



Thriving in the Face of Flux: Risk Management in a Ever-Changing Landscape

PRESENTED TO:



PMA Management Corp.

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OLD REPUBLIC INSURANCE GROUP

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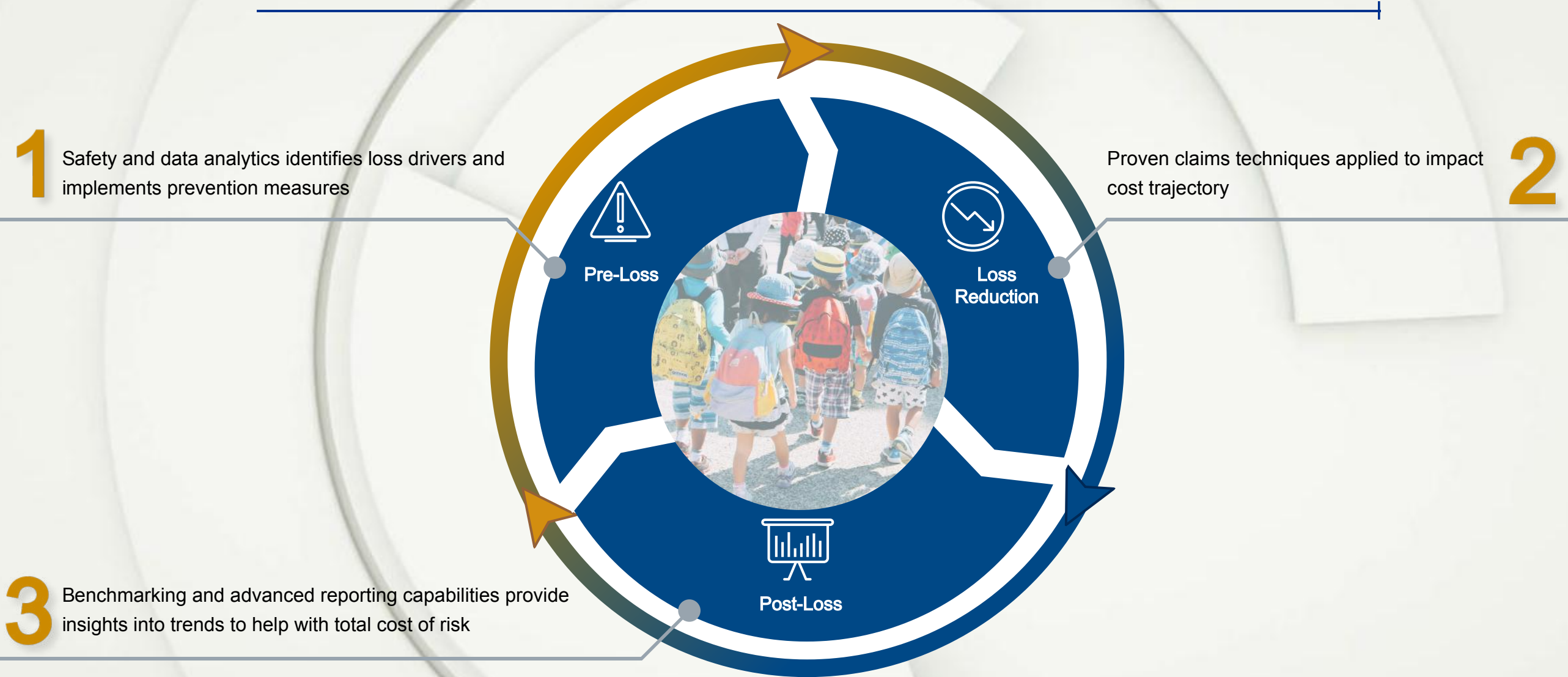
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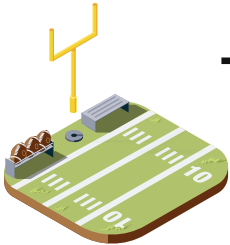
Mary Chimenti

