



Investigating and Defending Catastrophic Automobile Events

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- ▶ Overview of Potential Risk to Employers and Emerging Trends
- ▶ Employer's Role in Maintaining Best Practices
- ▶ When Catastrophe Strikes
- ▶ Use of Technology to Gather Transient Evidence
- ▶ Post-Accident Discovery
- ▶ Practical Advice for Claims Handlers
- ▶ Questions



Course Objective



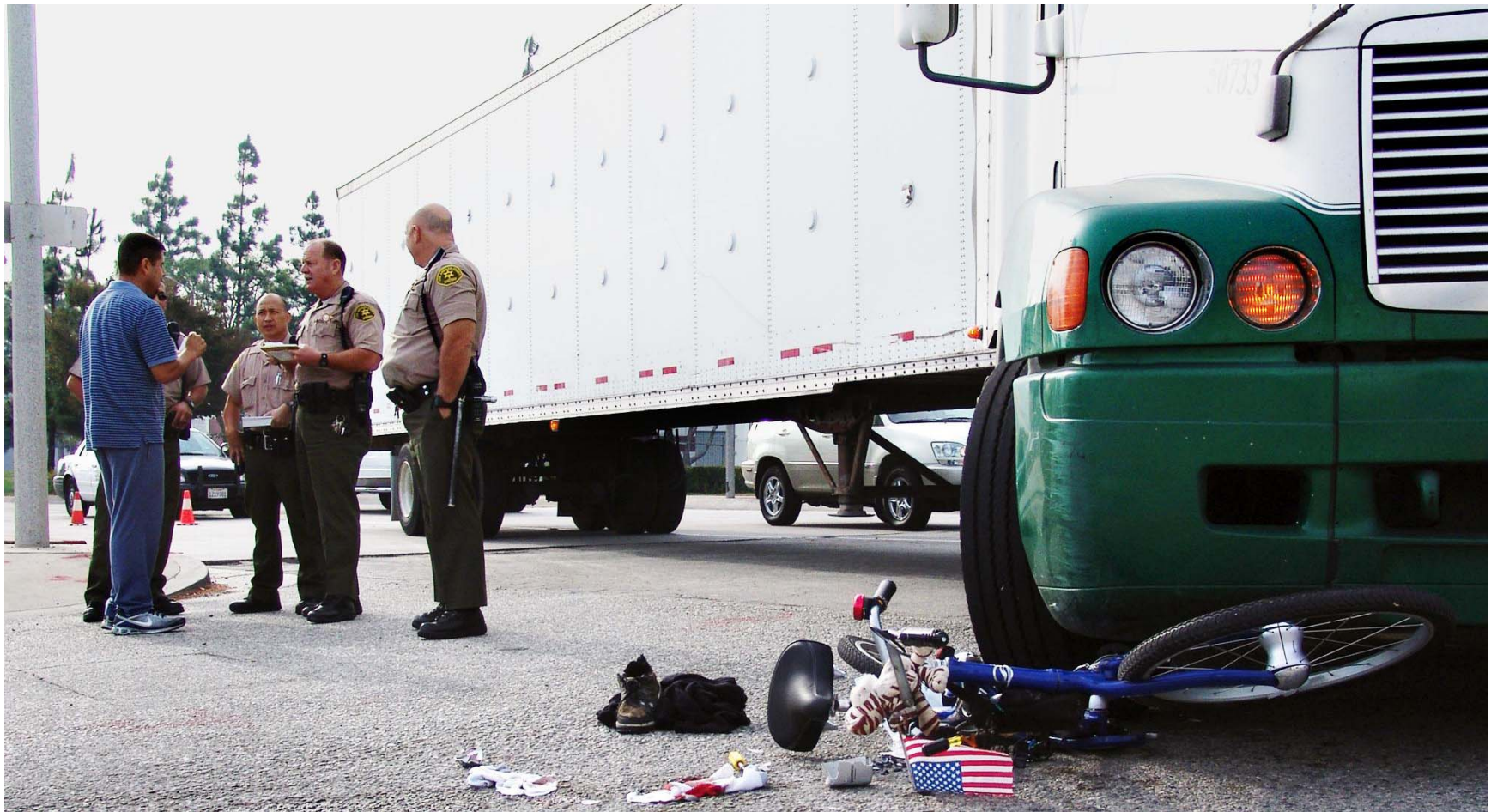
Course Objective





Overview of Potential
Risk to Employers and
Emerging Trends

Potential vicarious liability for negligent acts of employees



Potential liability for negligent hiring and negligent entrustment



Potential liability for failing to train and adequately supervise



Potential liability for failing to adequately maintain its fleet





The Employer's Role in Maintaining Best Practices

Best practices when taking on new hires



Best practices relevant to training





Best practices to instill risk avoidance habits



Best practices for fleet maintenance



Best practices for prompt reporting of accidents





When Catastrophe
Strikes



Minutes Count

- ▶ **Open lines of communication essential**
 - > Develop a culture that fosters open, unfettered communication



Minutes Count



- ▶ **Technology facilitates rapid communication**
 - > Driver to dispatcher
 - > Dispatcher to claims agent
 - > Claims agent to counsel
 - > Counsel to accident reconstruction expert



Minutes Count

- ▶ Recommendation: every claims agent should have pocket authority to dispatch an accident reconstruction expert the moment the call is first received



Use of Technology to Gather Transient Evidence: Drones



Use of Technology to Gather Transient Evidence: Black Boxes (Event Data Recorder)



Use of Technology to Gather Transient Evidence: Dashboard Cameras



Post-Accident Discovery

- ▶ Use of private investigator



Post-Accident Discovery



- ▶ Written discovery regarding employment records, pre-hire investigation and fleet maintenance records



Post-Accident Discovery

- ▶ Subpoena DMV records, employment records, medical records



Post-Accident Discovery

► Depositions





Practical Advice for
Claims Handlers

Early resolution when liability is clear



Aggressive defense where culpability is questionable



Consider trial when settlement numbers make no sense





Questions?



Thank You

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