



These insurance law educational programs are offered by Matthew J. Smith. Most are approved for Continuing Education Credit and are adaptable to differing lengths of presentation.

Is Insurance Fraud Still Relevant

(Presentation running time: 60 minutes)

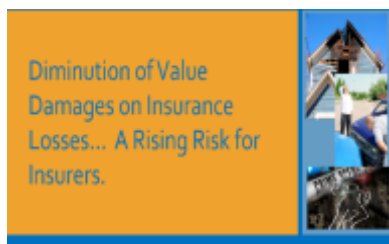


Why should we care about insurance fraud? It's a victimless crime, only the rich insurance companies pay and even insurers just underwrite the extra expense...right? WRONG! Insurance fraud costs not only our nation \$80 billion every year, but also takes innocent lives; and especially in this era of budget-cutting insurers and consumers need to wake-up to the costs and damage which come with insurance fraud. This program not only addresses those facts but also how a changing America views insurance fraud issues.

We are a "melting pot" of generations ranging from "Baby Boomers" to "Millennials" and statistics show these generations have staggeringly different views of insurance fraud...most of which do not bode well for the future. But what if we could change how America views insurance fraud, from inevitable or acceptable to something the public is united against? Impossible you say? Maybe not, this program also looks at how American culture and opinion on other, and more controversial issues, has been changed in the public eye. Can we do the same in the battle against insurance fraud?

Diminution of Value Damages on Insurance Losses...A Rising Risk for Insurers

(Presentation running time: 90 minutes)



Nearly a quarter-century ago, claims for diminished value to automobiles following a collision began appearing across the United States. These claims were dismissed at first by most insurers as being improper, un-documentable or excluded under auto policies. Today many states now recognize diminished value auto damage claims, if properly presented.

Not surprisingly, the same theories supporting diminished value to automobiles, are now starting to be asserted in an increasing number of jurisdictions on property losses. These claims are arising under both commercial and residential policies. Often these claims arise where after a major loss such as fire or flood, the insured claims even once rebuilt the property has a lower, or diminished, value since it is not in the same condition as the original construction. Insurers often claim the structure was rebuilt to the same, or perhaps even better standards than the original. Also diminished value claims have been asserted for the “stigma” associated with a loss. These claims are even more difficult to properly consider or adjust as often they present both unique and unusual facts. Are these covered losses? If so, how should they be adjusted and how do insurance carriers comply with the duty to treat all insureds fairly and equally while realizing in the current environment there is a “patchwork” of court decisions addressing these type of claims? This program addresses all of these, and many more questions as we look into the “crystal ball” of what may be ahead for insurers facing these type of new and innovative claims.

Rise in Litigation and the Impact Within the Claims Department

(Presentation running time: 60 minutes)



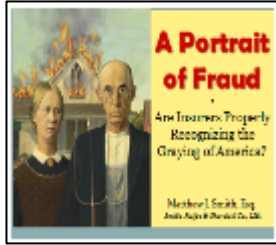
Insurance carriers are increasingly under attack in class action litigation across the United States. This presentation addresses the recent rise of claim practices litigation, which is a risk for insurance providers. Major class action cases assert a full-fledged attack on all claims practices from underwriting to setting of RCV values to preferred vendor programs and beyond. This program determines how we arrived here, uncovers ways the insurance industry itself has contributed to the problem and most importantly how to put the correct team together to successfully prevail in these cases.

Case studies are presented to define the problem at hand, and to provide insight into the development and execution of effective legal strategies. Attendees of this program will come away with knowledge of how to effectively battle back against these increasing legal actions, as well as an understanding of the importance of the public’s perception of insurers in today’s world of class action litigation.

A Portrait of Fraud:

Are Insurers Properly Recognizing the Graying of America?

