

SAMPLE PLRB SESSION OUTLINE FOR CE/MCLE APPLICATIONS

How to Be Assertive and Effective When Dealing With Public Adjusters

Timed Outline

1. Introduction (5 minutes)
 - a. Introduction of Presenters
 - i. Presenter 1
 - ii. Presenter 2
 - iii. Presenter 3
 - b. Review of learning objectives
 - i. Discuss the who, what and why of public adjusters
 - ii. Identify the typical modus operandi for aggressive public adjusters
 - iii. Create a framework for how to effectively deal with aggressive public adjusters in order to come to a favorable solution for all involved
 - c. Review format for presentation
2. What is a Public Adjuster? (15 minutes)
 - a. Legal definition
 - i. Statutory definition
 - ii. Legal duties
 - iii. Qualifications
 - b. Purpose
 - i. Represent and advocate on behalf of Insured
 - c. Incentive Structure
 - i. How do they get paid?
 1. Salary? Commission?
 - ii. How does the incentive structure affect the relationship?
3. Review the typical Aggressive Public Adjuster (5 minutes)
 - a. Personality
 - i. Confrontational
 - ii. Stubborn
 - iii. Accusatory
4. Recommendations for Dealing with Public Adjusters (25 minutes)
 - a. If you don't need to deal with them, don't.
 - b. If you do need to deal with them:
 - i. **Ensure the PA is licensed and has contracted with insured** (3 minutes)
 1. Ask for a copy
 2. If licensed, be certain statutory rules are followed
 3. If not licensed, send written letter to insured with copy to PA advising you will not work with PA in adjusting claim
 4. Ask for a copy of the contract
 - ii. **Involve the insured directly** (3 minutes)
 1. Require a Sworn Statement in Proof of Loss Signed by insured
 2. Examination Under Oath (EUO)
 - iii. **Hold them to their burdens** (3 minutes)
 1. Date of Loss ("You must establish a covered cause of

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- loss occurring during our policy period")
- 2. Existence of Damage ("Show me the damage")
 - a. Applicable Policy Defenses Late Notice

iv. **Hire strong experts** (3 minutes)

- 1. Knowledgeable in subject matter and key disputed issues
 - a. Business Income – Accountant
 - b. Building items – Construction Consultant
 - c. Legal/Coverage Issues – Retired Judge or Claim Executive

v. **Don't be intimidated** (3 minutes)

vi. **Document Everything** (3 minutes)

- 1. Because they're doing it too

vii. **Stick to the facts** (3 minutes)

- 1. Remain professional, don't get personal

viii. **Refuse to participate in appraisal (if appropriate)** (3 minutes)

- 1. Determine if dispute is subject to appraisal (aka dispute over scope)
- 2. Determine if desirable to resolve before appraisal
- 3. Execute appraisal protocol in order to avoid a post-appraisal dispute
- 4. Ensure appraiser is unbiased, free of control, able to reach own conclusion, and without a financial stake in litigation (as well as, where state case law allows, is different from public adjuster)

5. Review of Public Adjuster Case Law (15 minutes)

- a. When have courts said enough is enough?
- b. Federal Case Law
- c. State Case Law

6. Discuss Case Studies of Interactions with Public Adjuster with attendee participation (20 minutes)

7. Postmortem review and Questions (5 Minutes)

Total session time: 90 minutes

Presentation of the Class

The class will be presented in two parts. First, we will work through a short PowerPoint presentation. The PowerPoint will discuss key issues and considerations when dealing with public adjusters. We hope that this will be an interactive presentation by allowing questions throughout the presentation.

Second, we will discuss various case studies with full participation from the attendees. The case studies will be based upon real life claims involving difficult public adjusters. We will go through ways to avoid conflict with the public adjusters and, if necessary, how to deal with aggressive public adjusters.