Dick Meyer, Syndicated Columnist

The worst culprits are still insurance companies of all sorts, cable and internet providers, and airlines. I suppose the smart, capitalist response is to become a wilier consumer. But that is exactly how I do not wish to spend my allotted time on the planet.

My employer provides a benefit that, I think, is similar to a health savings account. I got a new card for it in the mail but needed to activate it by calling a special number.

I promptly called and entered the many digits demanded by the robot voice. It didn't work. Robot voice said I should try one more time and, if it failed again, I would be transferred to a help line. Failure after failure followed. I could find no way to reach a non-robot voice also known as a human — not through the website or any other publicly available phone number.

On the verge of going postal, I had an epiphany. One of the robot voice's first commands is that account holders should press “1” and all others should press “2.” I had been dutifully pressing “1” because I was an account holder. This time I pressed “2.” I got a real person — a nice person — in seconds.

My understanding was that people who pressed “2” were potentially new customers and new reve-

nue. People who pressed “1” already were account holders who could only cost the company time and money.

I have no evidence this was an intentional scheme.

But it definitely was a manifestation of an invisible force every consumer in America battles. I call it the Middle-Finger Economy, or MFE.

The idea is that once you have a captive customer with limited options, you don't offer good services, you torture them; you spend the least possible money on them and try to get the most money out of them.

In the MFE, the customer is seen as an enemy to be defeated by extortion, psychological abuse or brutal marketing.

Telecommunications companies are notorious. Several years ago, I decided to switch to a new cable and internet carrier — a penny-wise, sanity-stupid move. There was no way to cancel my old account online. In this case, I had to talk to a human and that, of course, entailed being subjected to dropped calls and long hold times. Then the human tried to talk me out of switching. It was crazy.

Shortly after that, I wrote a little item about a tech writer named Ryan Block who actually managed to record a Comcast “customer service rep” berating him for trying to cancel his account. It was a smoking gun of MFE and his story went viral. Millions of innocent customers have been tortured trying to switch carriers.

I detect a similar but subtler predatory impulse in tech and online businesses that are popular and have great reputations for customer service — the Apples, eBays and Amazons of the world. The trade-off consumers make for these incredible services is that our personal data becomes a commodity for sale and we become sitting ducks for targeted, relentless marketing. Maybe that is a fair deal, but it smacks of being MFE-lite.

In my consumer experience, the worst culprits are still insurance companies of all sorts, cable and internet providers, and airlines, but I am curious what others think.

I suppose the smart, capitalist response to MFE is to become a better, wilier consumer and a more vigilant guardian of my data. But that is exactly how I do not wish to spend my allotted time on the planet.

So I am trying to become a more Zen consumer, limiting my choices and casting away as many

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commercial desires as possible. I'm on hold for the results.

Part two of Mixed Message Month is a shout out to one of our "essential workers".

Jorge Pina of *Belfor* (see photo below) works the front lines of insurance claims restoration. He is just one person within a huge army of first responders who are called upon to remedy (or, at the very least, prevent further) catastrophic loss and damage.



Empathic contact now has serious consequences. Jorge Pina is emblematic of the challenges we face during this pandemic. Belfor received a call from one of their customers informing them that she had just tested positive for COVID, and Jorge had met with her the day before.

Jorge Pina has been hospitalized in an Intensive Care Unit for many weeks. He survived a medically induced coma. Jorge is now conscious and breathing without intubation.

Please keep Jorge Pina in your thoughts and prayers, but just as important — BE CAREFUL OUT THERE. ❖

Sticker Shock — Did a Typo Cost Toyota \$36,000 for Violating Washington's Consumer Protection Act?

By Kyle Riley, Smith Freed & Eberhard

To prevail on a private claim under Washington's Consumer Protection Act ("CPA"), a plaintiff must establish that a company engaged in an unfair or deceptive act or practice. At times, lower courts in Washington have read a materiality requirement into this, which makes the plaintiff's ability to prevail more difficult. In this opinion, the Washington Supreme Court finally set the record straight on whether a showing of materiality is required under a CPA claim.

