



# COUNTY

MANAGEMENT & RISK

# CONFERENCE

APRIL 4-6, 2018 | GALVESTON

RESOURCES AND SOLUTIONS FOR COUNTIES





# Autopsy of a PO Claim

- Exploring the Blood, Guts & Consequences of the Typical (or not) Public Officials Lawsuit

Presented by:

Larry Simmons  
Germer PLLC  
713-830-9864

Deborah Bonner  
Claims Attorney – TAC  
972-567-9075

Stan Lewiecki  
Claims Attorney – TAC  
512-743-4426



**COUNTY MANAGEMENT & RISK CONFERENCE**  
APRIL 4-6, 2018 | GALVESTON | RESOURCES AND SOLUTIONS FOR COUNTIES





**COUNTY MANAGEMENT & RISK CONFERENCE**  
APRIL 4-6, 2018 | GALVESTON | RESOURCES AND SOLUTIONS FOR COUNTIES



# Objectives

Learn how to deal with employment issues in the workplace

Learn the importance of documenting everything

Learn the various steps in pre-litigation and what to do

Learn how to best assist in litigation





## The External Exam (Pre-Termination)

- Counseling

- Consult TAC HR Consultant for guidance
- Meet with employee to provide direction
- Verbal warnings
- Document the sessions
- Have a witness

- Written Warnings

- Make sure it's in writing
- Be consistent
- Have employee sign
- Have a witness present
- Provide copy





**COUNTY MANAGEMENT & RISK CONFERENCE**  
APRIL 4-6, 2018 | GALVESTON | RESOURCES AND SOLUTIONS FOR COUNTIES



# The Y-Incision (Termination)

- Say as little as possible regarding the reason for termination
- Have a witness present
- Do not make it personal
- Do not let them make it personal



# The Blood Draw

## Equal Employment Opportunity Commission

300 Days to File

## Texas Workforce Commission

180 Days to File



- Seek assistance/counsel
- What type of claim have they filed?
- When is response due?
- Have they offered mediation?
- Right to Sue letter



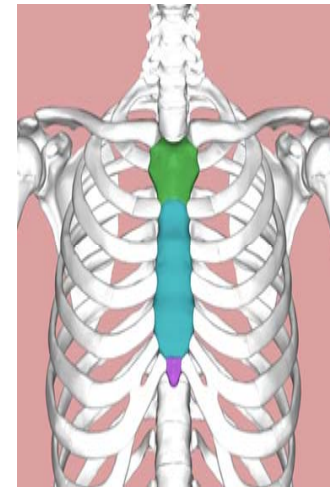


# Removal of the Breast Plate

What about an  
Open Records  
Request?

Government Code  
§552.001 et seq

- 10 days to respond
- Seek counsel
- Some protections
- Pay close attention to what is being requested
- No obligation to create a document that doesn't exist



# The Lung Extraction (Attorney Representation Letter)

- Recognize the potential for litigation
- Seek assistance from counsel
- Preserve all records
  1. Electronic records
  2. Texts are records





