

# FOCUS

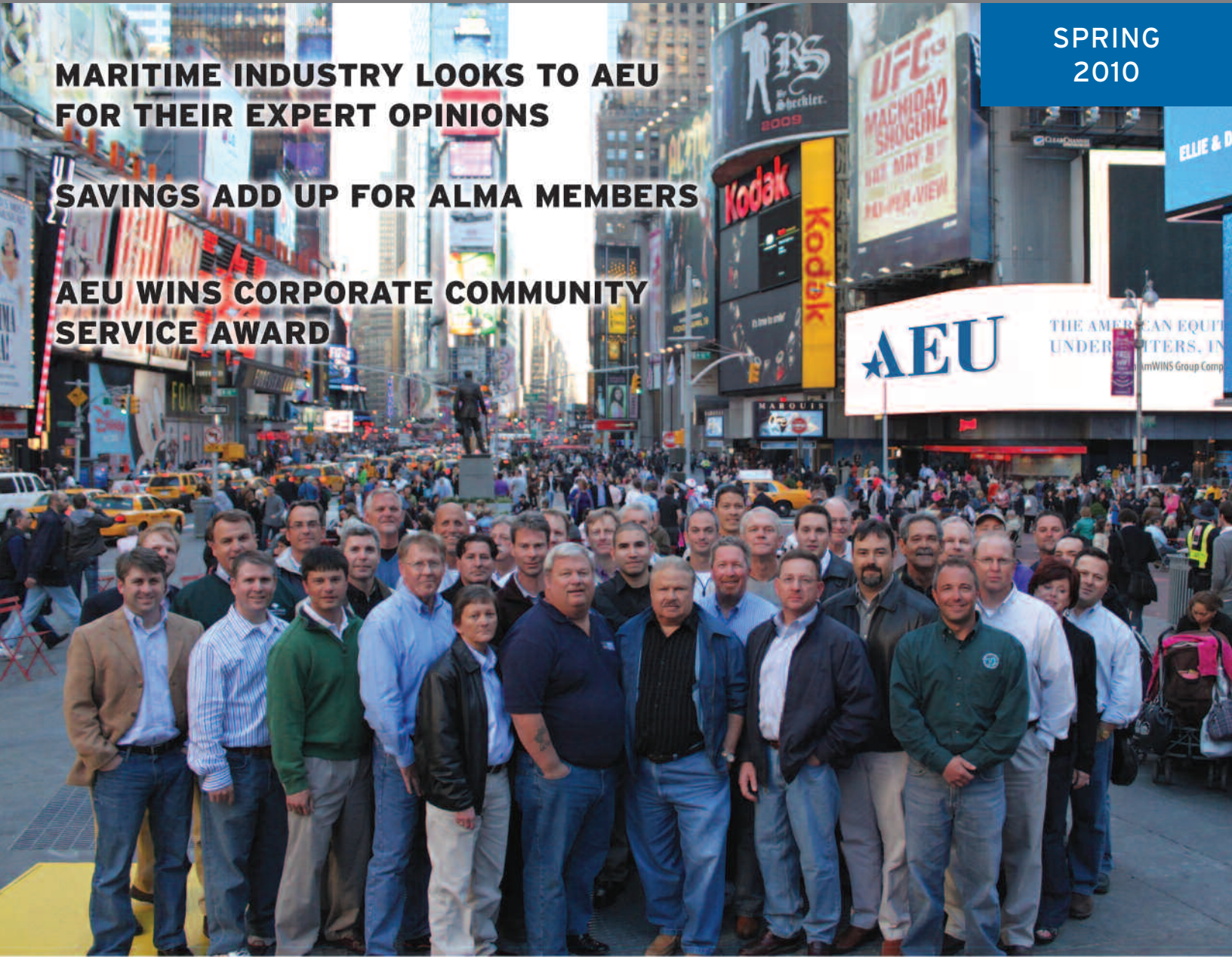
a publication of the american equity underwriters, inc.