Claims Pointer: The Washington Supreme Court clarified that materiality is not necessary to establish a CPA claim. Rather, a plaintiff must only establish that there was an unfair or deceptive act or practice that had the potential to deceive substantial portions of the public.

Young v. Toyota Motor Sales, 196 Wn.2d 310 (September 24, 2020)

FACTS

In this case, the plaintiff, Duane Young ("Young"), purchased a new 2014 Toyota Tacoma that came with a limited package of additional features from a dealership in Washington. Before his purchase, Young conducted research about the vehicle using Toyota's website, Toyota's advertising, and the Monroney label. A Monroney label is a sticker that is required to be displayed on all new vehicles in the United States and lists certain official information about the vehicle. All these platforms incorrectly contained the information that the 2014 Toyota Tacoma had an outside temperature gauge displayed on the rearview mirror. Young negotiated the purchase of his vehicle over the phone and scheduled a time to pick up the truck. About a week before Young was supposed to pick up his vehicle, Toyota realized that they had incorrectly characterized the specifications of the vehicle, specifically information pertaining to the outside temperature gauge. To fix this incorrect information, Toyota notified regional representatives of the error, printed new Monroney labels, and updated their website. Additionally, Toyota offered \$100 in compensation to everyone who had purchased a truck that was incorrectly advertised to have an outdoor temperature gauge display. Notably, the manufacturing cost of installing the gauge into a vehicle was about \$10. Young refused Toyota's offer of compensation and all subsequent offers, including an offer to replace the display. Instead, Young filed a

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suit against Toyota under Washington's Consumer Protection Act ("CPA").

A bench trial was held, and the court found for Toyota. Young appealed this decision, but the court of appeals affirmed the trial court's ruling. In its opinion, the court of appeals stated that in order to prove the first element of a CPA claim, a plaintiff must show that the practice or act was unfair or deceptive and the misstatement of fact was material. The court of appeals found that the price of the \$10 gauge was immaterial as compared to the \$36,000 vehicle. Therefore, Young had failed to establish the materiality of the misstatement.

LAW

Washington's Consumer Protection Act was enacted to prevent large companies from taking advantage of consumers through deceptive trade practices. To prevail on a private claim under the CPA, a plaintiff must establish: (1) an unfair or deceptive act; (2) occurred in trade or commerce; (3) affects the public interest; (4) an injury to the plaintiff's business or property; and (5) causation. To establish the first element, a plaintiff must show that the unfair or deceptive act had the capacity to deceive. The act did not actually have to deceive anyone, nor does there have to be an intention to deceive behind the act. If a materiality requirement is read into the first element, as the court of appeals believed it should be, a plaintiff would have to show that the company made a material misrepresentation that had the potential to deceive the public. Generally, an act or practice is considered material if the misrepresentation was likely to affect the consumer's conduct or decision. In other words, a misrepresentation would be material if the consumer would have made a different decision without the misrepresentation.

The Washington Supreme Court did not agree with the court of appeals and ruled that materiality does not have to be established to prevail on the first element of a CPA claim. The court then addressed where this misconception about materiality might have come from. The Washington Supreme Court noted that they have mentioned materiality as part of the first element in past cases. However, when the court did so, it was just to state that establishing materiality might be sufficient to prove the element, but the court has never held that materiality is necessary. Additionally, the court noted that the Washington CPA was modeled upon federal consumer protection laws and materiality might be required under those similar federal laws. Despite this, Washington has never adopted the requirement of materiality.

ANALYSIS

Ultimately, the Washington Supreme Court found that Young had succeeded in establishing the first




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element of his CPA claim. Young had shown that Toyota's misrepresentation about the outside temperature gauge had the capacity to deceive a substantial portion of the public and the court deemed that sufficient to establish the first element. However, the court ultimately affirmed the court of appeal's decision on grounds that Young had not established causation and therefore, in the end Toyota prevailed.

