

SCAA

November 2006

Vol. 34 No. 3

Seattle Claims Adjusters Association

Celebrating over 75 years of service to the claims community — Founded in 1930

“A professional organization dedicated to the ongoing education of the claims community.

Providing an arena for member interaction and the sharing of resources.”

JULZ JEWELS

— by **Julie Benedict**, President



Such a wonderful turn out for our October meeting! It was exciting to have so many ‘first timers’ attend. Thanks especially to Tim Reid for his Summer Case Law Update.

If you haven’t submitted your membership application, now is the time. You need to be a paid member to attend SCAA activities like our annual Holiday Party on December 1. The Holiday Committee has planned an exciting event so you don’t want to miss it. Remember, you must register by November 27, 2006.

Next Meeting of the SCAA

November 17, 2006

The Swedish Club, 1920 Dexter Ave North, Seattle, WA

Program

**Joseph “Joe” Champagne, ACTAR
from CASE Forensics
“Forensic Tools”**

Cost

\$13 Members

\$20 Non-Members

Time

11:30 a.m.

Space is limited, so don’t wait until the last minute. Sorry, no payment at the door. [See page 13 for registration form]

In connection with the Holiday Party, we are doing a book drive to benefit Page Ahead [see Book Wish List on page 5]. I recently received an invitation to a Fall Reading Event to be held at Rainier Elementary in early November. I plan to attend so I can experience first hand as the children at this school choose from among 240 new books. I look forward to being able to contribute new books from SCAA to this program.

Also, don’t forget to mark your calendars for this year’s SCAA/TCAA Spring Seminar and Vendor Fair to be held at the Doubletree Hotel on March 23, 2007. This is an important function which allows you to gain some new

(See Julz Jewels... continued on page 3)

In This Issue...

| | |
|--|---|
| Officers & Department Heads | 2 |
| On the Docket — Meeting Calendar | 2 |
| Employment Opportunities | 3 |
| PageAhead Wish List | 3 |
| Case Study | 4 |
| Medical Notes | 5 |
| SCAA Membership Application | 7 |

It is now important for you to RSVP if you are going to attend our luncheon meetings. Do so through our website or contact Julie Benedict at julie.benedict@grange.com. Thank you!



ON THE DOCKET

OFFICERS

Julie Benedict..... President
Grange Insurance..... Office: 206/448-4911 x2326
 Email: julie.benedict@grange.com

Gail Tuomi..... Vice President
Grange Insurance Office: 206/448-4911 x2400
 Email: gail.tuomi@grange.com

James Gomez..... Secretary/Editor
Frontier Adjusters Office: 425/391-4951
 Email: jgomez@frontieradjusters.com

Dean West..... Treasurer
West Adjusters Office: 425/522-4625
 Email: deanwest@westadjusters.com

Lizzy Adkins..... Immediate Past President
Grange Insurance Office: 206/448-4911 x2473
 Email: lizzy.adkins@grange.com

Department Heads

Dean West..... Membership Liaison
West Adjusters Office: 425/522-4625
 Email: deanwest@westadjusters.com

Barb Tyler..... Membership List
Alquemie Publishing Publisher/Advertising
 Website Coordinator
 Office: 541/937-2611
 Fax: 541/937-4286
 Email: npassist@msn.com

Timothy Reid..... Case Review
Attorney at Law Office: 425/313-9414
 Email: tim@reidlegal.com

Roger Howson..... Education Chair
Claims Dispute Resolution Office: 206/676-3851
 Email: rogerhowson@claimsdispute.com

Shelly Pond..... Holiday Event Co-Chair
ServiceMaster of Seattle Office: 425/637-9770
 Email: spond@servicemasterofseattle.com

Shelley Butler..... Golf Tournament Co-Chair
CRDN Email: shelleyb_prestige@msn.com

Bob Jeans..... Tennis Tournament Chair
JMW Settlements Inc. Office: 425/396-4344
 Email: bob-jeans@jmwsettlements.com

David Kean..... Bowling Tournament Chair
FRSTeam Office: 253/952-4001
 Email: daveccfrs@aol.com

