



# 2024 Transportation Practice Group Seminar

## May 1-3, 2024

### Early Resolution Statistics and Mediation Strategies

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### Presentation Overview

1. Early Resolution of Claims
  - Advantages
  - Disadvantages
  - UPS Early Resolution Program, with statistics
  - CRST/Cottingham Butler Claims Service Early Resolution Program
  - Cottingham Butler Claims Service Program for other clients
  
2. Mediation
  - Pre-suit mediations and negotiations
  - Post-suit mediations and negotiations

### *Advantages of Early Resolution*

1. Individual settlements are less expensive than litigation costs;
2. Avoidance of legal representation for a claimant;
3. Avoidance of pre-litigation issues (preservation requests; vehicle inspections; etc.);
4. Avoidance of litigation including potential negligence claims against the company, spoliation of evidence; corporate depositions, expert retention, discovery and related expenses, etc.;
5. Avoidance of claim building;
6. Avoidance of nuclear verdicts; and
7. A quick and final resolution of claims.

### *Disadvantages of Early Resolution*

1. Knowledge/perception in the community that your company will pay claims (even disputed claims);
2. Invites the claimant to retain counsel after receiving a settlement offer from the company;
3. Inability to perform legal discovery (investigation of the claimant's background, accident history, claims history, medical history, etc.);
4. Overpaying claims;
5. Resolution of some claims, but not all claims;
6. Dissatisfaction between the company and driver regarding resolution of a defensible claim;
7. Jeopardizes negotiations with claimants and attorneys if early resolution is not achieved; and
8. Is it economically beneficial to pay smaller amounts for numerous claims or to pay larger amounts for lesser claims and defend claims that are defensible.