THE BIG PICTURE

In this opinion, the Washington Supreme Court explicitly and specifically rejected the requirement of materiality when establishing the first element of a private CPA claim. After this decision, lower courts should now apply a correct and uniform standard when determining if a plaintiff has made a successful showing of an unfair or deceptive act or practice. This clarification means that plaintiffs will consistently have an easier time in establishing the first element of a private CPA claim. Notably though, for CPA claims, if a plaintiff fails to establish a single element, that failure is fatal to the entire claim. Therefore, just because the first element might be easier to establish, plaintiffs must still make an adequate showing on all four of the other elements in order to prevail. ❖

— To view the full opinion go to:
<https://www.courts.wa.gov/opinions/pdf/975761.pdf>



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US Saw Sharp Increase in Crash Deaths in 2020 Despite Fewer Drivers on the Roads

Reprinted from www.theguardian.com

Pandemic lockdowns and stay-at-home orders kept many drivers off US roads and highways last year. But those who did venture out found open lanes that only invited reckless driving, leading to a sharp increase in traffic-crash deaths across the country.

The non-profit National Safety Council estimates in a report issued on Thursday that 42,060 people died in vehicle crashes in 2020, an 8% increase over 2019 and the first jump in four years.

Plus, the fatality rate per 100m miles driven spiked 24%, the largest annual percentage increase since the council began collecting data in 1923.

And even though traffic is now getting close to pre-coronavirus levels, the bad behavior on the roads is continuing, authorities say.

"It's kind of terrifying what we're seeing on our roads," said Michael Hanson, director of the Minne-




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sota public safety department's office of traffic safety. "We're seeing a huge increase in the amount of risk-taking behavior."

Last year's deaths were the most since 2007 when 43,945 people were killed in vehicle crashes. In addition, the safety council estimates that 4.8 million people were injured in crashes last year.

Federal data shows that Americans drove 13% fewer miles last year, or roughly 2.8tn miles, said Ken Kolosh, the safety council's manager of statistics. Yet the number of deaths rose at an alarming rate, he said.

"The pandemic appears to be taking our eyes off the ball when it comes to traffic safety," Kolosh said.

Of the reckless behaviors, early data from the National Highway Traffic Safety Administration show speed to be the top factor, Kolosh said. Also, tests of trauma center patients involved in traffic crashes show increased use of alcohol, marijuana and opioids, he said.

In Minnesota, traffic volumes fell 60% when stay-home orders were issued early in the pandemic last spring. Hanson said state officials expected a corresponding drop in crashes and deaths, but while crashes declined, deaths increased.

"Almost immediately the fatality rate started to go up, and go up significantly," Hanson said, adding that his counterparts in other states saw similar increases. "It created less congestion and a lot more lane space for divers to use, and quite honestly, to abuse out there."

In late March and early April, the number of speed-related fatalities more than doubled over the same period in 2019 in the state, Hanson said. Last year, Minnesota recorded 395 traffic deaths, up nearly 9% from 364 in 2019.

Drivers also used the empty roads to drive extreme speeds. In 2019, the Minnesota state patrol's 600 troopers handed out tickets to just over 500 drivers for going over 100mph (160km/h). That number rose to 1,068 in 2020, Hanson said.

Traveling over 100mph makes crashes far more severe, the safety council said.

The high number of speeding drivers is continuing even as traffic is starting to return to pre-pandemic levels, according to Hanson.

The safety council is calling for equitable enforcement of traffic laws, infrastructure improvements, mandatory ignition switch locks for convicted drunken drivers, reducing speed limits to match road-

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way designs, and laws banning cellphone use while driving, among other recommendations to stem the deaths.

The council collects fatal crash data from states on public and private roads. The numbers released on Thursday are preliminary, but every year are only slightly different from the final numbers, Kolosh said. ❖

Concerned About Natural Disasters? Meet Helix, an Advisory Board Dedicated to Finding Solutions

Reprinted from www.claimspages.com.

It didn't gain as much attention in the news, but the past year brought about a series of natural disasters around the world in addition to the pandemic. This continues a major trend we have been witnessing for the last two decades.

According to the United Nations Office for Disaster Risk Reductions, the number of climate-related disasters between 2000 and 2019 more than doubled over the number between 1980 and 1999.

