



At a Glance

PSAA Website
www.pugetsoundadjusters.org

Next Regular Meeting: September 21
Time: 11:30am to 1pm
Location: Billy Baroo's
See inside for more details

Coming Up
Membership Dues Renewal runs thru
August & September for 2012-13

Employment Listings



Career Opportunities

To post a job opening
send an email to:
info@pugetsoundadjusters.org

Check our website for the latest offerings:
www.PugetSoundAdjusters.org

See Inside...

Vendor Partner Corner.....pg 3
 Medical Notespg 5
 Case Studypg 7
 Golf Photos..... pg 8-9

Benefits of PSAA Membership Join or Renew Today!

We can't say enough about the advantages of membership in the Puget Sound Adjusters Association. The benefits are numerous, for example:

- **Newsletter** — Receive a copy of the PSAA newsletter every month, packed full of educational articles and other information of interest to adjusters. It is also a resource guide to goods and services provided by our industry vendors — who also support our Association.
- **Monthly Meetings** — Attend meetings to hear local presenters on topics that are pertinent to today's adjuster — always educational and sometimes entertaining!
- **Spring Symposium & Vendor Fair** — An entire year's worth of work goes into planning and hosting this annual educational event held in the spring — touching on all the hot topics and providing you an opportunity to meet with industry vendors face-to-face outside of your office.
- **Golf** — Not much educational about golf, but what adjuster today doesn't need a little relaxation and fun — held in the summer each year.
- **Website** — Stay in touch with local happenings and other claims associations in the Pacific Northwest. Open a web version of our newsletter. Find contact information for PSAA board and committee members. Or find a new job from the employment listings. And there's more.....

Membership in PSAA is open to all claims adjusters, and should be a priority on your list of things to do! Print the application from our website, or see the back cover of this issue. **JOIN or RENEW TODAY!**

www.pugetsoundadjusters.org

~ Our Mission ~

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



**2011-12
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PSAA 2011-12 Liaisons

Holiday Party:

Deborah Jette; Erin Montgomery

Bowling:

Aundrea Boyd; David Kean

Symposium:

Heather Stariha; Roger Howson;

Tanya Padur; Joel Booth

Golf North/Seattle:

Deborah Jette; Tanya Padur

Golf South/Tacoma:

Heather Stariha; Lizzy Adkins; Terry Cook

↕ PSAA Executive Assistant & Publisher ↕



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PSAA Luncheon

Date: September 21, 2012

Time: 11:30am to 1:00pm

Location: Billy Baroo's Bar & Grill

(at Foster Golf Links)

13500 Interurban Ave W

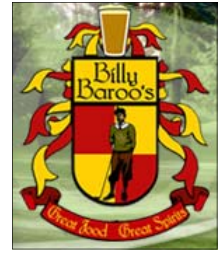
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206/588-2763 www.billybaroos.com

Menu: To be announced

Cost: Members \$20 Vendors \$25

Presentation: Membership Drive - Speaker TBA



Please RSVP

www.PugetSoundAdjusters.org

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www.twitter.com/psadjusters



Pay with a credit card at our website:
www.pugetsoundadjusters.org

Additional Meeting Information

Please keep in mind that we'd like to start and end promptly during our monthly meetings. Here is the timeline for each meeting:

11:30 a.m. Registration

11:45 a.m. Buffet

12:00 p.m. Meeting Called to Order

1:00 p.m. End of Meeting

Please arrive on time and have your cash or check (payable to PSAA) ready, or provide your paypal receipt. We appreciate your cooperation and assistance.

PLEASE SUPPORT OUR VENDOR PARTNERS

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Puget Sound Adjusters Association

Newsletter published monthly by

Alquemie Publishing Ink

Phone: 541/937-2611

Fax: 541/937-4286

Email: npassist@msn.com

www.alquemiepublishing.com

Vendor Partner Corner

Can you believe it's already July and the end of our first official year as PSAA? As your Vendor Partners for 2011-2012, we want to say that it's been a real pleasure serving you. Because of your participation we have made great strides in making this a truly effective organization.

