

By: Senator(s) Ross

To: Judiciary

SENATE BILL NO. 2130

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

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

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

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

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

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

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

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

