



SAFETY MANAGEMENT COUNCIL

MEETING MINUTES

February 18, 2021

2:00 PM CST

Webinar

CALL TO ORDER

Tanya Rogers, USA Truck, ATA SMC Chair

ANNOUNCEMENTS AND UPCOMING EVENTS

Upcoming NATMI virtual courses offered by ATA:

- Accident Prevention, Investigation & Management, March 18
- Innovative Driver Retention Strategies, April 8
- Safety & DOT Compliance courses, May 19-20
- Certified Driver Trainer Course, June 23-25

Information and registration may be found on ATA's website, arkansastrucking.com

Please mark your calendars for ATA's biggest events of the year.

Annual Business Conference & Vendor Showcase, August 25-27, Hot Springs

Registration for these courses is available at www.arkansastrucking.com

READING OF THE MINUTES OF LAST MEETING APPROVED AS WRITTEN AND PUBLISHED

OLD/NEW BUSINESS - NONE

BUSINESS MEETING ADJOURNMENT

SPONSOR HIGHLIGHT

McGriff

INSURANCE CLAIMS – REACTIVE VS. PROACTIVE

PRESENTER & CONTRIBUTOR

Robert R. McDonald, Vice President / Claims Consultant, McGriff

Paula Lowder, Asst. Vice President / Claims Consultant, McGriff

TAKEAWAYS

Reactive claim handling

Proactive claim handling

Impacts of judicial locations

CLOSING ANNOUNCEMENTS

MEETING ADJOURNED 3:00 PM

ADDITIONAL ITEMS PROVIDED IN FOLLOW UP EMAIL

Reactive vs. Proactive slides

Liability Websites

Claims Consulting

Pre-paid medical card – do you want to settle a bodily injury claim with a pre-paid medical card? Any unused funds are returned to your company.

<https://ametros.com/careguard/>

Negligence – judges instruct jurors in contributory states in a way that does not bar plaintiff's from recovery.

<https://www.mwl-law.com/wp-content/uploads/2018/02/COMPARATIVE-FAULT-SYSTEMS-CHART.pdf>

Joint and Several Liability – Jimmy drives into the back of your truck and his passenger is negligent free. If state follows pure joint and several liability the negligent free passenger can pursue your company.

<https://www.uslaw.org/files/Compendiums2018/2018%20USLAW%20Joint%20and%20Several%20Liability%20Compendium.pdf#:~:text=A%20State-by-State%20Guide%20to%20When%20Joint%20and%20Several,in%20cases%20is%20not%20simply%20who%20did%20what.>

Punitive/Exemplar Damages – Insurable or not?

https://www.wilsonelser.com/writable/files/Legal_Analysis/Punitive_Damages_Review/2014-wilson-elser-punitive-damages-review.pdf

Venue Difference – Conservative, Moderate, Liberal

<https://www.uslaw.org/files/JuryProfiles/2019-2020%20USLAW%20Judicial%20Profiles.pdf>

Offer of Judgement or Offer of Compromise (998) – puts pressure on plaintiffs to settle case

https://www.law.cornell.edu/rules/frcp/rule_68

https://www.uslaw.org/files/Compendiums2018/2018_USLAW_Offer%20of%20Judgment%20Compendium%20of%20Law.pdf