



2014 CLM Annual Conference

April 9, 2014 – April 11, 2014

**Boca Raton Resort
501 E. Camino Real
Boca Raton, FL 33432**

Roundtable 4: Friday, April 11, 2014 (10:25 am – 11:25 am)

The Use Of Technology To Expediently Evaluate Claims

I. Catastrophic Injury

A. Aviation Injury

The tarmac at an airport can be a hectic place. There are many moving parts – both human and mechanical. Fueling trucks, tugs and baggage carts weave their way from airplane to airplane. When an accident occurs, it is crucial to understand where everyone and everything was situated prior to the incident. In such instances, technology is invaluable for documenting objects locations so they can be pinpointed at a later date.

B. Motor Vehicle Injury

Motor vehicle accidents occur quickly and typically involve more than one vehicle. Post-accident evidence consists of skid marks, yaw marks, debris from the vehicles, as well as the resting place of the vehicles. Since these types of accidents generally occur on throughways and other highly trafficked areas, investigators usually clean the scene and remove the vehicles so that the flow of traffic may be restored. In such instances, it is imperative to document vehicle location, length of skid marks and yaw marks as well as the debris field. Highly sensitive technological tools are wonderful aides for documenting this type of time sensitive evidence.

C. Company Policies and Procedures

Many companies have written policies and procedures that are to be implemented when an accident occurs. When such procedures exist, it is necessary for the companies to follow said

procedures exactly as written. Should they not, the companies may be exposed to additional liability.

II. Total Station

A. Site Scanning

A total station scans an accident scene with hundreds of thousands of laser beams from multiple vantage points throughout the site. The information gleaned from this technological tool can later be used to recreate the accident scene.

B. Detailed Imaging

Because the total station uses lasers and prisms, it is capable of accurately documenting the location of objects throughout a site down to the closest millimeter. As a result, the total station is much more accurate than the naked eye, photographs, tape measurers or geometric calculations performed years after an accident.

III. Black Box Downloads

A. Hard Braking Events

Many vehicles contain black boxes or ECM data. These instruments contain a limited amount of information concerning a vehicle's braking events. If a driver brakes hard prior to an accident, the black box will record the time the vehicle braked prior to impact. The braking information can be used in conjunction with the documented skid marks to reconstruct the braking event.

B. Time, Speed and Distance

Combining the information gathered from the black box with that obtained from the site and total station, and by utilizing physics equations, reconstructionists can determine the exact speeds vehicles were traveling prior to impact. Further, this type of reconstruction enables an expert to determine if and when a driver became aware of the dangerous condition that precipitated the accident.

IV. Computer Imaging

A. 3-D Accident Reconstruction

By inputting the information gathered by the total station, black box and other technological instruments, reconstructionists can generate a three dimensional model of the accident scene prior to, during, and after impact. This three dimensional model serves as a visual representation of the incident and facilitates a better understanding of the events as they unfolded.

B. Witness the Accident in Real Time

Moreover, because the timing of events can be calculated, reconstructionists can create a movie from the three dimensional model thereby permitting any person to witness the event. Further,

because the entire scene can be accurately recreated, investigators can view the accident from any vantage point imaginable, including witnessing exactly what the drivers saw during the accident.

V. Benefits of Technology

A. Earlier and More Accurate Risk Assessment

The result of such a precise accident reconstruction is that investigators, attorneys and claims handlers can more accurately assess the exposure of their clients. Additionally, because all the site evidence was documented immediately after the occurrence, companies no longer have to wait for litigation and the discovery process to uncover the relevant information. Thus, businesses may now assess catastrophic losses prior to litigation and determine whether such matters should be taken to trial.

B. Settle Claims for Less

By evaluating a company's exposure pre-suit, businesses can now save on litigation costs and settle claims prior to litigation. Further, for those cases in which early settlement is preferable, companies may avoid the potential for punitive damages and unforeseen expenses that arise as a case moves toward trial.