# BIG MISSISSIPPI

INDEPENDENT INSURANCE AGENTS OF MISSISSIPPI

VOLUME 43 • NUMBER 2 • SPRING 2023



IIAM 2023
Annual Convention
and Trade Show



SCAN FOR CONVENTION DETAILS



# M

### A Proven Partner for Your Success.

As a **wholesale broker**, Mathison Insurance Partners provides smarter, superior solutions for a wide variety of risks. Engage our team today to experience our dedication and commitment to our agency partners.

#### Commercial

- Farm & Ranch
- Agribusiness
- Excess Casualty
- Financial Institutions
- Small Commercial
  - Admitted/Non-Admitted
- Inland Marine
- Management Liability
- Professional & Cyber

#### Personal

- Automobiles
- Watercraft
- Excess Liability
- Primary Residence
- Vacation Homes
- Valuables & Collections



601.487.6145 cmathison@mathisonins.com mathisonins.com

#### OFFICERS

CHAIRMAN Amy Smith, Jackson

CHAIRMAN-ELECT Gwen Jolly, Aberdeen

VICE CHAIRMAN Seldon Van Cleve, Indianola

> TREASURER Durr Boyles, Jackson

NATIONAL DIRECTOR Scott Gray, Meridian

EXECUTIVE COMMITTEE
Scott Woods, Jackson
PAST CHAIRMAN

Jared Thames, Vicksburg

Bradley Tyler, Kosciusko Roger Elfert, Jackson John Morgan Mims, Meridian

Jon Pointer, Southaven
Cyndi Tullos, Ridgeland

Terry Pendley, Hazlehurst

#### ELECTED BOARD OF DIRECTORS:

Brad Britt

Chris Rhett

Roger Elfert

Richard Mattiace

Tate Hobdy

John King

Ed Robinson

Cyndi Tullos

Hugh Brown

Mary Margaret Williams

Jason Ryder

Robert Bills

#### AREA ASSOCIATIONS:

Clint Hanson (North), Starkville Russell Taylor (Gulf Coast), Gulfport

STAFF

Clinton Graham, President

Sara Lane

Abbey Lea

## BGI MISSISSIPPI

INDEPENDENT INSURANCE AGENTS OF MISSISSIPPI

VOLUME 43 · NUMBER 2 · SPRING 2023

#### **DEPARTMENTS**

Chairman's Message
From the Commissioner
FEATURES
IIAM 2023 Annual Convention and Trade Show
2023 Agency Management Conference
The Best Technology is the Technology You Use
Lessons Learned:
An Ounce of Prevention: Apply Defensively19

### BIG I MISSISSIPPI

#### ADDRESS ALL CORRESPONDENCE TO:

Independent Insurance Agents of Mississippi 124 Riverview Drive Flowood, MS 39232-8908

p: 601.939.9909 alea@msagent.org







# CHAIRMAN'S MESSAGE

by Amy Smith

ith the weather warming up and school almost out,
Summer will be here before we know it. Your Association has been busy this Spring, with the Agency Management

Conference and Young Agent's Baseball Outing at Trustmark Park being well attended events. Finally, members of your Association's leadership recently attended the national Big I Legislative Conference in Washington DC. The group met with our congressional delegates to discuss items important to our state such as flood insurance, cyber security, property markets and many other items.

Our next big event is the Annual Convention in Sandestin

on June 11th-14th. With this being the Association's 125th Anniversary, we expect a big crowd. If you have not registered and booked rooms, I highly suggest you do that as soon as possible; rooms are booking up fast. Abbey Wilkerson, our convention coordinator, has been working hard to make this the best convention yet. Casino Night is returning with a surprise celebrity. Taco Tuesday will have the family favorite, Chairman's Crab Chase, returning but the night will end with a new event; a bonfire on the beach. Hope to see everyone there!

