



## Avoiding the "S" Word: Cautionary Evidence Handling Folktales and How to Avoid Becoming Part of the Lore

*Subrogator* | Spring/Summer 2020

By: Gus Sara and Lian Skaf

There are some tribulations that only subrogation professionals can appreciate. Whether it is an adjustment full of code upgrades or an accelerated statute of limitations, the rest of the world often does not get the significance of the things that can keep subrogation people up at night.

One of the most terrifying examples is the dreaded "s" word: "spoliation." Sometimes it is unavoidable and it's often not your side's fault, but spoliation of evidence can stop a case before it even gets going, or even worse -- ruin a good case that's well into litigation.

In the Spring/Summer 2019 edition of NASP's *Subrogator* magazine, Gus Sara and Lian Skaf provide "s" word war stories they have heard throughout their careers, as well as insight in how those situations could have been avoided.

*This correspondence should not be construed as legal advice or legal opinion on any specific facts or circumstances. The contents are intended for general informational purposes only, and you are urged to consult a lawyer concerning your own situation and legal questions.*