

125<sup>th</sup>  
ANNIVERSARY

White and  
Williams LLP

## Missing in Action! What is the Reasonable Person?

A New and Improved Method of Engineering Failure Analysis And Cause Determination To Assist Worker's Compensation Subrogation Professionals In Obtaining Successful Lien Recoveries  
NASP Annual Conference, Austin, TX  
11.6.17

In workers' compensation subrogation, engineers are using a new type of formal failure analysis to assist subrogation professionals in obtaining successful lien recoveries. This failure analysis identifies not only what happened to cause a loss, but also why the accident occurred, including the critical issue of determination of the reasonable person standard and whether that standard was breached to cause the loss. Through case studies, session participants learn about determination of causation as it relates to products liability and how workers' compensation subrogation attorneys use this engineering information to maximize subrogation lien recoveries.

### KEY ATTORNEYS

Robert M. Caplan

### PRACTICE AREAS

Subrogation