Lizzy Adkins..... Job Finder
Grange Insurance Office: 206/448-4911 x2473

James Gomez..... Website Coordinator
Frontier Adjusters Office: 425/391-4951
 Email: jgomez@frontieradjusters.com

| Date | Speaker/Topic |
|----------|---|
| Nov 17 | SCAA Meeting with Joe Champagne, ACTAR, with CASE Forensics Topic: Forensic Tools Fall Holiday Themed Menu Oven Roasted Turkey or Vegetarian Entrée |
| Dec 1 | SCAA Annual Holiday Party Swedish Club See registration flyer on page 13 |
| Dec 15 | TCAA Holiday Party La Quinta Inn Visit www.tacomadjusters.org for more info |
| March 23 | SCAA/TCAA Spring Seminar & Vendor Fair Please note NEW DATE! |

Meeting Information

Please keep in mind that we'd like to start and end promptly during our monthly meetings. Here is the timeline for each meeting:

- 11:30 a.m. Registration
- 11:45 a.m. Buffet
- 12:00 p.m. Meeting Called to Order
- 1:00 p.m. End of Meeting

Please arrive on time and have your cash or check (payable to SCAA) ready. We appreciate your cooperation and assistance.




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The Seattle Adjuster

Published monthly September—June for the
Seattle Claims Adjusters Association
By **Alquemie Publishing Ink**
541/937-2611 Fax: 541/937-4286
Email: npassist@msn.com

Julz Jewels... *(Continued from front page)*

knowledge and earn CE credits as well as have an opportunity to meet face to face with many of our vendor partners and learn how they can assist you in your claims work.

As I'm noticing more and more blustery days, leaves swirling in the wind, I realize it must be that time of year again. Time to gear up for the holidays and consider that another year is coming to an end. Thanksgiving has always been my favorite holiday, as it usually means time spent with family — good food and conversation, games and a time to relax and enjoy the people who mean the most to you. I certainly am grateful to be surrounded by wonderful family, friends and co-workers who enrich my life. I hope each of you can say the same.

See you on November 17. ❖

Page Ahead Book Drive Wish List

Note: Please select a book from the list below and bring as a donation to Page Ahead to our annual Holiday Party on December 1. For more information about Page Ahead, visit our website and click on the link provided.

Board Books

Black on White and White on Black by Tana Hoban
Maisy Books by Lucy Cousins
I See and I Touch by Helen Oxenbury
Where's the Baby? by Cheryl Christian
Whistle for Willie by Ezra Jack Keats
Wrapping Paper Romp by Patricia Hubbell

Picture Books

Alphabet Adventure by Audrey Woods
Anansi the Spider by Gerald McDermott
Boat Alphabet Book by Jerry Pallotta
Bug Faces by Darlyne Murawski
Chicka Chicka Boom Boom by Bill Martin
Clamshell Boy: A Makah Legend by Terri Cohlene
Click Clack Moo by Doreen Cronin
Dinosaur Roar! by Paul Stickland
Firefighters A to Z by Chris Demarest
Grapes of Math by Greg Tang
How Do Dinosaurs Say Good Night? by Jane Yolen

(See Book List... continued on page 6)

Employment Opportunities

Work from home – 30 hours a week – with an average pending of only 40 files! **Partners Claim Services**, a leading independent adjusting and national third party administration firm has a unique opportunity for the right person. Our continuing unsolicited growth is a testimony to our positive and creative atmosphere and our ability to consistently deliver outstanding service to our ever growing list of clients. We are looking for a **Field Adjuster** for our Independent Adjusting Division with at least 3+ years of experience. The ideal candidate will be multi-line. But if your experience is limited to general casualty and you have a desire to learn property and be multi-line, this could be your best career move ever. Curious? Call Jim Davis at 253.851.2948 for an informal discussion or visit our web site at www.partnerscs.com.