SPRING  
2010

**MARITIME INDUSTRY LOOKS TO AEU  
FOR THEIR EXPERT OPINIONS**

**SAVINGS ADD UP FOR ALMA MEMBERS**

**AEU WINS CORPORATE COMMUNITY  
SERVICE AWARD**



**SAFETY COMMITTEE MEETS  
IN NEW YORK CITY**

**AEU** THE AMERICAN EQUITY  
UNDERWRITERS, INC

An AmWINS Group Company



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## A NOTE FROM THE PRESIDENT



2010 is shaping up to be another busy and exciting year for AEU. We continue to look for new ways to bring down claims costs through proactive claims handling and helping to create safer work environments, thereby lowering premium for our members. We are also proud to partner with a new State Act carrier, which gives us more options to create value for our customers.

AEU's maritime experts are called upon frequently to speak at industry functions, and we are proud to have them on our team.

We are looking forward to hosting the thirteenth annual ALMA Conference, which will be held July 8 – 11 at the Ritz Carlton in St. Thomas and expect it to be our best conference yet. It's a great opportunity for our members and brokers to gain valuable industry knowledge while having an opportunity to relax in a beautiful setting.

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AEU Safety Committee participants stop for a picture in Times Square.  
 Special Thanks for Cover Photo to:  
 Leonardo Alaniz, HSE Supervisor, Keppel AmFELS

## SAFETY COMMITTEE HOLDS MOST SUCCESSFUL MEETING TO DATE

The ninth meeting of the AEU Safety Committee, held in New York April 14-15, 2010, was the group's best attended safety meeting to date. This level of interest provides additional evidence that AEU's Safety Committee meeting has become the premier meeting of its type in the industry. The meeting was chaired by Steve Morris, Senior Loss Control Manager for AEU. ALMA member safety professionals, brokers and special guests took part in the meeting.

The keynote speaker was Mr. Edwin G. Foulke, Jr. of Fisher & Phillips LLP. Mr. Foulke is the past Assistant Secretary of Labor and head of OSHA during the Bush administration. He discussed initiatives in OSHA to drive increased enforcement and reviewed several rules OSHA is expected to publish. Mr. Foulke encouraged companies to have a specific plan to handle OSHA inspections.

The Committee also heard presentations from Dr. Theresa Schulz on hearing conservation programs and John Fontenot, Vice President of Odyssey Marine on Offshore Supply Vessel Safety. Safety professionals from several companies gave presentations on new, successful safety initiatives at their company.

The shipyard and marine cargo handling sub-committees met. Sub-committees are breakout groups that provide shipyard and marine cargo handling representatives time to meet separately to discuss issues specific to their industries.

The shipyard sub-committee discussed elements of successful safety award programs and the effect downsizing has had on shipyard safety. Future topics for the shipyard sub-committee include best management practices for ship fitting and silica sand used in blasting operations.

The marine cargo handling sub-committee reviewed an automated twist lock removal device.

The sub-committee also covered U.S. Coast Guard enforcement of drug testing on longshoremen and OSHA citations on RoRo ramps and shipboard gantry cranes. Guidance documents pertaining to traffic lane safety zones, container maintenance and repair shops, pedestrian safety working on the apron, and speedometers on container yard haulage equipment were reviewed and discussed.

Will Scheffler, AERS Branch Manager and Jackie Wilson and Colleen Meche, AEU Claims Account Managers, led an open discussion on timely claims reporting, drug screens, surveillance, defense medical exams and communication with the claims adjuster. If you would like more information on their presentation, please contact Jackie Wilson or Colleen Meche at 866.238.8754.

The next meeting will be held October 4-5, 2010 in Seattle.

### Here are a few comments about the AEU Safety Committee Meeting:

*"Great variety of fresh topics, seasoned guest presentations and excellent committee involvement."*

– Tim Sheppard  
Cooper/T. Smith Stevedoring

*"I look forward to the next AEU Safety Committee."*

– Matt Mayon  
Conrad Industries

*"Continues to be an excellent educational opportunity."*

– Mike Haughton  
Gulf Copper



## Savings Add Up for ALMA Members

ALMA members have reasons to celebrate! They partnered with knowledgeable brokers who understand that AEU is continually working on new ways to save their clients' money. AEU has a loss control staff that is constantly creating a safer work environment as well as seasoned claims adjusters who proactively develop the most efficient, cost effective claims procedures. We are excited to show you the following data on some of the cost saving efforts.

