

AICA BULLETIN

MAY 2009

VOLUME 7, ISSUE 9



COMEDY NIGHT AT THE AICA

**Join us for an evening of great
entertainment and dinner
before the summer break.**

**Wednesday, May 20, 2009
5:30 p.m.—Cocktail Hour
6:00 p.m. Dinner & Comedy Show
\$25 per person—members
\$30 per person—non-members**

**RSVP at www.aicaonline.org or to
jenifer@pinnaclerestore.com
by Monday, May 18, 2009**

**We are happy to announce that payments
for dinner can now be made
through Paypal on the AICA website
at www.aicaonline.org.
Just click on the link on our homepage.**

President's Message

If you did not make it to the April meeting, you missed informative information from Mr. Chris Behymer, Vice President of Marketing – Markel West Region. He provided some insightful information on the state of the insurance industry. Mr. Behymer, thank you for sharing your information with us.

If you have not noticed or heard, you can now pay your membership dues and monthly meeting fees on our website through PayPal! How great is that?

The AICA board has been busy arranging educational opportunities for you. We would like to announce that the AICA will be sponsoring a three-day Xactimate training seminar June 29 – July 1, 2009. It will consist of basic Xactimate training, Sketch, and Advanced Sketch. The attendees get a special discount—\$100 per day training for members and \$200 per day training for non-members. You can attend one class, two classes or three—whichever fits your needs. If you are not an AICA member, I would suggest becoming a member to get the special discount. Each class is limited to 20 attendees. The first 20 for each day to sign up will be accepted. The training is only offered to insurance adjusters until June 1st. If the classes are not filled by then, they will be opened to the general public. Please be on the lookout for an email blast with the registration form or go to our website at www.aicaonline.org to download the form.

We are also planning another summer event which will be held at the Salty Seniorita's in Glendale for volleyball, horse shoes and bean bag toss fun. Please see inside for more information on this.

And finally, we are working on another seminar on negotiation skills for October. Please be on the lookout for more information on this in the future.

You have some really motivated members on the AICA board. If you like what is happening or if you have some ideas you would like to share, let your board know. I know I appreciate the members on the board and would like to thank them personally for their hard work.

Joe Hendren

(480) 563-3838 Telephone
(480) 563-3939 Fax
phoenix@amerclaim.com

April Door Prizes

Thank you to our April Door Prize donors:

- Pinnacle Restoration
- American Technologies
- CRS Temporary Housing
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- Butler Restoration Dry Cleaning
- Western Claims & Appraisers

JOIN THE AICA TODAY

Membership in the Arizona Insurance Claims Association is both valuable and affordable.

\$25 annually for Adjusting Members

\$75 annually for Associate Members (service companies)

With your membership you will receive discounts to the monthly meetings as well as other events and educational opportunities throughout the year.

Membership forms are available online at www.aicaonline.org.

AICA SUGGESTION BOX

We want your input about what you want to hear and/or learn about at our monthly meetings.

Go to www.aicaonline.org to submit your suggestions.

AICA LUNCH MEETINGS

The Board of the AICA is considering holding 2 meetings a year during the lunch hour—1 in spring and 1 in fall.

Please go to www.aicaonline.org to vote and let us know if this is something you would support.

Adjuster's Profile—Ana Garcia, Farm Bureau Insurance Company

This month's profile subject is one of the newest members of the AICA, Ana Garcia of Farm Bureau Insurance Company.

Ana is a native Arizonan and in 2004 moved back to the Phoenix area after several years living in Tucson.

Ana started in the insurance industry in 2005, after obtaining her Life and Health License. She worked with a friend selling life and health insurance and concentrated their sales efforts in the Hispanic community.

She then started working for State Farm Insurance and continued to be active in servicing the Hispanic community, while at the same time, obtained her Property and Casualty license.

Ana left State Farm insurance at the end of 2005 and was hired by Farm Bureau Insurance. As you can see, 2005 was a busy year for Ana!



In January of 2006, Ana started working as a Developmental Assistant, assisting brand-new Farm Bureau agents. She assisted them with new accounts and helped them service their existing clients. Later that same year, Ana applied for an open Adjuster I position within Farm Bureau Insurance's State Office and the rest is history. She handles both property and casualty claims and enjoys

the variety that comes with claims work.

Ana is married and has a 17 year-old daughter and 15 year-old son. If that is not enough to keep her busy, she has also ran 3 half-marathons and has a personal goal to someday be part of the 26.2 miles, PF Chang's Marathon.

In her spare time, Ana likes to work-out and read.