The **Washington Counties Risk Pool**, a public sector liability-property self-insurance entity in Tumwater, WA, is actively seeking qualified individuals to fill two positions – **Claims Representative** and **Loss Control Coordinator**. The primary focus of the Claims Representative is to “assist and support the claims management function of the WCRP consistent with established goals and objectives.” This position requires one year of claims-handling experience and the willingness to work toward an AIC (Association in Claims) certification. The focus of the Loss Control Coordinator is to “plan, organize, coordinate, develop recommendations, and implement and administer loss prevention and risk management programs for the WCRP and its member counties.” Candidates for this position must possess a Bachelor’s degree in risk management, safety management, insurance, industrial relations, business or public administration or related field, **with** either a RMPE (Risk Management for Public Entities) certification and satisfactory completion of the Insurance Institute of America’s introductory courses to property-casualty insurance and risk management or an ARM (Associate in Risk Management) certification, **and** three years of increasingly responsible experience in the administration and supervision of a risk management or safety loss control function, including claims and insurance experience; **or** any demonstrated combination of education, experience and/or training that provides the required knowledge, and abilities to meet the essential duties of the position. An ARM-P (Associate in Risk Management for Public Entities) certification must be secured within two (2) years of appointment. Both positions will remain “*Open Until Filled*” with priority given to the qualified candidates who submitted their completed WCRP Application Form in advance of the First Review scheduled for November 17, 2006. Application Forms and detailed descriptions for these positions can be obtained from the WCRP website www.wacounties.org/wcrp after October 30, 2006, or contact the WCRP office: ph 360/292-4500, fax 360/292-4501, or email info@wcrp.wa.gov.



Case Study
**Expert Medical Testimony:
 When is it Necessary?**

— by **Jeffrey Eberhard**

Choosing not to retain a medical expert to testify at trial might save costs in the short-term, but could be a costly choice in the long-run, as demonstrated in *Gray v. Robinson*, 2006 WL 2664239 (Wn. App. Div. I, Sept. 18, 2006)(unpublished - may not be cited as authority), an unpublished case recently released by the Division I Court of Appeals.

Stephen Gray, a pedestrian, was injured when defendant lost control of his car while driving to school one morning. Gray managed to jump out of the way, but sustained an injury to his left knee in the process. His knee pain did not improve after several weeks and he was eventually diagnosed with a chronic knee condition. As a result, Gray incurred \$2,548 in medical expenses and missed an unspecified amount of work.

Gray sued for past and future medical expenses, pain and suffering, and future lost income (his job required crouching, kneeling, climbing, and crawling). Defendant admitted liability, but argued that some of Gray's damages (in particular future wage loss) was caused by Gray's pre-existing multiple sclerosis (MS) condition. The court denied Gray's motion to exclude this evidence. On cross-examination, Gray admitted he had been diagnosed with MS and answered questions about his discussions with his neurologist regarding vocational issues. However, the defense did not present any expert medical testimony about what effects MS might have on Gray's condition or future earning capacity. The jury returned a judgment for plaintiff in the amount of \$2,648.01 in past medical expenses and an additional \$2,648.01 in noneconomic damages. Gray appealed.

The court of appeals held that the trial court erred in admitting evidence of Gray's MS without expert testimony as its effect on his condition and prospects for future employment. The court noted that the conditions caused by MS and the course of the disease were not matters within the knowledge of the average juror. "Absent expert testimony describing the disease, its common trajectory, and a

prediction to a reasonable medical certainty of its likely effect on Gray, the jury had no way to evaluate whether the disease would affect Gray's employment." Once the evidence was introduced, the jury had to presume it was relevant and was forced to improperly speculate as to its effects. The case was reversed and remanded for a new trial.

This decision was not selected for publication and may not be cited as authority. However, it does demonstrate how courts may analyze this issue and is summarized for that reason. ❖

Claims Pointer: In order to argue that some or all of a plaintiff's damages are attributable to the effects of a pre-existing condition that is outside the common knowledge of the average juror (e.g. multiple sclerosis), defendant must provide expert medical testimony as to the effect of that condition on plaintiff's claims.

— *If you want to be notified of new cases, please send an email to caseupdate@smithfreed.com.*

Smith Freed & Eberhard is a mid-sized Portland law firm that has a primary focus on insurance defense litigation. The firm provides quality legal services in all areas of insurance, including personal injury, product liability, construction defect, business torts, first-party claims and subrogation. Our firm handles cases throughout the state of Oregon and Southwest Washington. For additional information, please visit our website at www.smithfreed.com.