This has made it more apparent than ever that we need a better way of assessing the risk of natural disasters as a whole.

This month, The Institutes moved to announce the formation of an advisory board, named Helix, which will spearhead the implementation of new technologies in the assessment and management of the risks of natural disasters.

Helix represents the insurance industry's commitment to providing social resilience and economic stability in our increasingly dynamic and unpredictable world.

To read the complete article go to www.riskandinsurance.com and do a search using the article's title. ❖



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Vehicle Choice, Crash Differences Help Explain Greater Injury Risks For Women

Reprinted from www.ihs.org

Women are much more likely than men to suffer a serious injury when they are involved in a crash, but much of the heightened risk is related to the types of vehicles women drive and the circumstances of their crashes, rather than physical differences, new research from the Insurance Institute for Highway Safety shows.

“Our study shows that today’s crash testing programs have helped women as much as men,” says Jessica Jermakian, IIHS vice president of vehicle research and one of the study’s authors. “That said, we found that women are substantially more likely to suffer leg injuries, which is something that will require more investigation.”

Though men are involved in more fatal crashes than women, on a per-crash basis women are 20-28 percent more likely than men to be killed and 37-73 percent more likely to be seriously injured after adjusting for speed and other factors. However, when IIHS researchers limited the comparison to similar crashes, they found those discrepancies mostly disappeared and that crashworthiness improvements have benefited men and women more or less equally.

“The numbers indicate that women more often drive smaller, lighter cars and that they’re more likely than men to be driving the struck vehicle in side-impact and front-into-rear crashes,” says Jermakian. “Once you account for that, the difference in the odds of most injuries narrows dramatically.”

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The sample included too few cases to do the same thing with side crashes.

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Limiting the analysis to compatible front impacts flattened the disparity considerably, though women were still twice as likely to be moderately injured and a bit more likely to be seriously hurt.

A further analysis of those crashes, as well as the unrestricted set of side crashes, showed that good ratings in the Institute's moderate overlap front and side tests lowered the odds of most injuries more or less equally for both sexes. In the compatible front crashes, the benefits of a good rating in the moderate overlap front test were greater for women except in the case of leg injuries, where the benefit was similar. In the side-impact crashes, a good rating in the side test benefited men and women about equally where moderate injuries were concerned, but the benefits of a more crashworthy vehicle were greater for women for most types of serious injuries.

These results are in line with previous research that shows serious and fatal injury risk has declined more for women than men as vehicles have gotten safer.

One explanation of the higher injury rates for women could be vehicle choice. Men and women crashed in minivans and SUVs in about equal proportions. However, around 70 percent of women crashed in cars, compared with about 60 percent



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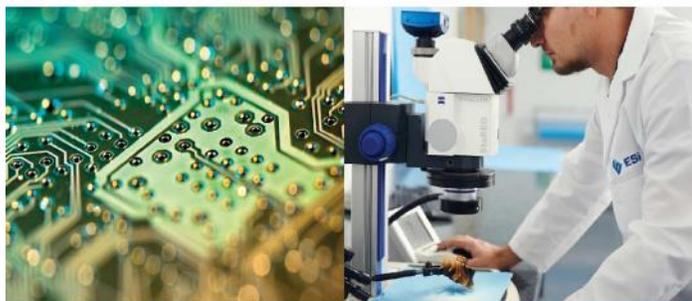
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of men. More than 20 percent of men crashed in pickups, compared with less than 5 percent of women. Within vehicle classes, men also tended to crash in heavier vehicles, which offer more protection in collisions.

In a separate analysis of data from the federal Fatality Analysis Reporting System, the researchers also found that in two-vehicle front-to-rear and front-to-side crashes, men are more likely to be driving the striking vehicle. Because the driver of the striking vehicle is at lower risk of injury than the struck vehicle in such crashes, this could also account for some of the differences in crash outcomes for men and women.

