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### **Our advocacy hinges on *your* action**

Help UP stay strong as a voice for policyholders where vital issues are being decided. [Make a tax-deductible gift today.](#) Volunteers for all 3 of our programs are always needed and appreciated. Email [info@uphelp.org](mailto:info@uphelp.org).

#### Amicus Victories in Hawai'i and Utah

Charles Mitchell Hart and Lisa Marie Hart v. TICOR Title Insurance Company, Hawaii Supreme Court, SCWC-29467, (March 27, 2012). Duty to Defend, Attorneys Fees. The policyholders' land was insured under a title insurance policy they'd bought from TICOR. When the State of Hawaii filed a suit against them related to the land, they turned to TICOR for a defense, but it denied their claim. In an amicus brief drafted pro bono by Alan Van Etten of Deeley King Pang & Van Etten, LLP, UP argued in favor of the insurer's duty to defend the Harts. The Hawaii Supreme Court agreed. It reversed a lower court ruling, concluded that TICOR had a duty to defend the Harts, and directed the District Court to enter judgment in their favor. The Hart's attorney conveyed his thanks to UP; writing "United Policyholders' amicus brief certainly highlighted for the Justices the importance of this case," Christopher T. Goodin, Esq. of Cades Schutte LLP.

U.S. Fidelity and Guarantee Co. v. U.S. Sports Specialty Ass'n, 2012 WL 192793 (Utah Jan. 24,

2012). Recoupment, Duty to Settle. In this case an insurer went after its insured to recoup monies it had paid (over policy limits) as part of a settlement. UP argued that because the insurer had initiated the settlement and because there was no right of restitution expressly stated in the policy, it could not recoup. In a significant opinion favorable to policyholders, the Utah Supreme Court agreed. UP's brief was written pro bono by William G. Passannante, Esq. of Anderson Kill & Olick, PC. and Marc Ladd, Esq.

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UP one step closer to expanding post-disaster consumer protections nationwide: NAIC grants request for a public hearing

When unreasonable claim delays and gaps in coverage arose after disasters in Louisiana, Arizona, California, Texas, Florida and Colorado - United Policyholders led efforts to pass new laws to better protect consumers. For many years, UP staff and volunteers have been testifying before lawmakers and calling for specific reforms. We've been successful in enacting reforms in some states, but much remains to be done. Under the leadership of Property Casualty Committee Chair Mike Chaney(Mississippi), the National Association of Insurance Commissioners voted last month to grant UP's request and hold a public [hearing](#) on creating national guidelines for improved processing and payment of disaster claims.

UP is pushing for reforms that include a mandated minimum of 24 months of temporary rent coverage, reduced paperwork burdens, fair depreciation, extended deadlines for repairing and replacing to collect full replacement benefits and greater flexibility in relocating.

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Helping shape the future of insurance law in America: UP a voice for policyholders in the American Law Institute's Principles of Liability Insurance Project UP Executive Director Amy Bach is honored to be serving on a [distinguished panel of insurance law experts](#) advising Professors Tom Baker and Kyle Logue in updating and publishing an ALI Principles of Liability Insurance manual. The panel includes state and federal judges, professors, in-house counsel and practitioners from the plaintiff and defense sides of the bar. Three chapters are in the editing stages. In addition to the other policyholder attorneys serving on the Advisory Panel, UP advisers are assisting in this work including former Arizona Supreme Court Justice Stanley Feldman, Reed Smith attorneys John Ellison and Tim Law, and Demian Oksenendler of

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## Public Adjuster Ethics and Underinsurance

*Speakers Bach, Bill Rake and Jack Eskridge*

Executive Director Bach presented a continuing education course titled “Expertise and Ethics When Representing Underinsured Clients” and moderated a discussion panel during a recent First Party Claims Conference in Marina Del Rey hosted by NAPIA and CAPIA. The panelists included Bill Rake, SPPA, (Greenspan/AI) and attorney Jack Eskridge (Gumbiner and Eskridge, LLP). A lively audience participation discussion explored how public adjusters can help an underinsured policyholder recover fully for losses without engaging in the unauthorized practice of law.

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## Fairness in Florida

Thanks to a “heads up” from Merlin Law Group attorney Chip Merlin, UP recently submitted comments to the Florida Department of Financial Services in opposition to proposed amendments that will weaken consumer protections related to “independent” adjusters (who are hired by insurers who outsource claim handling).

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Tuition break for UP subscribers at Fire & Casualty Summit in NYC. UP subscribers get \$200 off the registration fee for the April 26-27, [2012 Fire & Casualty Claims and Litigation conference](#) in New York City. “Gain key strategies and updates from top in-house counsel, outside counsel, claim specialists, risk managers, and cause and origin experts”. The discount code is UP200.

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