

Incident Response and Investigation Protocols

“Planning & Training”

Have protocols in place for incident response and investigation
Ensure planning and training for incident response is up to date

Pre-Loss Phase Checklist

- Prepare for potential loss situations by:
 - Establishing how to access data and gather documents in the event of a loss
 - Reviewing company policies to ensure they cannot be used adversely in loss situations

Fleet Training Best Practices

- Ensure driver training and certification:
 - Confirm familiarity with the company’s safety programs for drivers
 - Maintain regular communication with safety leadership to uphold safety standards

Claims Policies and Procedures

- Understand the insurance process:
 - Know how to properly report claims
 - Confirm the existence of agency support for claims reporting
- Identify the Designated Representative under Rule 30(b)(6) for legal proceedings:
 - Designate a representative for depositions or legal proceedings
 - Ensure the designated representative is aware of their role and responsibilities

Incident Response and Investigation Protocols

“Memorializing the Claim”

- Ensure the claim is properly memorialized for future reference and action

During Loss Phase

Importance of Proper Documentation

- Implement a system for gathering accident details and evidence
 - Determine how to store claim information securely and accessibly
- Establish protocols for communication and documentation that:
 - Prevent spoliation of evidence
 - Protect against self-incrimination
- Prepare for potential litigation by:
 - Reviewing previous legal involvement of the organization
 - Ensuring all documentation is litigation-ready

Engaging Law Enforcement and Insurance

- Develop a coordination plan with law enforcement for accident scenes
 - Define the company's plan for catastrophic loss events
- Decide on proactive measures for claim handling by:
 - Determining which decisions are within the company's purview
 - Understanding what should be deferred to the insurance company

Incident Response and Investigation Protocols

“Public Relations”

During Loss Phase

Perception is Reality

- Assess and manage how a loss could impact the business' reputation
 - Identify potential risks to the company's image and plan mitigating strategies
- Develop a communication plan for stakeholders
 - Establish a plan for internal communication with employees
 - Define a strategy for external communication with media and the public

Developing a Crisis Communication Plan

- Identify key spokespeople for the organization
 - Decide on a designated speaking representative
 - Train the representative on handling questions and delivering the company's message
- Prepare for media inquiries with responses ready
 - Create a set of quick canned responses for immediate communication needs
 - Ensure these responses are consistent with the company's messaging and values

Post-loss Analysis and Risk Reduction Processes

“Litigation”

Post-Loss Phase

Understanding the Litigation Process

- Evaluate your organization's preparedness for potential litigation
 - Assess previous experiences with litigation
 - Establish or review procedures for when litigation becomes a possibility
- Understand the potential consequences and costs of litigation
 - Analyze trends in verdicts or claim values within relevant jurisdictions

Working with Legal Counsel

- Ensure the selection of qualified transportation litigation attorneys
 - Determine if there is a preferred attorney network for the company's locations of exposure
 - Maintain a list of potential legal counsel specialized in transportation litigation
- Develop a collaboration strategy with legal counsel
 - Outline the company's approach to ongoing litigation
 - Set up communication protocols with hired counsel for defense strategy alignment

