

[Declarations: The Coverage Opinions Interview With Amy Bach, Executive Director of United Policyholders](#)

Coverage Opinions

You can't read coverage decisions, especially from supreme courts, without frequently seeing United Policyholders as an amicus party. So I've always been under the impression that the organization was one that filed amicus briefs in support of the interests of commercial policyholders (some of them gigantic corporations). Boy was I wrong. UP is much more than that. Friend of the court briefs are just the tip of the iceberg and UP is also a loud voice for consumer policyholders.

United Policyholders' web address is UPhelp.org, which says a lot about its mission. According to its website, United Policyholders is a non-profit organization whose mission is to be a trustworthy and useful information resource and an effective voice for consumers of all types of insurance in all 50 states. UP speaks for a diverse range of policyholders from low income drivers to international energy companies to domestic manufacturers. The organization has filed more than 300 amicus briefs in state and federal cases, including the U.S. Supreme Court. UP hosts a dynamic library of such things as publications, links, reports and sample documents.

Elected officials, academics and journalists throughout the U.S. routinely seek United Policyholders' input.

UP has helped change laws in favor of consumers, exposed and corrected wrongdoing and helped bring about successful claim settlements after fires, hurricanes, earthquakes, floods, business interruption losses, and disabling injuries and illnesses.

Amy, thank you for sitting down to explain to me what United Policyholders is all about. You are more

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than the Executive Director of UP. You are a co-founder. What sparked the decision to start UP?

The basic concept of insurance – spreading and pooling risks and financial planning for adversity – is a great idea. So great that it became an essential economic safety net for people and businesses. Preserving the integrity of that safety net requires that the interests of insurance company shareholders and executives not be disproportionately represented to the detriment of the competing and very important interests of their policyholders. A shared conviction that this was happening in the 1980s sparked UP.

UP was founded when a consumer advocate and a whistleblower met and decided to fill a gap by creating a nonprofit dedicated solely to empowering the insured. Ina DeLong was the whistleblower. She'd recently left a 22 year career with State Farm to protest what she viewed as a pattern of intentional disregard for structural damage and underpayments on Loma Prieta earthquake claims. I was the consumer advocate, fresh off a stint representing Harvey Rosenfield in Proposition 103 implementation proceedings and honing my insurance litigation skills under the tutelage of San Francisco bad faith lawyer Ray Bourhis.

DeLong had seen Bourhis' name in the papers. This was due to his genius idea to get free publicity for his campaign for California Insurance Commissioner by suing the current Commissioner for ignoring and prematurely throwing away consumer complaint files. Ina was out of a job, determined to tell her story and ready to start a fire. Bourhis sent her down the hall to my office. Ina and I shared a passion for insurance justice. We had complementary skills and a similar vision, and began brainstorming the creation of United Policyholders. She was a perfect counterpart for an East Coast young progressive lawyer. She could explain the difference between an HO-3 and an HO-4, had a big heart and was a charismatic public speaker with a ready supply of folksy sayings from her home state of Oklahoma.

My first exposure to consumer advocacy had been trying to talk people into donating money to a nonprofit while canvassing door to door. After college I worked my way up from an intern to a Legislative Staff Director in the NYS Assembly, then moved over to the NYS Consumer Protection Board – an executive agency under then Governor Mario Cuomo. New kid on the block, I drew the banking and insurance analyst position no one else wanted. Lucky for me, it was the year insurers decided to have Girl Scouts and public ice skating arenas be their poster children for a tort reform campaign in New York.

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Otherwise known as the “liability insurance crisis.” The Governor created a high level Advisory Commission to examine the “crisis” and issue findings, and things got interesting.

The head of the agency I was working for at the time was an ex officio member of the Commission and by default I was his and consumers’) representative. Other Commission members included Maurice “Hank” Greenberg, John Creedon CEO of Met Life), Frederick A.O. Schwartz, Jr. NYC Corporation Counsel), and other heavy hitters.