With my Chairmanship coming to an end, I want to thank our Board, the Executive Committee, Abbey, Sara, Clinton and all of you for what you do for our Association. It has been an absolute honor to serve as your Chairperson. This industry is so incredibly special, and it has been a privilege to be able to represent you.





# THE BEST-PROTECTED JOB-SITES HAVE HARDHATS, GUARDRAILS, AND BUILDERS MUTUAL.



Dedicated exclusively to construction since 1984, we understand this industry better than anyone else. We will be here for years to come to protect you, your employees, and your business.

At work with you.





### **Experience and Financial Stability**

Protecting Assets With a
Dedicated Management Team
& Exceptional Resources

SafePoint is a premier, admitted provider of insurance protection in the state of Mississippi. With above average levels of policy holder surplus, SafePoint has the resources to protect your client's most important assets.

Our Management Team is comprised of highly experienced professionals with over 100 years of combined experience in the insurance industry.

Our mission is to deliver superior customer service, comprehensive coverages, expedited claim service and to give policyholders peace of mind.



#### Comprehensive Benefits

### Competitive Product Pricing

Knowledgeable & Friendly Staff of Insurance Professionals

Accounts are quoted and submitted via our on-line portal.

Variety of payment options. We accept MasterCard, Visa & Discover and eCheck.

**24/7 Claims Services** to handle claims efficiently and professionally.

Wind Capacity in all coastal counties



### **Protecting With Exceptional Resources**

We are Rated "A" Exceptional by Demotech

Our reinsurance carriers are all approved by the Mississippi Department of Insurance and are rated "A" or better by AM Best. SafePoint purchases reinsurance in excess of a conservatively modeled 100 year return on a first event basis.

You will have Peace of Mind knowing that your business is protected by SafePoint.

Specializing In These

### Commercial Coverages

Property & Crime

Habitational

General Liability OUR PRODUCTS



# FROM THE COMMISSIONER

by Mike Chaney
INSURANCE
COMMISSIONER

y office, along with the State Fire Marshal Office (SFMO) and Mississippi State Fire Academy (MSFA), has been busy in response to the March 24, 2023 tornadoes and storms in the

Mississippi Delta. I expect hundreds of millions of dollars in losses for insured and uninsured combined. The destruction and loss of life is heartbreaking.

Regarding the legislative session, Mississippi became just the second state in the U.S. to pass Pet Insurance legislation. Pet insurance is not a joke. People love their pets more than their fellow human beings.

The pet insurance industry has become a fast growing segment of the insurance industry with over 3.1 million pets insured as of 2020. That's billions of dollars in premiums. As Pet Insurance falls under the property and casualty line of business, due to current statutory law, at this time, only property and casualty agents are able to sell pet insurance products in MS. My office will regulate the industry.

Hurricane season is upon us. I met with the Windpool reinsurance committee in March to allow them to buy enough reinsurance to cover the gulf coast during hurricane season. Due to good planning, we have avoided the bankruptcy of companies and rate hikes others are experiencing. In Louisiana, rates are up 63% on wind in the Citizens plan.

There will likely be more increases in Louisiana but rates have stayed level here in Mississippi. We have a couple of companies looking to pull out because of surplus lines and the cost of reinsurance. I've met with them recently and we're working through issues.

I am proud of the work my staff continues to do for their fellow Mississippians. Our consumer services division recovered more than \$7 million for consumers in 2022. That's a 90 percent increase over 2021. Our investigations division received 542 complaints and recovered \$295,155.00 for MS consumers.

Congratulations are in order to all agents following a report I read on PropertyCasualty360.com. According to the article, Mississippi is the second most lucrative state to be an insurance agent. We fell behind Arizona with an annual salary of more than \$57,000.

If my office can help you in any way please reach out. As always, I am happy to assist you.



