

1 HOUR CLE CREDIT

OVERCOMING EVASIVE ACTIONS BY INSURERS IN CONSTRUCTION DEFECT CLAIMS – Answer each statement with “True” or “False,” or select one of the multiple choices listed.

1. Commercial general liability policies generally provide insurance coverage for liability from property damage caused by an occurrence.
TRUE OR FALSE
2. Commercial general liability policies generally define the term “occurrence” as which one of the following:
 - a. Any action taken by the insured
 - b. An accident
 - c. An act of God
 - d. Something that happened at the Owl Creek Bridge
3. Excess insurers can always challenge the exhaustion of the underlying primary policies.
TRUE OR FALSE
4. In construction defect cases, a policyholder must always pay separate, self-insured retention amounts for each alleged defect.
TRUE OR FALSE
5. Commercial general liability policies generally do not include within their definitions of property damage the requirement that there be physical damage to other components.
TRUE OR FALSE
6. The insurer bears the burden of providing conclusive evidence that an insurance policy exclusion applies. **TRUE OR FALSE**
7. The settlement and the amount of the settlement are presumptive evidence of the insurer’s liability and the amount of liability. **TRUE OR FALSE**
8. When denying a claim, insurers do not have to provide a basis for the denial.
TRUE OR FALSE
9. By asserting that it relied on the advice of counsel to make its claims decision, an insurer may waive the attorney-client privilege as to communications and documents relating to that advice.
TRUE OR FALSE
10. Evidence of how an insurer interpreted and applied its policy in other similar claims may be relevant to a dispute at hand because:
 - a. The insurer’s prior acts and conduct may show the parties’ intent regarding the meaning of the policy at hand.
 - b. If the insurer treated one policyholder differently than other policyholders with similar claims, such disparate treatment may show bad faith.
 - c. If the insurer mistreated all policyholders with similar claims the same way, that pattern and practice may show bad faith.
 - d. All of the above.

CERTIFICATION: This self-study activity has been approved for one hour of continuing legal education credit by the Nevada Board of Continuing Legal Education.

THREE EASY STEPS TO CLE CREDIT – \$40

TEST 32 OVERCOMING EVASIVE ACTIONS BY INSURERS IN CONSTRUCTION DEFECT CLAIMS

1) Read the article on pages 20-22 **2)** Answer the quiz questions above. Each question has only one correct answer.

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