

## Investigating Liability

Before we can proceed with an investigation, we must understand the situation. This is similar to a police officer reviewing an accident upon arrival or an ER performing triage to understand the injuries and severity of the patients present. Just like you wouldn't want an ER giving you a leg brace for chest pain, we want to avoid wasting time or missing the shot at obtaining evidence.

After we understand what's at play in this accident, our next move is to call everyone who has a stake in the outcome. We want to beat the customers to the punch so we prevent as much concern and confusion as possible. In these discussions, we will obtain recorded statements: permanent recorded audio files outlining a customer's account of a loss. These are invaluable additions to our claim file and will strengthen your arguments for or against liability.

To support the decision we will later reach, we will want to secure supplementary evidence to the recorded statements. This may include video footage, scene photographs, or a police report. You can sometimes obtain this evidence, but you will often need help from those involved in the loss.

After securing all evidence we can about the facts of the incident, we will want to know about the aftermath - the damage. This step may not always require much digging, depending on what happened in the loss. For example, if this is a parking lot incident where both drivers agree there was a minor scratch to the rear bumper; seeing the actual damage may not add much value to your investigation.

So we have all evidence in our claim. Now what? Now we will weigh all evidence and conclude with a decision of fault. This can end with denying fault, accepting fault, or assigning fault to both drivers. This is highly subjective and will take some time to learn. The more claims you handle, the better you will be at evaluating it all. Remember the reasonable, prudent person theory and put yourself in each driver's shoes. What would you have done differently?

Finally, we conclude the process by advising all stakeholders of the decision and handling any damages we owe. If we do are denying fault altogether or only accepting a small percentage of fault, we

should send the same as well as our basis in writing. Make sure everyone understands the decision; even if they disagree with our outcome, our goal is a fair decision which everyone can understand.

What happens if we make a bad decision? Well everyone is human, and we said this is subjective and grey, right? Sometimes we will reach a decision and a customer will then secure or find additional evidence for us. In that case, our decision may have been correct at the time based on what we had but the final outcome is truly accurate. Short of a judge or jury ruling on fault, decisions can typically be reviewed upon receipt of new evidence.

The process seems simple but remember: the stakes are high. Classroom studies about liability are easy but we are dealing with customers' lives. When we explain the investigation process, or our final decision, we have to remember that how we handle the liability claim impacts whether customers can get to work or drop their kids off at sporting events. We must also remember that most of our customers have never been in an accident before, so they do not understand the steps we discussed. You must explain the process clearly and take the necessary steps as quickly as possible. As in any other relationship, communication is key in our customer relations.