

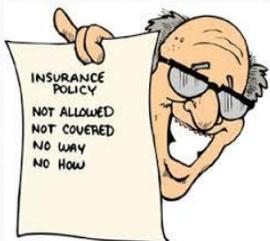


THE **LOYD LAW** FIRM
P.L.L.C.



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How to Use the Insurance Adjuster as Your Bad Faith Expert



EXPERT?

No expert necessary for matters within the jurors' common understanding

No matter – make the defendant's adjuster or corporate representative your expert

BASIC INSURANCE PRINCIPLES

- An insurance company has exclusive control over the evaluation, processing and denial or payment of claims.
- An insurance company must treat its policyholders' interests with equal regard as it does its own interests. Filing claims is not an adversarial process.
- Part of an adjuster's job is to assist the policyholder with the claim.
- An insurance company has an obligation to conduct a full, fair and prompt investigation of the claim at its own expense.
- An insurance company must have a reasonable basis for resolving factual issues in its favor and against its insured.

BASIC INSURANCE PRINCIPLES

- An insurance company must diligently search for and consider evidence that supports the claim.
- An insurance company may not make unreasonably low claim payments.
- It is bad faith for an insurance company to knowingly ignore or under-cope damage.
- It is bad faith for an insurance company to hire biased experts and to conduct an outcome-oriented investigation of a claim.
- When an insurance company acts in bad faith, it may result in an inequitable settlement for the policyholder.

FOLLOW THE CHARGE

Did Defendants refuse to pay claims without conducting a reasonable investigation of the claim?

Would you agree that if an adjuster knowingly ignores damage or under scopes damage in order to allow the insurance company to pay a lower amount on the claim, that that's a failure to conduct a reasonable investigation?

FOLLOW THE CHARGE

Did Defendants fail to attempt in good faith to effectuate a prompt, fair, and equitable settlement of a claim when their liability has become reasonably clear.

Would you agree that if an adjuster knowingly ignores damage or under scopes damage in order to allow the insurance company to pay a lower amount on the claim, that would result in an inequitable settlement for the policyholder?

REASONABLE ADJUSTERS WILL AGREE

Q. I want to talk to you about some basic insurance principles. Would you agree with me that the duty of good faith and fair dealing, the insurance code requires adjusters and insurance companies to give an accurate, fair, and prompt assessment of the claim?

- **A. Yes.**

Q. Would you agree with me that the duty of good faith and fair dealing requires giving the policyholder the benefit of doubt?

- **A. Always.**

Q. Would you agree that filing a claim or giving notice of loss is not meant to be an adversarial process?

- **A. I agree with that.**

REASONABLE ADJUSTERS WILL AGREE

Q. Would you agree that an adjuster must diligently search for and consider evidence that supports a claim, as opposed to evidence that's against a claim?

- **A. Yes.**

Q. Would you agree that if an adjuster knowingly ignores damage or under scopes damage in order to allow the insurance company to pay a lower amount on the claim, that that's a failure to conduct a reasonable investigation?

- **A. Correct.**

Q. (BY MS. LOYD:) And if an adjuster took such action, you would agree that that would result in an inequitable settlement for the policyholder?

- **A. Correct.**

WHAT IF THEY DON'T...

Use Defendant's Expert

If you don't need a causation expert, you can use the defendant's expert to provide the standard of care

Example: Insurance Agent's Negligence



STANDARD OF CARE OF AN AGENT

Q. Well, tell us, what is an agent's legal duty as it relates to this case?

A. **To obtain the insurance requested by the customer** and to advise the customer of any problems that they are aware of that -- that may cause coverage problems, and to be available to the insured to answer their questions.

QUESTIONS?
