



The TML Risk Pool's Subrogation Efforts

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Last year, several TML Risk Pool Members received a letter from the Bratton Law Firm. The letter made several false claims related to the Pool's subrogation efforts, and I wanted to write this article to refute any such claims and share how the Pool handles our subrogation efforts.

What is subrogation? Subrogation is the right the Pool holds under your policy — after we've paid a covered claim — to request reimbursement from the at-fault party. This reimbursement often comes from the at-fault party's insurance company. For example, if a speeding driver crashes her car into your city hall, you can make a property claim under your Pool coverage. After we pay the claim, we seek reimbursement from the driver's auto insurance company because the driver was at fault.

Contrary to the firm's claims in the letter, the Pool actively seeks subrogation where permitted. In fact, we have an entire team that does nothing but subrogation. The Pool's Subrogation Department consists of two licensed attorneys, including myself, five subrogation specialists who serve as adjusters, two litigation specialists who serve as paralegals, and a subrogation intake specialist.

Once a claim is deemed subrogation-worthy, our team embarks on a multi-tiered subrogation process. We maximize our expertise by aggressively investigating and pursuing these claims through the efforts of our experienced adjusters, attorneys, and paralegals. Since the creation of the Department, we have recovered tens of millions of dollars on behalf of our members. Our team is fiercely committed to the Pool's Core Values of integrity, public service, fiscal responsibility, and operational excellence.

The Pool's Subrogation Department begins work on your behalf after a First Notice of Loss is received. Your claim is first assigned to one of our subrogation specialists, who investigates the claim for third-party liability. If the subrogation specialist determines that a third party has liability, they will investigate further for insurance and assets. Thereafter, a demand is sent to the appropriate third party.

Since 2020, our subrogation specialists have maintained at least a 92 percent recovery rate. Should a claim require litigation for reimbursement, the subrogation specialist will transfer the claim to one of our two subrogation attorneys. After review and assessment, the subrogation attorney will file a petition and litigate the case to resolution. Resolution may include settlement, an installment agreement, a default judgment in a member's favor, or a suspension of a liable third party's drivers' license. The road to resolution through litigation can take anywhere from one to four years, or sometimes longer if the liable third-party is paying on an installment agreement.

The reimbursements obtained through our efforts have allowed us to return millions of dollars in deductibles to our members, and I am proud to showcase our outstanding work. As always, we take pride in the opportunity to serve you. Please feel free to reach out to me at afton.trevino@tmlirp.org with any questions.