MISSISSIPPI LEGISLATURE REGULAR SESSION 2001
By: Senator(s) Ross To: Judiciary

SENATE BILL NO. 2130

AN ACT TO CLARIFY AN ATTORNEY'S RESPONSIBILITY TO REPRESENT AN INDIVIDUAL INSURED REGARDLESS OF WHETHER UNDERTAKEN UNDER A RESERVATION OF RIGHTS BY THE CARRIER; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. When an attorney is offered employment by an insurance carrier to defend a lawsuit under the terms of a policy of insurance, the following shall apply:

(a) The attorney's representation will be of the individual insured;

(b) The attorney may share information with the insurance carrier only insofar as the information is not detrimental to his client, the insured;

(c) The attorney may represent the individual insured as to all claims in the lawsuit arising under the same facts, even if the claims are not covered by the policy, and even under a reservation of rights by the insurance carrier; and

(d) The insurance carrier has the right to have its own counsel present at all proceedings, including discovery, subject to the requirements of this section.

SECTION 2. This act shall take effect and be in force from and after July 1, 2001.