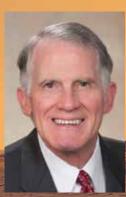
# Annual Convention and Trade Show



# CELEBRATING THE PAST LOOKING TO THE FUTURE



AMY SMITH 2022-2023 Chairperson



ANDY TAGGART
Keynote Speaker



MIKE CHANEY
Insurance Commissioner



MIKE MCBRIDE

IIABA Chairman-Elect

#### **Sunday** June 11

2:00 - 5:00 pm Registration - Ballroom Lobby

**Exhibits Open - Emerald Ballroom** 

6:00 - 11:00 pm Kids Nite Out

6:00 - 7:00 pm Welcoming Cocktail Party

Coral Ballroom

### Monday JUNE 12

7:00 - 9:00 am Early Riser Coffee

**Emerald Ballroom Foyer** 

8:00 - 10:00 am Registration - Ballroom Lobby

**Exhibits Open - Emerald Ballroom** 

1:00 pm Beach Activities - Volleyball

and Sandcastle Building

6:00 - 11:00 pm Kids Nite Out

7:00 - 10 pm Casino Night - Emerald Ballroom

8:00 pm Family Bingo - Coastal Ballroom

**Emerald Ballroom Foyer** 

### Tuesday JUNE 13

7:00 - 9:00 am Early Riser Coffee

**Emerald Ballroom Foyer** 

9:00 am General Session - Emerald Ballroom

1:00 pm Young Agents Cornhole Tournament

1:00 - 5:00 pm "Quench Your Thirst"

**Beach Refreshment Tent** 

6:00 - 11:00 pm Kids Nite Out

7:00 pm Taco Tuesday- Barefoots Deck

8:00 pm Bonfire

8:00 - 9:30 pm Chairman's Crab Chase — Beach

SPRING 2023

### Wednesday JUNE 14

8:30 am Farewell Breakfast - Emerald Ballroom

# BGI MISSISSIPPI







# AGENCY MANAGEMENT CONFERENCE

The 2023 Agency Management Conference was held on February 15 and 16 at the Country Club of Jackson. On the first day, speaker Kevin Mlynarek and his team from Idealtraits presented a seminar called "Tips and Tricks to Finding and Retaining Top-Level Talent." This seminar gave an overview of the hiring environment, remote work, finding qualified people to hire, and the ins and outs of Idealtraits. Afterward, a mini trade show called Meet the Companies reception was held. We had a fantastic turnout at this year's reception, with 36 exhibitors. This event is an excellent time for company reps and agents to network and create great lasting industry relationships.

On the second day, speaker Chris Cline presented a seminar called "Pulling It All Together." This seminar covered topics regarding how Agencies today face more options, challenges, and opportunities than ever before. The seminar concluded with a conversation about insights into how the Agents Council for Technology can support your agency. The conference ended with an enjoyable luncheon where Chairperson Amy Smith gave an update on association affairs. We would like to thank our many sponsors that helped make this year's conference so successful! We are already excited about next year's Agency Management Conference and will release the dates soon.







# BIGI MISSISSIPPI



























# THANK YOU TO EVERONE WHO ATTENDED THE

# AMG



# COMING SOON! A NEW MEMBERSHIP BENEFIT GET FULL ACCESS TO CATALYIT.COM

Your subscription will give you, and every employee of your agency, full access to the independent agent's hub for technology advice, tools, training, insights, & more.

Technology is critical to agency success, profitability, valuation, and employee retention. Here's what you gain from Catalyit:

- **Guides & Reviews:** Selection guides for each area of your tech with side-by-side comparison charts of solution provider features, and reviews.
- **Tools:** An in-depth tech assessment with a custom roadmap report for your agency awaits. Get a free consult with an expert, and guidance on the best approach for your tech stack. Question? Call our Catalyit Help Line.
- **Training:** From live coaching and Q&A sessions to our on-demand video vault, you'll be able to get the most out of your tools.
- **Insights:** You don't have to hunt for the latest tips and tech news. We send the tips and terms you need to know to your inbox each Monday.
- **Consulting:** One-on-one expert support to help you implement solutions.

