
Eroding Insurance Coverage: Avoiding Attorney Conflict of Interest and Bad Faith Claims

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1pm Eastern | 12pm Central | 11am Mountain | 10am Pacific

Today's faculty features:

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ERODING LIMITS POLICIES: ONE BAD CASE FROM DISASTER?




A Rose By Any Other Name?

- Eroding
 - Diminishing
 - Declining Balance
 - Defense Within
 - Self-Consuming
 - Wasting
 - Burning
 - Cannibalizing
 - Exhausting



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What Are They?

Costs and expenses incurred in defending the claim reduce the limits otherwise available under the policy.

Language is often different and must be carefully noted.

Common in professional liability policies.

Burning Limits and Burning Issues

Contrary to Public
Policy?

Legislative/Regulatory
Restrictions?

Ambiguity?

Inherent Conflicts of
Interest?

Impacts on
Underlying Case?

Reservations About Reservations of Rights

- What did you say and when did you say it?
- Controlling the defense
- Duties of disclosure
 - Insurer
 - Retained counsel
 - Discovery

Remember: Bad facts make bad law!!



Settling for Settlement

- Eroding limits policies can dramatically impact the course of and strategies for settlement negotiations
- Keeping the policyholder informed
- Time is money
 - Budgets
 - Evaluations
 - Communication and documentation

Whose decision is it, anyway?

Thank You

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