

Berkley DP Coverage Highlight

September, 2014

Designation of Defense Counsel with Berkley DP Consent

When your client receives notice of a Claim and contacts you regarding the situation, two of many questions they have are: 1) What attorney is going to be representing me to protect me and my firm?; or, if they have previously worked with counsel on the defense of an A\E claim, 2) Can this specific attorney represent me, as I feel comfortable with them?

When your client asks either of these questions, you and your client need to be confident that this important – and sensitive – issue will be handled professionally to ensure that your client is comfortable and adequately represented.

Berkley DP will work with your client to ensure situations regarding selection of counsel are handled with care, open communication, and with the goal of designating competent counsel who understand not only professional liability Claims against design firms, but also any unique legal issues involved with the Claim.

More specifically, page 7, Section VII.C. (“Conditions”) of the Berkley DP policy, provides in relevant part:

- C. Defense, Cooperation and Settlement
 - 1.When a **Claim** made against you is a civil proceeding, defense counsel may be designated by us, or, at our option, ***designated by you with our written consent*** and subject to our guidelines. (Italics added).

So, with Berkley DP, you and your client can be assured on this important topic.

If you have questions about this topic, talk to your friendly Berkley DP Underwriter or contact our EVP, Chief Claims Officer, Laila Santana at 949-387-2919 or Bob Connor at 405-805-6635 today!

Mutual Designation of Defense Counsel; one more benefit to demonstrate our desire to be ***Better By Design***.