

INSURANCE COVERAGE FOR MEDICAL PROFESSIONALS: What Every Plaintiff's Attorney Should Know



At a Glance

Insurance coverage is an integral part of every medical malpractice action. As a plaintiff's attorney, there are several key issues you should be aware of in order to maximize the amount of coverage that is available to respond to your action. From drafting your complaint to negotiating settlements, knowing your adversary's insurance status will strengthen your position and may increase the recovery you can receive for your client.

SDV has worked with multiple plaintiff's firms in the resolution of medical malpractice lawsuits in order to maximize and obtain all available insurance coverage. We have also reviewed carrier settlement strategies to determine whether they are acting in the best interest of their insured.

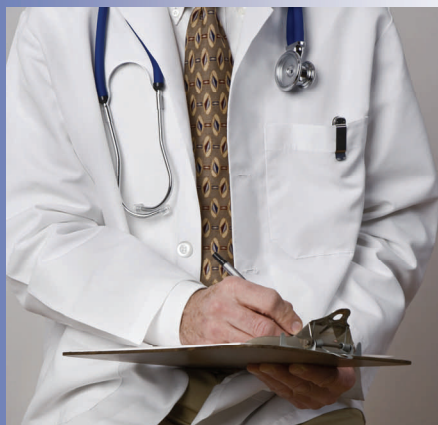
Advice About...

- ◆ Maximizing the policy limits that apply to your malpractice claim
- ◆ Distinguishing between general liability and professional policies and how that can impact your claim
- ◆ Dealing with a carrier's reservations of rights
- ◆ Preparing discovery directed towards coverage
- ◆ Identifying what triggers an obligation by defense counsel to recommend independent coverage counsel for a defendant
- ◆ Determining the pros and cons to an assignment of rights by a defendant of its policy
- ◆ Determining whether your client has any potential rights under a direct action statute



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SDV CAN HELP YOU DETERMINE:



- ◆ Whether under the facts, it can be argued that more than one set of limits applies
 - ◆ Whether co-insured defendants share one limit or have separate limits
 - ◆ Whether policy consent is required to settle
 - ◆ Whether defense is within limits or outside
 - ◆ How to “plead into coverage”
 - ◆ How to “take the cap off of the policy”
- ◆ How to make settlement demands that force conflicts over available limits
 - ◆ Who else has coverage (i.e. group, partner or hospital)
 - ◆ Whether you can argue that MD wore two hats; (1) treating MD (PL insured) and (2) managed care entity (managed care policy), and therefore access both limits
 - ◆ Whether insufficient policy limits set up a conflict and force policyholders to demand settlement within limits
 - ◆ Whether the defendant has any excess of umbrella coverage
 - ◆ Whether any coverage is available under the defendant’s homeowners policy



SDV is one of the nation’s leading law firms focused *exclusively* on representing policyholders in disputes with their insurance companies. Our seasoned team of litigators represents clients in the healthcare, medical malpractice, retail, construction, environmental and manufacturing industries nationwide. We provide big firm expertise, resources, and service delivered with small firm cost-effectiveness and responsiveness.

Over the past 10 years, SDV has represented large corporate policyholders, small companies, medical professionals, non-profit institutions, municipalities, state governments, utilities and individuals. The firm works directly with CEOs, CFOs, in-house counsel, insurance managers, brokers, risk managers, counsel in underlying tort actions and their staff to resolve insurance coverage disputes. An important facet of SDV’s attorneys’ skills is our experience in alternative dispute resolution. The firm regularly counsels clients concerning out-of-court alternatives, including arbitration, mediation, and other less formal resolution techniques.

SDV’s experienced team of trial lawyers has tried numerous insurance coverage cases in both state and federal courts nationwide. Our attorneys have the skills to prepare for trial effectively, are focused on critical issues and are prepared to argue those issues persuasively.