(Presentation running time: 60-90 minutes)



The “Baby Boomers” are the largest demographic of population growth in America’s history. After impacting all other areas of our country’s economy for the past half-century, the “Boomers” are not forming the largest block of older citizens the world has known. Insurers have incorrectly assumed once people reach a certain age they will not commit fraud. While in the past this incorrect assumption may have been acceptable the sheer numbers of persons now aged 60+ prohibits insurers from continuing this myth. This program will explore the wrong assumptions we make in claims and SIU regarding the commission of fraud in older age brackets and the reality people’s willingness to commit fraud does not go away as they age. This class will open the eyes (and ears) of many to common mistakes in addressing fraud and the unique issues and motivations which may motive older persons to commit fraud and feel justified in doing so.

Where’s Waldo... And What is He Up To?

(Presentation running time: 60 minutes)



“Waldo” may be your insured, a claimant or a witness. Regardless, we live in a 24/7 connected world which includes the ability to trace the location and whereabouts of persons. From using “geotagging” to determine when and where photos were taken to plate scanners, tri-angulated smart phone data and security cameras you can trace a person’s locations and pathways of travel with high levels of accuracy in the time period surrounding a loss. Today’s devices also allow you to determine now only where someone is but even the type of physical activities they engage in but may deny doing in an injury claim. This program explores a myriad of new cutting-edge technologies (from apps to fit-bits to drones) and how insurers, investigators and attorneys are using these new tools in the battle against insurance fraud to win cases in court.

Three Keys to Success at Trial

(Presentation running time: 60 minutes)



Ultimately it comes down to the courtroom. This is where we win or lose cases, whether from the judge or the jury. Winning cases is never easy and especially for insurers. So how do insurers position their cases to have the best strategic advantage for trial? It may not be as complicated as you think. While it takes a strong and experienced team, the basic building blocks for success are what this program addresses. The insurance company speaks through its employees and its claim file records. In this class the keys to a successful verdict are explored in the context of preparing a proper claim and investigation file, and then presenting the case through effective deposition and trial testimony. Whether a Chief Claims Officer or front-line claims professional, this program offers valuable insight for anyone involved in insurance claims litigation.

Battling Bodily Injury Fraud...

New Perspectives and Innovative Approaches for America's Hotel, Resort and Hospitality Professionals

(Presentation running time: 60 minutes)

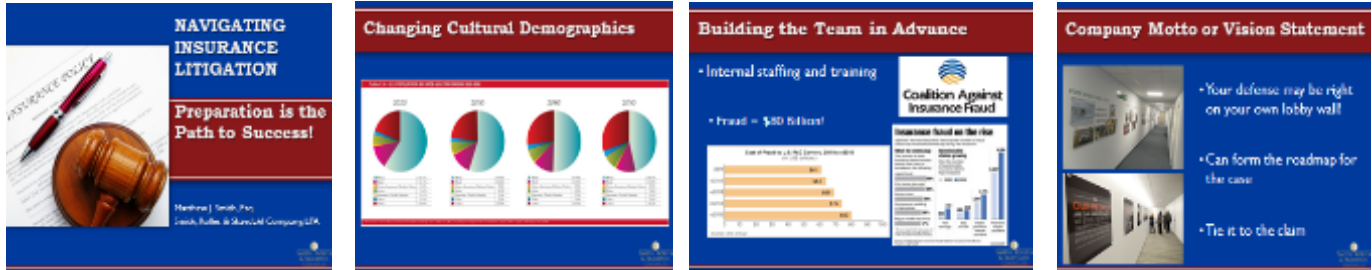


America's hotels, resorts and hospitality industry are all targets of insurance fraud. Fraud costs American consumers \$80 billion a year and crosses all age and income demographics. Hotels and resorts are often "easy" targets for claims from slip and fall, in room or fitness/recreation injuries, claimed food contamination or even internal fraud from worker's compensation claims. This program opens the eyes for attendees to the extent of fraud in the hospitality industry. More importantly though, it addresses a specific 4-step process to prepare your facility, management and support staff teams to fight back in the battle against fraudulent claims.

Navigating Insurance Litigation:

Preparation is the Path to Success!