We are pleased to announce some changes for the upcoming PSAA 2012-2013 year. A warm welcome to Gale Delicio with Halo Construction, and Shannon Gale Kerr with CRDN, who will be serving you as your new Vendor Partners for 2012-2013. We would also like to welcome Tanya Padur who will be the next PSAA President as of September 2012. Tanya will be needing help with committee people and volunteers. Anyone can do this as long as you are a member, please come out and show your support!

Adjusters, please remember that your Vendor Partners are here for you. Utilize them by discussing the positive and negative aspects of the vendors that you are using. Let them be a voice in giving our vendor members feed back. We recognize how important our relationships are; therefore it is our goal to make your job easier. Communication is a fundamental component in making us a cohesive organization.

Vendors, your Vendor Partners are here for you too, talk to them, express your wants and needs to continue supporting PSAA. Let them be your voice to the board, which is what they are here to do. We all want to see PSAA continue to be successful, but for that to happen we all need to work together. Come to a meeting, sponsor events, volunteer your time on a committee, and come see what it's all about! It really is a great organization and we can all make it better with our participation.

The next article will be written by Gale and Shannon, as it is time to pass the torch. This is our final salute to you as your Vendor Partners, but we will continue to be very active in this great community. We look forward to seeing all your familiar faces and hope to meet some new ones as well, as we collectively work toward the continued success of the Puget Sound Adjuster's Association.

Signing off ~

David Kean and Michelle Lowe

Your Vendor Partners for 2012-2013 are Gale DeLisio with Halo Construction and Shannon Kerr with CRDN

Gale began her career in the industry in 1985 as a multi-line adjuster and then specialized in property until she came to Halo in 2008 as their Marketing/Business Development Manager. Gale has two grown children and loves to travel.

Shannon started her insurance related career in flooring 10 years ago and that experience allowed her to move into textile restoration as CRDN's Market Relationship Manager. Shannon resides in Seattle with her 11 year old daughter. They enjoy gardening and like to travel together.

Hello summer! We thought you would never get here.

We would first like to thank the board for asking us to be PSAA Vendor Partners this year. Michelle Lowe with ServiceMaster of Tacoma and David Kean with Sterling Group DKI did a fantastic job as our vendor partners for 2011-2012. We have big shoes to fill and hope that we meet everyone's expectations.

We are excited to be the voice of the vendors this year so we encourage all vendors to participate. We are here to support you as equals and we value your opinions and ideas.

We all play a key role in the success of this organization, adjusters and vendors alike. We as vendors, are all striving for the same common goal — to be a successful, reputable, and profitable company within the industry. We can accomplish this by building the relationship between all our members and partners, making our vision as a strong and successful organization a reality.

(Continued on next page)

Steve Jobs shared *Seven Rules of Success* as reported by Carmine Gallo. We would like to share those with you here:

1. Do what you love. Jobs once said, "People with passion can change the world for the better." Asked about the advice he would offer would-be entrepreneurs, he said, "I'd get a job as a busboy or something until I figured out what I was really passionate about." That's how much it meant to him. Passion is everything.

2. Put a dent in the universe. Jobs believed in the power of vision. He once asked then-Pepsi President, John Sculley, "Do you want to spend your life selling sugar water or do you want to change the world?" Don't lose sight of the big vision.

3. Make connections. Jobs once said creativity is connecting things. He meant that people with a broad set of life experiences can often see things that others miss. He took calligraphy classes that didn't have any practical use in his life -- until he built the Macintosh. Jobs traveled to India and Asia. He studied design and hospitality. Don't live in a bubble. Connect ideas from different fields.

4. Say no to 1,000 things. Jobs was as proud of what Apple chose not to do as he was of what Apple did. When he returned to Apple in 1997, he took a company with 350 products and reduced them to 10 products in a two-year period. Why? So he could put the "A-Team" on each product. What are you saying "no" to?

5. Create insanely different experiences. Jobs also sought innovation in the customer-service experience. When he first came up with the concept for the Apple Stores, he said they would be different because instead of just moving boxes, the stores would enrich lives. Everything about the experience you have when you walk into an Apple store is intended to enrich your life and to create an emotional connection between you and the Apple brand. What are you doing to enrich the lives of your customers?