One way that AEU drives down claims costs for ALMA members is the money savings generated through subrogation. Since 2003, ALMA has received \$3,212,187 in subrogation recoveries on USL&H claims. Reserve eliminations since 2003 total \$6,792,935 on USL&H claims with subrogation. Therefore, **AEU has saved ALMA members \$10,005,122** through subrogation recoveries and the reserve eliminations on claims with subrogation! This is a great example of **driving down claims costs**.

AEU also focuses on reducing medical expense on our workers' compensation claims by using both FARA Bill Review and our Pharmacy Benefit Manager Program with Cypress Care. Through the FARA Medical Review Program, ALMA members have realized a total net **savings of over \$59,000,000** since 2003. The Cypress Care pharmacy benefit manager program reduces prescription costs on workers compensation claims. This program not only saves money by utilizing generic drugs when possible but also monitors for prescriptions ordered by authorized physicians as well as early refills. Since 2005, 14,406 prescriptions have been filled through this program with a retail amount of \$1,564,586.02. Through Cypress Care we have paid \$1,099,606.43 resulting in a total **savings of \$464,979.59**, which is 29.7%!

In addition to the cost saving efforts, AEU has returned **over \$43,000,000** in premium to ALMA members in the past five years. These refunds were earned by members on loss sensitive plans with outstanding loss experience. A key feature of this return premium program is that the AEU loss control and claims services enhance the ALMA members' ability to improve their loss experience. So AEU rewards good experience while at the same time providing the services necessary to achieve that good experience.

These examples of AEU's efforts to drive down the cost of claims and create safer work environments are all **REASONS TO CELEBRATE**.

## The Maritime Industry Looks to AEU for Their Expert Opinions

The American Equity Underwriters, Inc. (AEU) has established itself as arguably the single best source of information for the maritime employer and the agent for anything having to do with the Longshore and Harbor Workers' Compensation Act and related exposures. As such, maritime industry groups are continuing to call on the knowledge and experience of AEU staff. The industry is reaching out to AEU's very own experts for both speaking engagements at their association meetings and for articles to be written in trade publications.

In March, Jack Martone of AEU Consulting was a featured speaker at the Shipbuilders Council of America's Spring Safety Seminar in Mobile, where his topic was "*Concurrent Jurisdiction*."

Jack was also a featured speaker at the annual Inland Rivers, Ports and Terminals, Inc. Conference in Mobile in April, where his topic was "*Case Studies in Workers' Compensation*" as part of Risk Assessment and Finance Panel. Upcoming speaking engagements for Jack are: in July at the Independent Insurance Agents of Houston's Longshore Class, in October at the Fort Lauderdale Mariners Club and also in October at the Shipbuilders Council of America meeting in Seattle.

Jack has also recently had articles published in "American Agent and Broker" and "Great Lakes/Seaway Review" magazines.

Jimmy Burgin, AEU's Director of Loss Control, spoke at the Gulf Coast Shipbuilder Consortium's Annual Meeting on March 26th in New Orleans, and he has been asked to speak at the Annual Meeting of the National Maritime Safety Association on June 24th in New Orleans.

If you are interested in having an AEU expert speak at your function, please call 251.690.4230 or 866.238.8754.



Jimmy Burgin,  
AEU Director of Loss Control,  
speaking at GSSC



Jack Martone,  
AEU Longshore Consulting,  
speaking at IRPT

# AEU HOSTS MARITIME ORGANIZATIONS

## Inland Rivers Ports & Terminals Reception

On April 15, 2010, AEU hosted a reception in their Mobile office for the Inland Rivers Ports & Terminals, Inc. After a busy day of meetings and a tour of the port of Mobile, attendees were given a spectacular view of Mobile from AEU's corporate office located on the 32nd floor of the RSA Tower. Drinks and hors d'oeuvres were served while the approximately 75 members relaxed and socialized before their dinner at Wintzell's. IRPT was in Mobile April 14 – 16 for their annual Spring Conference, which was held at the adjoining Battle House Hotel.

The IRPT Association provides an opportunity and a platform for the inland river port and terminal professionals to improve their businesses through networking and developing key strategic alliances.



## SCA Reception

AEU hosted a reception for the members of the Shipbuilders Council of America (SCA) on March 11, 2010 at their corporate office, which facilitates great conversation and offers a panoramic view of the port of Mobile. AEU's Jack Martone spoke at the SCA Spring Safety Seminar held in Mobile.