Casualty Claims
Supervisor

Holistic Approach



Industry Landscape - Liability



TBI Research & School Sports

- The highest number of kids' ER visits
- Key factors = Age and maturity

Social Media Impact

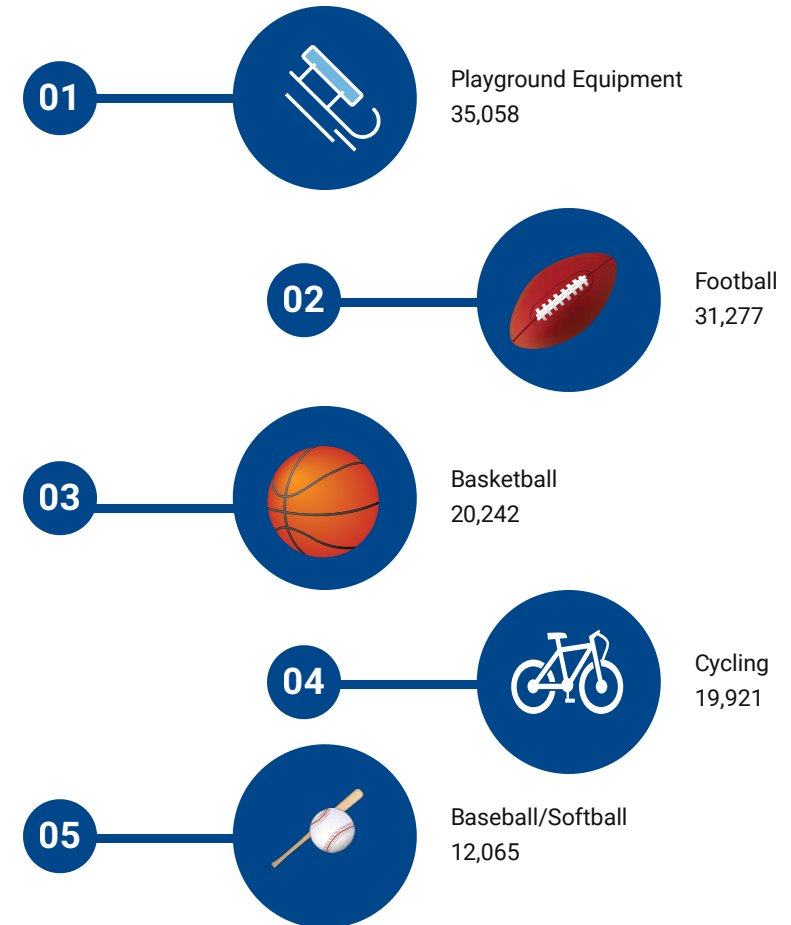


Social Inflation



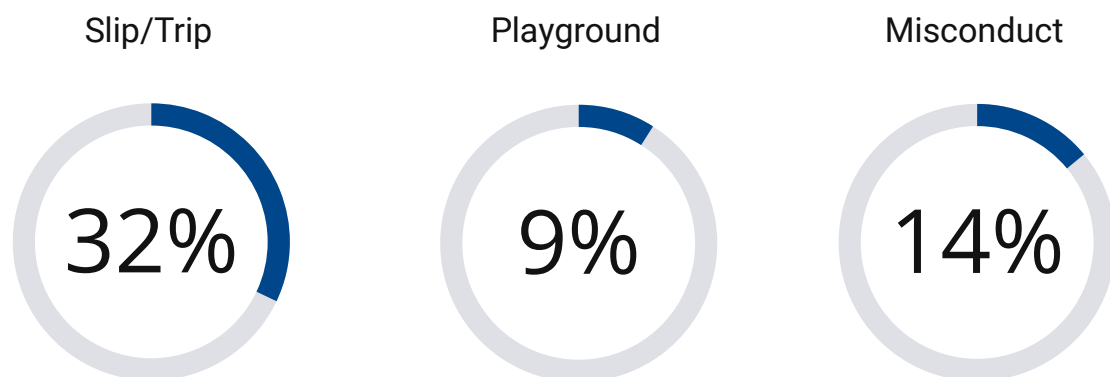
- Nuclear verdicts
- Sexual misconduct claims grow