**COUNTY MANAGEMENT & RISK CONFERENCE**  
APRIL 4-6, 2018 | GALVESTON | RESOURCES AND SOLUTIONS FOR COUNTIES



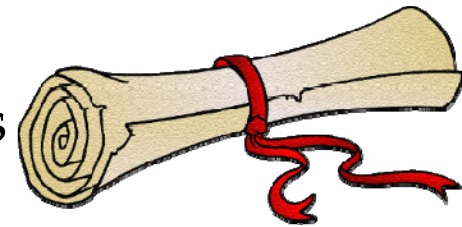


COUNTY MANAGEMENT & RISK CONFERENCE  
APRIL 4-6, 2018 | GALVESTON | RESOURCES AND SOLUTIONS FOR COUNTIES



# The Heart (Suit is Filed)

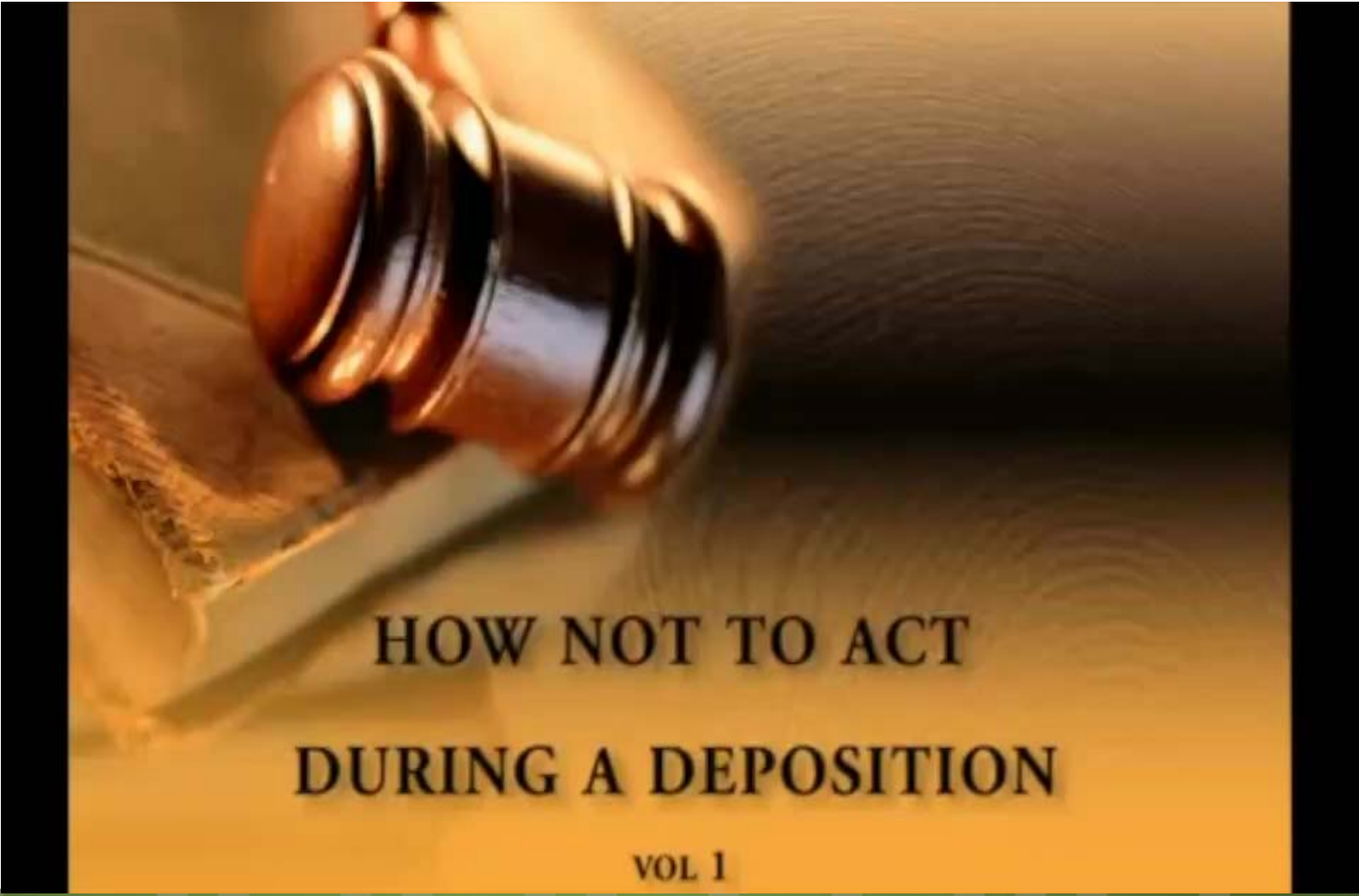
- Call TAC or your carrier immediately!
- Where is the suit filed?
- State or Federal = Different Answer Dates
- When were the defendants served?
- If a Defendant is no longer with the county, do you know how to contact?
- Who was served? Don't accept service for someone who is no longer there
- Start gathering documents/records



# The Intestines (Discovery Process)

- Withhold nothing
- Do not try and play games
- Do not try and outsmart the other side
- Do not play detective
- Be as cooperative as possible





**HOW NOT TO ACT  
DURING A DEPOSITION**

**VOL 1**



**COUNTY MANAGEMENT & RISK CONFERENCE**  
APRIL 4-6, 2018 | GALVESTON | RESOURCES AND SOLUTIONS FOR COUNTIES



# The Kidneys

## Mediation

It's a Negotiation



- No one will get everything they want
- Listen to your counsel and their recommendations
- Listen to your TAC Claims Attorney and their recommendation