This article is intended to inform our clients and others about legal matters of current interest. It is not intended as legal advice. Readers should not act upon the information contained in this article without seeking professional counsel.



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Medical Notes

The Meniscus - Is it Necessary or Rudimentary?

Article provided by Health Cost Management

— by Donald J. Schroeder, M.D., Orthopaedic Physician & Surgeon

The word "meniscus" is derived from the Greek word, "meniskos" which means "crescent." The meniscus is a semicircular or half-moon shaped piece of fibro-cartilage that acts as a shock absorber in our knees. It also aids in stability. Each knee has two menisci, one of the inner side (medial) and one of the outer side (lateral). The other type of cartilage in our knees covers the joint surfaces of the femur, tibia, and patella, and is referred to as hyaline cartilage.

Both types of cartilage are poorly vascularized and are nourished by synovial or joint fluid that also acts as lubrication. When there is no blood supply available, damaged cartilage cannot mend itself.

Some meniscal tears may be caused by injury while others are associated with degenerative changes either in a previously injured knee or one that has become arthritic or unstable. It used to be thought that meniscal tears occurred primarily in males, but since Title IX and female sports participation, injuries are now seen in a significant number of women. Meniscal tears in pre-pubertal children rarely occur unless there is a congenital abnormality (discoid meniscus).

The menisci are attached to the periphery of the proximal tibia by a rather lax, thin, frail, meniscal-tibial ligament. This allows the meniscus to be anchored in the knee, but also provides for some mobility to help absorb the shock that we place on our knees in normal walking and in particular athletic endeavors. It is only when the stresses or strains placed on the knee are exceeded that the meniscus fails and is torn.

The ability of a torn meniscus to heal depends on the location of the tear. There is some, albeit minor, blood supply to the periphery of the meniscus adjacent to the meniscal-tibial ligament. Tears that are located in the "red zone of vascularity" are able to heal, some on their own, if they are minor or fol-

lowing surgical repair. The more central tears that involve the inner edge of the meniscus will not heal and if symptomatic, may need to be partially removed. The surgeon will only remove that portion of the cartilage that is causing pain or interfering with normal joint function.

The arthroscope has been an enormous technological advance for the orthopaedic surgeon. Not only is the surgery much less invasive, but the visualization of the joint is so much better as the optics became state of the art and intra-operative TV monitors were made available. Also, the psycho-motor skills of the surgeon improved with repetitive use. Prior to the use of the arthroscope, the meniscus may not have been visualized completely with an open arthrotomy incision, and yet, the entire meniscus was removed since this was the preoperative diagnosis. Thirty and forty years later, we now recognize that knees that were subjected to total meniscectomy now have advanced degenerative arthritis. The "protective" meniscus was taken away and the joint began its downhill spiral.

Acute meniscal injuries usually require three elements. First, the individual must be either in a standing or squatting position. Second, they must be weight bearing with the foot contracting the ground or floor (stance phase of gait) and third, there must be a torsional or twisting moment that catches the semi-mobile meniscus in a vise between the femur and the tibia causing it to tear. The medial meniscus represents about 80% of all acute tears and the lateral meniscus is involved in about 20%. Rarely are both menisci torn in the same injury unless there is a severe force that also causes ligament disruption.

It is, therefore, highly unlikely that a meniscus is torn in mid-air (swing phase of gait) or damaged while we are in a seated position such as riding in an automobile. At the time of the acute meniscal injury, there may be a sensation of tearing or burning and even total collapse of the weight bearing ability of the extremity. If the meniscus is displaced into the inner portion of the joint rather than the

(See Medical Notes... continued on page 6)

Medical Notes... *(Continued from page 5)*

normal peripheral location, the knee may "lock" and the patient is unable to gain full extension. This mechanical impediment is sometimes referred to an "internal derangement" or if the meniscus is displaced into the joint, a "bucket handle tear."

