



LIFE LESSONS > SCOTT SINDER

My Game Changers

These people have made a difference in my life.

(I hope wisely); and that how you conduct yourself in the course of your work can and should matter. She set the bar for me, and I strive each day to try to get as close as I can to her high standards.

Congress Seeks to Cap NFIP Insurer Profits

The proposed Flood Insurance Reimbursement Standards Transparency Cap Profits Act would limit private flood insurers' profits to 10%. Flood insurer profits previously averaged 16.5%, according to a 2009 Government Accountability Office report, and "Frontline" reported in 2016 that private insurers made more than \$400 million in profits from FEMA in 2012, the year Superstorm Sandy hit. This was the greatest annual profit recorded during the 2011-2014 period, when the average annual profit was \$325 million. The so-called FIRST Cap Profits Act would also require FEMA to review the finances of NFIP insurers in line with the Biggert-Waters Flood Insurance Act.

Since The Council's Game Changers

were introduced during the association's 100-year anniversary, I have been obsessed with them—to see who and what events made the list and to read about those whom I know or knew (or know or knew of), as well as those who came before me. At the end of this year, I will celebrate a milestone of my own (that many of you may mourn)—25 years of working for The Council. That anniversary, and the loss of Jay Fishman in August (see "A Candid Conversation" in the October issue), have spurred me to put together my own list of those who have been game changers for me. I hope you will tolerate my indulgence.

Judge Zita Weinshienk. I

clerked for Judge Weinshienk right out of law school. She has never practiced law, despite graduating at the top of her class from Harvard Law School and finishing first on the Colorado bar exam. At that time the only job she was offered was as a legal secretary. The best of the best was offered a secretary's job.

So she took another route. She was a Fulbright scholar, a court clerk and then a magistrate. From there she climbed her way up the boys club ladder.

She taught me how to really be a lawyer—how to parse a statute or regulation; how to write effectively; that the law is a tool to be deployed

Ann Kappler. Ann was my predecessor as The Council's general counsel. She was and is my closest mentor. I learned how to do what I now do from her. That is, to educate and advocate. And together we learned about the business of practicing law. No one is a better listener, and no one understands and deploys the power of silence more effectively than Ann. It can be a confessional tool; a tactic to gain a second-mover negotiation advantage; and so much more.

Ken Crerar. When Ann decided to leave the law firm where we practiced, I was not yet a partner. There was a food fight at the firm over who would inherit Ann's >>

REGULATORY NEWS TICKER

CONNECTICUT Approves National Council on Compensation Insurance workers comp rate filing that decreases loss costs and assigned risk by 10.9%. www.ct.gov/cid/site

DELAWARE Approves Compensation Rating Bureau's amended workers comp rate filing that leaves overall rates in residual and voluntary market unchanged. www.delawareinsurance.gov

IDAHO NCCI proposes overall workers comp rate decrease of 1.2%, effective Jan. 1. Under review by Department of Insurance at press time. www.doi.idaho.gov

ILLINOIS Department of Insurance is participating in working group trying to develop strategy to use blockchain to improve government efficiency and user interface with government agencies. Director of insurance Anne Dowling says her office is aggressively self-educating in effort

to be among first insurance agencies to adopt blockchain. www.insurance.illinois.gov

INDIANA Approves 9.3% drop in workers comp rates, effective Jan. 1. www.in.gov/idoi/

KANSAS Approves 8.4% decrease in workers comp voluntary base rate and 7.7% drop for assigned risk, effective Jan. 1. Voluntary saw 7.2% decrease in experience and 2% drop in medical and indemnity trends. 65% of workers comp

benefit distribution goes to pay medical claims; 35% goes to indemnity, NCCI data show. www.ksinsurance.org

LOUISIANA Insurance Department proposes limiting p-c insurers to seeking rate increases only once per year. Would allow commissioner to issue exemptions in some "compelling" cases. Would not apply to rate filings that have overall statewide decrease or no change. www.ildi.state.la.us

LIFE LESSONS

» clients. In the midst of the tumult, Ken sat me down and said, “You are my lawyer.” For a young lawyer with no clients, there may be no more beautiful four words than those, and I firmly believe that everything I now do professionally is anchored in Ken’s (some would argue ill-advised) decision. I also take my management cues from Ken. I want to work with “owners” and not “employees.” Anyone in the firm, company or trade association, I have learned, can be an “owner.” They just need to own what they do. And change is good. No one moves the cheese around more than Ken, and we are all the better for it.