Top 5 sports-related head injury categories among children ages 14 and younger



FL Education Industry Statistics - Liability

Liability Occurrences,
% of Total Incurred (2016-2024)



- Highest total incurred is attributable to **misconduct** claims
- Discrimination
- Playground findings:
 - Accidents resulting from **football and discrimination** have a higher total incurred then playground accidents
 - **85%** of all injuries **involve a slide**
 - Occurrences almost **doubled** in AY 2022-2024
 - FL has a higher percentage of slip/fall and playground occurrences compared to other states

Playground Injuries Involving Slide *(most playground injuries occur on the slide)*

		AY2016	AY2017	AY2018	AY2019	AY2020	AY2021	AY2022	AY2023	AY2024
Florida	Not Slide	20%	0%	50%	13%	17%	0%	7%	13%	15%
	Involving Slide	80%	100%	50%	88%	83%	100%	93%	88%	85%



FL Education Industry Statistics

% of Occurences Involving Attorney

100%

Discrimination

88%

Misconduct

75%

Football

71%

Altercation

60%

Playground

47%

Slip/Fall

How soon after reporting a loss do claimants hire an attorney?

	AY2019	AY2020	AY2021	*AY2022
3 Mths or Less	7%		31%	28%
3 to 6 Mths	13%	13%	13%	11%
6 to 12 Mths	27%	27%	38%	22%
12 to 24 Mths	47%	27%	19%	39%
More Than 24 Mths	7%	33%		

- Claimants are hiring attorneys earlier in the claim process.
- % of claims with early attorney involvement increased when compared to 2016-2018
- Juries are more sympathetic to claimants in school cases

Commercial Auto - Industry Landscape



Number of traffic deaths in US was up by 7000 in 2022 compared to before pandemic



Total sum of nuclear verdicts reached \$18.3B in 2022

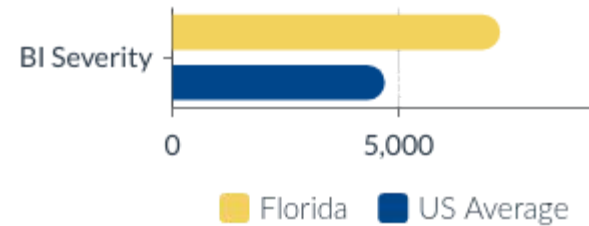
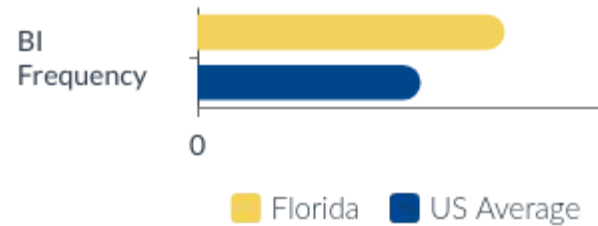
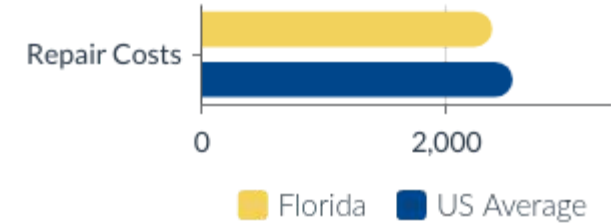
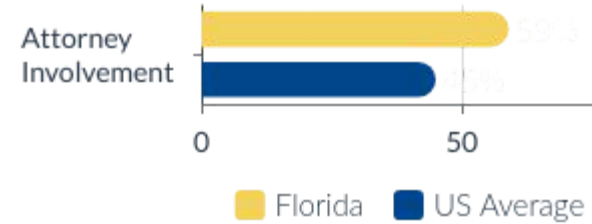
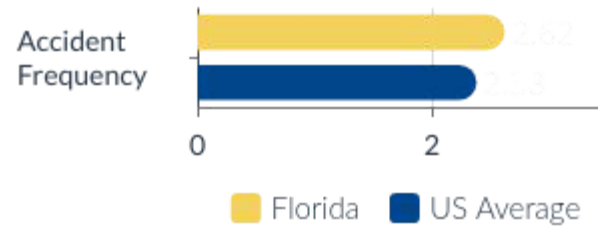


