

Kelley Drye Successfully Represents Pro Bono Client in Insurance Dispute

December 18, 2007

Kelley Drye obtained a positive outcome for one of the Firm's *pro bono* clients whose automobile insurance policy was wrongfully rescinded following an automobile accident. The client's 20 year-old son was driving the insured automobile when he rear-ended another car on the Dan Ryan Expressway, injuring the driver and causing over \$10,000 in damage. Following the accident, the client's insurance company rescinded his policy on the basis that he failed to disclose on his insurance application that his son would occasionally drive the insured automobile. As a result of the policy's rescission, the client was facing a subrogation action against him by the injured driver's insurance company, as well as a suspension of his driver's license for failure to carry proper insurance.

A charitable organization referred the case to Kelley Drye. The client, a non-native English speaker, could not read the insurance policy and application and had relied on the insurance agent to translate and complete the application. The agent conducted the entire insurance application process orally in Spanish, but presented the application to the client in English for his signature. In addition, the insurance agent failed to ask the appropriate questions that would have led the client to disclose that his son would drive the car occasionally.

Kelley Drye argued that the insurance agent breached the duty she owed the client of asking him the necessary questions and accurately completing the insurance application on his behalf. Kelley Drye also argued the insurance agent's professional negligence triggered the insurance company's errors and omissions insurance. On Dec. 18, 2007, the insurance company reversed its decision to rescind the client's automobile insurance policy and fully honored the claims filed against the client's policy as a result of the automobile accident.