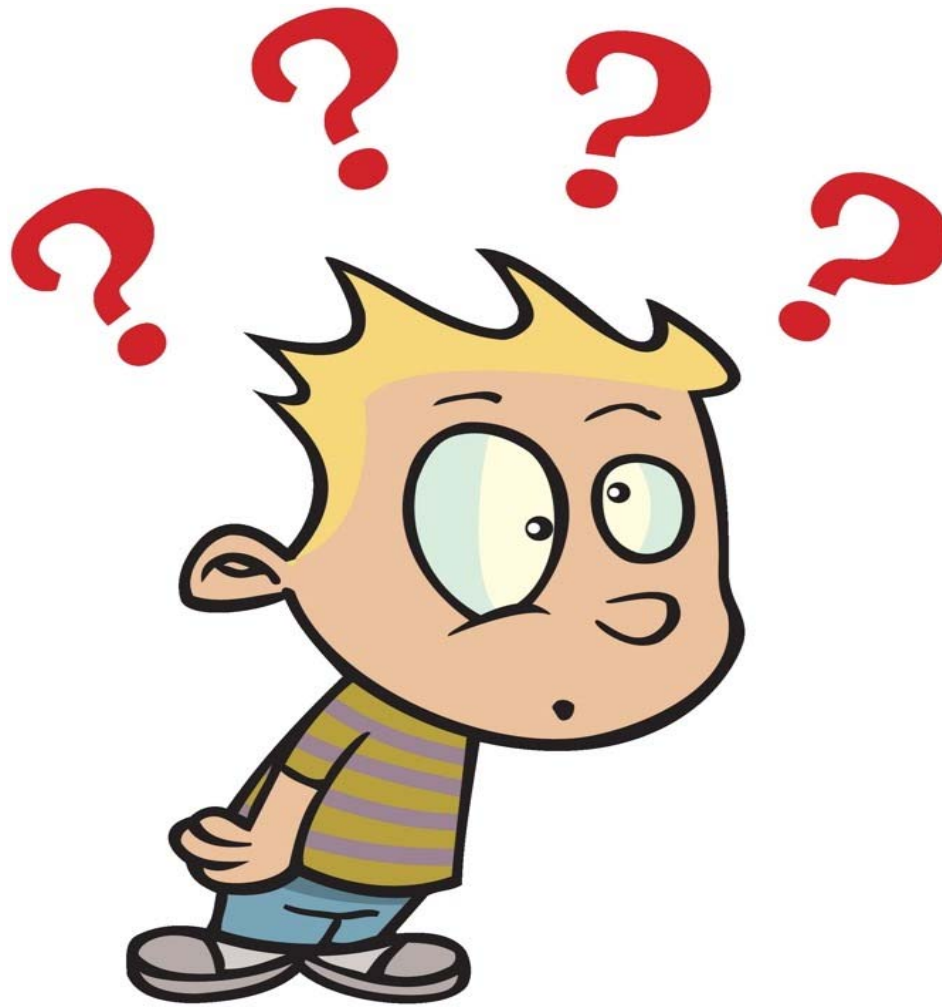


# The Stomach Contents (Trial)



**COUNTY MANAGEMENT & RISK CONFERENCE**  
APRIL 4-6, 2018 | GALVESTON | RESOURCES AND SOLUTIONS FOR COUNTIES





**COUNTY MANAGEMENT & RISK CONFERENCE**  
APRIL 4-6, 2018 | GALVESTON | RESOURCES AND SOLUTIONS FOR COUNTIES



# Contact Us!

Texas Association of  
Counties Risk Management  
Services

800-456-5974

Fax 512-615-8942

[claims-cs@county.org](mailto:claims-cs@county.org)

Debbie Bonner  
TAC Claims Attorney

[debbieb@county.org](mailto:debbieb@county.org)

972-567-9075

Stan Lewiecki

TAC Claims Attorney

[stanl@county.org](mailto:stanl@county.org)

512-743-4426



**COUNTY MANAGEMENT & RISK CONFERENCE**  
APRIL 4-6, 2018 | GALVESTON | RESOURCES AND SOLUTIONS FOR COUNTIES

