

You're Never Alone

Free Claim Prevention Assistance

By Anthony Andersen
Senior Vice President, Professional Liability Claims Manager,
Berkley Alliance Managers, a Berkley Company

August 12, 2021



Having a Berkley Architects, Engineers & Consultants Professional Liability Policy means that you're never truly alone. Even when you're dealing with a situation that isn't yet a formal claim, but is giving you an uncomfortable feeling that it may soon become one, Berkley Alliance Managers is here for you!

We all know that issues on projects arise every day and working your way through them is just part of doing business in the design and construction world. But sometimes our policyholders are presented with circumstances that give them pause and where they might like to have some guidance.

Maybe you've received a subpoena for your records or deposition. Or perhaps there's been an accident at the job site and parties are starting to point fingers at your work product as a potential cause. Maybe you've encountered certain unanticipated conditions on a job site that will increase costs and it appears that those costs may be sought from you. Or perhaps a local inspector or government agency is delaying the project by refusing to approve your work. These are all potential issues where the Free Claim Prevention Assistance coverage on the Berkley Architects Engineers & Consultants Professional Liability Policy could be used to help a policyholder avoid any missteps and guide the matter away from a claim or lawsuit.

Contact your broker as soon possible to discuss your concerns. Report the situation to claims if your broker recommends that you do so. Remember, Berkley Design Professional's claim prevention assistance is free.

Our experience has proven that early intervention by one of our experienced claims professionals may help resolve a matter before it develops into a claim or lawsuit. Involving our claims team prior to a formal claim being made can help prevent costly mistakes that could deter our ability to settle a claim later, or make it more difficult to defend a claim that develops into a lawsuit.

Depending on the circumstances, Berkley Alliance Managers may determine that in order to mitigate a potential loss or avoid a claim completely, we would pay for legal counsel, or perhaps hire an expert, or possibly have some testing conducted. Whatever reasonable, early interaction may be needed to avoid a claim or lawsuit can be considered.

When reporting a circumstance, you should include these five things:

1. When and how you first became aware of the circumstance;
2. The reasons for anticipating a claim;
3. The nature and date of the alleged circumstance;
4. Any alleged injuries or damages sustained; and
5. The name of potential claimants if available.

Then any claims subsequently made will be deemed to have been made and reported on the date we received the written report of the circumstance.

Design professionals deal with issues and disputes on almost every project and fortunately most will never lead to a claim. But our policyholders should trust their experience and instincts to recognize when a situation or set of conditions may lead to a claim or a lawsuit. Acting swiftly and decisively to take advantage of our Free Claim Prevention Assistance coverage could help avoid a claim or lawsuit entirely.

About the Author



Anthony has managed and handled claims for more than 25 years. He brings a wealth of A&E and construction related experience as well as knowledge regarding best practices and risk management. In his role as Professional Liability Claims Manager, Anthony provides managerial oversight to our claims staff. He received his Bachelors of Business Administration from Iona College. Anthony is based in Central Valley, New York.

Contact Anthony at aandersen@berkleyalliance.com.



© 2021 Berkley Design Professional, a Berkley Company.
All Rights Reserved