The SCA was established in 1920 as the national non-profit trade association representing the interests of the private shipbuilding and ship repair industry. The SCA represents companies with facilities on all three U.S. coasts, the Great Lakes, Hawaii and the inland waterway system. SCA also represents affiliate members that provide goods and services to the shipyard industry.

The reception was a continuation of the close relationship between the SCA and AEU.



# AEU RECEIVES CORPORATE COMMUNITY SERVICE AWARD

AEU was honored to be selected as the 2009 Mobile Chamber of Commerce Corporate Community Service Award winner. The award was presented to AEU's President and CEO, Mike Lapeyrouse during the Mobile Chamber's annual meeting in January, which also included a video outlining the company's community service.

Aimee Risser, executive director of Big Brothers Big Sisters, agreed AEU's commitment to at-risk students has far-reaching effects. "Mike Lapeyrouse and his dedicated team have had a significant, tangible impact, not only on our organization and the children we serve, but on our community as a whole."



AEU plans to expand its partnership with Big Brothers Big Sisters by helping forge new corporate sponsors for the school-based mentoring programs, ultimately allowing more at-risk students to be served. Earlier this year, AEU hosted an event to promote awareness of the Big Brothers Big Sisters program and stimulate interest among local businesses, netting eight new corporate sponsors.

Being recognized for their work with Big Brothers Big Sisters was a special honor, but the most positive aspect was BBBS gaining recognition in the community. AEU values the partnership with Big Brothers Big Sisters of South Alabama and looks forward to many more years of working together.

## 2010 ALMA CONFERENCE TO BE HELD IN ST. THOMAS

Back by popular demand! AEU will host the 2010 ALMA Conference in St. Thomas at the Ritz-Carlton July 8-11, 2010. This year's conference promises to be the best ever with knowledgeable industry speakers, exciting activities, wonderful dinners and entertainment! Magic Boy will be back to emcee all of our events and showcase some astounding tricks. Mr. Dick Marler, CEO and President of Signal International and Dr. Richard Bunch, Ph.D., P.T., C.B.E.S will be our keynote speakers.



Attendees will **'Cruise With Confidence'** to St. Thomas with AEU!

For questions or information, please contact Mindy Inge at [mindy.inge@amequity.com](mailto:mindy.inge@amequity.com) or 251.690.4242.



## ALMA Member Pacific RoRo Stevedoring Wins Awards

On March 11, 2010 Pacific Ro Ro Stevedoring was acknowledged with two awards at the annual PMA Accident Prevention Committee Awards Banquet in Long Beach, California. They received second place for the lowest injury incident rate for Southern California.

Additionally, Pacific Ro Ro received the Southern California Accident Prevention Improvement award. This indicates that the injury incident rate was reduced more than any other stevedore company in the same class. This includes competing stevedores in the ports of San Diego, Long Beach, Los Angeles and Port Hueneme.

Congratulations to the Pacific Ro Ro Team and members of the International Longshore and Warehouse Union for this significant safety achievement!

## How Members Value AEU's Monthly Safety Bulletins

Each month the AEU Safety Bulletin is emailed to members and brokers. The bulletins focus on incident prevention specific to marine cargo handling and shipyards. Information in the AEU Safety Bulletins provides effective industry practices aimed at preventing injuries at member companies.

Some members are using the AEU Safety Bulletins by:

- ✓ Placing them on safety bulletin boards or on gangway safety bulletin boards for employees to see
- ✓ Reviewing them in safety committee meetings
- ✓ Discussing with supervisors how other maritime companies address a problem area
- ✓ Emailing them to operations staff for review and discussion
- ✓ Discussing in tool box talks or gangway safety meetings

The following bulletins will be sent in 2010. For past bulletins please visit our website [amequity.com](http://amequity.com) and look under Services / Loss Control / Safety Bulletins.

January	Back Injury Prevention
February	Ventilation and Atmospheric Condition
March	Lock Out / Tag Out
April	Portable Grinders
May	Marine Terminal Fall Protection for Personnel Platforms
June	Working Around Suspended Loads
July	Line Management and Trip & Fall Hazards
August	General Electrical Safety
September	Machine Guarding
October	Pad Eyes
November	Container Yard Tractors (UTR's, Hustlers, Yard Mules, etc.)
December	Powered Industrial Truck Operator Training Requirements



If you have a unique way of using the  
AEU Safety Bulletins, let us know.  
We will spread the word.