LexisNexist Risk Solutions notes insurers booked losses on 27% of collision claims (3pts higher than PY)



Distracted driving is cited by brokers as the most significant threat to commercial auto.

Commercial Auto - FL Landscape



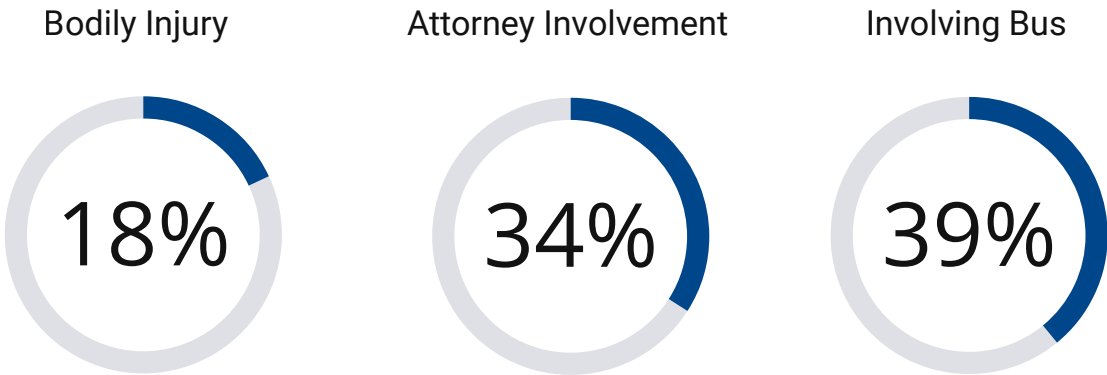
Florida costs are above national averages across key underlying cost drivers.

IRC affordability Research

U.S. Chamber Institute for Legal Reform (2019) Ranked Florida as Top 5 states for most difficult liability systems, Jury fairness, and trial judge impartiality.

Florida Education - Commercial Auto Landscape

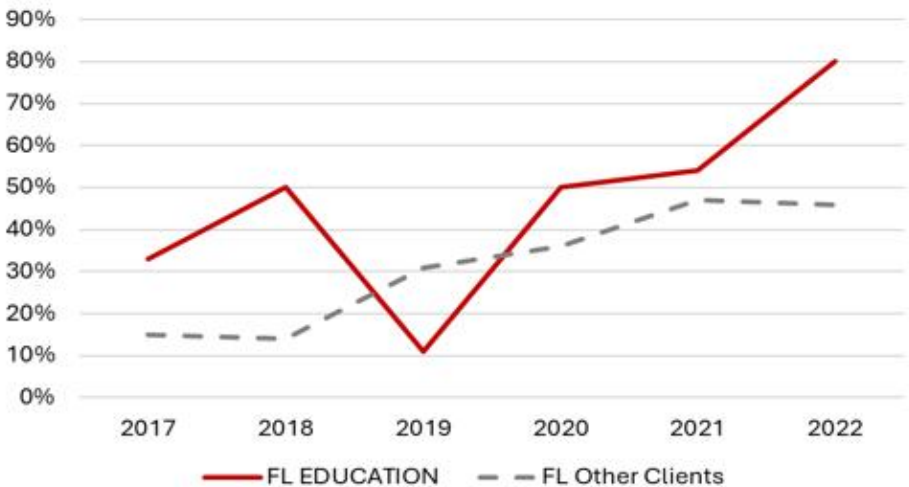
Commercial Auto Occurrences
(Average AY 2016-2024)



