

JANUARY 2024 SUBROGATION NEWSLETTER

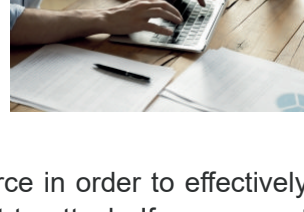
YEAR-END SUBROGATION SETTLEMENTS: Why the Holidays Are a Great Time to Push for Settlement



The insurance industry is filled with myths and urban legends that just won't seem to go away. Red vehicles have higher insurance rates; You are more likely to have an accident close to home; It's illegal to drive barefoot; Getting a parking ticket means your insurance rates will go up; and auto insurance follows the driver (see [HERE](#) for an interesting MWL article on this one). These are all false, of course, but there is one legend that remains very much true, and all subrogation and claims professionals can use it to their advantage. After forty years of handling subrogation claims around the globe, MWL can confirm that insurance claims settle more frequently and more favorably at the end of the year than any other specific time during the year. There is simply something magical about the end of the year and the upcoming holidays that adds motivation for everyone involved to find a resolution. [Read more...](#)

Words Matter: The Importance of Clarity in Subrogation and Mediation Agreements

Pulitzer prize winning historian David McCullough once said that *"Writing is thinking. To write well is to think clearly. That's why it is so hard."* When claims adjusters, subrogation professionals, and/or subrogation lawyers document a settlement or stipulation with an insured's or employee's attorney regarding a subrogation interest, getting all the right words in the right order is only half of the job. You must clearly understand all of the rights and nuances surrounding the underlying litigation and the subrogation rights you are looking to enforce in order to effectively document a settlement agreement or stipulation that will not be subject to attack. If you are not aware of and thinking about all of the ramifications, options, and variables which are at play, chances are you will wish you had a second bite at drafting that settlement agreement. Far too many learn the hard way. [Read more...](#)



The Inexplicable Workers' Compensation Waiver of Subrogation Endorsement



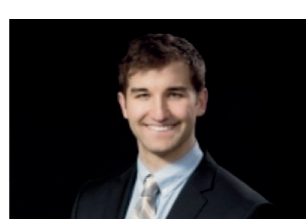
Most state workers' compensation laws, or cases construing them, allow the employer and its carrier to waive its right to subrogate against a third party that caused or contributed to an employee's injury. The purpose of a subrogation waiver is not well understood and is a subject of some confusion in the marketplace. Most frequently, contracting parties agree to contractually require the inclusion of a waiver of subrogation endorsement in a workers' compensation policy simply because the requirement is contained in the form contract, and has been for many years. On other occasions, the requirement is included in the belief that such a waiver will provide some protection or immunity from lawsuits filed by employees of other subcontractors. [Read more...](#)

SUBROGATION VS. ASSIGNMENT IN MISSOURI: When Can You Subrogate Property Damage?

We are all aware that Missouri's prohibition against assignment of a cause of action for personal injuries has complicated subrogation in that state. Subrogation in personal injury cases is considered to be against public policy because it amounts to an impermissible assignment of the insured's right to a cause of action for suffering a personal injury. Recently, however, one of our clients approached us advising that they are being told that a recent Missouri decision says that carriers are also prohibited from pursuing property subrogation in Missouri unless and until their insured has provided them an Assignment of Claims. We felt a brief overview of property subrogation in the Show-Me State was warranted. [Read more...](#)



MWL Announces Lee Wickert As New Partner!



