

PRESENTED AT

21st Annual Insurance Law Institute

November 10-11, 2016

Houston, Texas

**What I Had to Learn
(and What I Wish I'd Been Taught)**

**Donnie M. Apodaca, II
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Full Disclosure

- Represent your client, advocate for the positives, and advise of the negatives.
 - Don't be afraid to be the "bad guy."
 - It's hard to tell the one paying the bill that they may be wrong.
- Win in the office – prepare and educate the client on all aspects of the case.
- Remember, both sides think they are right. However, someone will be right and someone will be wrong.



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“Paper Your File”

- Document what you did and why.
- Document client consent.
- Set client expectations appropriately.
- Document communication re: risks and benefits.



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Analyze Before You Finalize – Big Picture

- Know the coverage issues before pleading.
- Running to file is a bad idea—evaluate before proceeding.
- Emphasize the facts that provide coverage.
- Play chess, not checkers.
- Know where your case is going, not just where it is.



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Properly Pleading

- Not every case is the same.
- Not every case has the same causes of action.
- Not every case has the same defenses.
- If possible, know the entire file before you file the pleading.



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Special Exceptions

- Purpose of filing?
- Consider what effect it will have on coverage/defense of claim. You may not care, but your client does.
- If on the defense side, be careful that your actions don't result in no defense for your client. Otherwise, have you really done your client a service?



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First appeared as part of the conference materials for the
21st Annual Insurance Law Institute session
"What I Had to Learn (and What I Wish I'd Been Taught)"