

JUNE 2021 SUBROGATION NEWSLETTER

Subrogating Surfside Condo Collapse

There are over a dozen people dead and 147 remain unaccounted for. It is a human tragedy of unspeakable proportion and our prayers go out to all the families whose lives have been shattered by this tragic event. In many ways, nothing matters more than those families. Still, the collapse of the Champlain Towers South Condominium in the small, beachside town of Surfside, Florida, is on the minds and radars of insurance and subrogation professionals.



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Mandatory Auto Arbitration: When It Absolutely, Positively, Must Be Arbitrated



When one insurance company subrogates against another insurance company and both are members of intercompany arbitration, arbitration is mandatory. What about auto arbitration when one of the carriers involved is not a member of arbitration? As it turns out, there are plenty of situations where two parties must arbitrate auto claims even though they are not members of or signatories to arbitration. Subrogation professionals should be familiar with when and where auto arbitration is mandatory.

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Florida Decision Gives Clue As To Ability Of Workers' Comp Carrier To Subrogate In Legal Malpractice Cases

A new ruling from the Florida Supreme Court may shed some light into ability of a workers' compensation carrier to seek reimbursement from an employee's legal malpractice claim against his or her personal injury attorney. In a case that had been pending for almost two years, the Florida Supreme Court has ruled that a professional liability insurer could bring a malpractice claim against appointed defense counsel based on a subrogation claim in its policy.



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Florida's Bid To End No-Fault Dies On The Vine



Florida's status as a no-fault state was about to come to a ceremonial end after the legislature passed Senate Bill 54, which effectively eliminates Florida's no-fault system and requires motorists to carry bodily injury liability insurance. The bill passed on April 30, 2021, and was sent to the desk of Governor Ron DeSantis for signature. He vetoed it.

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Join the APCIA for a Webinar on *Total Loss Claims Adjusting in Today's Legal Environment*



Ashton Kirsch will be presenting a live webinar to the American Property Casualty Insurance Association (APCIA) on "*Total Loss Claims Adjusting in Today's Legal Environment*" on July 13, 2021 @ 10:00 - 11:00 (CDT). This webinar will discuss time-tested strategies for considering total loss valuations, diminution in value, and salvage calculations. Registration for this event is free. To register for or learn more about this event, [CLICK HERE](#).

Industry News

Matrix Absence Management (Matrix), a leader in helping employers proactively manage employee absence, productivity, and related payments, and TRISTAR Insurance Group (TRISTAR), the nation's largest privately held TPA, have announced their intent to enter a strategic partnership to develop enhanced commercial and workers' comp services and build an integrated total absence platform for employers of all sizes. Matrix commercial and workers' comp TPA business, which operates as Matrix Risk Management Solutions, will transfer to TRISTAR effective June 1, 2021. Client and staff assignments will remain intact, and service will continue uninterrupted, according to Mark Marsters, president and CEO of Matrix. Matrix was founded in 1987 as a workers' comp administrator in San Jose, California. Today, Matrix integrates short- and long-term disability, workers' comp, return-to-work services and personal/family and medical leave programs to help employers realize time, efficiency and productivity gains. Matrix is the integrated claims engine for sister company Reliance Standard Life Insurance Company. Founded in 1987, TRISTAR provides property and casualty and risk control services for self-insured employers, carriers and policyholders nationwide. TRISTAR's core services include claim administration for workers' comp; general and professional liability, including products, auto, and specialty claims unique to their clientele.



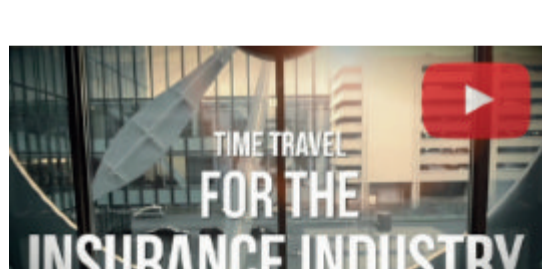
Verdicts and Settlements

Attorney **Matthew Fricker** recently settled the case of *Districts Mutual Insurance v. Community Development Authority of Madison*, Dane County Circuit Court 20CV932. Our client insured a technical college that was a tenant of a local municipality. The insured suffered a \$105,000 water loss to its IT equipment when the structure's roof leaked. The insured drafted by the municipality included a property loss waiver providing that "in no event shall Landlord be required to repair or replace Tenant's furniture, furnishings, equipment or personal property." Based on that waiver, the municipality refused to offer any amount pre-suit. After suit was filed, the municipality's initial offer was only to dismiss without costs. Attorney Fricker prepared a close analysis of the entire lease and of Wisconsin law and determined that other provisions of the lease conflicted with the property loss waiver and that Wisconsin law may bar enforcement of the waiver. After the municipality received our analysis, negotiations resulted in an early settlement of \$60,000.



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 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](#), [Instagram](#) 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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