6. Master the message. You can have the greatest idea in the world, but if you can't communicate your ideas, it doesn't matter. Jobs was the world's greatest corporate storyteller. Instead of simply delivering a presentation like most people do, he informed, he educated, he inspired and he entertained, all in one presentation.

7. Sell dreams, not products. Jobs captured our imagination because he really understood his customer. He knew that tablets would not capture our imaginations if they were too complicated. The result? One button on the front of an iPad. It's so simple, a 2-year-old can use it. Your customers don't care about your product. They care about themselves, their hopes, their ambitions. Jobs taught us that if you help your customers reach their dreams, you'll win them over.

There's one story that I think sums up Jobs' career at Apple. An executive who had the job of reinventing the Disney Store once called up Jobs and asked for advice. His counsel? Dream bigger. I think that's the best advice he could leave us with. See genius in your craziness, believe in yourself, believe in your vision, and be constantly prepared to defend those ideas.

Shannon and I look forward to working with all of you this year to master our vision.

Please don't hesitate to contact us with any ideas or opinions.

Gale DeLisio gale@halo-construction.com

Shannon Kerr shannonykerr@yahoo.com

ExamWorks

Medical Notes

Labral Tears: Quandary in 2012

By Vincent Santoro, M.D.

Tears of the glenoid labrum are one of the most controversial topics in orthopedics today. Major league pitchers are susceptible to these tears and often end up on the disabled list, costing owners millions. Laborers injured on the job lose extended time from work, giving their employers strife. Labral tears in general are rare, accounting for less than

3% of all patients with shoulder problems. **However, a disturbing trend toward increased operative repairs has been seen over the last decade.** Operative treatment has increased to 12% of all operative shoulder cases, despite the relatively rare nature of the tear. Treatment of labral tears remains controversial, due to the fact that they are often difficult to clinically diagnose, have a high false positive rate by diagnostic imaging, are often overtreated surgically, and may have a high complication rate.

So, what defines a labral tear?

The labrum is the fibrocartilage disc which surrounds the glenoid or shoulder socket. It helps to deepen the dish and aids in stabilizing the glenohumeral joint. It acts as an anchor point for the shoulder capsule, i.e. ligaments and the biceps tendon. Due to its position in the shoulder, the labrum is susceptible to injury from a variety of mechanisms.

In general, tears of the labrum occur either superiorly, anteriorly, or posteriorly. Superior tears are often referred to as "SLAP" tears. This stands for superior labrum anterior posterior and defines the location of the tear relative to the biceps tendon. Mechanisms producing SLAP tears include repetitive overuse phenomenon, such as repetitive overhead sports, or as a result of a traumatic fall. Tears occurring in either the anterior or posterior portions of the shoulder occur in the inferior margin and are generally related to anterior or posterior dislocations. Degenerative changes may be seen superiorly or inferiorly. Traumatic tears of the anterior-inferior or posterior-inferior labrum are also often referred to as Bankart lesions.

SLAP Tear Types

SLAP tears were originally described by Steven Snyder who classified them into four types:

- Type 1 is a degenerative tear, which is generally stable.
- Type 2 tears represent an avulsion or peel back lesion of the labrum.
- Type 3 tears are a complex tear of the labrum, referred to as a bucket handle tear.
- Type 4 tears are bucket handle type tears which include the biceps root.

Type 1 tears are the most common tears and are generally seen in combination with other shoulder pathologies and usually are not primary pain generators. Types 2, 3, and 4 occur as a result of an acute macro-trauma or repetitive microtrauma, generally rendering the labrum unstable.

Throwing athletes have a high propensity to type 2 tears. This is a result of repetitive microtrauma due to the rotation and high shear forces created in the shoulder during the throwing phases.

Falls on an outstretched arm can tear the labrum and often lead to true dislocations. Repetitive injuries to the shoulder may produce the high grade type 3 and 4 tears.

Motor Vehicular Trauma and Labral Tears

One controversial area of discussion is the role of motor vehicular trauma (MVA) in the production of labral tears. Some feel labral tears cannot occur as a result of an MVA. However, if the arm is braced against a steering wheel or dashboard and an impact causes the body to lurch forward, a sheering lesion to the joint can put the labrum at risk, producing a labral tear.