You can reach her at Farm Bureau Insurance Company
325 S. Higley Road, Suite 200, Gilbert, AZ 85296
Telephone: (480) 635-3724



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Expert's Corner—Arizona Court of Appeals Reduces Punitive Damages Award

In Hudgins v. Southwest Airlines, Co. (Ariz. Ct. Appeals, Div. One, January 13, 2009), Plaintiffs, two Virginia-based bail enforcement agents, flew Southwest Airlines from Baltimore to Phoenix to attempt to apprehend a fugitive in Arizona. Before their flight, Plaintiffs worked with the airline to obtain instructions about to how to lawfully transport handguns on the aircraft. Plaintiffs complied with the airline's instructions, including the completion of airline forms, and airline employees advised Plaintiffs to take their guns on board even after Plaintiffs asked to check the guns because they did not yet have their fugitive in custody on the outbound flight to Phoenix. After the aircraft departed, a series of events associated with the flight crew's attempts to understand Plaintiffs' forms culminated in Plaintiffs being arrested upon arrival in Phoenix and charged with carrying concealed dangerous weapons on an aircraft. After a weekend in custody, federal prosecutors dismissed the charges because it was determined that, although Plaintiffs violated federal law by flying with their guns, they made good-faith attempts to comply with instructions given to them by the airline.

Plaintiffs subsequently filed suit against Southwest over the ordeal, and their claims of negligence and punitive damages were tried to verdict. The jury awarded each Plaintiff \$500,000 in compensatory damages and \$4 million in punitive damages. Southwest appealed the verdict and argued, in part, that the punitive damages award was unconstitutionally excessive.

To determine the constitutionality of the punitive damages award, the Court analyzed the airline's misconduct in light of the following three guideposts outlined in the U.S. Supreme Court's ruling in BMW of North America, Inc. v. Gore, 517 U.S. 559 (1996): the degree of reprehensibility of the misconduct; the ratio between compensatory and punitive damages; and how the award compared with other available penalties. The Court's decision focused in large part on the appropriateness of the ratio between the jury's compensatory and punitive damages awards. The Court's holding was based to a large extent on the part of the Gore opinion that established that a 4:1 punitive damages to

compensatory damages ratio approaches constitutional impropriety and where compensatory damages are substantial, even smaller ratios may approach unconstitutionality.

The Court held that Southwest's misconduct fell within the low to middle range of the scale of potentially reprehensible acts and ruled the 8:1 ratio of punitive damages to compensatory damages was unreasonable. It observed that the airline's conduct did not cause Plaintiffs to sustain physical or economic injury, that the compensatory damages award was substantial, and that the compensatory damages award "likely contained a penal element that the jury duplicated in the punitive damages award." The Court subsequently reversed the jury's punitive damages verdict and reduced the punitive damages award to \$500,000 for each Plaintiff, or a 1:1 punitive damages to compensatory damages ratio.

Given that the determination of the appropriateness of a punitive damages award is fact intensive and specific to each case, the Court's decision to drastically reduce the jury's award appears to signal an effort by the Arizona Court of Appeals to hone-in the potential for "runaway" punitive damages verdicts. Additionally, Arizona litigants appealing excessive punitive damages awards should find encouraging the Court's suggestion that large compensatory damages awards may, depending on the facts of a case, arguably encompass "a penal element." That language appears to open the door for litigants to take the position that even a 4:1 ratio may not be justified when a jury issues an artificially inflated compensatory damages award.

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Updates & Alerts

May Meeting Update:

Due to the Memorial Holiday on May 25th and knowing that several families take a long weekend break/vacation, the association felt it was best to hold our monthly dinner meeting a day early on **Wednesday, May 20th**.

Special June Event:

XactWare On-Site training classes for Xactimate 25 (only), will be offered on June 29, 30 and July 1st.

Classes held are as follows:

Day 1: Xactimate (excluding Sketch)

Day 2: Sketch

Day 3: Advanced Sketch

Further details to go to www.aicaonline.org.

Summer Social Event:

Volleyball, horseshoes, bean bag toss, food, drinks and fun. Friday, June 19, 2009 at 5:30 p.m.

See pages 6 & 7 for details and registration forms.



Upcoming Educational Events

Continuing Education

Credit Courses:

Course: Ethics In Insurance, Business and Life

Credit Hours: 3

Fee: FREE!

Rainbow International of Phoenix

Please contact Jeanette Cole for more information at (480) 282-8554.



