



A Message from Dennis

What keeps you up at night? Did anyone ever ask you that question? It's one that most of us hate. I know I do.

But I thought I'd answer it. Having been in the insurance business a long time, what keeps me up at night is the thought of "the call." The call from a customer saying they've had an incident or loss. It isn't that our customer has a claim that keeps me up at night, that's why we are here. No. It's the "claim," the one that won't be covered. The one I recommended the customer insure and they didn't. That's the call I dread.

I take the work that I and the staff at the agency do very seriously. And that means protecting our customers' businesses, their livelihood, and their peace of mind. So sometimes I need to remind them of the old adage "Penny wise and pound foolish."

You need not be penny wise when it comes to protecting your livelihood, which for the McCurdy Group is our business . . . it is everything.

So help me get a good night's sleep. Call me to ensure that if you have a claim, you are covered.

On that note, have a happy whatever holiday you are celebrating this year...it's all good

~ **Dennis**

The Duty to Defend: What You Need To Know 'Cause Lawyers Ain't Cheap

Here's the scenario: As your customer Amy enters your business, she slides on the wet floor which was caused by the person in front of her tracking in snow. Trying to regain her balance, Amy bumps into a freestanding shelf containing merchandise that you sell. As Amy hits the floor, the shelf topples onto her and she is badly injured. Amy files a lawsuit against your business.

Under most liability policies, you insurer has a duty to defend. Your commercial general liability (CGL) policy obligates your insurer to defend you "against any suit seeking damages because of bodily injury, property damage, or personal and advertising injury" as outlined in the insuring agreement under Bodily Injury and Property Damage Liability.

If the insurer believes that the claim is precluded by a policy exclusion, it must continue to defend you until it can demonstrate that the claim is not covered.

Your insurer's obligation to defend you is separate from its duty to indemnify. Meaning, the insurer must pay damages or settlements (indemnify) *and* it must provide a defense against lawsuits that are covered by the policy.

The requirement in the CGL policy that the insurer pay actual damages on your behalf is triggered when the claimant demonstrates you are legally liable for covered damages. In short, all suits asserting covered allegations must be defended while only a fraction of these suits actually result in the payment of damages.

The liability policy gives the insurer both the duty and the *right* to defend you. Because it has the right to defend you, the insurer maintains control over your defense. It decides what defense strategy to follow and which attorney to assign to your case. Your insurer also decides whether to offer the plaintiff a settlement or to proceed with a trial.

Under-performing Employees . . . Bad For Business

Most of us have been there . . . preparing a performance review for that employee who, on the one hand, is good at his/her job, but on the other hand, whose attitude causes undue disruption, lost time, and even the loss of good employees.

Managing staff comes with many challenges that can test even the most seasoned business professional. Difficult employees engage people in an emotional tug-of-war, which is stressful for the manager and employee alike. And the damage to office morale and overall productivity is great.

Strategic Coaching: Right For Your Business: Employers and employees alike have discovered the added benefits of coaching:

- increased job satisfaction
- improved communication skills
- improved relationships

By providing individual coaching, you send a powerful message to your employees: Your progress is valued and encouraged.

Coaching programs have been shown to increase employee retention and engagement, boost productivity, and overcome performance issues. (Zappos Insights)

At McCurdy Group, we retain Resilience Strategic and Coach Rita Schiano to work with our staff to develop the skills, mindsets and strategies needed to succeed and achieve their goals, helping them perform and execute better at work



Don't let employee difficulties hurt your business. Talk with Rita to discuss how Strategic Coaching may be right for your organization.

Rita Schiano: 774-230-5670 or via e-mail: rita@ritaschiano.com www.ritaschiano.com.

Cyber Security: Is Your Company Protected?



In 1966, the movie *The Russians Are Coming, the Russians Are Coming* depicted the chaos following the grounding of a Soviet submarine off a small New England island during the Cold

War. The movie was a comedy. If a movie by that title were released today, the threat would not be a submarine, nor would the movie be a comedy. Cyber attacks by Russians, other governments, or the geeky kid next door are no laughing matter.

Data breaches effect businesses of all sizes. As businesses have become increasingly reliant on digital data, cloud computing, and workforce mobility, breaching a company's data has become as simple, or as complex, as gaining access to restricted networks.¹

Every business, regardless of size or industry, is susceptible to cyber crime. A report² by MA-based Kaspersky Lab North America, one of the world's fastest-growing cyber security companies, found 90% of businesses admitted a security incident. Additionally, 46% of businesses lost sensitive data due to an internal or external security threat.

Breaches are not hitting big businesses solely. The National Small Business Association reported 42% of small businesses have been victims of cyber attacks. Kaspersky Lab adds that on average small businesses shell out about \$38,000 to recover from a single data breach. The amount climbs once indirect expenses (averaging \$8,000) and damage to reputation are taken into account.

The three most expensive types of security breaches: 1) third-party failure; 2) fraud by employees; and 3) cyber espionage. Consequences of a breach include the loss of access to business-critical information and damage to your company's reputation.

Did we get your attention? If so, call Dennis today to discuss which cyber protection program is right for your business.

(Source: 1. Digital Guardian, October 2016,
2. <http://media.kaspersky.com/pdf/it-risks-survey-report-cost-of-security-breaches.pdf>)