

**Better By Design®**

# Claims Prevention and Early Reporting

April 2018



## Where There's Smoke, There's Fire!

However, not all fires are bad and sometimes they are easily contained or all together extinguished by an early and proactive response. Smoke can be easy to spot, but identifying when your firm may be in trouble or needs to contact Berkley Design Professional's claims department for claim prevention assistance may be less clear.

Your Berkley Design Professional policy provides you and your firm with Free Claim Prevention Assistance. Meaning that if, during your Policy Year, you become aware of an event that you reasonably believe may result in a claim being made against you or your firm, you can report the matter during that same Policy Year.

Once your matter is reported, one of our claim professionals will assist you and provide claim prevention guidance. Counsel may also be retained on your behalf, at no cost to you or your firm, if Berkley Design Professional determines that legal or other external assistance is needed. We will pay all of the approved expenses and costs incurred with investigating, mitigating or avoiding the potential claim.

You have nothing to lose by asking for help!

*Berkley Design Professional  
is here for you, we are your partner  
in risk management!*



## Top 10 Indicators That You May Need Claim Prevention Assistance

1. An error or omission has been discovered
2. Project is behind schedule and/or over budget
3. There are significantly more change orders than anticipated
4. Your firm is not being paid or is having trouble collecting owed fees
5. Communication has become strained
6. You are excluded from meetings or have a reduced role
7. A project participant is pointing the finger
8. Client retains a third party consultant to review progress
9. There is a collapse or significant event that could pertain to the design
10. You have an unsettled feeling the project isn't going well



### Tip

Although we hope you won't ever have to call your broker regarding project-related concerns, early identification and action on your part may help to avoid or minimize a claim against your firm.

Our dedicated and experienced claim professionals will help you manage the issues and concerns so that you can focus on the project and your business.



### What Should You Do?

**Contact your broker as soon possible to discuss your concern.**

**Report the situation to Berkley DP's claims if your broker recommends that you do so.** Remember, our claim's prevention assistance is free.

**Expect a call from one of our claims professionals and be prepared to:**

- Discuss the key issues that are causing concern
- Identify the key project participants, including owner, contractor and any subconsultants' work that may be at issue
- Provide a copy of your contract for the project and any other relevant contracts, such as subconsultant agreements
- Provide contact information for the key members within your firm

**Inform others within your firm so they are aware they may be contacted and so that communication is contained.**

**Refrain from taking action without the input from Berkley DP's claim professionals. Importantly and to avoid jeopardizing your insurance coverage:**

- Do not admit liability or assume or agree in writing or verbally that you are at fault
- Do not provide verbal or written statements that will be recorded or transcribed, or a written statement or position letter, unless required by law
- Do not make payments, settle or assume any obligation or incur any expense
- Do not sign or accept any releases, allocations of fault or agree to any binding process to resolve the issues
- Do not make statements such as, "Don't worry about it, my insurance will take care of it" or "That's what I have insurance for"

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### Contact Information

#### Laila Santana

Executive Vice President & Chief Claims Officer  
CA Independent Adjuster License #2M27624  
5404 Alton Parkway, Suite A-762  
Irvine, CA 92604  
Office: 949.387.2919  
Email: lsantana@berkeleyalliance.com

#### Anthony Andersen

Senior Vice President & Claims Manager  
CA Independent Adjuster License #2M01311  
P.O. Box 13  
Central Valley, NY 10917  
Office: 212.822.3328  
Email: aandersen@berkeleyalliance.com

### About Berkley Design Professional

Berkley Design Professional (Berkley DP) specializes in professional liability insurance products and services for design professionals. Berkley DP was founded by a team of insurance professionals with a passion for the design profession and deep roots in A&E underwriting, risk management and claims management.

Berkley Design Professional is a division of Berkley Alliance Managers which is a member company of W. R. Berkley Corporation, an insurance holding company that is among the largest commercial lines writers in the United States and operates worldwide in two segments of the property casualty insurance business: Insurance and Reinsurance and whose insurance company subsidiaries are rated A+ (Superior) by A.M. Best Company. [berkeley.com](http://berkeley.com)

### Berkley Design Professional

99 Pacific Street | Suite 555E  
Monterey, CA 93940  
[www.delttek.com/en/partners/berkeleydp](http://www.delttek.com/en/partners/berkeleydp)