Tim Columbus. Ken and Mr. Wood (more on him below) introduced me to Tim, who brought me over to his firm when I became The Council’s GC. Tim makes the practice of law fun for everyone around him and, perhaps most



importantly, for himself. That has made it so much easier to come to the office every day for the last 17-plus years. In a vein similar to the famous Bill Parcells’ adage that you are your record, Tim preaches that you are your choices. Choose carefully.

Jay Fishman. Even though it was not unexpected (although the timing was still somewhat of a shock to me), I deeply felt the loss of Jay. I had the good fortune to do a few projects directly for him, and when he would call, I would stand at my desk in an effort to direct all of my focus and energy to our conversation (as I also do if Hyatt Brown calls). Jay always was deeply focused and engaged, and I wanted to measure up. And when his life did not go as he had planned, Jay leaned in. Jay raised more than \$30 million to fight ALS— “that damn disease”— even though he knew his own life would not be saved by his efforts.

You have taught me your business, focused me on what matters and allowed me the privilege to work for you and with you in an effort to make the industry better for you and your clients.

I went to a benefit in part in his honor 10 days before he died. He was the final speaker. He spoke from the wheelchair to which he was bound with a breathing apparatus tied to

his head. But his voice was strong, and if you closed your eyes and just listened, he was who he always was. It is that voice and the engagement behind it that I will carry with me.

Joel Wood. I went to see Joel at his home the day his son, James, was diagnosed with Duchenne, a form of muscular dystrophy. There is no worse day in a parent’s life, and Joel wore the misery. But he, too, has leaned in. The foundation Joel and his wife, Dana, created has raised millions and has helped to generate hundreds of millions of dollars more in an effort to find cures for muscular dystrophy. Those efforts are bearing fruit. New medications that Joel’s foundation helped develop, for example, are hitting the market, and

they can and will make a difference. And they will spawn even greater difference makers. If a day comes when things do not go as planned, I hope that I, too, can find the strength to lean in.

Any list like this is going to be under-inclusive. My wife, Jodie, and our family, for which she is the core, give everything meaning for me. Every single member of The Council’s tremendous staff also really belongs on this list as well as many of my other colleagues past and present. And, at some level, you are all game changers for me. You have taught me your business, focused me on what matters and allowed me the privilege to work for you and with you in an effort to make the industry better for you and your clients. It is an opportunity I plan to continue to cherish as long as you (and Ken) will allow it. For that, I am very thankful.

Happy holidays.

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REGULATORY NEWS TICKER

MARYLAND Adds surety bonding requirement for structured settlement companies as of Oct. 1 under the Maryland Structured Settlement Protection Act, which also includes strict provisions on transfer of structured settlements. » Insurance Commissioner Al Redmer elected as National Association of Insurance Commissioners’ representative to the Utilization Review Accreditation Commission’s board, replacing North Carolina’s

Wayne Goodwin. URAC promotes healthcare quality through accreditation, education and measurement. www.mdinsurance.state.md.us/

NEW MEXICO Office of Superintendent of Insurance says employers should see an average 9% drop in workers comp pure premium in 2017. www.osi.state.nm.us

NEW YORK State Workers Compensation Board has proposed drug formulary barring

physician-dispensed compounded topical treatments. Would reimburse for medications dispensed at doctors’ offices but only at commercial pharmacy rates, and would require carriers and employers to use pharmacy benefit managers. Proposal was out for stakeholder comment at press time. www.dfs.ny.gov

OHIO Kevin Cogan named Bureau of Workers Compensation chief legal counsel, succeeding Sarah Morrison, who was promoted to administrator/CEO of the bureau

in April. » New rules limit reimbursement for opioid prescriptions under workers comp to claims in which best medical practices are followed, including individualized treatment plan, risk assessment, and close monitoring of progress and functional improvement of injured worker. New rules also establish peer-review process for prescribers’ failure to comply with best practices. Corrective actions range from warning letters to decertification of physicians from the bureau’s approved provider network.