### **MORE DETAILS COMING SOON!**





According to the 2022 Best Practices Study<sup>1</sup>, agencies invest anywhere from 2.5% - 3.5% of their total revenue in technology. In my experience, many of the most forward-thinking agencies are investing far more than this in their technology stack.

There is no question that technology is and will continue to make a massive impact on our industry and the way that agents of today and tomorrow serve their customers. Investing in technology for your independent agency can be a game-changer, however, it's important to have a well-thought-out plan to ensure that your investment pays off in the long run.

The right technology for your agency is the technology that you will use. Finding the technology that you will use, requires a carefully thought-out plan as well as solid execution of that plan. When you are building out your strategy for investing in technology consider implementing these steps. Otherwise, you may find that your technology investment is really just an expense inside your agency. It can only be an investment if the technology solves a problem, improves efficiency, is well-implemented, and is utilized across your entire agency. Without adoption, technology can actually have a negative impact on your agency, staff, and culture.

Here is an outline of the components of a solid plan for selecting and implementing technology inside your agency:

- Avoid the shiny-object syndrome and align technology with your business goals. Your technology investment should align with your business goals. Having a plan helps you determine what you want to achieve with your investment and how technology can help you achieve those goals. For example, if your goal is to increase customer satisfaction, investing in a customer relationship management (CRM) system could be a good option.
- 2. Team Input & Involvement. To define the goals for the technology you need to find out what the pain points are for your team. This will help you define what the key problems are and narrow your search for solutions.
- 3. Assess the tools you have. Often, the tools that are already implemented are not being utilized to their fullest potential. Technology is changing fast, and that includes both new technologies in the industry as well as the technologies that have been here for quite some time. Reach out to your contact at your current technology providers and review your list of needs or problems you are trying to solve. You may learn that the solution is training, not a new technology purchase.

- 4. Budget management: A good plan helps you manage your budget effectively. By creating a roadmap for your technology investment, you can identify the costs involved and allocate resources accordingly. This can help you avoid overspending and ensure that your investment is within your budget.
- **5. Risk management:** Investing in technology can come with risks such as technical difficulties, security breaches, or integration challenges. A good plan includes a risk management strategy that identifies potential risks and outlines mitigation measures to minimize their impact.
- 6. Prioritize needs: With so many technology options available, it can be difficult to determine which ones are essential for your business. A good plan helps you prioritize your needs and identify which technologies are most important for your business.
- 7. Communicate & implement. To ensure that the new technology is implemented and utilized by the entire team, you need to involve them. Identify who is best to lead the implementation process, communicate expectations about key components of the change such as: the time requirements, purpose, changes needed, and most importantly what success looks like for everyone if the technology is implemented and utilized properly. One of the biggest reasons for failure in technology

- implementation is a lack of understanding of the purpose and impact of the change.
- 8. Measure success: A good plan includes metrics that help you measure the success of your technology investment. By tracking key performance indicators (KPIs), you can determine if your investment is meeting your expectations and make adjustments if necessary.

Technology is not going away, and there is no question it will have a profound impact on the insurance industry as a whole. Investing in technology for your independent insurance agency can be a great way to improve efficiency, maximize productivity, and enhance the customer experience. However, to ensure that your investment pays off and protects your team and culture, it's important to have a good plan that aligns with your business goals, includes input and involvement from your team, manages your budget and risks, prioritizes your teams' needs, is implemented and communicated well, and has a clear measurement of success.

For more information about planning for the success of your agency, visit www.agency-focus.com or contact Carey Wallace at carey@agency-focus.com.

1 - Best Practices Study as reported by IIABA and Reagan Consulting









### APPLY TO BE AN AGENT: WWW.GUARD.COM/APPLY/

## Berkshire Hathaway GUARD Insurance Companies CELEBRATING 40 YEARS

### Workers' Compensation

We distinguish our Workers' Compensation coverage by providing value-added services before, during, and after a claim.