# AND THE SURVEY SAYS....

## 2009 AEU Customer Service Survey

At The American Equity Underwriters, Inc., *we see things differently*. Many see maritime insurance as a high-risk offering - we see opportunities to create safer workplaces and better bottom lines. This results in products and services that are intuitively better.

The annual AEU Customer Service Survey was completed in October 2009 and the results are in. Thank you to those who filled out and returned their surveys!

Your feedback helps us better serve you.

We want to be the market of choice.

Winners were drawn for two Round Trip Tickets and Registration to the ALMA Conference 2010, which will be held at the beautiful Ritz Carlton in St. Thomas, USVI July 8 – 11, 2010.

### CONGRATULATIONS TO THE TWO WINNERS:

**Brandon Buchanan - James Marine, Inc.**

**Michael Ash – Ash Group, LLC.**

### COMMENTS ABOUT AEU FROM THE RETURNED SURVEYS INCLUDE:

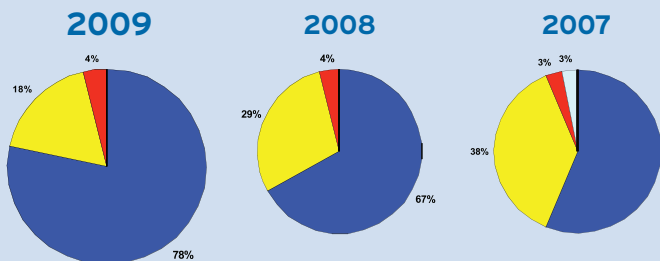
*“We are very pleased with AEU and look forward to many more years of working together.”*

*“Very knowledgeable and focused on service and business.”*

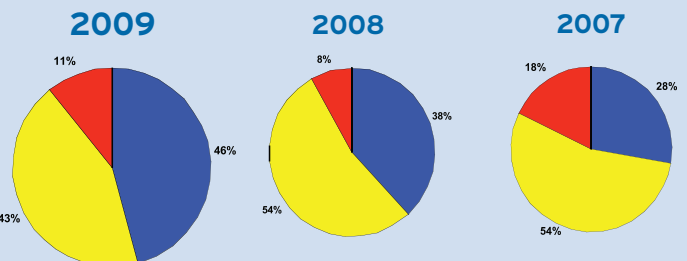
*“AEU Loss Control is better than any other on the market. No other company goes to the extent to make sure all your needs are met.”*

*“You have an extremely professional staff.”*

#### BROKERS RATE AEU'S SERVICES OVERALL



#### MEMBERS RATE AEU'S SERVICES OVERALL



**We See Things Differently.**

# Subrogation Corner

## The Key to Identifying Subrogation is an Early Investigation

When I was considering what to say in this edition of Subrogation Corner, I asked myself the following question: “If I had to identify the single most important ingredient to uncovering subrogation, what would it be?” The answer that quickly popped into my head was an early incident investigation.

We have previously touched on the significance of conducting an early investigation, but it is so critical to identifying subrogation that it bears repeating. The bottom line is that the most important thing that can be done to nail down a subrogation opportunity is an early (and I do mean early) incident investigation. An early investigation will yield the best evidence and will maximize your chances of revealing a subrogation opportunity worth pursuit.

What do I mean by “early?” Simply stated, now. Not in a few minutes. Not in a few hours. Not in a few days. Early means right now. No delays. Of course, there will be situations where summoning emergency medical care for an injured worker or taking steps to mitigate a hazardous situation to prevent further or additional injury will naturally take precedence over starting a subrogation investigation. But the minute that you have these types of issues under control, you should begin investigating subrogation.

Why is it necessary to start delving into the possibility of subrogation so early? Several important reasons. First, witnesses disappear quickly. Witnesses who were working nearby often disburse and for whatever reason, are never identified or located. Witnesses also frequently move, seek other employment and even die. Moreover, even if a witness is available for interview, their memory of the details surrounding an event can fade over time. So, to get the best understanding of the facts (and hence the best shot

at revealing a subrogation opportunity), all people with knowledge need to be quickly located. You should immediately identify and interview all witnesses that may know anything about the incident, especially those with first hand knowledge. Sometimes the most important witnesses are those that may know something about the events that occurred before or after the incident.

