

Conflict of Interest: When the Insured Has the Right to Select Independent Counsel

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The article explains when an insurance carrier is defending its policy in a lawsuit, when the carrier has the right to pick independent counsel and when the policyholder has this right. When the insurer agrees to defend under a reservation of rights, a potential conflict of interest arises. The article reviews case law that also accounts for local standards in deciding the insurance carriers' or policyholders' right in choosing defense counsel.