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Successfully Working With Insurance Adjusters

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Whether you love them or hate them, insurance adjusters are a fact of life. When practicing law on the plaintiff's side, we all must recognize that adjusters have what we want to get for our clients: money. As such, getting along with adjusters, even when you don't agree with them, can make your life better and ultimately result in better settlements for your clients. The purpose of this paper is not to put everything in a "one size fits all" playbook format but rather to impart some strategies and tips that a plaintiff's personal injury lawyer and experienced insurance adjuster have come up with over time that will help get things worked out. Paramount in the organization of this paper is the overarching premise that both the insurance adjuster and the attorney want to be happy people. Some people just don't want to be happy, but for purposes of this exercise let's assume that everyone does not want to leave their respective offices in a bad mood every single day.

I. Recognize That You Share Some Common Goals

When beginning discussions with an insurance adjuster, even at the outset of a claim, recognize that more than likely both parties share the ultimate same goal of getting the claim closed. None of us need every file we have to go to trial, either on the carrier side or the attorney side. Frankly, in addition to being a bad business model, trying every case is simply not feasible with the time constraints and amount of paperwork (mostly procedural in nature) that goes into preparing a case for trial these days. Adjusters, like attorneys, have to put the rest of their job and, in many cases, their lives, on hold to prepare for and attend trials. Of course, some cases just have to be tried and this paper will provide strategies for dealing with that later on. It is possible to be a zealous and effective advocate for your client and also to protect the interest of your carrier, if you are the adjuster, while still maintaining a professional demeanor.

II. Tone of Letters

We have seen (and probably written) many letters from attorneys to adjusters and adjusters to attorneys that take an accusatory and condescending tone. While I admit that in some cases, these types of letters may be deserved, they generally do not serve anyone's interest beyond making for a good story amongst your peers. Remember, the adjuster is not the one that caused the accident just like the attorney is not the one responsible for any transgressions of his own client. We just represent them. Therefore, personal attacks, threats, and accusations that someone lacks the qualifications to do their job generally do not result in any progress when negotiating. If you encounter an adjuster that is particularly obstinate and is not going to see things your way or even meet you halfway, it is at this point that you should just go ahead and file suit. Adjusters, just like attorneys, misevaluate cases and often if personal attacks are not made, cases will be reevaluated. Therefore, the tone of letters to adjusters should be professional and indicate you are going to be a strong advocate for your client while not demeaning the adjuster in any way. Furthermore, it is perfectly acceptable to adjusters to point out flaws in their insureds. We often underline things we have gathered from social media, prior conduct, inflammatory behavior, or other things that the adjuster will be faced with should the case go into full-blown litigation. These are not attacks on the adjuster. These are simply facts of the case. These should be presented in a way that does not demean the adjuster while still representing your client.

III. Policy Limits Inquiries

While many carriers prevent their adjusters from disclosing policy limits without express permission from their insureds, we have found that attorneys and adjusters can dance around this issue to give everyone a good idea. For example, if you have a death case and you are unsure of the coverage, a discrete inquiry with the adjuster to try to get some idea of the coverage will be helpful in pursuing the case. If the policy is

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