Winning by the Rules Ethics and Success in the Insurance Profession

Table of Contents

About the Author iii	
Preface v	
Introduction: The Context 1	
Chapter 1: The Historical Aspects 9	
Ancient Societies and the Need for Protection 14	
Insurance as Risk Management in Previous Centuries 15	
Early Life Insurance 18	
Eighteenth Century American Insurance Endeavors 19	
Nineteenth Century Insurance Crises 20	
Changing Attitudes in the Twentieth Century 22	
The Information Age and Insurance Practices 26	
Simply a Financial Mechanism 27	
Thought Provokers 29	
Chapter 2: The Profession of Insurance in the Twenty-first Century	31
Insurance in Modern Society 34	31
The Role of Insurance in Enterprise Risk Management 35	
Insurance: Primary Protection or Last Resort? 37	
The Opposite 38	
The Practice of Insurance: Marketing and Claims 40	
Aspects of a Profession 41	
Insurance Education and Licensing 44	
Public Law 15 and its Effect on the Insurance Industry 45	
Insurance and the Law: Legislation and Regulation 47	
Litigation 47	
Thought Provokers 50	
Chapter 3: Is the Customer Always Right? 51	
The Basics of Underwriting: Spreading the Risk 54	
Pricing Insurance: Fair, Adequate, and Nondiscriminatory 56	
Assessing the Customer's Needs 58	
Danger: Selling the Customer What He Doesn't Need	58
Dollar Swapping 59	
Who's in Charge? 60	
No Insurance versus Self-Insurance 61	
Churning: Fishing for Commission 62	
Mergers: Big Brokers, Little Agents, and Giant Insurers 63	
Thought Provokers 65	
Chapter 4: Good Faith or <i>Utmost</i> Good Faith? 67	
Faith to Ethics 70	
Rules of Behavior 71	
Taking Control or Taking Charge? 73	
Cover-up 74	

Understanding Good Faith and Fair Dealing 75		
Bona Fide or Uberrimae Fidei? 79		
Is There a Fiduciary Relationship? 80		
Faith versus Fraud 82		
Actual Fraud Is Hard to Prove 82		
Corporate and Individual Integrity 84		
Privacy in the Information Age 85		
Thought Provokers 89		
Chapter 5: Marketplace Ethics: Buy Low, Sell High	91	
The Right Product, The Right Price 93		
Quantity and Quality 95		
Quality through Reputation 97		
Paying the Right Price: Equitable Settlemen	ts 97	7
Unequal and Unbalanced 98		
The Ethical Negotiation Process 99		
Coverage 99		
Liability 100		
Damages 101		
Ethics and Expectations: Understanding Emotions	104	
Moral Responses and Ethical Solutions	106	
Blowing the Whistle: Is It Fraud, Greed, An	ger, Exagg	geration, or Error?
106		
Information, Imagination, Ingenuity 108		
Thought Provokers 110		
Chapter 6: More than Avoiding a Conflict of Interest	111	
Claim Adjustment versus Lost Adjustment 114		
The Ethics of Adjusting the Loss 116		
The Ethics of Adjusting the Claim 118		
Understanding the Adjustment Process	119	
Avoiding Bad Faith Claims 120		
Other Problems for Insurers 123		
Good Faith Lies in Good Communication	123	
Typical Insurer Codes of Ethics: "Thou Shalt Not	." 12	25
Ten Rules for Adjusters 126		
Responsibility: Taking Control, Not Taking Charge	127	
Claims Don't Come with Bar Codes 128		
When Is Litigating Unethical? 130		
Thought Provokers 132		
Chapter 7: The Hazards of Insurance Malpractice	133	
E&O: The Pickles and Jams of the Insurance Indust	ry 13	36
Recognizing the Hazards 137		
The Hazard of Careless Documentation	138	
The Hazard of Bad Supervision 139		
The Hazard of Unclear Communication	141	
The Hazard of Procrastination 142		
The Hazard of Disorganization 144		

The Hazard of Undisclosed Principal	lship	145		
Bad Attitudes and Obnoxious Habits 149				
Thought Provokers 150				
Chapter 8: The Perils of Errors and Omissions	151			
Failing to Know the Risk 153				
Selling the Wrong Product 153				
The Insured's Responsibilities	154			
Other Procurement Issues 156				
Coverage Errors 156				
Waiver & Estoppel 158				
Contractual Errors and Defects	159			
Authorizations and Guarantees	161			
Failure to Protect All Interests	162			
Spoliation of Evidence 163				
Mathematical Errors 164				
Mismanaging Medical Care or Repairs	165			
Mismanaging Property-Related Claims	167			
Defaults and Statute of Limitation Errors	169			
Excess Liability 170				
Improper Use of Surveillance and Invasion of		acy	172	
Defamation, Slander, and Discrimination	173			
Being Aware 174				
Thought Provokers 175-176				
Chapter 9: Ethics and Professionalism 177				
The Desire to Be Professional 180	11.	100		
The Prognosis for Professional Liabi	lity	180		
The Ethics of Accuracy 180				
The Ethics of Listening 181				
The Ethics of Learning 183 The Ethics of Responsibility 185				
The Ethics of Responsibility 185 Recognizing the Customer 186				
Personal Integrity 188				
The Ideal of Altruistic Attitude and Behavio	r	190		
Role of Professional Organizations and the S		192		
Insurance Ethics in the Information Age	193	1,2		
A Personal Code of Ethics 196	1,0			
Thought Provokers 198				
Chapter 10: Twenty-first Century Insurance Cas	se Stu	dies in F	Ethics	199
The Importance of Words (Was It One Occu				201
•		, 01 1 W);)	201
Digging into the Terrorist Reinsurance Act	203			
The Dot-Com Bubble, et al. 205				
A Bit of Insurance Fly Pie 207				
Was it "Wind" or "Water" and How Do You	ı Knov	w?	210	

Profit in the Midst of Loss 212

Chapter 11: Predictions and Recommendations 217

Federalization of the Insurance Industry? 219

Chances of a Universal Medical Insurance Plan 222

New Coverages for New Exposures 224

A Swinging Pendulum 228

Insurance and the Nation's Infrastructure 232

Effects of Global Warming 235

Chapter 12: Customers and Insurers On Notice: "Buyer (and Seller) Beware!"

237

Insurance and the Global Economy 241

Missing the Boat 246

Security-Privacy 248

Why Your Insurance Costs So Much And What You Can't Do About It 250

Don't Go There! 254

References 259

Index 261