

# What to Do When You Get Sued

2023 New Member Training  
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# CORSA – County Risk Sharing Authority

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# CORSA – since 1987

- 116 CORSA Members – 72 counties and 44 county-related entities
- Coverages:
  - General Liability
  - Public Officials Liability
  - Auto Liability
  - Buildings
  - Law Enforcement Liability
  - Employment Practices Liability
  - Auto Physical Damage
  - Contents and Equipment
- 2022 Net Position \$83.9M
- Return of Member Equity through Dividends \$4.2M in 2022



# CORSA Loss Control Services

CORSA provides several litigation mitigation services including:

- HR Helpline
- Award Winning Best Practices Personnel Policy Manual
- Personnel Policy Legal Consulting Service
- HR Toolkit
- Law Enforcement Crisis Hotline
- MILO De-Escalation Training for Law Enforcement and Corrections



# A suit or claim can be made in several ways

- Served with a Summons and Complaint
- EEOC or OCRC notice – administrative action
- Demand letter from counsel for the claimant
- Employee makes a complaint or report
- Public records request



# Next steps:

- Notify your Prosecutor
- Submit to CORSA or other carrier
  - ✓ Review for coverage, appoint defense counsel
- Preserve evidence, communications
- Pre-suit: seek advice from counsel
  - ✓ HR Helpline, Crisis Hotline, Prosecutor, Outside Counsel



# Who is being sued?

- The County, the Board of County Commissioners, the Elected Official
- Official vs. Individual Capacity
- Individual capacity is plead to allow plaintiff to avoid immunity and seek punitive damages.
- If the actions of the elected official were within the scope of their position and not willful or wanton, no individual exposure.
- Elected Official's obligations



# What are you likely to get sued for ?

- ✓ Employment
- ✓ Law Enforcement
- ✓ Vehicle Accidents
- ✓ Child Protective
- ✓ Providing Services to the Public





# Employment Litigation

## Type of Claim

- Failure to hire – discrimination
- Harassment in the workplace
- FMLA, ADA
- Discrimination in pay, promotion
- Wrongful termination, retaliation

## How to Prevent

- County-wide employment policies that meet all legal requirements.
- Job descriptions
- Training (in-person, online)
- HR Helpline/Prosecutor



# Law Enforcement Litigation

## Type of Claim

- Excessive force
- Unreasonable search
- Jail medical treatment

## How to Prevent

- Law enforcement & jail policies that meet legal requirements
- In-person and online training
- MILO Simulated De-escalation training
- Crisis Hotline
- Review jail medical contracts



# Providing Services to the Public

## Type of Claim

- Discrimination, failure of due process, other civil rights violations in providing services
- CSEA, Courts, JFS

## How to Prevent

- Equal access policies and protocol that comply with the ADA and Civil Rights Act



# What to Expect During Litigation

- ✓ CORSA – appoint defense counsel
- ✓ Media – consult with defense counsel
- ✓ Attorney-client privilege / executive session
- ✓ Answer, discovery, motion practice, mediation, trial
- ✓ Immunity



# Any Questions?



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