KAUFMAN DOLOWICH LLP

Seven signs a claim is about to go wrong, PropertyCasualty360

By Louie Castoria, partner and chair emeritus of KD's Professional Liability practice group
Published by PropertyCasualty360 I October 1, 2020

Learning to identify the factors that indicate problems with a claim can save insurers time and money.

Veteran claims executives know that sometimes lawsuits go off the rails. Juries can "run away," key witnesses can crater on cross-examination, and judges can, occasionally, be injudicious. However, there are warning signs:

1. *It's quiet, too quiet. Most insurers have reporting intervals stated in their litigation guidelines, but these represent minimum standards, not the ideal. Ignoring reporting deadlines is bad enough, but it's a danger sign when an attorney who has been a more frequent correspondent than the guidelines recommend goes radio silent.*

It could be an illness or "nothing much doing." Is it a high-end stakes case? Are there trial or pre-trial deadlines coming up? Those usually aren't good times for the silent treatment; rather, times to over-communicate. Maybe counsel doesn't want to broadcast what's happening, hoping things will turn out fine, but forgetting Murphy's Law. Clients hate surprises, especially ones that begin, "We regret to advise …"

© 2026 Kaufman Dolowich. All Rights Reserved. | www.kaufmandolowich.com