The researchers' analysis of compatible front crashes did show some sex-related differences, however. Women were still more than 2½ times as likely to suffer moderate leg injuries. They were also about 70 percent more likely than men to suffer serious leg injuries, though that figure wasn't statistically significant.

"The good news is that changes like strengthening the occupant compartment and improving seat belts and airbags have helped protect both men and women," says Jermakian. "Homing in on the risk disparities that still exist in compatible crashes gives us a great opportunity to make further gains." ❖



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Networking in a Virtual World

— By Patricia L. Harman
Reprinted from www.propertycasualty360.com

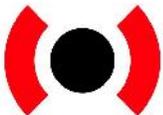
To adapt a line from the old Madonna song, "We are living in a virtual world, and we have all become virtual people..."

In pre-COVID days, most of us would have had a full travel schedule and planned to attend multiple conferences and meetings this spring. Even with the introduction of several vaccines, travel plans are still on hold for many, and it is unlikely that business travel will reach the levels seen previously.

One of the great things about attending industry events besides the education is the opportunity to network — make new contacts, catch up with old friends and just hear about what's going on in the industry. With the advent of virtual events, those activities can be a little more difficult to execute, so PropertyCasualty360.com asked some industry experts how they are doing it successfully.

Plan your networking

For conference organizers, it's important to have some sort of networking app that will allow atten-

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dees to engage, both one-on-one and in smaller groups. There are many options in this realm, such as Hopin, WhatsApp and Brela.

When attending an event, look over the attendee list beforehand and see who you'd like to meet and use the networking apps to reach out ahead of time. Make sure to fill out your profile and include a professional headshot. Virtual networking requires more planning since bumping into someone in the buffet line, or a hallway isn't going to happen.

"Having a very easy-to-use app such as Brela is very helpful," says Tim Christ, vice president of growth at Claimatic. He recommends sending people the registration link for a networking app to "load their profiles" in advance and to answer a couple of basic questions, such as: "If I could meet the following type of person at this conference, it would be _____. Or, I'm interested in hearing from vendors who do XYZ."

Meeting organizers and attendees also have to make the time to network. "Connect and set up 15-minute meetings [and] request connections," advises Marc Tebbens, chief of staff and business operations for Conduent.

Mark Walls, vice president of communications and strategic analysis for Safety National, finds how well the networking functions depends on the platform. "Hopin has a speed networking section that matches you up at random for a short conversation. I have heard good feedback on this."

Christ also suggests that event sponsors consider organizing three-minute "speed pitch events" that are not driven by sponsorship but are simply a value-add to regular attendees to help them learn about the different types of technology and other solutions that are available to the industry.

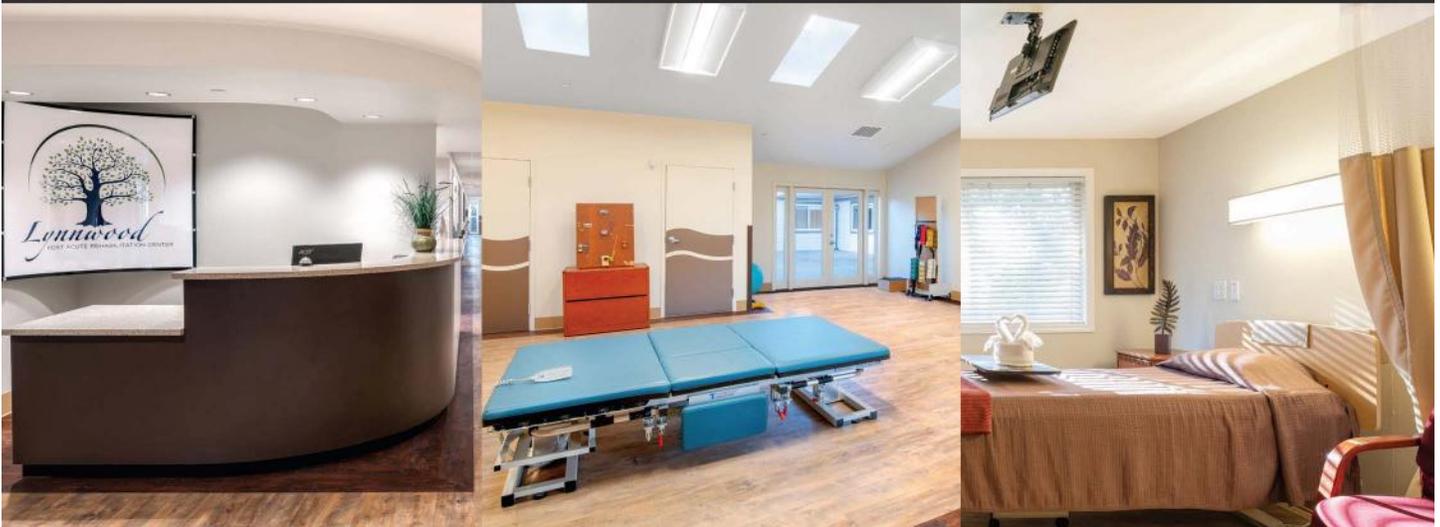
Along the same idea, Lori Pon, director of claims transformation and the claim contact center for AAA, finds "participating in virtual round tables is a great way to network. I've made so many great connections!"

