

# Defending and Taking the Adjuster's Deposition

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Cooper & Scully  
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# Should the Adjuster be Deposed?

- Is there a fact issue?
- Duty to defend?
- Underlying case tried or settled?
- Is there coverage?

# Preparation for the Deposition

- Most important thing we can do
- Use the adjuster file as template

- Strengths
- Weaknesses
- Inconsistencies

**No surprises**

# Adjuster's Mental Status?

Knows It All

Pliable

Terrified

- What are legal issues in the case?
- What does adjuster know that affects the issue?
- Filter the questions carefully

# Factual Context of Deposition

- File – what do the documents say?
- Previous testimony
- What is next in evidence?

# Know Your Stuff

- Regulations

- Law

- Company Policies

- Don't just agree with platitudes

- Insurer's interest comes first
- Construe policy against insurer
- Company policies standards

- Wandering off from areas you know

- Watch corporate representative depositions

# Positions in Other Cases

- Counsel should be aware
- Adjuster needs to know
- Nothing is done in a vacuum

# Theme of the Case

- Adjuster needs to support

- If not, you need a new theme

- What you wear

- Facial expression

- Be professional

- Open
- Not argumentative
- Polite
- Thoughtful and methodical

# Objections

- Pay attention
- Let lawyer get involved
- Privileges

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