

Contents

1	Overview of Liability Claims	1.1		
	Introduction to Liability Claims	1.1		
	Types of Liability Claims	1.3		
	The Liability Claim Process	1.8		
	Competencies and Characteristics of Effective Liability Claim Professionals	1.17		
	Issues in Liability Claims	1.20		
	Liability Insurance Policy Basics	1.27		
	Conclusion	1.35		
2	Coverage Issues for Automobile Insurance	2.1		
	How Court Decisions Affect Coverage	2.3		
	Definitions in Auto Policies	2.5		
	Liability Coverage			
	Insuring Agreement	2.15		
	Exclusions in the Liability Coverage	2.20		
	Limit of Liability for the Liability Coverage	2.30		
	Other Insurance	2.34		
	Medical Payments Coverage			
	Insuring Agreement	2.41		
	Uninsured Motorists Coverage			
	Insuring Agreement	2.43		
	Limit of Liability—Uninsured Motorists Coverage	2.53		
	Underinsured Motorists Coverage	2.59		
	Duties of the Insured After an Accident or a Loss	2.60		
	General Provisions	2.61		
	Conclusion	2.63		
3	Coverage Issues With Homeowners and Commercial Liability Policies	3.1		
	Coverage Issues Common to the CGL and Homeowners Policies	3.2		
	Homeowners Section II—Liability Coverages	3.10		
	Homeowners Section II—Exclusions	3.13		
	Conditions Applying to Liability Coverages	3.29		
	Overview of the CGL Form	3.34		
	Coverage A—Bodily Injury and Property Damage Liability	3.35		
	Coverage A Exclusions	3.38		
	Coverage B—Personal and Advertising Injury Liability	3.57		
	Coverage C—Medical Payments	3.59		
	Summary	3.60		
4	Avoiding and Handling Coverage Disputes	4.1		
	Mistakes in Coverage Decisions	4.1		
	Investigation Under a Reservation of Rights	4.8		
	The Duty to Defend and Coverage Disputes	4.12		
	Negotiation of Coverage Issues	4.16		
	Arbitration of Coverage Issues	4.18		
	Coverage Denials	4.20		
	Declaratory Judgment Actions	4.22		
	Summary	4.23		
5	Determining Legal Liability	5.1		
	Torts	5.2		
	Other Laws and Legal Principles Affecting Negligence	5.7		
	Negligence and Other Tort Defenses	5.9		
	Intentional Torts	5.18		
	Strict Liability in Other Than Product Liability Claims	5.27		
	Summary	5.29		
6	Other Bases of Legal Liability	6.1		
	Vicarious Liability	6.1		
	Liquor Liability Laws	6.6		
	Environmental impairment Liability	6.9		

Class Actions and Mass Tort Litigation	6.14	Litigation Management Techniques	10.26
Bailments	6.16	Summary	10.40
Contracts	6.20	Appendix—Summary of Legal System and Legal Terms	10.45
Summary	6.25		
7 Investigating Liability Claims	7.1	11 Auto Liability Claims	11.1
Introduction	7.1	The Initial Phase of the Claim	11.1
Scientific Evidence	7.20	Analyzing Auto Law and Liability	11.2
Demonstrative and Documentary Evidence	7.21	Vicarious Liability in Auto Claims	11.7
Physical (Real) Evidence	7.29	PIP and Limited-Tort Laws	11.8
Admissibility of Other Types of Evidence	7.30	Auto Liability Claim Investigations	11.11
Setting the Scope of the Investigation	7.31	Case Study—The Auto Liability Accident	11.16
Conclusion	7.36	Appendix—Automobile Accident Statement Guideline	11.29
Appendix A—Recorded Statements	7.37		
Appendix B—Written Statements	7.41	12 Premises Liability Claims	12.1
Appendix C—Liability Claim Report	7.43	Negligence in Premises Liability Claims	12.2
		Dog-Bite Claims	12.11
8 Evaluating and Valuing Liability Claims	8.1	Premises Security Liability Claims	12.15
Nature of Liability Claims Evaluations	8.2	Case Study One—Premises Liability Claim	12.19
Trends and Patterns in Liability Awards	8.3	Case Study Two—Premises Security Liability Claim	12.22
Factors Affecting Liability Awards	8.4	Appendix A—Statement Guideline for Premises Liability Claim (Claimant)	12.27
Methods for Calculating Settlement Ranges	8.30	Appendix B—Statement Guideline for Dog-Bite Claim (Insured)	12.31
Valuations and Liability Claim Reserves	8.38		
Conclusion	8.38		
9 Settling Liability Claims	9.1	13 Product Liability	13.1
Alternative Methods for Settling Liability Claims	9.1	Product Liability Laws and Concepts	13.1
Settlement Agreements	9.21	Negligence and Product Liability	13.2
Recovering Liability Claim Payments	9.32	Warranty and Product Liability	13.8
Summary	9.37	Strict Liability for Products	13.11
		Retailer Defenses and Recoveries	13.14
10 Managing Litigation	10.1	Application of Product Liability	13.15
Costs of Litigation	10.2	Product Liability—Case Study	13.16
The Role of the Claim Representative in Litigated Cases	10.3	Appendix—Checklist for Product Liability Investigations	13.33
The Claim Representative's Role in Each State of Litigation	10.13		
		Index	