

I-WAYS MAGAZINE

BIG I WNY | JANUARY 2019

Promoting the value of **independent insurance agents** in Western New York



BIG I WESTERN NEW YORK | BIGIWNYS.COM

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www.wnyagent.com/officers-directors/



Kathleen Rapasadi
President Big I WNY

It's hard to believe 2018 is over! We look forward to 2019 for Health, Happiness and continued success for everyone. In 2018 we announced our New Name – Big I WNY. The Board of Big I WNY has many events planned for 2019 that we hope you will attend.



On November 8th, I attended Keys to Progress Annual Event by Progressive Insurance for their Veterans Day Celebration. Each year on this special day, Progressive, together with affiliated network auto-body shops, Enterprise Rent a Car, national salvage companies, the National Auto Body Council (NABC) and several military and charity organizations, presents the refurbished vehicles to the recipients during a special giveaway ceremony held during the week of Veterans

Day. They awarded two deserving Veterans from our Local community with vehicles to help their families. Gift Cards are also donated by area businesses. Russell Salvatore donated a beautiful lunch for all. Congratulations to Progressive for another successful event.



insurance industry. Please join us for the next event! These events are open to all ages, not just the young crowd.

On December 7th we held our Annual Holiday Luncheon at the Twentieth Century Club. Everyone had a wonderful time! We enjoyed great food and spending time with friends and colleagues. After the luncheon, the Twentieth Century Club offered tours of this national historic landmark site. We collected donations for the Food Bank of WNY – providing a check for \$2,500! We gave out coffee mugs with our new logo – Big I WNY!! During our luncheon we discussed our upcoming events. Photos are included in this newsletter. Thank you for all who attended, donated to the Food Bank and brought door prizes for our business card drawing.



PRESIDENT'S MESSAGE

On March 2nd we will hold a Defensive Driving Course at M & T Insurance – 285 Delaware Ave, Buffalo, NY 14202. The cost is \$30 per person. Look for details in this newsletter. This is a great way to lower your car insurance. Seating is limited so please sign up early on our website.

A date to keep in mind is March 5th for L Day (Legislative Day) in Albany NY. Each year a group from the Big I WNY Board attends L Day in Albany. Please consider sending a representative from your office. As a group, our voices can be heard and make a difference for WNY. Senator Chris Jacobs attended our Annual Holiday Party and spoke about L Day and the importance of advocacy.



Upcoming Events

5 Phases of Appointment Generation presented by Gary Hoy, Appointment University

One of the biggest single obstacles to success in sales is the fear of making the initial contact. Where is the roadblock when it comes to prospecting, or simply sharing information with a customer in need of your services?

Gain insights into a path forward to overcome the emotional aspects of prospecting and create more free-flowing conversations with current and potential new customers.

Date: Tuesday, January 15, 2019

Time: 8 am breakfast; 8:30 – 10 am presentation

Place: Millennium Buffalo, 2040 Walden Ave, Buffalo, NY 14225

Cost: \$30 Member; \$40 Non-Member
Corporate rate: 5 or more tickets at \$25 each

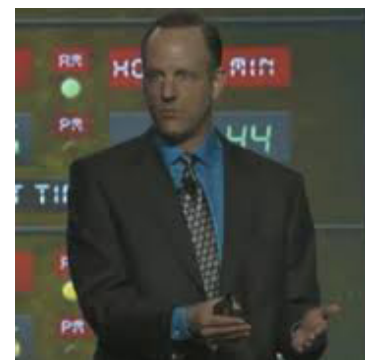
Sponsors

Platinum - Erie & Niagara Insurance Association; Liberty Mutual

Gold - Kemper Personal Insurance

Silver - Travelers; Enterprise Rent a Car

Speaker: Bob Yockey, Executive Administrator of Residential Entitlements and Special Contracts for Living Opportunities of Depaul; sponsored by NTSI



Register Here:

<http://www.biginy.com/events/5-phases-of-appointment-generation/>



UPCOMING
EVENTS

DEFENSIVE DRIVING COURSE

Join us for this one-day course to learn valuable information and lower your car insurance payments! Seating is limited.

