

# APPLYING TECHNOLOGY TO TAKE ON COMPO CLAIMS CULTURE

Compo culture is a scourge on local authorities. Most will say it has been and always will be, but Larry Fenelon, solicitor and co-founder of a legal technology company, begs to differ on the 'always will be'. He outlines how technology is helping local authorities to reduce public liability claims by delivering appropriate solutions to digitally collate appropriate data.



**All relevant data relating to the injury is collated contemporaneously on an app, including the location of the incident, while photos and videos can be uploaded, including CCTV footage.**

**M**ost public liability injury claims against local authorities involve modest enough injuries with claim values ranging between €15,000 to €30,000. Over 95% are settled, almost always after defences and pre-hearing, at the expensive stage of the case.

The claims are difficult to settle early on as the personal injury lawyers have a vested interest in dragging the case for as long as possible to maximise the legal costs. Personal injury claims are repetitious and amazingly very little data is collected on them and the wheels continue to turn.

**Most compensation claims are settled because of two primary reasons:**

1. There is no proof available to properly defend the claim and/or;
2. The legal costs in defending the claim are disproportionate to the claim value.

For the purposes of this article, we will concentrate on the first reason. When an injury occurs on a premises, the reporting of the injury is typically limited to filling out an accident report form, sometimes days or weeks after the accident.

That accident report form becomes a key proof in litigation. It is a matter of luck if the author of the document has filled it out correctly and accurately. There is no ability to attach multi-media to the form.

#### COLLATION OF RELEVANT DATA

However, technology has been developed whereby all relevant data relating to the injury is collated contemporaneously on an app under mandatory form fields, with drop-down menus such as name and contact details of the injury party; cause of injury; location of injury; time and date; witness details etc.

The location can be pinned while photos and videos can be uploaded, including CCTV footage on the app. Notably statements

can be taken by audio recording which can be automatically reduced to text. The app can translate any language into English. When the app user has finished completing the mandatory inputs and checklist, which ensures quality of data, then the injury is notified to the head office platform.

The notification of the injury is sent to several team members in head office. Automatic alerts will activate if the injury notification is not reviewed within 24 hours. Head office can further undertake a quality control of the data registered. Head office can then triage the claim to either settle or defend. The data cannot be lost.

The data is transferred at the touch of a button, removing the need to print and photocopy. Third parties with access rights can upload and download data, such as solicitors, insurers, barristers and experts.

#### CONFIDENCE IN DEFENDING CLAIMS

This enables the local authority and public body to confidently defend claims, safe in the knowledge that the data is close to contemporaneous and is accurate. More importantly where local authorities and public bodies have layer upon layer of structured data from the app, this delivers insights into who, when, where, why, when and how injuries are occurring, the average claim value, the duration of proceedings, the cost of defending the proceedings etc.

The production of internal reports is again touch of button stuff. The data visualisation tools enable you to view the data of hundreds of claims a few pages of graphs and charts – a picture speaks a thousand words.

Moreover, it also enables public bodies and local authorities to mitigate claims and even prevent claims through risk management practices. The reality is that you cannot manage what you cannot measure.

#### THE MAGIC OF DATA ANALYTICS

We are seeing this technology having a dramatic impact on management – time spent on managing claims, down 75%, to the amount of time and resources spent transferring data to experts, barristers etc down by 90% and ultimately a reduction in claims and claims values over time. We are often asked by our clients about how they may reduce claims and insurance premium. And while there is no magic wand there is, however, the magic of data analytics.

Now imagine your organisation with this technology at its disposal, where reputationally the organisation can take a harder stance on settling claims, where active management of claims



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becomes the hallmark of the local authority or public body, where the volume of claims and the claims values reduce in a couple of years.

For the luddite readers, this author is a solicitor, which is one of the most conservative professions, second only to the clergy. Technology is not taking our jobs, no more than it is yours.

Technology is improving quality of life by removing the daily drudge of poring over handwritten illegible paper forms, transferring data into spreadsheets manually, printing and photocopying and producing internal reports that will be read by few people anyway!



**Technology is removing the drudge of producing internal reports that will be read by few people anyway!**

#### ABOUT THE AUTHOR

Having co-founded Leman Solicitors in 2007, Larry Fenelon was managing partner until 2018. That same year he founded legal technology company LexTech, which digitally transforms, automates and data captures legal processes for businesses in retail, property, hospitality, insurance, construction, in addition to transport and logistics industries.

Currently a partner and Head of the Litigation and Dispute Resolution department in Leman Solicitors, Larry practices primarily in commercial, property and construction disputes.

He is an experienced arbitrator and fellow and past committee member of the Chartered Institute of Arbitrators and a past chair of the Law Society's Arbitration and Mediation Committee. Larry is a CEDR accredited commercial mediator since 2005. He is currently studying in the Saïd Business School, Oxford, in strategy and innovation.