The second reason for doing an early investigation is to prevent important evidence from getting lost or discarded. Having no product almost always means that no product liability claim can be asserted and hence there will be no subrogation. An early investigation will identify any product, machinery or equipment that should be set aside and preserved as important evidence. Third, the incident scene can rapidly change or become spoiled over time. Nothing can be more devastating to identifying subrogation as a spoiled or materially altered incident scene. That is particularly true if the incident occurred on a ship or barge that is leaving port never to be seen again.

An early investigation will minimize the chance that any of the foregoing things will destroy or adversely impact a subrogation opportunity. So, the next time that you experience an incident (we hope that you do not have one) think “early investigation” and get started immediately looking at subrogation. That may very well be the edge that you need to uncover a viable avenue of subrogation, which could save you money on your comp insurance.



Royce Ray, JD, CSRP

# New Faces at AEU



## Deacy Allen

Deacy is a member of AEU's Claims Department. She comes to AEU with over eight years of claims and claims management experience. Some of her duties include assisting with the review and reporting on excess workers' compensation claims, preparing statistical reports on claims data, handling requests for iCE access and coordinating all Claims Committee Conferences.



## Terry Guidry

Terry joined AEU's loss control staff after working in the maritime industry for over 30 years. He was the Corporate Safety Director for a large shipyard with 12 locations. Terry has served on a prestigious shipyard related Boards and committees. He served nine years as a board member on the Marine Chemist Qualification Board and served seven years as the shipyard representative on the OSHA Negotiated Rulemaking Committee for Subpart "P" Fire Protection for Shipyard Employment. He was active in the safety committee of the Shipbuilders Council of America and helped create the first OSHA partnership agreement between medium shipyard and OSHA's Region 6.



## Denise Linden

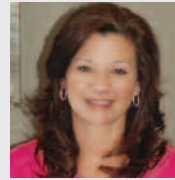
Denise is a Producer for AEU's Wholesale Division. She is responsible for overseeing both marketing and brokering all lines of Commercial Marine Insurance, including USL&H and Maritime Employers Liability.

Prior to joining AEU, Denise gained more than 30 years of valuable insurance industry experience; at different times writing Property & Casualty coverages, Marine coverages and Professional Liability. She is active in various insurance trade associations including Tampa Bay Mariners Club, Insurance Professional of St. Petersburg, Tampa Association of Insurance Professionals, Florida Associations of Insurance Agents and Professional Insurance Agent.



## Donna May

Donna May is a member of AEU's I.T. staff. She had previous experience as Systems Helpdesk Support for Columbia Heights School District in Minneapolis, Minnesota managing a pilot laptop program for Valley View Elementary School. Her duties at AEU will include assisting with the OnBase system as well as general helpdesk support for software applications and hardware here at AEU.



## Amy Phelps

Amy is a member of the AERS team. She spent the previous ten years as an in-house adjuster handling USL&H claims for a self-insured shipyard. For ALMA, Amy will primarily be handling claims for Gulf Coast members, but her experience will allow her to handle any claim nationwide.



## Kim Stewart

Kim is focused on the areas of Business Analysis and Financial Forecasting and Modeling for AEU. Kim is a 2000 graduate of Auburn University, holding a Bachelor of Science in Business Administration with a concentration in Accounting. After an audit internship with the Atlanta office of Arthur Andersen, LLP, she returned to Auburn University where she obtained her Master of Accountancy in 2002. Kim is a Certified Public Accountant (2004).

Kim has previously worked in both public accounting and industry. Kim most recently worked for a regional I.T. firm where she was Project Manager for ERP and HRMS system implementations and consulting services.

## CONFINED SPACE COMPETENT PERSON TRAINING COURSE HELD

On January 26, 27 & 28, 2010, AEU once again hosted a Confined Space Competent Person training course. The course was taught by Mr. Tom Littlepage, a local Certified Marine Chemist, and was attended by twenty representatives from ALMA member shipyards and stevedoring firms. This important course teaches shipyard competent persons to test confined and enclosed spaces in shipyards that build and repair vessels. Each attendee is now a certified competent person, as designated by their company. This course will prevent dangerous and often deadly flash fires occurring in shipyards and marine cargo handling companies.