- Upfront loss control measures
- Responsive claims handling
- > Facilitation of quality medical care (when an accident does occur)

We've been successfully protecting our policyholders and their employees since 1983.

Browse all of our products at www.guard.com.

Our Workers' Compensation policy is available nationwide except in monopolistic states: ND, OH, WA, and WY.

### Strickland General Agency

"Think Strickland First"



www.sgainga.com 800-825-5742

### **Helping You**

"Think Strickland First"

- Commercial Auto
- Commercial P&C
- Garage
- Personal Lines

\*Financing Available\*

AL, AR, FL, GA, LA, MS, SC, TN



### Feed Your Success

# With a Broad Manufacturing Appetite.

EMC provides tailored protection for the needs of countless types of manufacturers—plus robust loss control, claims and medical management services to help maximize their uptime. And as our agency partner, you can count on a high-performing program that helps your business thrive. Ask us how the EMC Manufacturing Program can feed your success today.

Check us out: emcins.com/manufacturing-insurance





### LESSONS LEARNED



Apply Defensively

By: David A. Barfield Maron Marvel Bradley Anderson & Tardy LLC 1020 Highland Colony Parkway, Suite 400 Ridgeland, MS 39157 maronmarvel.com "Lesson's Learned" is a recurring article by David A. Barfield based on real errors and omissions cases in Mississippi. David has represented insurance agents for over 30 years. The names of all parties and all case citations have been omitted to preserve anonymity of the parties.

#### **ALLEGATIONS:**

The plaintiff sued her former husband's life insurance carrier and its insurance agent as the result of a denial of life insurance benefits upon the death of her former husband. She asserted claims for breach of contract, bad faith breach of contract, negligent misrepresentation, intentional misrepresentation, and intentional infliction of emotional distress.

#### FACTS GIVING RISE TO THE LITIGATION:

Some time prior to 2000, the life insurance company issued a \$75,000 policy on the life of Plaintiff's then husband with Plaintiff designated as the beneficiary. The couple separated in 2009. In 2015 the policy lapsed due to non-payment of premium. The agent visited the Plaintiff at her home to discuss reinstatement of the policy.

According to Plaintiff, the agent asked her several questions.

The key questions for this case was whether her former husband had used tobacco products in the last twelve months or, in the last five years. Plaintiff stated that she told the agent she did not know about her former husband's tobacco use since they had been separated since 2009. The checkboxes on the reinstatement form indicated "no" to both questions. Plaintiff stated that the agent completed the reinstatement form, and she simply signed her name and her former husband's name at the bottom at the agents direction.

Plaintiff's former husband died in an automobile accident in 2016. After his death, Plaintiff made a claim on the life insurance policy. The insurer denied the claim on the basis that Plaintiff provided material misstatements on the application. The specific misrepresentation relied on by the insurer was that Plaintiff had indicated her former husband was not a tobacco user, and that medical records the insurer had obtained and reviewed indicated he was a tobacco user.

#### WHAT HAPPENED?

The insurance company removed the case from state court to federal court on the grounds of diversity of citizenship. If all the defendants in a case are from different states than the plaintiff, and the case has a value of more than \$75,000, the case can be removed from state court to federal court. In this case, Plaintiff and the agent were both citizens of Mississippi, so the Plaintiff filed a Motion to Remand the case back to state court. If the federal court determines that the non-diverse defendant, in this case the agent, has been improperly joined as a defendant then the federal court can dismiss the non-diverse defendant and retain jurisdiction of the case.

Here, the insurance company asserted that the agent was improperly joined as a defendant and the federal court should dismiss the agent and retain jurisdiction over the case against the insurer. There are two ways to establish improper joinder of a party. The first is to prove actual fraud in the pleading of jurisdictional facts. The second, is to prove the inability of

the plaintiff to establish a cause of action against the non-diverse party. Here the insurance company argued that the plaintiff could not establish a cause of action against the agent. The test to be applied by the federal court is to determine whether the party who removed the case to federal court has demonstrated that there is no possibility of recovery by the plaintiff against the non-diverse party. Stated another way, is there no reasonable basis for the federal court to predict that the plaintiff might be able to recover against the non-diverse defendant.

