

## Investigating and Litigating Fire Losses for Subrogated Insurance Carriers

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Insurance carriers pay billions of dollars every year for property damage caused by fire and aggressively investigate subrogation possibilities through counsel, private sector origin and cause investigators, and engineering consultants. The origin and cause investigator is a crucial member of the subrogation investigation team. The investigator's opinions traditionally form the foundation for the insurer's decision to put potentially responsible parties on notice of claims and schedule a joint scene exam. The investigator's opinions are also instrumental in an insurer's decision on whether to file a lawsuit against a responsible third party. Investigators then have an importation role in the litigation itself.

This presentation will discuss the subrogation investigation process for a fire loss with a specific emphasis on the origin and cause investigator and the avoidance of time-consuming, costly, and potentially embarrassing mistakes. Learning objectives include the following: (a) Understanding how insurance company subrogation departments operate; (b) understanding the expectations of the origin and cause investigator; (c) understanding the interactions between the insurance company subrogation representative, subrogation counsel, and the origin and cause investigator; (d) understanding the progression of a subrogation investigation through early file closure or trial; (e) avoiding commonly encountered investigation errors; (f) avoiding commonly encountered deposition/trial testimony errors; (g) avoiding evidence preservation and spoliation errors; and (h) how to keep the client relationship intact.

### KEY ATTORNEYS

Christopher Konzelmann

### PRACTICE AREAS

Subrogation