

Ethical Issues in Wasting Liability Policies

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Wasting Policies

- On its face
- May become a wasting policy

Watch for conflicting interests

Wasting Policy = Ethical Questions

- Defend or settle?
- Ethics of adjuster?
- Ethics of lawyer?
- Preserve coverage or contest?

Communication is Critical

- Between carrier and insured
- Between carrier and lawyer
- Between lawyer and insured
- Plaintiff?

Get it in Writing

- Discovery Plan
 - Attendance at pre-trial events
- So much to be retained for settlement negotiations
- Cost of trial and preparation

Limited Money Available to:

- Defend
- Discover
- Settle
- Try

Impact on Development of Case

- Legal theories – research
- Cost of attending all depositions
- Cost of preparing and trying the case
- Work with co-counsel

Advantages:

- Focus comes quickly
- Plaintiff may try for earlier resolution
- Legal efforts more concentrated

Challenges

- Can't dot every "I" or cross every "T"
- Communication
- Cannot attend every event
- Constant balancing of what is happening in case with funds available

Thank you

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