(Presentation running time: 2 hours)



Across the nation we hear of high verdicts returned in insurance law cases and especially in first-party and bad faith litigation. While we will never “win” every case, there are issues affecting insurance litigation and strategies available which we are failing to consider and capitalize on to improve our ability to communicate with judges and juries, and secure successful courtroom results. This high-impact program educates everyone from Chief Claims Officers to adjusters and experienced legal counsel in the ways we can improve our handling of claims and the litigation which often follows.

From consideration of America’s changing demographics, economic realities and the effective use of technology this program is guaranteed to increase your effectiveness in claims and litigation management. The reality is successful jury verdicts begin with proper claims handling, effective communications with claimants, reaching the correct coverage decision and then building the right team for litigation with an identifiable “exit strategy” for the case.

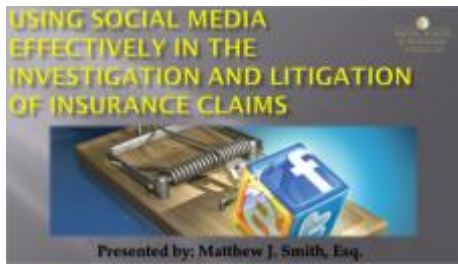
Can it be done and done well? YES...and this program will teach you how.

SOCIAL MEDIA:

Using Social Media Effectively in the Investigation and Litigation of Insurance Claims

(Presentation running time: 3 hours)

Pre-approved for 3 hours of adjuster continuing education credit in Kentucky, Florida and Texas



Is social media a passing fad or one of the largest cultural shifts in world history? The answer may take centuries to sort out, but in the real world of insurance claim investigation and litigation, we do not have the luxury or time to wait. This course explores the dramatic impact of social media on all aspects of today's society, and provides real and practical ways to utilize social media effectively in the investigation and litigation of insurance claims. How to properly search for data while protecting the company, how to secure access to relevant data through litigation discovery and how to impactfully present social media evidence in the courtroom will all be explored. You will leave this program with a new appreciation of social media in our society and its role in our profession.

This presentation is also available under the topic “Social Media for Fire Investigations”, which addresses social media not from the insurer’s perspective, but from the view of the professional fire investigator whether in the public or private sector.

**21st Century Claim Investigations:
Emerging Trends and the Impact of Social Media**

(Presentation running time: 45 minutes – 60 minutes)



Combining discussions of emerging trends and social media, this program provides a condensed, informative look at modern claim investigations in the face of sociological and technological changes. The risks associated with 21st century claim investigations are spotlighted, as are targeted suggestions for change and strategies to battle back against insurance fraud.

CLAIM INVESTIGATION:

Emerging Trends in the Investigation of Insurance Claims

(Presentation running time: 3 hours)

Pre-approved for 3 hours of adjuster continuing education credit in Kentucky and Florida

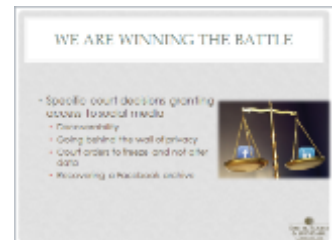


There are myriad social, economic and industry-specific changes in the past decade that have an effect on the insurance claims investigation process. In order to stay ahead of the curve in our changing environment, emerging trends must be identified, and their advantages and disadvantages must be clearly deciphered. In the face of these changes, this program addresses how to identify these trends in property and bodily injury claims, and how to use these new trends to a distinct advantage.

This presentation is also available in an arson-specific version, focusing on strengthening relationships between public and private sector fire investigators.

The Legality of Online Investigations and Searches

(Presentation running time: 45 minutes – 60 minutes)



Online research during the course of a claim investigation is a necessary and effective medium for defense against potentially fraudulent activity. In today's climate, every tool should be used which can assist Claims and SIU personnel in attaining a full picture of a claimant's life both private and public. However, there could be issues involving privacy and discovery which could adversely impact your Company. This program will explore how to properly conduct online, and specifically the social media, investigations. You will learn how to navigate the land mines and properly use social media at trial, be cognizant of what may be a "turn off" to a jury and using video and "streaming" to give the jury a clear picture of possible misrepresentations of the claimant(s).