In this case, the federal court found that the allegations in this case rose above mere negligence. Plaintiff alleged that she provided truthful answers to the agent's questions and the agent, either recklessly or intentionally recorded false answers or answers that were known by the agent to be false. The court held that Plaintiff had set forth an arguably reasonable basis for predicting that state law would allow a recovery against the non-diverse agent and remanded the case to state court. The case ultimately settled.

#### LESSONS LEARNED

- We don't know if Plaintiff's version of the facts were true or not. Perhaps the agent asked the tobacco questions and was told "no". But, having the insured initial the response to each question on an application would go a long way in stopping this type of claim. It may take a few more minutes out of your day but you could be establishing your defense to, or even preventing an errors and omissions claim.
- At the very least, have the applicant initial every page of the application. It would be great if you could affix some type of stamp on each page of an application which said something like "I verify the answers to each question are true and correct" with a line for their initials. Disputes over answers to questions are frequently the basis of errors and omissions claims, especially when the claim is denied because of a misrepresentation in the application.
- Never complete an application and just hand or send the insured the signature page. Always present the entire application and any supplemental applications.
- In this day and time with many transactions being conducted by email, you may email an application to an insured to sign. This is a good opportunity to help establish a defense to a potential errors and omissions claim arising from the application process. Even if you do not have a stamp for the insured to initial on every page, such as mentioned above, in your email to the insured you can set up your defense by including language such as:

"Attached for your signature is your application for insurance. It is imperative that you read your application in detail and confirm that all the information is correct and the answers to all questions are true. Your insurance policy is being issued based on the information in this application and any misrepresentations have the potential to deny you coverage. By signing and returning this application, you are representing to us that you have read the application and all of the information therein is true and correct.

If anything needs to be changed or corrected, please let us know and we will make the changes and send a corrected application."

Language such as this could accomplish two things. First, it would create evidence that you instructed the insured to read the application and explained why it is important to do so. Secondly, you would now have a representation being made to you by the insured that they read the application and the information therein was true and correct. If you got sued by the insured because of some misinformation in the application, this could potentially create a counter-claim against the insured for misrepresentations made to you.

Unfortunately, when some people suffer a loss, they will say
what they need to be compensated, even if it is not true. It is up
to you to take applications in a defensive way to protect yourself
or at least create evidence that the insured provided all the
information and answered all the questions on the application.



## Things go sideways.

KNOW YOU'RE COVERED.

Sometimes things at work are unexpected. No matter what happens, LUBA is here to help get things back to normal.

Find out more at www.LUBAwc.com/sideways





WORKERS' COMPENSATION

### **COVERAGE THAT** STANDS OUT





AmFed

An Ascot Group Company





JENCAPGROUP.COM

PRST STD U.S. Postage PAID Jackson, MS Permit No. 180



The Mississippi Manufacturers Association has expanded its Property & Casualty lines for the benefit of qualified members. MMA has found a superior partner in Berkley Southeast, a W.R. Berkley Company. By teaming with Berkley Southeast, MMA is able to offer other lines of P&C coverage in addition to Workers' Compensation. Our combined strengths now allow us to offer:

- Multi-State Coverages
- COMMERCIAL PROPERTY
- Auto Liability
- PRODUCT LIABILITY
- GENERAL LIABILITY
- Unparalleled Claims and Loss Control Services

Submissions for premium quotations and questions regarding MMA Insurance Services should be submitted to our designated underwriter, Frank Bowyer, Berkley Southeast Insurance Group, 601-581-4135, or mobile 601-317-4161, fbowyer@berkleysig.com.





WE SUPPORT MISSISSIPPI'S INDEPENDENT INSURANCE AGENTS