

# E&O Risk Management Newsletter

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We KNOW

for Insurance Agents

E&O

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## RISK MANAGEMENT TIP: 5 Tips to Navigate the Process After Being Served with a Subpoena

The first thing to do if you have been served with a subpoena is report it to your Agents' Errors and Omissions insurance carrier.

If your E&O insurance is with the member companies of the Utica National Insurance Group, we can help when you are called on to respond to a subpoena for records or deposition. The following steps can help you navigate the process:

1. **Contact the Claims Department.** Submit a completed [First Report – Notice of Claim or Incident](#) to [claimsnewreport@uticanational.com](mailto:claimsnewreport@uticanational.com) along with the subpoena paperwork. Call 1-800-598-8422 if you have questions. A Claims Specialist will be assigned and will guide you through the process.
2. **Read the subpoena.** You must know exactly what is being requested and by when. Act promptly as there is typically a deadline to respond.
3. **Begin gathering and copying documents.** Do not respond to the subpoena without first talking to your Claims Specialist.
4. **Be prepared to discuss the situation regarding the subpoena.** It may be due to a claim involving your client where a coverage issue exists. Your Claims Specialist will need specific details about the situation to determine if a future claim against your agency may be asserted.
5. **Stay calm.** It can be alarming to receive legal documents. Your Claims Specialist will walk you through the process to respond to a subpoena.

An attorney can be assigned to attend with you if a deposition for testimony is requested. This service is offered to Utica National companies' E&O policyholders at no additional cost. **Please note: The precise coverage is subject to terms and conditions of the insurance policy.**

## Concerned you may have a claim?

We have a [pre-claims assistance helpline](#) available, and additional information in our E&O Risk Management Alert [What Should You Do When a Customer Makes an Allegation of an Error or Omission?](#)

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## **RISK MANAGEMENT TIP:** **AUTO INSURANCE: What to Keep In Mind When It Comes to Unnamed Drivers**

Asking the right questions when writing auto insurance is vital to ensure no drivers are left off of the policy. Failing to name additional drivers on the policy could lead to the carrier denying a claim or pursuing the agent in an E&O claim.

Always ask the questions exactly as stated when completing the application. For example, the ACORD Personal Auto application asks for all residents and dependents – licensed or not – in addition to the regular vehicle operators. Do not make any assumptions if your application deviates from the carrier's questions when entering the information into the carrier's system. Verify the information with the client.

### **Important items to address include:**

- 1) Who lives in the household?
- 2) Is there anyone with interest in the vehicle other than the listed drivers or lienholder?
- 3) Do you regularly lend your vehicles to friends or family? This could be particularly relevant if you have a one-person household with multiple vehicles.

**Remind clients at renewal that they should contact you or the carrier if there have been any changes to their household situation since the prior term.** Note that any newly licensed household members may need to be added to the policy even if they do not have a vehicle.

Carefully investigating the drivers can help you avoid E&O claims while also servicing your client and carrier.

## **RISK MANAGEMENT RESOURCES:** **Check Out Our Agency Acquisition Checklist**

Are you considering buying another agency or book of business? Use our [Errors & Omissions Agency Acquisition Checklist](#).

It includes tips to help you navigate through key E&O issues when buying an agency or book of business.

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