

LESSONS LEARNED FROM LOSSES

MONTHLY NEWSLETTER

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MAINTAINING RECORDS



Why is it Important?

- The practice of ensuring adequate and proper documentation contributes to efficient and economical operations by guaranteeing that information is documented and accessible to all authorized parties that may need it.
- Proper maintenance of records can make a world of difference to the member and the JIF. Lawsuits are won and lost based on the documentation provided in support of the JIF's position in a given matter.
- Coverage can be denied to an insured if proper records are not maintained.
- Please make sure that electronic records are maintained in such a manner that the systems in which they are stored evolve with the available technology.
- Lastly, make sure that if the records are physical documents to keep them off the floor and not in a basement.

EXAMPLE: Claimant was playing pickleball and caught his foot under metal bleachers adjacent to the playing surface. He ruptured his Achilles tendon requiring surgical reconstruction and also suffered a wrist injury. The allegation was that a dangerous condition existed as a result of negligently placed bleachers. The town was unable to produce any paperwork showing the manufacturer of the bleachers, when they were purchased or who placed them near the pickleball court. The town was found 100% liable in Arbitration and, ultimately, the claim was settled for \$162,500. Had this information been provided, it is likely that the manufacturer and installer would have contributed to the settlement.