

## Advocacy and Action Update

In addition to educating the 400,000 people that used our website last year and the people that call us on the phone or use the buying and claim guidance we distribute through partners like the American Red Cross and United Methodist Committee on Relief, we fight hard for standards and laws that allow policyholders to get the full benefit of the policies they pay for and rely on.

Here's an Advocacy and Action Update:

### **No insurance policy should deprive the policyholder of the right to use our public courts to resolve a dispute:**

- Through calls and letters to the Texas DOI, a Public Records act request and ongoing coordination with other advocates, UP is strongly opposing approval of a Texas Farm Bureau home insurance policy form that deprives the consumer of their right to use our public courts to resolve a claim dispute if one arises. The premium discount the insurer is offering as an enticement has only a fraction of the value of the leverage the policyholder loses in the deal. [1]

### **Adjuster licensing is essential:**

- We weighed in and helped defeat an Arizona House bill that would have allowed unlicensed independent adjusters to handle catastrophic insurance claims and bypass the emergency licensing procedure followed in a majority of states. [2]

### **Hawaii policyholders deserve full protection:**

- We weighed in to support additions to Hawaii's unfair claim practices act to require specific time deadlines and obligations that insurance companies must meet when adjusting a claim to ensure fair treatment for policyholders. [3]

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The information presented in this publication is for general informational purposes and is not a substitute for legal advice. If you have a specific legal issue or problem, United Policyholders recommends that you consult with an attorney. Guidance on hiring professional help can be found in the "Find Help" section of [www.uphelp.org](http://www.uphelp.org). United Policyholders does not sell insurance or certify, endorse or warrant any of the insurance products, vendors, or professionals identified on our website.

Source: <https://uphelp.org/advocacy-and-action-update-2/> Date: July 20, 2024

### **Policies that pay less than full value for roof repairs should be MUCH cheaper:**

- UP is working in Minnesota for insurance pricing that is fair to low income homeowners. [4]

### **Preserving California bad faith law:**

- We submitted comments to the California Judicial Council urging them to reject changes that would slant the bad faith jury instructions in favor of insurance companies. [5]

### **Attorney fees incurred to collect policy benefits should be recoverable:**

- Our amicus brief contributed to a very important ruling by the California Supreme Court reinforcing the fact that attorney fees incurred to get a claim paid fairly are appropriate compensatory damages. Details below. [6]

### **All-sums is the right approach for insurer contributions to asbestos settlements:**

- We helped to secure a ruling for policyholders in the New York Court of Appeals that expedites settlements in asbestos cases. The ruling supports the position we've been fighting to include in the Restatement of the Law of Liability Insurance: "All sums" allocation and vertical exhaustion apply for claims made against liability policies with non-cumulation clauses. [7]

### **A PRP letter triggers and insurers' duty to defend:**

- Our amicus brief contributed to a long-awaited pro-policyholder ruling in the U.S. Court of Appeals for the Ninth Circuit holding that an insurer must defend and aid an insured who gets an Environmental Protection Agency 104(e) letter notifying them that they are a Superfund potentially responsible party. (Id.)

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[1] [Letter to TDI opposing mandatory arbitration provisions in home insurance policies](#)

[2] [H.B. 2342 Oppose](#)

- [3] [S.B. 3051 Support](#) (UP thanks PA Robert Joslin for his help).
- [4] [Letter to MN Dept of Insurance Re: ACV Roof surcharge and discount.](#)
- [5] [Letters to California Judicial Council re: Civil Jury Instructions for Bad Faith and Insurer Defense Cost Reimbursement](#) (UP thanks David S Goodwin from Covington and Burling for his help)
- [6] [Thomas Nickerson v. Stonebridge Life Ins. Co](#) (“...exclud[ing] [attorneys] fees from consideration would mean overlooking a substantial and mutually acknowledged component of the insured’s harm.”) UP thanks Sharon J. Arkin, Esq., and David L. Abney, Esq., for their work on the brief.
- [7] [2 Wins in 2 Weeks](#) (UP thanks David F. Klein of Pillsbury, Winthrop, Shaw, Pittman LLP and Barry S. Levin of Orrick, Herrington & Sutcliffe LLP for their work on the Ash Grove matter, Robert M. Horkovich and Edward J. Stein of Anderson Kill, P.C. for their work on the Viking Pump matter).