**Representational Documentation**

1. Photographs
2. Videos
3. Maps
4. Diagrams

**Spoliation** - the failure to preserve property for another’s use in litigation

\*examples on pg 4.10

1. The insurer’s obligation to preserve evidence
2. What constitutes spoliation of evidence
3. Available defenses to spoliation
   1. Evidence not relevant
   2. Evidence can be reconstructed
   3. Party claiming spoliation was given reasonable opportunity to examine evidence before it was lost/destroyed
   4. Litigation was not contemplated when the evidence was destroyed
   5. Evidence was destroyed in the regular course of business or for another valid reason
   6. WC: “Exclusive Remedy” rule

**Taking statements**

1. Audio statements
2. Written statements
3. Video statements

Statement Content

-coherence, completeness, objectivity

Seven-Part Method (pg 4.15)

1. Permission and introduction
2. Identification
3. Setting
4. Incident
5. Post incident injuries/damages
6. Misc
7. Conclusion

Types of Questions used in Statements.

1. Direct questions. Example:
2. Open-Ended questions. Example:
3. Leading questions. Example:

Special Considerations when Taking Statements

1. Hospitalized interviewee
2. Injured interviewee
3. Illiterate interviewee
4. Minor interviewee
5. Foreign language interviewee

Using Sworn Statements – why are they used?

Styles:

1. Recorded Statements
2. Affidavit
3. Proof of Loss
4. Examination Under Oath
5. Deposition

How Sworn Statements are Obtained (see p 4.21)

Statutory and Specialty Reporting of Claims Info

1. BI Reporting
2. Auto Accident Reporting
3. Fire Reporting
4. Child Support Enforcement Reporting
5. Fraud Reporting
6. Office of Foreign Assets Control Reporting
7. Medicare Secondary Payer Reporting
8. Specialty Reporting

Date-Reporting Service Organizations

1. ISO
2. NCCI
3. NMVTIS
4. NICB

Personal Safety for Claim Reps-Physical Hazards

1. Emotional or irate customers
2. Crime-prone areas
3. Roads
4. Animals or insects
5. Property inspections
6. Boat and trailer inspections
7. Auto PD inspections
8. Catastrophe claims handling