Date: Saturday, March 2, 2019

Time: 9 am – 3:30 pm

Place: M & T Insurance, 285 Delaware Ave, Buffalo, NY 14202

Cost: \$30

Lunch provided by Kemper

KEMPER Personal
Insurance

Register Here:

<http://www.bigiwny.com/events/defensive-driver-course/>

Holiday Luncheon



Due to feedback we have received from our Affiliate members regarding sponsorship and membership, the Board of Directors has come up with a new Affiliate membership renewal form. This new format was created to provide our Affiliates with options regarding sponsorships up front to make it easier for budget planning for the year. You will still be able to renew your membership as before or now you can choose a One and Done sponsorship for the upcoming year.

If there are any questions regarding this new form, please reach out to me or any of the Board Directors or Officers. As always, we very much appreciate our Affiliate members and the value they bring to our Western New York Community.



Big I WNY

2019 Annual Affiliate Membership and Sponsorship Form

○ Diamond Sponsor: \$5,000

Includes:

- Affiliate Membership fee
- 4 golfers for golf outing (includes lunch & dinner & full page ad in golf program)
- 4 tickets to each of the following events:
 - 1 Other Big I WNY monthly Program event
 - Legislative Breakfast
 - Annual Holiday Luncheon
- 4 tickets to Installation Dinner
- Sponsorship recognition at same events
- Social Media Spotlight recognition on Big I WNY platform
- NeXtGen Sponsorship included
- Advertising in IWAYS News Magazine

○ Platinum Sponsor: \$2,500

Includes:

- Affiliate Membership fee
- 2 golfers for golf outing (includes lunch & dinner & half page ad in golf program)
- 4 tickets to each of the following events:
 - 1 Other Big I WNY monthly Program event
 - Legislative Breakfast
 - Annual Holiday Luncheon
- 2 tickets to Installation Dinner
- Sponsorship recognition at same events
- Social Media Spotlight recognition on Big I WNY platform

○ Gold Sponsor: \$1,000

Includes:

- Affiliate Membership fee
- 2 tickets to each of the following events:
 - 1 Other Big I WNY monthly Program event
 - Legislative Breakfast
 - Annual Holiday Luncheon
- 1 ticket to Installation Dinner
- Sponsorship recognition at same events
- Quarter page ad in golf program



○ Silver Sponsor: \$500

Includes:

- Affiliate Membership fee
- 1 ticket to following events:
 - 1 Other Big I WNY monthly Program event (excluding installation dinner)
 - Legislative Breakfast
 - Annual Holiday Luncheon
- Sponsorship recognition at same events
- Recognition in golf outing program

○ Bronze Sponsor: \$250

Includes:

- Affiliate Membership fee
- 1 ticket to Legislative Breakfast
- Recognition in golf outing program

○ Membership fee only: \$200

Includes:

- Listing on our Affiliate page with link to your website
- Member rates to Big I WNY events
- Opportunity to advertise in our IWAYS e-newsletter

Any other events not included above will be under separate sponsorship.

Please send your logo for the advertisements and any signage to IIAAWNY@gmail.com. Thank you for your support!

Contact Name: _____

Company Name: _____

Address: _____

City, State, Zip: _____

Phone: _____

Email: _____

For more information please contact IIAAWNY@gmail.com.

Return completed form along with check payable to: IIAAWNY at PO Box 983, Orchard Park, NY 14127



**On Tuesday, November 13th,
NeXtGen hosted the third annual
WNY Young Professionals Networking Event**

Participants enjoyed food, drinks, and 3 sessions of speed- networking with fellow Insurance Professionals at Big Ditch in downtown Buffalo. Those who attended had the opportunity to strengthen industry connections and make new ones.



*We had a great turnout
for the event, with over
30 people in attendance
and representation
from various agencies,
companies and even
affiliates like
SERVPRO and Rupp
Baase Pfalzgraf
Cunningham LLC.*



**Thanks to all
who
attended!**



 **SPEED NETWORKING**



Thank you to our sponsors!



GREENE
& ASSOCIATES



ADIRONDACK
INSURANCE EXCHANGE®

Lawley



SAVE THE
DATE!