Although I didn’t know a tort from a tart when the proceedings began, it quickly became clear this was a high stakes war with two clear sides insurers versus policyholders. It was equally clear that insurers had the upper hand; armed with glossy, well packaged and persuasive data and ably represented by influential and numerous representatives. The consumer side was sorely lacking in data, resources and coordination. Inspired by the advocacy work of Bob Hunter, Ralph Nader and Consumers Union’s Rhoda Karparkin, I thought I could make myself useful as a policyholder advocate. Law school needed to be my next stop.

Fast forward five years, it was 1991, I’d relocated to San Francisco, was into my second job post-law school and met Ina. We’d picked the name “United Policyholders” and had a rough business plan when the largest urban area wildfire in U.S. history destroyed 3,000 homes just across the Bay. UP swung into action educating and organizing the devastated community, and our first “Roadmap to Recovery” operation began. To assist residents whose rebuilding efforts were being hindered by the building code or ordinance exclusion, UP filed our first brief amicus curiae in 1992 and our “Amicus Project” was born.

Within a year of our meeting, Ina was featured on 60 Minutes as the “Grandma of the insurance wars.” When she left the organization in 1997, and with help from the legendary Gene Anderson and many others, I continued to build UP into what it is today: A respected voice and a trusted information resource for insurance consumers in all 50 states.

What are UP’s principal functions?

The Roadmap to Recovery™ program gives individuals and businesses free tools and resources to help solve the insurance problems that can arise after an accident, loss, illness or other adverse event. These

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include a library of claim tips, sample forms, educational videos, professional help directories, and articles written by leading experts in personal finance, construction and the law.

The Roadmap to Preparedness program teaches financial and disaster preparedness through insurance literacy outreach and education in partnership with civic, faith based, business and other non-profit associations.

The Advocacy program advances pro-consumer laws and public policy related to insurance matters.

What has been keeping you busy most recently?

The devastating impact that flood and anti-concurrent causation exclusions in homeowners policies are having on Superstorm Sandy victims, helping refine the concept of a coastal reinsurance band and figuring out what I'm going to cook for my family's dinner. I'm still making up for my last business tri

What are some of the most satisfying experiences that you've had with UP?

- Seeing UP's amicus contribution expressly acknowledged by Justice Ginsburg in a U.S. Supreme Court decision
- Delivering documents to the CA Senate from an anonymous source that led to the ouster of a corrupt Insurance Commissioner
- Having our proposed amendments adopted into the Colorado Homeowners Insurance Reform Act of 2013
- Getting emails like this one "You have two allies in this confrontational dance with Big Insurance: your personal fortitude and United Policyholders. UP is THE non-profit insurance advocacy group supporting consumers in situations of total loss. Their approach of empowering the consumer with education and personal support to make YOU the best advocate for your own claim is organized and hits the ground running, proven successful, available and accessible to anyone, and staffed with fellow survivors who understand. United Policyholders is THE roadmap to recovery." Jacques Lord, 2007 Witch Fire Survivor

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What are some of the things that UP does to raise funds for its programs?

We prepare grant applications and we solicit donations. We occasionally host an event – but we’re not feeding starving children or saving cute animals so parties aren’t a big source of fundraising support for us...

UP has filed 300+ amicus briefs between 1991 and 2011. I count about 200 attorneys that have done this work for UP virtually all on a pro bono basis. You are obviously very persuasive.

I’m a friendly gal with a sense of humor. I’ve been around this business for a long time and I’m very respectful of volunteers’ time. I keep track of people’s areas of interest and experience and try not to hit up anyone too often so it’s not too much of a burden. Policyholder advocates are generally a brainy and compassionate bunch. UP is blessed with an incredible volunteer corps for which I am grateful every single day.

What are the considerations that go into UP choosing to get involved in a case as an amicus party.

Is there an insurance issue that’s likely to impact a substantial number of policyholders in the future? Is there an important principle that needs to be stated, and most importantly – can we assist the court by supplementing the parties’ briefs without being repetitive?

It seems like UP and the Complex Insurance Claims Litigation Association have a Yankees-Red Sox-like rivalry when it comes to amicus participation. Is that an accurate description?

A better analogy might be the A’s-Yankees. Go team!

What’s the biggest difference between Brooklyn and San Francisco?

People in Brooklyn know how to drive. And, they were smart enough to preserve their amusement park. But we’ve got the Giants

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