

SEPTEMBER 2020 SUBROGATION NEWSLETTER

General Contractor Overhead And Profit And AOB Insurance Scams

Following a storm or other natural disaster, canvassers hired by the “hail cartel”—lawyers or opportunistic general contractors—can be found blanketing a neighborhood and knocking on doors. They locate and fabricate damages which either did not exist or were pre-existing and ask the homeowner to sign an Assignment of Benefits (AOB) and promise them a new roof at no cost and with no hassle on their part. Claim solicitation efforts such as these have ensnared innocent homeowners in unnecessary lawsuits in recent years by promising big payouts at no cost. The result of the widespread scheme is higher insurance premiums and less choice in insurance companies throughout many states. [Read More....](#)



OCIPs, CCIPs, and Wrap-Up Insurance: The Lesser-Known Subrogation Obstacles



Workers' compensation subrogation has another growing adversary—one that can slip in during the cover of night, gutting subrogation, and reimbursement rights, even after an insurance company or third-party administrator has spent thousands of dollars in recovery efforts. It is known as an OCIP, CCIP, or CIP, acronyms which spell trouble for workers' compensation carriers which zealously pursue recovery opportunities on behalf of their insureds. [Read More.....](#)

Arkansas Penalizes Workers' Comp Carriers For Asserting Their Statutory Right Of Subrogation

The Court of Appeals has held that even requesting that plaintiff prove the employee wasn't made whole can lead to liability for plaintiff's attorneys' fees. This decision lays bare the anti-subrogation atmosphere in Arkansas, which places large jury verdicts and injured workers' rights ahead of statutory subrogation rights of Arkansas small businesses for whom subrogation success means lower experience modifiers and lower workers' compensation premiums. [Read More....](#)



Verdicts and Settlements

[Jim Busenlener](#) recently recovered \$335,000 in a Louisiana property subrogation case he settled pre-suit. The defendant driver had suffered a seizure, and driven his work truck through a convenience store, causing significant property damage. Though the defendant argued the sudden emergency doctrine, Jim used evidence that the driver's license had been previously suspended for his medical condition and the employer's knowledge thereof, to obtain a 95% recovery of the property subrogation loss. MWL has successfully pursued a number of large subrogation cases recently in spite of the sudden emergency defense. A 50-state chart depicting this often mis-used defense in all 50 states can be found [HERE](#).



Time Travel For The Insurance Industry

See [HERE](#) for a provocative 60-second video explaining why Matthiesen, Wickert & Lehrer views the handling of your subrogation claims - large and small - as time travel for the insurance industry. We help turn back the hands of time and attack the enemy of our industry - claims - utilizing our experience and expertise. Check it out!



Join MWL's LinkedIn Subrogation Support Network Group!

We welcome you to join our LinkedIn [Subrogation Support Network](#) Group! It is a community managed by Matthiesen, Wickert & Lehrer, S.C., that offers insurance professionals a place to interact, discuss subrogation insurance-related topics and issues, ask subrogation questions, and keep abreast of new developments and/or changes in the subrogation law for all 50 states. If you would like to join this LinkedIn group, please click [HERE](#).

We Are Social | Follow Us

We are asking our clients and friends to help us expand our social media presence by following our firm's [LinkedIn](#), [Facebook](#), [Twitter](#), and [YouTube](#) pages. The legal face of insurance litigation in our industry seems to change almost daily. Following our social media pages will assist you in keeping up-to-date and informed on developments and changes in the law that effect the industry, which is key to obtaining the best results.

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