
Is your insurance company your friend?

You buy insurance to buy protection. But protecting you costs the insurance company money. Your insurance company has a built-in conflict of interest—the company’s interests against your interests. Often, insurance companies cross the line and serve themselves instead of you. The attorneys of MLC have a passion for making insurance companies live up to their promises to you, the one who pays the premiums, including:

- To respond promptly to your requests;
- To defend you against lawsuits under the policy;
- To provide you an attorney that will defend all claims against you, not just the claims that the carrier would have to pay under the policy; and
- To pay all claims covered under the policy.

At the beginning of most construction-related lawsuits and many others, insurance carriers agree to provide you an attorney and to pay any award or judgment resulting from the lawsuit, but only under a “reservation of rights.” This means that the carrier is trying to reserve the right to refuse at the end of the lawsuit to pay any award or judgment against you. Also, the carrier is often trying to reserve the right to sue you to recover back from you money it paid to the attorneys it hired to defend you.

The Attorney’s Conflict of Interest

When a lawsuit happens, the carrier is supposed to provide you an attorney that will protect your interests. Most attorneys assigned by the insurance company try their best to do that. But, these attorneys often see a lot of business from the insurance carrier, and they have a built-in conflict of interest—protecting the company’s interests ahead of yours.

Defense Can Determine Coverage

The way the insurance company’s counsel defends the case often determines whether the carrier will have to pay any award or judgment against you, because counsel can control whether the award or judgment is for claims not covered under the policy vs. those that are covered under the policy.

Carrier Can Sue You for Fees It Pays

It is against the carrier’s interest to pay its lawyer to defend claims in the lawsuit that are not covered by the insurance policy. Unfortunately, the way the insurance company’s lawyer handles your defense can influence whether your carrier seeks money back from you and how much you have to pay.

Know Your Rights

In these situations, you may have the right to demand that your insurance carrier pay

the fees of counsel *you* choose, called “*Cumis*” counsel, named after a law case. Such counsel can be hired instead of or in addition to the attorney the company hires.

MLC Attorneys Protect YOUR Rights

The last thing you want is to be fighting with your insurance company while you are defending a lawsuit, but sometimes you have no choice.

The attorneys of MLC are experienced and sophisticated in determining your rights and pursuing them against the insurance company in all kinds of cases, including *Cumis* and bad faith cases, as well as defending cases brought by plaintiffs. Our goal is to cause your insurance company to live up to its promises to resolve claims, without costing you money and without wasting your time.

The attorneys of MLC are often successful in having your insurance carrier pay MLC’s fees incurred in pursuing your rights against it. We are here to serve you.

Example Successes by MLC

- Defended contractor against neighbor who sued for trespass and destruction of trees and obtained dismissal for

waiver of costs; MLC then obtained fees and costs from carrier that refused to defend the case.

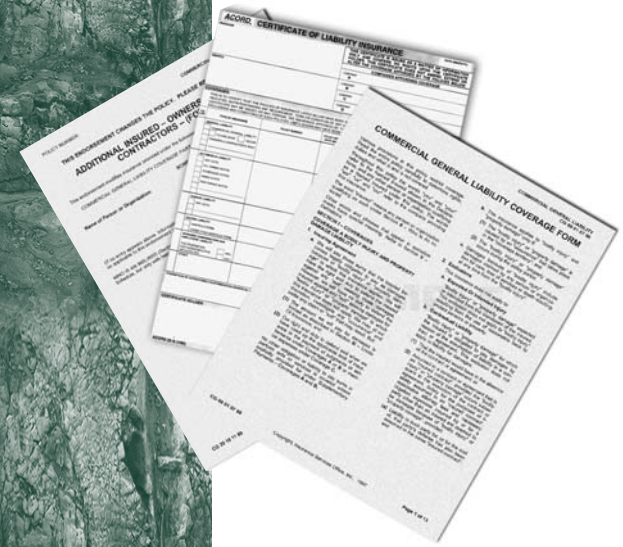
- Settled fraud and breach of contract action against contractor using 75% insurance money when carriers contended covered damage was small percentage of damage.
- Obtained \$250,000 settlement for 100% of costs of defense and indemnity, plus attorneys’ fees in suit against employment practices liability carrier.
- Reached quick settlement with reinstatement of policy, waiver of past premium, payment of interest, attorneys’ fees, and damages for emotional distress from health insurance carrier that wrongfully canceled a policy.

For more information about MLC and its attorneys, please call us at (415) 394-6688 or visit our website at www.mclennonlaw.com.

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➔ **Having difficulties dealing with your insurance company?**

➔ **Is insurance-provided counsel protecting you—or your insurance company?**

➔ **Do you fear that you might not be covered?**

If these questions hit home, look inside...