CLAIM AND LITIGATION MANAGEMENT:

Selecting the Right Expert for the Fire Loss Claim

(Presentation running time: 60 minutes)



This presentation addresses all aspects of the insurance industry’s retention of fire science experts and the related team members necessary for a thorough and complete fire loss investigation. Also addressed is the vetting process utilized by insurance carriers, alerting carriers to the necessity for this process and how to conduct it correctly while also educating experts concerning their need to work cooperatively during the vetting process.

The team aspect of fire investigation is also discussed, including the need to work cooperatively and share information throughout the course of the investigation so a proper and complete investigation and decision is made regarding the fire loss claim. Novel approaches to the final claim decision process are presented, including involving experts to ensure all information is shared and, if litigation ensues, the case is positioned properly. Also discussed is the impact *Daubert* challenges has on experts and their future relationship with many insurance carriers.

**Proper Communications with Claimants on First-Party Claims:
Doing Right by the Insured and the Company**

(Presentation running time: 90 minutes - 2 hours)

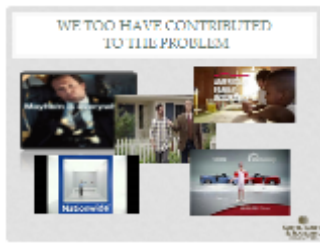
Pre-approved for 2 hours of adjuster continuing education credit in Kentucky and Florida



From the basics to the new era of electronic communications, how we communicate with policyholders and claimants is crucial. Effective communications not only must comply with state law, but must demonstrate you are dealing openly and fairly on each claim. Claims communications, when done correctly, are your single best evidence and protection against the potential bad faith claim being successful in the eyes of a jury based on your own Company’s communications.

**Claims Practices Litigation:
A Rising Risk for Insurers**

(Presentation running time: 90 minutes)



Insurance carriers are increasingly under attack in class action litigation across the United States. This presentation addresses the recent rise of claim practices litigation, which is a risk for insurance providers. Major class action cases assert a full-fledged attack on all claims practices from underwriting to setting of RCV values to preferred vendor programs and beyond. This program determines how we arrived here, uncovers ways the insurance industry itself has contributed to the problem and most importantly how to put the correct team together to successfully prevail in these cases.

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**Combating the CSI Mystique:
The Effect of Television and Movies on Claims Investigation and Courtroom
Testimony**

(Presentation running time: 3.5 - 4 hours)

Pre-approved for 3 hours of adjuster continuing education credit in Florida



We have all heard about the effect of CSI and similar TV shows on juries in cases involving forensic evidence, but did you ever wonder where this show came from? And, if you are a lawyer, expert, or even a witness, have you considered the effect jurors watching decades of television and movie depictions of courtrooms may have on YOUR case? Without understanding juror expectations, you may lose your case before you ever take the stand or begin your opening statement. This program traces more than 50 years of television, movie and “pop” culture trends to illustrate the impact of media in today’s courtrooms.

This presentation is also available in abbreviated versions with running times of either two hour or one hour lengths.

**Getting the Most from Your Defense \$\$\$:
How to Properly Select and Utilize Legal Counsel**

(Presentation running time: 2 hours)

Pre-approved for 1 hour of adjuster continuing education credit in Kentucky

Pre-approved for 2 hours of adjuster continuing education credit in Florida



We are in a new age of doing more with less financial resources. At the same time, jury awards for bad faith damages are dramatically rising. Insurers in this era must have in place specific programs for selecting the right legal counsel. The old days of “one size fits all” no longer works and specific skill sets are required depending on the type of legal assignment involved. This program will explore how to select the right legal counsel, how to determine the effectiveness of counsel in a measurable way and how to decide which cases are appropriate to take through trial.