\$73,681

Average total incurred - BI Claim
(2016-2023)

% of Auto BI Involving Attorney
Florida Clients



- Higher % of claimants *hiring attorney* at 3, 6, and 12 months of accident date than before 2020
- 47%** of losses involve claimants *under 21 y.o.* (41% of the claims filed involve an attorney)
- While only 9% of losses are from claimants 21-30 y.o., **65%** of claims filed involve an attorney.
- Claimants 50-60 y.o. are the highest avg. incurred.

A person wearing dark pants and white shoes is mopping a light-colored wooden floor. In the foreground, a yellow caution sign with a red silhouette of a person slipping and the text "CAUTION WET FLOOR" is visible. The background shows an office environment with desks and chairs.

Premises Liability



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Overview of Premises Liability



Liability for a loss where the injury or damage was caused by some type of unsafe or defective condition on property that you own or manage.

Slips, Trips, and Falls



Slip/Trips/Falls (S/T/F)
are by far the costliest
Premises Liability claim
cause



What are Slips and Trips?
Slips – lack of friction or
traction between footwear
and walking surface
Trips – foot collides with
and object causing loss of
balance



Falls are also the leading
cause of unintentional
injury-related deaths in
the U.S.



Floors and flooring material
contribute directly to more
than 2 million falls per year
(Consumer Products Safety Commission)

Ways to Protect Your Premises



ANTICIPATION IS THE KEY

How might something or someone pose or contribute to a Premises Exposure?

- Review past incidents/ID trends
- Inspect Premises Regularly (look for hazards)
- Inside and Outside



DOCUMENT INSPECTIONS AND REPAIRS



EDUCATE YOUR MANAGERS/SUPERVISORS/EMPLOYEES OF THEIR ROLE & INPUT



INCLEMENT WEATHER MANAGEMENT

- Extra mats (walk off mats) / Umbrella bags
- Mat changeout policy
- Standing water removal and treatment



Ways to Protect Your Premises



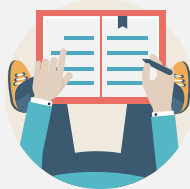
Eliminate the hazard if possible, or post Warning Signs of potential problem areas for temporary or short-term hazards

- wet floors, tripping hazards, contractor work being done



Secure Proof of Insurance from Contractors

- Maintain library for certificates of insurance, update yearly



Incident Investigation

- Conduct timely, document thoroughly, take corrective actions



Use slip resistant flooring when building or renovating

Slips, Trips, & Falls Claims Considerations



EARLY ENGAGEMENT

Claimant rapport is key!
Proactive, timely responses to all parties
Questionable items addressed promptly
Any risk transfer opportunities?



INFORMATION GATHERING

Collect videos, photos
Identify prior claims
Weather
Witnesses
Labor law issues?



ACTIONABLE ITEMS

Benefits of SIU
Legal nurse reviews
Pre-suit IME



HIGH PRIORITY FLAGS

Obvious exposure to the client
Knowledge of defect, mishandling, prior claims



RESOLUTION

Early settlement considerations & ideas
Handling denials



Playgrounds K-12



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"Dirty Dozen" Checklist

National Playground Safety Institution

01 Improper Protective Surfacing



02 Inadequate Use Zone



03 Protrusion/Entanglement Hazards



04 Entrapment in Openings



05 Insufficient Equipment Spacing



06 Trip Hazards



Lack of Supervision

07

Age-inappropriate Activities

08

Lack of Maintenance

09

Pinch, Crush, Shearing,
and Sharp Edges

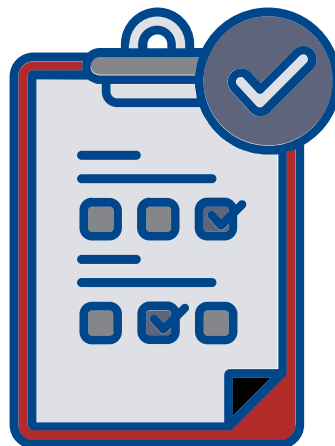
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Platforms with No Guardrails

11

Equipment not Recommended
for Public Playgrounds

12



National Playground Safety Institution



Improper Protective Surfacing

Min. depth of 12"
NO standing water and debris.
Not allowed to become compacted.
No exposed concrete footings, rocks or tree stumps.



