

AROUND THE CLM

ON THE ROAD AGAIN

A Preview of Claims College's School of Transportation

By Eric Gilkey

CLM's Claims College kicks off another year of education beginning on Sept. 5, 2018, in Baltimore. With 10 schools across a myriad of business lines and education areas—seven of which require three years of attendance to earn the Certified Claims Professional (CCP) designation—Claims College is bigger and better than ever. This month, we speak with School of Transportation Co-Deans Paul Berne, senior vice president at Lancer Insurance, and Joe Pappalardo, partner at Gallagher Sharp LLP, to find out what students can expect from this year's curriculum.

Can you break down what students will learn in each of the three levels offered for the School of Transportation?

PAPPALARDO: Level one is by no means elementary. We begin by discussing rapid accident response, then move to discovery and evaluation of liability and damages, then we discuss trial. For level two, we get into more substantive topics related to specific industry concepts like negligent hiring, federal regulations, and basic and advanced accident reconstruction. During the third level, we expose the students to a claims and management course, as well as some specific litigation and claims tactics like the reptile theory, and we also discuss advanced settlement negotiations.

BERNE: I'd add that, for level two, we include a live independent medical examination. Using a student volunteer, an orthopedist

demonstrates how he does the exam, the kinds of things he is looking for that tell him if there may be secondary gain factors, and how the tests that the students read about in their medical reports are actually performed. I also think one of the highlights in the course is [Pappalardo's] presentation on the Federal Motor Carrier Safety Administration's (FMCSA) regulations, since I think he is considered one of the preeminent defense lawyers in the country on this topic.

Why is it important to cover the FMCSA's regulations so thoroughly in your curriculum?

BERNE: The plaintiffs' bar has developed a capacity to use these regulations to punish trucking companies and give the appearance to jurors that companies are irresponsible by failing to comply when, in fact, the compliance issues have nothing to do with the underlying accident. It's essential for claims professionals to know if and when there have been violations of these regulations as part of the routine claims adjusting process and determine how those violations may ultimately impact the outcome of a claim. If you don't do that effectively, then you are setting yourself up for major surprises and a lot of sadness in terms of adverse reserve development and change in exposure later in the case.

You said a discussion of the reptile theory will ensue. How is this theory reflected in your curriculum?

PAPPALARDO: The first part of the presentation we do on the reptile theory is explaining what it is and how it's used in claims and litigation. The second part is a mock preparation and cross examination of a trucking company witness to show how they can be affected by the reptile approach and also to show how they can be properly trained. It's a video demonstration, based on a carefully prepared hypothetical that is based on actual cases.

What other interactive aspects are included in the presentations?

BERNE: [Transport America's] Tom McLaughlin will demonstrate a pre-trip inspection of a truck and discuss the anatomy of a vehicle, which is essential for claims professionals to understand not only in terms of what drivers are required to do before they start their trips, but also how trucks operate, what the parts are called, and operational limitations for processes like turning and backing up.

What separates CLM's Claims College from other transportation-focused events?

BERNE: Lancer has had many claims professionals attend the school at all levels, and they all say that the instructors are outstanding. That comes from having experienced attorneys, trucking company representatives, and leading insurance companies all involved in teaching courses. I've seen it firsthand that students leave with knowledge and skills that they can immediately apply to their jobs. ■