



**MANAGING THE CLAIMS PROCESS**

June 7, 2023

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**MANAGING THE CLAIMS PROCESS**

AIA CES Information

Credit: 1 Learning Unit

Provided by: Victor US (Victor Insurance Managers, Inc.)

Provider Number: K048

Course Number: VOS780-DE

The speakers are: Nahom Gebre & Nick Lopuszynski

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**MANAGING THE CLAIMS PROCESS**

- This course is registered with AIA CES for continuing professional education credit. As such, it does not include content deemed or construed to be an approval or endorsement by the AIA.
- You will receive a satisfaction survey following the program and if you are an AIA member and provide a valid AIA membership number, your participation will be reported to AIA CES.
- Certificates of Completion are available for downloading from the link provided approximately one hour after the program for those who need to self-report.

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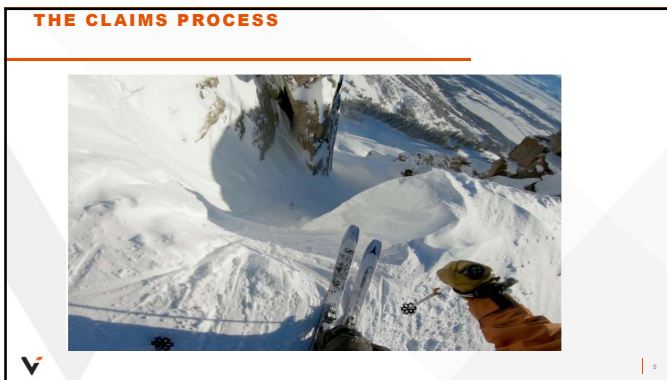
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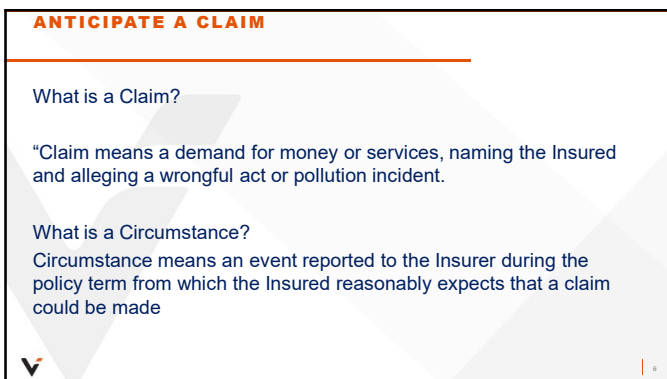
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**REPORT A CLAIM**

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- Contact Your Insurance Broker
- [DesignClaims.US@victorinsurance.com](mailto:DesignClaims.US@victorinsurance.com)
- Include:
  - Firm name and policy number
  - Name of claimant/plaintiff
  - All communications received
- CNA and your defense attorney will review
  - The complaint or legal proceedings
  - The professional services agreement & other contracts
  - Project records, correspondence, news accounts, prior complaints etc.

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**REPORT A CLAIM**

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CNA Claims Professionals  
Why did I receive a "Reservation of Rights" letter?

CNA Defense Attorneys  
My sister-in-law is an attorney – can she represent me?

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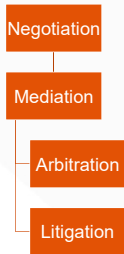
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**RESOLVE THE DISPUTE**

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graph TD; A[Negotiation] --> B[Mediation]; B --> C[Arbitration]; C --> D[Litigation];
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**MEDIATION**

- Typically non-binding
- Mediator selection is crucial
  - Impartial
  - Effective communicator
  - Creativity
  - Flexibility
  - Trust
- Participants must participate in good faith and with sufficient authority



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**ARBITRATION**

- Typically binding
- Private Process
- Decisions not always based on the law
- Limited right of appeal



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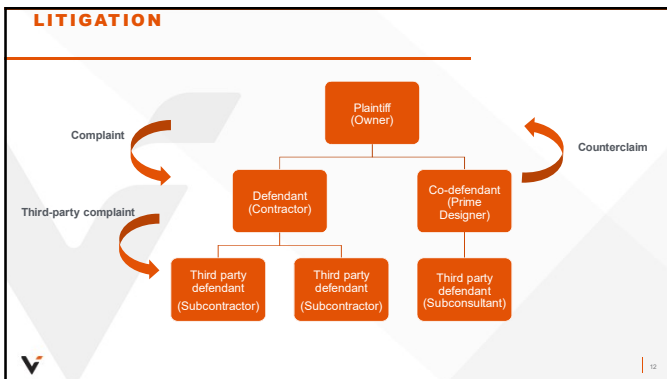
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**LITIGATION**