18th Annual Roger Gurney Memorial Golf Outing

June 17, 2019

Harvest Hill Golf Center
3052 Transit Rd, Orchard Park, NY 14127

*More information on Registration and
Sponsorships coming soon!*



PROTECTING ATTORNEY-CLIENT PRIVILEGE: WHAT EVERY INSURANCE PROFESSIONAL SHOULD KNOW

LEGAL
INSIDER

Recently a federal district court in New York addressed the extent of the attorney-client privilege in first-party insurance claims. See *Harding v. State Farm Fire & Cas. Co.*, 2018 WL 1368028 (E.D.N.Y. Mar. 16, 2018). In *Harding*, a defendant insurance company utilized two separate law firms in their investigation of an insurance claim. The first outside counsel was retained to “provide its legal advice, opinion, or conclusion as to the potential for subrogation against possible negligent third parties who may have been responsible for causing the fire damage to the subject premises.” *Id.* at *2. The counsel reviewed the claim file and generated two emails to the insurance company regarding their conclusions. The plaintiffs argued these communications did not fall under the attorney-client privilege and sought their production in their lawsuit against the insurer.

Plaintiffs opposed the insurer’s efforts to withhold the communications because they argued counsel was retained for the purpose of investigating potential future subrogation claims, not the first-party action commenced against the insurance company. The court conducted an in-camera review of the documents and confirmed the documents were privileged because, although they did not relate to the claim at hand, the communications between the insurance company and outside counsel were produced for the purpose of facilitating the rendition of legal advice or services, in the course of a professional relationship. *Id.* The court further held that because only the insurance company and its counsel were copied on the emails, they must have been intended to be privileged. *Id.*

The insurance company’s second outside counsel was retained for the purpose of conducting an examination under oath of the plaintiffs and to provide legal advice about what the insurance company should do with respect to the claim. *Id.* at *3. Counsel completed the examination and wrote two letters to the insurance company. Here, plaintiffs sought the production of

communications between the insurance company and its counsel because the firm was retained by the insurance company to conduct and investigate a claim, which plaintiffs allege is no different from that of an “independent adjuster reporting about a recorded statement.” *Id.* at *2. Again, the court conducted an in-camera review of the documents. The court confirmed the attorney-client privilege applied because both letters were of a “primarily legal character,” providing the insurance company with extensive legal analysis, advice, and recommendations regarding the issues with the claim. *Id.* at *3. Thus, the court concluded that the communications between the insurer and its counsel were protected by the attorney-client privilege and were not discoverable in the litigation.

Practice Pointer: While the decision in the *Harding* case confirms the long-standing legal principle that communications between an attorney and client indeed are privileged and are not subject to disclosure, it also serves as a reminder that insurers, agents, and their employees should take great care to document the formation of an attorney-client relationship so that the protections from disclosure can attach. Communications between attorneys and their clients should arise out of the course of the professional relationship with counsel and those communications should be limited to the legal nature of that relationship. When counsel is retained, communications made within the context of the professional relationship should be for the purpose of obtaining legal advice and are intended to be confidential. Compliance with these principles is crucial to fend off any challenge made by a third party who seeks to examine privileged documentation.

For answers to your legal questions, feel free to contact Marco Cercone, Esq. at Rupp Baase Pfalzgraf Cunningham LLC, 1600 Liberty Building, Buffalo, New York 14202, 716-854-3400, www.ruppbaase.com.

A blue megaphone with a red ring at the base, pointing towards the right. A white banner is attached to the mouth of the megaphone, containing the text 'INDEPENDENT AGENTS ADVOCACY DAY'.

INDEPENDENT AGENTS ADVOCACY DAY

Amplifying the voice of the **independent insurance agent**.

March 5, 2019 | Albany, NY

**Mark your calendars and get ready
to make your voice heard in Albany!**

Join independent agents and brokers from across New York as we meet in the state capitol and speak with lawmakers about the issues affecting your business and your ability to succeed in New York's business climate.

We need YOU! This impactful day is your opportunity to make issues facing the industry front and center with key state decision makers. We've streamlined this event to get the most bang for your buck - you'll make the most of your time in Albany and quickly get back to your business.

There is no cost to attend other than your time to make an impact! Check with your local association for group travel options.

RSVP Now!

The holiday season
is here...



AND SO ARE
EXPOSURES.

Make sure your clients are protected with
a stand-alone IAAC Personal Umbrella Policy.

Increase client retention | Grow your book of business | Protect your Errors & Omissions

A SMART SOURCE OF PROTECTION

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- Excess Umbrella available
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- No age limit on drivers
- Easy application process
- Available limits up to \$15 million

CONTACT US TO DISCUSS CARRIER OPTIONS!

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