



Special Edition: Case Law

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2014 ICAC Webinar Series: Handling a Fire Claim



An ICAC Event | November 13, 2014 | 2:00 pm EST

HELLO----I HAD A FIRE ...

The 5 Things Beginning Claims Representatives Should Consider When Handling a Fire Claim

Presented by Gerald T. Albrecht

Fire claims, and particularly those involving intentionally set fires, pose unique and tricky issues for the claims representative. These issues range from the legal and moral battles of Good vs. Evil, to potential Bad Faith disasters (if not handled properly). This webinar will focus 5 things or tools a beginning claim representative should consider when handling a fire claim. We will discuss:

- Origin and Cause Experts;
• Claims Communications;
• Law Enforcement Contact;
• Recorded Statements; and
• The Avoidance of Bad Faith.

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\$40.00 ICAC Member | \$60.00 Non-Member

Case Law

MILLS v. STATE OF TEXAS

By a single issue, appellant contends that, because the evidence shows that the cause of the fire was undetermined, the evidence is therefore insufficient to establish that the fire was started intentionally or knowingly. Appellant argues that, for cases where there is no confession, "the State cannot rely solely on evidence of motive and opportunity [to] prove the element that a criminal act had been committed to cause the death of another."

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JOHNSON v. ALLSTATE INSURANCE COMPANY

A case involving application of the attorney-client privilege where the Court concludes that counsel was engaged in the quasi-fiduciary tasks of investigating, evaluating and processing the Plaintiffs' claims, and that the presumption that there is no attorney-client privilege relevant between the insured and the insurer in the claims adjusting process applies.

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USF INSURANCE COMPANY v. LANGLOIS

The judge ruled in favor of the plaintiff, concluding that due to Bruce's act, both the corporation's and the trust's interests were subject to the exclusions provision of the policy. Consequently, despite the trust's innocence, Bruce's intentional arson left the entire insurance policy subject to the exclusionary provision.

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Associate Member Profile

Margolis Edelstein has been serving the interests of individuals, insurers and commercial enterprises for over 50 years. With 9 offices serving all of Delaware, New Jersey, Pennsylvania and West Virginia, the firm has represented parties regionally and nationally in virtually every aspect of the law including general liability, toxic torts, transportation, labor, surety and professional exposures. Our firm has earned the Martindale Hubble legal ability rating of AV, signifying "very high to preeminent," the highest rating available. Members of the firm have participated and presented in many CLM events as well as other industry associations including the Defense Research Institute (DRI), the Federation of Defense & Corporate Counsel (FDDC) and the Professional Liability Underwriting Society (PLUS). For more information, please contact Jim Brown at 215-931-5821, or visit:

www.margolisedelstein.com

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