# AEU IS BIG ON littles



On December 18, AEU hosted a Christmas party for our Littles at Pillans Middle School in Mobile. Nineteen AEU employees joined in to help make the party a success. We served pizza and cookies, played holiday bingo and even enjoyed an impromptu performance of "Silent Night" by a quartet of our Littles. Each child was given a Christmas stocking filled with goodies to take home. The Christmas party has become an annual event that we all look forward to just as much as the kids!

On May 4th we hosted the second annual year end party for all of our Littles from Pillans Middle and Gilliard Elementary schools. The party was held at the Exploreum in downtown Mobile, which allowed the children to have a hands-on experience with music, gravity and even aviation. After leaving the Exploreum, the children enjoyed a picnic lunch and had fun with hula hoops and other games. This field trip was one both the Littles and Bigs enjoyed!



## AEU WHOLESALE DIVISION HOSTS RECEPTION

On March 26th the AEU Wholesale Division hosted a reception at the Sandpiper Villas during the NAIW Region III Conference in Destin, Florida. This was a great opportunity for the AEU Largo office to visit with and thank those members who have helped them grow since the office was formed in April 2008.

**Let AEU Wholesale Division help you with all your Marine Insurance Coverages**

USL&H and Workers' Compensation	Protection & Indemnity
Commercial Marine General Liability	Maritime Employers Liability
Ship Repairer's Legal Liability	Inland Marine
Stevedore's Legal Liability	Bumbershoot and Excess Liability
Terminal Operator's Liability	Marina Operators' Legal Liability
Wharfinger's Liability	Boat Dealers' Liability
Charterers Legal Liability	Docks, Piers & Wharves
Builders Risk	Pollution
Hull & Machinery	Cargo & Stock Throughput

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**Denise Linden**  
Ext. 1004

**Rita Johnson**  
Ext. 1002

## Loyola Annual Longshore Conference

The Loyola Annual Longshore Conference was held on March 18-19, 2010 in New Orleans. The annual conference is a two day seminar focusing on the longshore and maritime industry. Attendees from AEU and AERS were Jackie Wilson, Will Scheffler, Amy Phelps, Erica Janssen, David Widener, and MaryBeth O'Neill.

Will Scheffler, AERS Manager, was a member of a panel discussion whose topic was "**Handling Claims from Inception to the Informal Conference**".

Other speakers and their topics included:

**"Section 7 and Oversight of Medical Care"** - David A. Duhon, District Director, U.S. Department of Labor-OWCP, New Orleans, LA, Tommy Dulin, Dulin & Dulin, Gulfport, MS, Donald P. Moore, Franke & Salloum, P.L.L.C., Gulfport, MS

**"Longshore Jeopardy!"** – The Hon. Patrick Rosenow, U.S. Department of Labor-OALJ, Covington, LA

**"Handling Claims Under the Defense Base Act"** – Richard V. Robilotti, New York, NY

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## What Agents are Saying about AEU:

*I have been involved with hundreds of loss control meetings in my years working in construction or insurance. Steve Morris' visit ranks as one of the **most effective loss control meetings** that I've ever participated in.*

**Ryan Yoch**  
Gallagher Marine Group  
Arthur J. Gallagher Risk  
Management Services, Inc.

*With the efforts of Cindie Givens, Tim Finnorn and the rest of the AEU team, you have demonstrated over and over again your commitment to doing business professionally, and doing the right things the **"right way"**.*

**Kit Marye**  
HUB International Gulf South

*Your loss control and claims people do an **outstanding job**.*

**Scott Darragh**  
Nausch, Hogan & Murray, Inc

*"I am not certain which I value most about AEU. From an **underwriting** aspect, every effort is made to assist our office in writing an account and if an account "doesn't fit", we are notified immediately and no time is wasted by either party. Responses to questions are **always prompt**.*

***Claims** are handled **immediately** and loss runs provided to us on a regular basis allowing us to review losses with our assured's for accuracy.*

*As important as anything is **loss control**. Prior to writing an account, loss control will assist the assured in either implementing a **safe program** or making recommendations to an existing program to reduce losses. Loss control is also available during the policy year if an assured either expands his operation or simply wants "another set of eyes" to review his operation to make certain all safety precautions are being utilized."*

**Ron Grieshaber**  
Ellsworth Corporation