Age-Inappropriate Activities

Developmental needs vary from age 2 to age 12.
Age appropriate equipment & signage
Areas for pre-school should be separate from areas intended for school age "kids".



Inadequate Fall Zone

How to define?
Covered with protective surfacing material
Minimum of 6' in all directions



Lack of Maintenance

A program of systematic, preventive maintenance
No missing, broken or worn-out components.
All hardware should be secure.
No signs of fatigue or deterioration.
All parts should be stable.
Surfacing material must be maintained.
Check for signs of vandalism.



Platforms with No Guardrails

Elevated surfaces such as platforms, ramps, and bridge ways.
Pre-school children (2 to 5) should have guardrails on elevated surfaces > 20".
School age children (5 to 12) should have guardrails on elevated surfaces > 30".

A Reminder about Documentation



Site History File

- ☐ Documents specific to individual playgrounds
- ☐ Maintenance/repair instructions
- ☐ Inspection procedures
- ☐ Parts lists
- ☐ Playground audit reports
- ☐ Copies of complaints/work orders
- ☐ Photographs



General Playground File

- ☐ Documents Pertaining to all Playgrounds
- ☐ Playground policy statement
- ☐ Staff training documentation
- ☐ Surfacing, installation, and equipment compliance letters
- ☐ CPSC Handbook and ASTM Standards





Commercial Auto



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Responsibility is the Same

K-12 and Higher Education

Responsibility to ensure only qualified operators drive



Up-to-date driving record of moving violations and crashes

References/Background Checks



Verifying Drivers License

Personal Interview



Road Test



If there is a crash/incident while operating for the district, the district will need to demonstrate that only “qualified” operators are permitted to drive. These steps and documentation can help defend against losses and lawsuits.

Prevention of Auto Accidents



Driver Inattention

- Prohibit the use of electronic devices
- Utilize available resources:
 - ☐ Driver Monitoring Programs
 - ☐ DriveCam
 - ☐ In-Vehicle Monitoring Systems
 - ☐ Mobile Apps to Detect Distracted Driving
 - ☐ Crash Mitigation Systems for Vehicles



Failure to Yield

- Slow Down
- Check the Intersection Before Entering
- Drive Defensively
- Don't Run Red or Yellow Lights
- Allow the Intersection to Clear
- Eliminate Distractions



Backing Crashes

- Hazards/obstructions
- Pay attention to the driving task
- Apply proper driving techniques
- Avoid backing whenever possible
- Adjust your mirrors
- Secure your vehicle before backing
- Make the move slowly and carefully

Commercial Auto Claims Considerations

Property Damage



Information Gathering:

- *Estimate of vehicle*
- *Proof of ownership*
- *Inspection*

Resolution:

- *Pre-accident condition*
- *Total loss considerations*

Key Facts - Florida Law:

Comparative Negligence Rules

Statute of Limitations = 2 years

Demand Letter Response time = 30 days

Punitive damages cap = 3x the amount of compensatory damages or \$500,000



Watch out for time limit demands!

Bodily Injury



Information Gathering:

- *Focus on damages*
- *Compliance with treatment recommendations?*
- *Other sources of income for claimant?*
- *Secure recorded statements*
- *Employee records of the driver*
- *Dash cams*
- *Subro opportunities*

Resolution:

- *First call settlement strategy*
- *Build trust and rapport*



THANK YOU

Thank you for taking the time to listen to our presentation.
Your attention and interest are greatly appreciated.

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