

THE BERMUDA
TRIANGLE: A 3-WAY
RELATIONSHIP
BETWEEN THE
EMPLOYER, TPA,
AND DEFENSE
ATTORNEY

THURSDAY, February 27, 2020
10:45 am - 12:15 pm

SPEAKERS

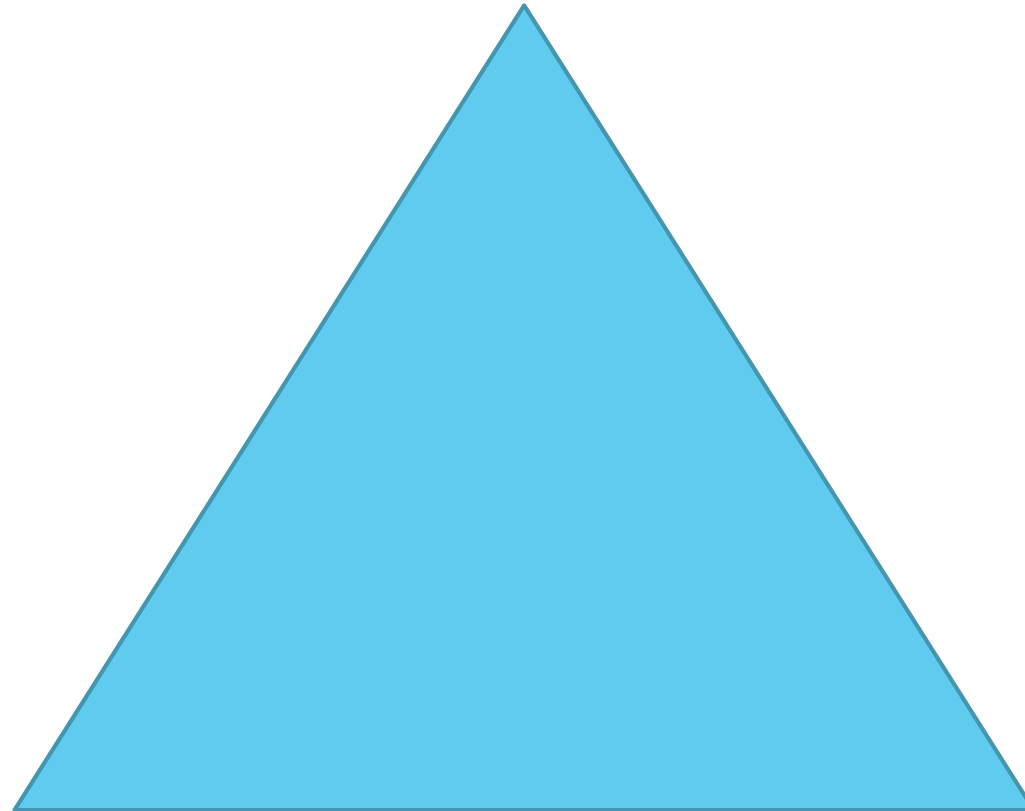
1. Anne E. Hernandez, Senior Managing Partner, Mullen & Filippi, LLP - ahernandez@mulfil.com
2. Dominique Kurihara, Risk Manager, City of Santa Rosa
3. Jeanette Mason, Claims Director, Athens Administrators
4. Moderator: Paula White

GOAL

- ▶ The goal is to discuss the 3-way relationship between the employer, claims examiner, and defense attorney in litigated cases to improve case handling.

TRIANGULAR RELATIONSHIP

Employer



Defense
Attorney

Claims Examiner

- ▶ Employer selects a TPA with some control over the examiner
- ▶ Employer selects a defense attorney
- ▶ Employer pays both the TPA and the defense attorney, needs to have a coordinated relationship with both.

THE PITFALLS OF A LINEAR COMMUNICATION BETWEEN:

Employer - Claims Examiner

Employer - Defense Attorney

Defense Attorney - Employer

Defense Attorney - Claims Examiner

Claims Examiner - Employer

Claims Examiner - Defense Attorney

LINEAR COMMUNICATION

EMPLOYER - CLAIMS EXAMINER

- ▶ Making sure that information that would be good for deposition is communicated.
- ▶ Red flags on claim: delay or accept
- ▶ Weighing options and costs: ie. legal fees vs UR
- ▶ Entity Priorities
- ▶ Plan of action

LINEAR COMMUNICATION

EMPLOYER - DEFENSE ATTORNEY

- ▶ Settlement authority limits and time lines.
- ▶ Political concerns
- ▶ Budget C&R vs Stips
- ▶ What outcome the employer wants at the end of the day

LINEAR COMMUNICATION

DEFENSE ATTORNEY - EMPLOYER

- ▶ Information regarding injured worker's change of position, retirement, performance issues;
- ▶ Single incident with multiple claims from different employees;
- ▶ Coordination of witnesses should case go to hearing

LINEAR COMMUNICATION

DEFENSE ATTORNEY - CLAIMS EXAMINER

- ▶ Service of current medical reports
- ▶ Readable printout of benefits
- ▶ Response to analysis and settlement recommendations

LINEAR RELATIONSHIP

CLAIMS EXAMINER - EMPLOYER

- ▶ Client involvement. Participation in depositions, investigations, settlement discussions;
- ▶ Secure photos, available video and equipment involved in accident site
- ▶ Conference calls to discuss legal strategy
- ▶ Temporary/Permanent modified duty process

LINEAR RELATIONSHIP

CLAIMS EXAMINER - DEFENSE ATTORNEY

- ▶ Assignment of attorney with direction and goals clearly defined
- ▶ Litigation budgets
- ▶ Timely updates for strategy and settlement authority
- ▶ Goal of claim resolution and closure

CONCLUSION



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