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- Review Contractual Obligations relating to litigation
  - Judge or Jury?
  - Prevailing Party?
  - Consistency in subconsulting agreements



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**LITIGATION**

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- Discovery
  - Interrogatories
  - Requests for Production
  - Expert Witnesses
  - Depositions
- Motions for Dismissals
- Settling a claim (only with consent)
- Trial



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**ONCE A CLAIM HAS BEEN MADE...**

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- DO REPORT IMMEDIATELY**
- Do not admit liability
- Do not sign or agree to anything before speaking with a CNA claims specialist
- Do not attend meetings with opposing parties before speaking with CNA
- Do not destroy any records
- Be wary of traditional and social media



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**PREVENT A CLAIM**

- Contracts
- Communications
- Risk Management
  - Documentation (Systematic/Contemporaneous/Objective)
  - Record Retention
  - QA/QC
  - Staff Education

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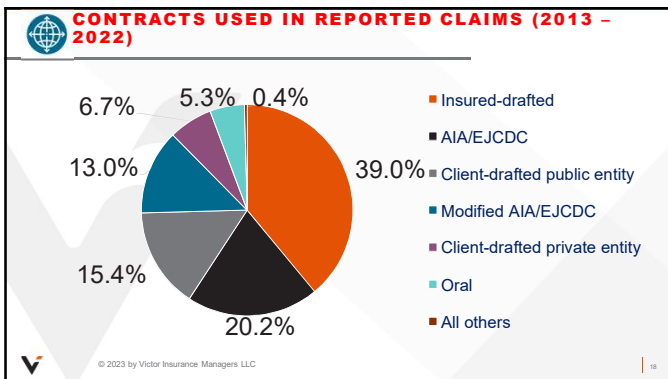
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**RISK MITIGATION CREDIT**

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- For eligible policyholders, a reduction of the deductible obligation by 50%, up to \$25,000
- Firms with annual billings of less than \$25M are eligible
- Must apply for credit and supply supporting documentation when the claim is reported



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**RISK MITIGATION CREDIT**

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**Baseline Requirement: Executed professional services agreement in place before services leading to claim were performed**

Three of these six conditions have to be met:

- Payment terms and invoicing procedures in agreement
- Interprofessional agreements and insurance certificates
- Pre-project planning with client
- Peer review by independent professional
- Constructability review with relevant stakeholders
- Submittal management process and records



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**EARLY RESOLUTION CREDIT**

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**Deductible incentive for early resolution of a claim through negotiation or mediation**

- Negotiation or mediation takes place within 180 days of insured's reporting of claim
- Claim ultimately resolved by such negotiation or mediation with indemnity payment by CNA
- Deductible applicable to such claim will be reduced by 50%, up to \$10,000



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**CNA CLAIMS LEADERSHIP TEAM**

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**A&E Leadership Team**

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Complex Claims Director  
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**Peter Preston**  
Complex Claims Director  
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**CNA**

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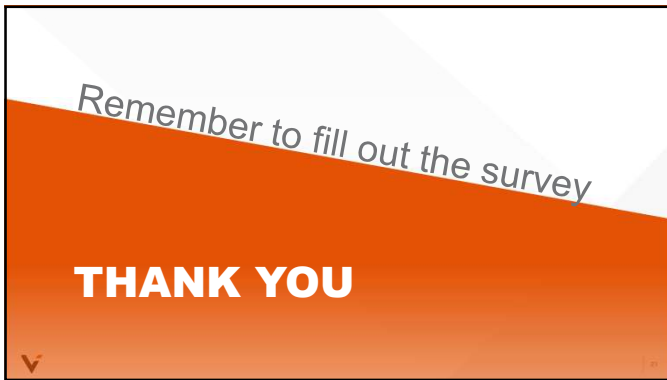
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Remember to fill out the survey

**THANK YOU**

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**VICTOR SCHOOL OF RISK MANAGEMENT**  
<https://www.victorinsurance.com/school-of-risk-management/>

School of Risk Management

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**THE NEXT WEBINAR IS**

Construction Phase Risk Management

Wed, July 12, 1:00 – 2:00 pm EDT

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