The primary complaints associated with labral tears include pain, clicking, popping, weakness, and occasionally a dead arm. Significant overlap with rotator cuff pathology exists and combined rotator cuff and labral tears may occur in the same shoulder.

The primary findings associated with labral tears on examination include a painful arc of motion, especially with rotation in overhead or cross body positioning. A click or clunk may be produced during the maneuvering of the shoulder during provocative testing. Apprehension may be induced leading one to the diagnosis

of a labral tear. Many names are associated with the provocative tests, and include the O'Brien test, Kibler test, clunk test, Kim test, and several others. Patients with labral tears may also exhibit findings that are often seen with rotator cuff pathology, such as impingement and severe weakness.

Imaging of the shoulder should always include radiographs. Often negative, however, loose bodies or glenoid changes may be visualized on an x-ray. The MRI remains the gold standard for diagnostic imaging for shoulder problems. However, noncontrast MRI studies may lead to false representation of labral pathology and there is a high false positive and false negative with MRI alone. Therefore, the best modality to identify a labral tear is with an MRI arthrogram. Accuracy is dramatically enhanced using this modality.

One confounding issue in the identification of labral tears is that there are several labral variants which may appear to be labral tears, when indeed it is simply normal findings for that patient.

Treatment

The treatment of labral tears is straight forward. Acute injuries should be evaluated immediately with MRI arthrogram, to delineate the underlying pathology. A trial of physical therapy is warranted, even if a labral tear is seen. Rest, anti-inflammatories, and modified activities may improve symptoms, but truly unstable labral tears often require arthroscopic treatment.

Chronic complaints should get a longer trial of physical therapy. Often secondary adaptive changes become the primary pain generators and therapy may be beneficial in alleviating these symptoms. If symptoms remain after 8 weeks of physical therapy, then MRI arthrogram is indicated for further evaluation. Failure to respond to conservative measures with a positive MRI arthrogram requires operative stabilization.

One must be cognizant of secondary gain and pain seeking behavior. L&I, MVA, and litigation often lead to enhanced subjective complaints, often with limited objective findings. Certainly, an analgesic approach is not warranted, but judicious treatment is needed.

If surgery is indicated, arthroscopy is the definitive treatment. A complete evaluation of both the glenohumeral and subacromial spaces at the time of surgery is warranted. Any unstable pathology should be repaired anatomically in an attempt to return normal shoulder function. Many patients undergoing surgery will have significant stiffness preoperatively. It has been shown that preoperative stiffness often leads to poor outcomes.

The techniques utilized to repair the labrum include the use of bioabsorbable anchors and suture repair. As long as the labral tissue is capable of repair, primary repair should be done. In some circumstances, the labral tissues are dramatically damaged or the tear may extend up into the biceps, rendering it incompetent. In these scenarios, a biceps tenodesis is often the best treatment modality. In certain older or less demanding patients, a simple biceps tenotomy may dramatically improve pain.

Postsurgical management should follow a standardized protocol with early sling immobilization during the first week, followed by a physical therapy program, which attempts to return full range of motion during the first three months. Strength training may be initiated once full range of motion has been achieved. Return to work is contingent upon the type of work that preceded the injury. Sedentary occupations may allow early return to desktop activities. More demanding occupations, such as construction workers or overhead athletes may take a minimum of 3 to 6 months before safe return is possible.

Prognosis is excellent for most patients with repair of the glenoid labrum; 75-90% of injured athletes and workers will return back to their pre-morbid status. Overhead throwers have a less favorable prognosis.

Complications associated with labral repairs include nonhealing of the labrum, persistent pain, instability, weakness, and stiffness. In some, though rare, a full frozen shoulder may occur. Chronic pain is unusual for labral repair patients. Again, those with secondary gain may have subjective complaints that far outweigh objective findings.

In summary, though rare, labral tears remain controversial in orthopedics. Clinical diagnosis may be difficult due to overlap with rotator cuff symptoms. MRI arthrogram remains the diagnostic imaging study of choice. All labral tears should be initially treated with physical therapy in an attempt to improve stiffness and function. Some patients will recover nicely with therapy alone. For those who do not, surgical evaluation and treatment done arthroscopically remains the treatment of choice. ❖



Case Study
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Bar Owner Found Not Liable for Off-Premises Assault by its Patron

by Jeff Eberhard

Claims Pointer: (1) A bar does not have a general “take charge” duty to control and prevent a person it ejects from its premises from harming others. (2) Business owners owe invitees a duty “to keep premises reasonably free of physically dangerous conditions,” including potential harm by a third party. This duty does not automatically extend to injuries sustained on areas immediately surrounding, but *off*, the business’s premises.