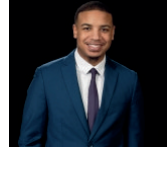
Matthiesen, Wickert & Lehrer, S.C. is pleased to announce that **Lee R. Wickert** has become a partner with the firm. Lee is in his 6th year of practice but he is no stranger to the firm having worked for MWL since 2009, including three years as a research law clerk. Lee attended the University of Wisconsin-Milwaukee and obtained his law degree at Marquette Law School and his M.B.A. at Marquette University. He was a legal research assistant at Marquette University, creating class material for a Bankruptcy Law class, and contributing toward a law school textbook on bankruptcy. Lee is also co-author of *"Fundamentals of Insurance Coverage in All 50 States – Sixth Edition"*, published by Juris Publishing, Inc. in New York. Lee previously worked for Governor Scott Walker, Office of Legal Counsel, where he served as legal liaison ensuring the compliance of new legislation with Wisconsin law and the Wisconsin Constitution. He has also been an analyst with AXA Advisors in Milwaukee and a credit operation specialist with Johnson Bank in Racine. Lee is licensed to practice in Texas and Wisconsin. His practice focuses on insurance litigation, subrogation, workers' compensation, health insurance and ERISA, automobile insurance, property and casualty, and insurance coverage. On behalf of the partners, associates, legal assistants, and support staff here at MWL, we would like to welcome Lee as the firm's newest Partner. He can be reached at leewickert@mw-law.com.

MWL Welcomes Two New Associates!



Taylor J. Morgan
Associate
Santa Ana, CA
(262) 673-7850
tmorgan@mw-law.com

MWL is pleased to welcome Taylor J. Morgan as a new Associate Attorney in our Santa Ana, California branch office. Taylor's practice focuses on automobile, property and casualty, and workers' compensation subrogation cases in California. Taylor received his Juris Doctor in Law from Pacific Coast University in Long Beach, California.



Donald Henderson
Associate
Hartford, WI
(262) 673-7850
dhenderson@mw-law.com

MWL is pleased to welcome Donald Henderson as a new Associate Attorney in our Hartford, Wisconsin office. Donald's practice will focus on handling subrogation matters involving workers' compensation, automobile insurance, and property and casualty. Donald received his Juris Doctorate from Marquette University Law School.

[Attorney Profile](#)[Attorney Profile](#)

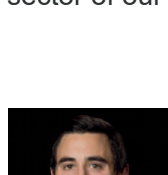
The Subrogation Support Network Podcast



Tune in to the latest episode on the [Subrogation Support Network Podcast](#) as host, [Ashton Kirsch](#) is joined by MWL's Associate Attorney, [Brianna Law](#), to discuss Subrogation Under a "Bailment" Theory.

Host
Ashton T. Kirsch

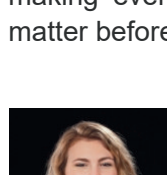
Ashton T. Kirsch is an insurance litigation attorney and shareholder with the law firm of Matthiesen, Wickert & Lehrer, S.C. Ashton has been with MWL's Hartford office since 2015, concentrating his practice on litigation of subrogation cases involving large loss casualty, commercial auto, transportation and cargo, and workers' compensation. He has built and grown the MWL commercial auto and cargo/transportation group into the thriving sector of our firm's subrogation practice.



MWL | Hartford, WI
Shareholder
Ashton T. Kirsch
(800) 673-9176
akirsch@mw-law.com

Special Guest
Brianna M. Law

Brianna M. Law is a litigation associate with Matthiesen, Wickert & Lehrer's New Orleans, Louisiana branch office. She is licensed to practice law in Louisiana. Brianna's practice focuses on the handling of automobile, maritime, property and casualty, and workers' compensation subrogation cases throughout the country. Brianna believes strongly in preparation and aggressive investigation of subrogation potential on behalf of a client as well as making every effort possible to resolve a matter before suit is filed.



MWL | New Orleans, LA
Associate Attorney
Brianna M. Law
(800) 673-9176
briannalaw@mw-law.com

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!



MATTHIESEN, WICKERT & LEHRER, S.C.
America's Subrogation Law Firm



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](#), [Instagram](#), [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.

MATTHIESEN, WICKERT & LEHRER, S.C.
Hartford, WI ♦ New Orleans, LA ♦ Santa Ana, CA ♦ Austin, TX
Jacksonville, FL ♦ Boston, MA
Phone: (800) 637-9176
www.mwl-law.com

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