Legal Considerations Affecting Fire Loss Investigation and Litigation: A Civil Defense and Subrogation Recovery Perspective

(Presentation running time: 1 hour)

Pre-approved for 1 hour of adjuster continuing education credit in the Kentucky and Florida



Whether approaching a fire loss from a claim investigation or subrogation perspective, one thing that must be maintained is the proper handling of the case. This program discusses both the similarities and differences between these two approaches to a fire loss by an insurer, and presents “dos” and “don’ts” for each. From overcoming an Undetermined determination on an Origin and Cause report, to defending fire science in the courtroom, this program bridges the gap between two varied approaches to a fire loss.

ETHICS:

Ethical Considerations in the Investigation of Insurance Claims

(Presentation running time: 3 hours)

Pre-approved for 3 hours of adjuster ethics continuing education credit in the Kentucky and Florida



This is a new edition of the nationally acclaimed ethics program which addresses specific issues, problems, and concerns arising in the investigation of insurance claims. This presentation focuses on specific issues arising from origin and cause investigations, courtroom testimony, coordinating investigations between insurers and public officials, and taking of EUO testimony.

Based upon actual case studies, the program is highly interactive and is taught through a series of video vignettes. Following each vignette, a discussion takes place between the presenters and the audience concerning what is, or is not, permissible in terms of claim investigation activities. The program addresses multiple issues affecting insurance investigations and is excellent training for insurance adjusters, SIU personnel, origin and cause investigators, attorneys, and state insurance department and law enforcement officials.

Ethical Considerations in the Investigation of Fire Losses

(Presentation running time: 3 hours)

Pre-approved for 3 hours of adjuster ethics continuing education credit in the Kentucky and Florida



Everyone needs ethics credits, and the issue of ethics is never clear cut. After hearing criticism of ethics programs being “dry” and “boring,” this program was developed and has since been presented across the United States to rave reviews. Unlike other ethics programs, this class is presented in a discussion format using video scenarios from actual fire scene investigations and courtroom testimony. You will participate in this class in addressing head-on the type of ethical issues which arise in the investigation of fire losses. Even if you have seen this program before, this presentation is composed of entirely new fire scene investigation and testimony videos, and should not be missed.

The Ethics of Investigating a Potential Fraud Claim... It takes a TEAM to get it right!

(Presentation running time: 1 hour)

Pre-approved for 2 hours of adjuster ethics continuing education credit in Kentucky

Pre-approved for 1 hour of adjuster ethics continuing education credit in Florida



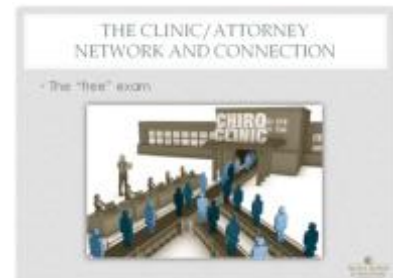
Ethics are of utmost importance when investigating a potentially fraudulent claim. Discussing the important roles of the insurance adjuster, SIU, retained experts and legal counsel, this presentation examines the ethical duties of all key players. This interactive and informative presentation presents the importance of ethics from both the legal defense and claims investigation perspectives.

RECOVERY:

Medical Recovery Actions

(Presentation running time: 2 hours)

Pre-approved for 2 hours of adjuster continuing education credit in Kentucky and Florida



Estimates place the cost of medical fraud at eighty billion dollars a year and growing. Especially with changes to America's health care system, medical insurance fraud is on the rise. Liability insurers should be concerned as a significant portion of insurance indemnity dollars are spent each year for medical treatment allegedly related to injuries.

Insurers are becoming more cognizant of health care fraud and are not only identifying and targeting questionable medical providers, but are starting to use the court system to "fight back" through medical recovery actions. This course explores the depth of medical and health care fraud as well as how some of the actions of liability insurers over the past decades have caused and contributed to the current problem. More importantly, the course gives specific information and examples on how insurers are effectively using claims and SIU departments, skilled legal counsel and state and federal laws (including RICO) to battle back against medical insurance fraud and secure multi-million dollar judgments against fraudulent providers.

**For more information or to
schedule a program, please
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