Most bar owners understand they owe patrons a duty to keep their premises reasonably free of physically dangerous conditions. Whether this duty extended to an ejected patron who assaulted someone on the sidewalk in front of a bar’s premises was determined in the unpublished Washington Court of Appeals case Oshatz v. GinSing, LLC, No. 66101-9-I, --- P3d ---- (May 14, 2012).

After leaving work one day, Bradley Crossen drank large quantities of alcohol before visiting The Triple Door, a downtown Seattle bar adjacent to a restaurant. The bar and the restaurant had the same owner. Crossen was drunk when he arrived at the bar and consumed even more alcohol while at the bar, but he did not recall how he got the drinks. There was no evidence that the bar’s employees supplied Crossen any alcohol. In fact, Crossen was denied alcohol by one bartender, which made him angry. Bar employees watched Crossen push one patron and threaten to assault another patron. Bar employees immediately intervened and escorted Crossen outside where he calmed down.

Tanya Oshatz was walking on the sidewalk in front of the bar after having dinner at the adjacent restaurant when suddenly, Crossen stepped in front of her and yelled, “Whoa . . . where did YOU come from?” Then, he picked her up and dropped her on the pavement which injured her right shoulder. Bar employees observed the incident and ran to Oshatz’s aid. Crossen was later arrested and convicted of third degree assault.

Oshatz sued Crossen and the owner of the bar and restaurant. Oshatz alleged that the bar was negligent under multiple theories, including negligent overservice of alcohol; negligent failure to follow or enact procedures and policies that control intoxicated patrons; and negligent failure to warn of dangerous conditions on or near its business property. The trial court granted summary judgment in favor of the bar owner on all claims.

On appeal, the Court first addressed the alleged negligent overservice of alcohol he consumed while at the bar. The Court determined that since Crossen testified he did not recall how he obtained the drinks, and there was no other evidence Crossen was served any drinks by bar employees, summary judgment in favor of the bar on that issue was appropriate.

Second, the Court of Appeals addressed whether the bar breached any duty to Oshatz as a member of the public or a business invitee. At trial, the only evidence of such duty was testimony from Oshatz’ expert that a bar’s duty to exercise reasonable care for its customers’ safety extends to the space immediately surrounding the establishment. The Court noted that while expert testimony can establish a standard of care, the actual existence of a duty is a question of law that must be determined by the court, not expert testimony.

Oshatz also claimed the bar had a “take charge” duty to control and prevent Crossen from harming others. The Court explained that the relationship between a bar and its patrons does not qualify as a “take charge” type of relationship because it is not “established” or “continuing.”

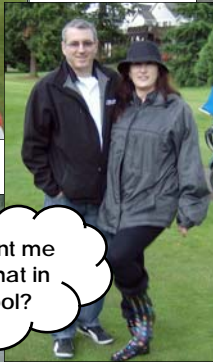
Third, the Court of Appeals addressed whether Oshatz was a business invitee, a person who enters a business’s premises for the economic benefit of the business. Generally, business owners owe invitees a duty to keep their premises reasonably free of physically dangerous conditions, including potential harm by a third party. The Court concluded that even if Oshatz was a business invitee, her injury occurred *off* the bar’s premises; thus, summary judgment in favor of the bar and dismissal of the case was appropriate. ❖

NOTE: This opinion has not been published. It is provided to demonstrate how the court approaches the issues involved in the case. It cannot be cited as authority to a court of law.

— Full case available at: <http://www.courts.wa.gov/opinions/index.cfm?fa=opinions.showOpinion&filename=661019MAJ>

This article is to inform our clients and others about legal matters of current interest. It is not intended as legal advice. Readers should not act upon the information without seeking professional counsel.

PSAA South Golf Tournament June 8



PSAA North Golf Tournament June 15



Really? Ya gotta love those PSAA folks!
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