

Insurance Disputes involves disputes over coverage under various types of insurance policies, including Homeowners, Automobile, Commercial General Liability (CGL), Errors and Omission, Malpractice and Business Interruption policies to name a few. In determining whether a particular attorney is appropriate to handle your case, you should ask the following questions

Questions to Ask and Information to Obtain About your Prospective Attorney:

Have you handled a case like this before?

Even though a lawyer may have expertise with certain types of insurance policies, he or she may not have experience with all types of policies. For example, a lawyer may have experience handling insurance disputes under Homeowners' policies, but may have no experience handling disputes under Errors and Omissions policies. It is important to determine whether the lawyer and/or firm you are considering has experience resolving disputes arising under the type of insurance policy under which you are seeking coverage. Keep in mind that many Personal Injury Attorneys can handle issues regarding claims for No-Fault benefits following an automobile accident.

Are you recognized in the insurance dispute field?

Ask the attorney you are considering whether they belong to any specialty bar associations or organizations dedicated to insurance law. Bar associations such as the New York State Bar Association and the American Bar Association generally have insurance law subcommittees. Ask the attorney you are interviewing whether he or she belongs to any such committees. You should also inquire as to whether the attorney you are considering has ever lectured on Insurance issues to other attorneys or insurance professionals.

How many declaratory judgment actions have you handled?

If an insurance dispute cannot be resolved, litigation may be necessary. Ask the attorney you are considering whether he or she has handled any declaratory judgment actions and, if so, what type of insurance policies they involved.

What is the attorney's general reputation?

There are many sources of information regarding the attorney's - peer review rating. "Peer review" refers to the process where attorneys and judges are asked to review an attorney's qualifications. There are several sources for obtaining peer-review information. Some of these are **Martindale Hubbell** and **Best Lawyers in America**.

What are the types of fee arrangements available for the matter?

Most insurance dispute matters are handled on per hour fee basis, meaning that you will be charged a certain billable rate per hour. It is important that you understand the billing rates of everyone who will be working on your matter and you should ask for a general estimate of the fees involved in this type of litigation. Realize, however, that it is virtually impossible for an attorney to precisely estimate the costs involved in a litigated matter. There may be some insurance dispute matters that a lawyer or firm will take on a contingency basis, which means that the lawyer will take a percentage of the amount recovered on your

behalf. If your matter is a relatively small one, you may have fewer fee options. Many times litigation of minor matters is not cost effective and you may wish to explore other options such as mediation, arbitration or small claims court.

Has the attorney ever been disciplined?

Attorneys are regulated by the State of New York through the Attorney Grievance Committee. It is appropriate to ask the attorney you are considering whether he or she has ever been suspended from the practice of law and, if so, for what.

Does the attorney have malpractice insurance?

If not, you should seriously consider finding another attorney.

Who will work on my case?

The attorney you first meet is not necessarily the one who will do most or any of the work on your case. It is appropriate to have other attorneys with less experience assisting on a case, but it is important that you know whom the lead attorney will be and that you are comfortable with him or her.