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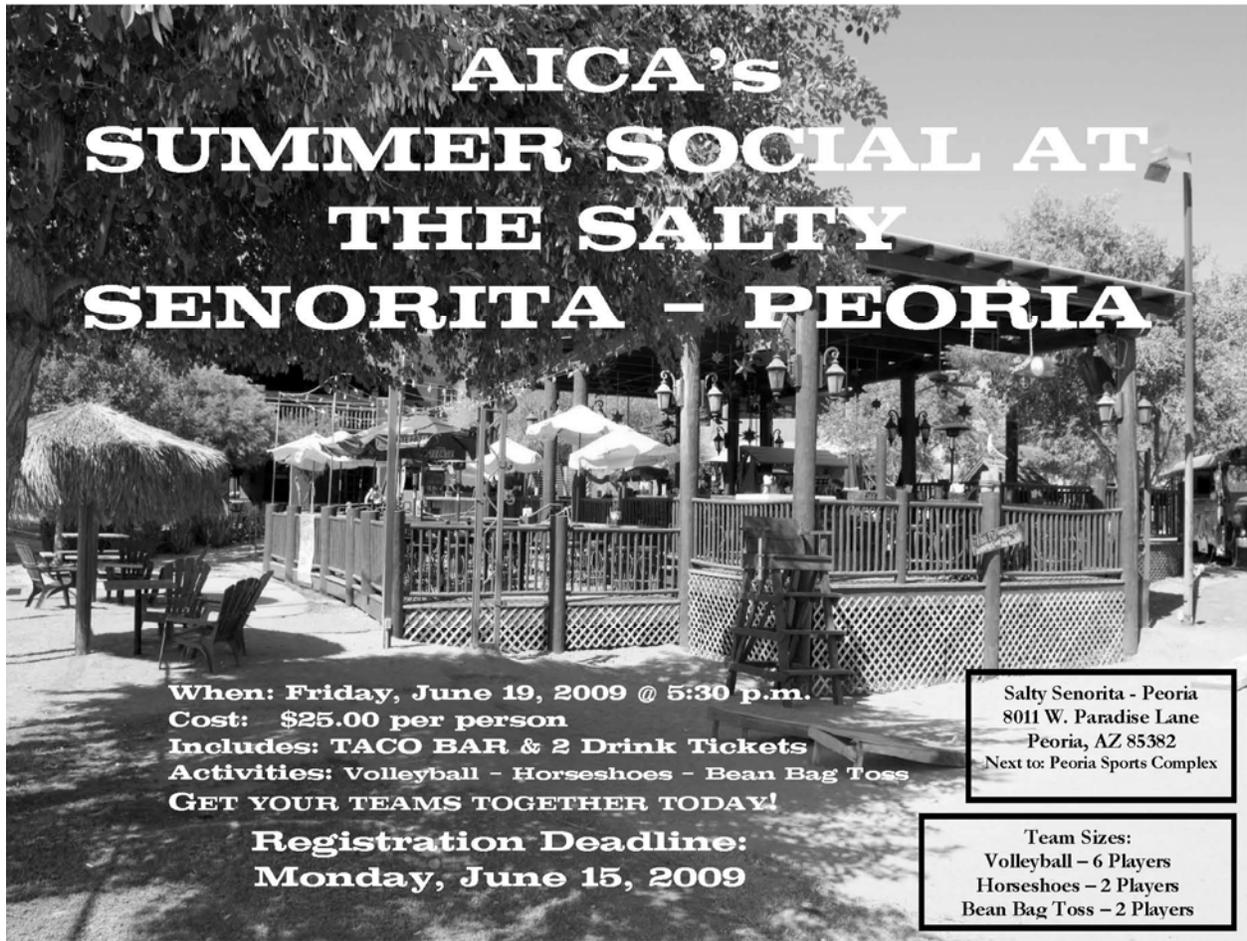
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AICA's SUMMER SOCIAL AT THE SALTY SEÑORITA - PEORIA



When: Friday, June 19, 2009 @ 5:30 p.m.
Cost: \$25.00 per person
Includes: TACO BAR & 2 Drink Tickets
Activities: Volleyball - Horseshoes - Bean Bag Toss
GET YOUR TEAMS TOGETHER TODAY!

**Registration Deadline:
Monday, June 15, 2009**

Salty Señorita - Peoria
8011 W. Paradise Lane
Peoria, AZ 85382
Next to: Peoria Sports Complex

Team Sizes:
 Volleyball - 6 Players
 Horseshoes - 2 Players
 Bean Bag Toss - 2 Players



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**AICA's Summer Social at the Salty Senorita - Peoria
Registration Form**

**Please fill out a separate registration form for each
sponsored team.**

**Registration Deadline: Monday, June 15, 2009 @ 5:00 p.m.
Payment Must Accompany Registration**

**Payment Method: Check Only -
Made Payable to AICA**

Company Name:	_____
Main Contact:	_____
Telephone No.:	_____
Email:	_____

**Come join us for some
Good Food, Good Friends & Good Fun.**

Volleyball
Team Name: _____
Player 1: _____
Player 2: _____
Player 3: _____
Player 4: _____
Player 5: _____
Player 6: _____

Horseshoes
Team Name: _____
Player 1: _____
Player 2: _____

Bean Bag Toss
Team Name: _____
Player 1: _____
Player 2: _____

Mail Registration Forms & Payment To:
Alaina M. Boersen
Anderson Engineering
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Office: (602) 437-5455 / Cell: (623) 229-4350



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