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**Risk management is
for decision makers.**

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Risk Management Appraisals

As risk management practices in your organization evolve, it may become prudent for an outside review of your practice methods. This review is helpful to provide an unbiased assessment of current activities plus a detached opinion of areas where changes in reporting structure, level of involvement in various types of activities or increased risk manager responsibilities improve results of day-to-day activities.

The risk consultant reviewing your current activities and goals will want to review the following materials:

- Risk Management Manual
- Training documentation,
- Copies of claims or other report forms
- Sample waiver / hold harmless agreements signed by recreation facility users, Police or Fire ride-along forms signed by citizens, etc.
- Loss history including an explanation of how this information is used internally
- Copy of the most recent RFP for insurance coverage and for insurance broker services
- Sample copies of construction contracts, facility maintenance contracts, professional services, mutual aid agreements and facility joint-use agreements

A meeting with managers of key departments will also provide the consultant with insight into their departments' participation and coordination of services with risk manager. You should expect the consultant to explain the scope and focus of the review, answer their questions and arrange a schedule for inspection of various key areas. Without this level of detail the consultant will only be able to report at a high level.

You should expect to receive a personalized inventory of the way risk management is exercised in your organization along with recommendations that will help you take better control of risk, avoid unnecessary risk and consider risk transfer actions to limit future losses. This evaluation is an excellent way to determine 'Where are we now?' and "Where do we go from here?".

Forward to a friend!

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Remember Dagnet?
Joe Friday's favorite phrase was
"Just the facts, Ma'am." He
wanted the evidence to speak
for itself, without influence
from peoples' opinions.
Avoiding opinions remains
important today!

Trials - A Battle of the Experts?

As trial dates get closer, defense counsel often raise the question: "Do we need to have an expert review the _____? If we do hire an expert and the report is favorable to our position – should we have him/her testify at trial?" When an independent expert (engineer, accountant, mechanic, etc.) supports your position it is human nature to want to use this evidence at trial.

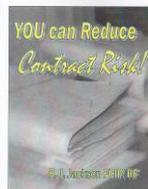
Experts should not be engaged to advocate for your position. Instead ask for their honest, unqualified opinion of the set of facts that are presented for their review. You then obtain an unbiased opinion which permits you to view the strength of your case from the expert's perspective.

When experts are brought into a trial, though, the case can quickly become 'a battle of the experts'. Keep in mind that whatever the topic the expert is giving evidence on – the judge is, and will remain, a 'lay person'. The burden is on counsel and the expert to present the evidence, and expert opinion, in a manner that is quickly understandable to lay people while avoiding the temptation to oversimplify the testimony. Civil court decisions are based on 'the balance of probabilities'. The judge (or jury) must take into account the experts' qualifications, experience and knowledge. In short, the listener needs to acquire sufficient knowledge in the course of the trial (a few days?) to determine which expert, who has spent years developing their expertise to make a reasonable judgment.

Upon becoming aware of an incident that requires detailed, knowledgeable assessment you should document the incident fully, retain physical evidence and engage your chosen expert as early in the process as possible. For example, if a building is damaged or destroyed by an explosion you need to get an engineer with the correct experience and qualification on site promptly, before the debris is removed, significant evidence destroyed and memories begin to fade.

These steps have proven valuable in the past - common sense suggests they will be effective in the future.

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