

# Best Practices for Effective Communication Between The Legal Department and Risk Management for Successful Claims and Litigation Management

# Presenters



David Marshall, Esq

Vice President & Associate General Counsel, Starwood Hotels & Resorts Worldwide, Inc

Responsible for legal oversight of all litigated matters and serves as the law departments primary counsel on operational matters

Over 22 years of legal experience either in an outside law firm or in-house counsel



Cameron Shirley

Director of Claims Management, Starwood Hotels & Resorts Worldwide, Inc

Responsible for development and management of Starwoods comprehensive global claims management programs for all lines of insurance

Over 22 years of claims management experience both in the hospitality industry, but also the insurance industry

# Presenters



James O. Eiler, esq

Partner, Kaiser Swindells & Eiler

Hospitality Litigation Attorney. National & Regional  
Monitoring Counsel for Hotels, Restaurants and  
Resorts

Presenter and Active Member of Several Hospitality  
Industry Associations including Global Alliance of  
Hospitality Attorneys, AH&LA;CH&LA and Academy  
of Hospitality Industry Attorneys

# Best Practices Law Department / Risk and Claims Departments

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- Starwood Law Department-  
Breakdown by Operational  
Departments

# Best Practices Law Department / Risk and Claims Departments

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- Starwood Risk and Claims Management Department

- The Starwood Insurance Program
  - The Owned and Managed Properties
  - The Managed Properties—within the Program
  - The Managed Programs—Outside the Program

- The Starwood Insurance Program
  - The Franchised and Licensed Property
    - Grant of Franchise Endorsement
    - Requirement for Applicable Coverage's—Assault and Battery, liquor liability, Auto, etc
    - Additional Named Insured Endorsement

- **Starwood Incident and Claim Response**
  - First report and on Property Investigation
  - Major or Emergency Incident
  - When to Involve the Law Department or Outside Counsel Before Litigation
  - When to Involve Corporate Public Relations



- Starwood Litigation Management
  - When Suit is Served
    - Correct Entities
    - Proper Service
    - Assignment within Law Department
    - Assignment within Risk and Claims Management Department

- Starwood Litigation Management
  - Management of Outside Counsel
    - Approved List of Outside Counsel
    - Outside Litigation Guidelines, Reporting and Billing
    - Use of Litigation Management Software

- Starwood Litigation Management
  - Involvement of Claims Professionals—Third Party Claims Management Teams
  - Access to TPA Claim Notes

- Starwood Litigation Management
  - Interaction with Insurance Carrier
  - Interaction with Ownership if Involved

- **Starwood Litigation Management**
  - Communication with Outside Counsel, Claims Professional, Law and Claims Department
    - Monthly Conference Calls
    - Case Reporting
    - Case Roundtables

- **Starwood Litigation Management**
  - Communication with Outside Counsel, Claims Professional, Law and Claims Department
    - Management of Trial and Settlement Calendars and Conferences
    - Trial Attendance and Evaluations

- **Starwood Litigation Management**

Claims and Management Issues for  
Non-Insurance related matters

- Starwood Litigation Management
  - Litigation Involving Franchised Properties



- Starwood Risk Prevention
  - What if Corporate Wants to Implement a New policy or Marketing Plan?
  - The Development of Approved Operational Contracts

- Starwood Risk Prevention
  - Review and Approval of Vendor Contracts and Additional Named Insured Endorsements

- Starwood Risk Prevention
  - Assisting the Hotel with specific recommendations, i.e., Kids Camps, Rock Climbing, specific guest requests

- **Starwood Risk Prevention**
  - Review of RFP for Purchasing of FFE for new construction or remodeling for compliance with requirements, indemnity and insurance requirements.

- **Starwood Risk Prevention**
  - Review and Approval of any tenant lease for appropriate terms, indemnity and insurance compliance

# Best Practices Law Department / Risk and Claims Departments

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- Starwood Risk Prevention
  - Work with Loss Prevention and Security in Advance of Situations Occurring

# Best Practices Law Department / Risk and Claims Departments

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QUESTIONS AND ANSWERS

THANK YOU!

# Session Evaluation

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