A common phenomenon in the degenerative knee is the "horizontal cleavage tear of the medial meniscus" that is unrelated to a specific traumatic event. These are frequently seen on MRI scans and do not cause mechanical derangement in the joint and may not even be symptomatic. Arthroscopic removal of these menisci may result in a poor surgical outcome and may even hasten the arthritic process.

So, now the menisci, once thought to be vestigial and unnecessary, have risen up the food chain of clinical importance and finally get the respect they so rightfully deserve. ❖

SCAA Vendor Dessert Menu

| | |
|--|--------|
| Ice Cream Sundaes with Cookie | \$2.65 |
| Decadent Chocolate Cake | \$3.00 |
| Apple Pie ala mode | \$3.50 |
| Assorted Small Cookies and Bars Platters | \$2.25 |
| Cranberry Walnut Pie with Whipped Cream | \$3.50 |
| Pumpkin Pie | \$3.50 |
| Turtle Bar Deluxe | \$3.00 |
| Apple Crisp with Whipped Cream | \$3.00 |
| After School Cookie Platters | \$1.75 |
| Old Fashioned Bread Pudding with Vanilla Sauce | \$3.75 |
| Lemon Meringue Pie | \$3.50 |
| Warm Peach Cobbler with Ice Cream | \$3.95 |
| Orangecicle Cheesecake with Chocolate Sauce | \$4.95 |
| NY Style Cheesecake with Berry Sauce | \$4.95 |

The Fine Print:

Prices listed are per person. Final bill will also include 18% service charge and 9.3% sales tax.

ORDERS MUST BE PLACED AT LEAST 7 DAYS PRIOR TO EVENT DATE

Book List... *(Continued from page 3)*

Jumanji by Chris Van Allsburg
 Mabela the Clever by Margaret Read MacDonald
 "More, More, More" Said the Baby by Vera Williams
 Mrs. Chicken & the Hungry Crocodile by Won-Ldy Paye
 Red Eyed Tree Frog by Joy Cowley
 Scranimals by Jack Prelutsky
 Snakey Riddles by Katy Hall
 Take Me Out of the Bathtub by Alan Katz
 Very Hungry Caterpillar by Eric Carle
 Where's My Teddy? by Jez Alborough
 Yoko by Rosemary Wells

Chapter Books

A to Z Mysteries by Ron Roy
 At the Plate with Ichiro by Glenn Stout
 Because of Winn Dixie by Kate DiCamillo
 Charlie and the Chocolate Factory by Roald Dahl
 Esperanza Rising by Pam Munoz Ryan
 Frindle by Andrew Clements
 Girls of Many Lands series (by assorted authors)
 Gloria Rising by Ann Cameron
 Granny Torrelli Makes Soup by Sharon Creech
 Honus and Me by Dan Gutman
 Indian Shoes by Cynthia Leitich Smith
 Judy Moody series by Megan McDonald
 Magic School Bus Chapters series (assorted authors)
 Magic Tree House series by Mary Pope Osborn
 Redwall series by Brian Jacques
 Regarding the Fountain by Kate Klise
 Secrets of Droon series by Tony Abbott
 Series of Unfortunate Events by Lemony Snicket
 Whipping Boy by Sid Fleischman

SCAA Website

www.seattleadjuster.org

Employers, let us post your job openings on our website. Email your text to npassist@msn.com. Members, to make sure we have rec'd your dues, check your membership status on our website.

**DON'T FORGET TO RSVP!**

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Membership Application for 2006-2007



SCAA Annual Membership Application

Membership Dues for the year September 1, 2006 to August 31, 2007

DUES ARE NOT PRO-RATED

Please print neatly, one application per person

Applicant _____ Company _____

Mailing Address _____ City _____ State _____ Zip+4 (Required) _____

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Check the appropriate boxes: Renewal, year first joined _____ Change of Address New

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If you have any questions on type of membership or membership status, contact Barb Tyler at 541/937-2611, or Dean West at 425/522-4625.
 Email: npassist@msn.com



“What has two legs and can be seen running fast every third Friday of the month? An adjuster on their way to an SCAA meeting!”
November 17 — Be there!



DON'T FORGET TO RSVP!

Please let us know you will be attending our next meeting by submitting an RSVP at our website:
www.seattleadjuster.org