Once you connect with someone, consider what information to share. "I'd say, get your 'social pitch' right," advises Christian Harris with TheSAFERPortal.com. "Have a 45-60 second response to: 'Who are you and what do you do' that is concise, credible and compelling. It's harder than you might think, but it makes all the difference and stops you [from] waffling on, which makes you a better participant and makes it easier for others with who your message might resonate."



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Being proactive about networking can be a huge determiner in how successful your efforts will be. Consider participating in virtual event games, and use the chatbox during a presentation to pose questions, share pertinent comments or greet others who are attending the event. Actively participating helps build trust and a connection with other attendees.

Be social on social media

Use social media sites like LinkedIn, Twitter and Facebook to promote the event and your attendance beforehand. Throughout the event, post what you've learned, highlight specific sessions or speakers, share other relevant feedback or post articles related to the topic.

Consider reaching out to the presenters on LinkedIn if you're not already connected. Attending their presentations provides common ground and an easy way to reach out after the fact.

"When I am an attendee, I take copious notes during sessions and follow up with a customized note to the presenter," shares Gregg Golson, CPCU, a vice president at J.S. Held. "If an attendee I know or want to meet makes a relevant comment or asks an interesting question during the session, I write down their name and the comment or question.



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This gives me an ice-breaker to use when I virtually introduce myself."

Finding new ways to connect

"COVID has forever changed how we will network and consume information in the future," observes Henry Dicker, senior vice president of client engagement for Lowers Forensics.

This forced evolution requires creativity to find new ways to connect and maintain that critical human connection. Technology has tested everyone, made many far more flexible and gracious (particularly when pets or children join in conference calls or presentations), and encouraged innovative solutions for connecting.

"I organized a client webinar presentation tied to a 'post workday' wine and cheese tasting," shares Dicker. "I sent the attendees (10) in advance the selection, including crackers and a cheat sheet about each bottle and each cheese. We purposely kept the 'pitch' short...A 15-minute infographic presentation which we surrounded both before and after with ample networking and sharing of thoughts on the wine and cheese selection." It was a new approach to hosting a virtual party.

In a world of Zoom meetings, it's hard to read body language, pick up tidbits of information in casual conversation or learn more about someone beyond their name and title. "Facial expressions are needed for building meaningful connections," contends Awais Farooq, CPCU, U.S. insurance practice lead for ActiveOps. "When we were in the office or at conferences, it was the small details about people that caught our attention. Whether it was the sport they played in high school, fun names of their pets, how many kids they have or their favorite restaurant in the area. Creating a short video about yourself and sharing it with others has helped me bridge many great interactions. People want to know who you are, not just a face that nods during a virtual meeting, but rather the character that you bring to the table. It is difficult to share your energy due to the limitation of time and the number of attendees."

This conference season, be proactive about introducing yourself to those in the industry, be professional, look for unique opportunities to connect and remember that everyone is trying to succeed in this virtual world. ❖

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