

COMMITTEE: Ethics Committee

DATE: April 2, 2009

4. CHAPTER 6, RULE 4: FURTHER QUESTIONS CONCERNING COUNSEL'S OBLIGATIONS TO THE INSURED AND INSURER IN THIRD PARTY LIABILITY ISSUES

- e) Is the lawyer for the insured and the insurer permitted to withhold information from the insured with the insured's consent?**

The Committee noted that in many circumstances, particularly where there are no policy limits or coverage issues, the insured may be relatively indifferent about the outcome of any litigation, and for that reason or for other reasons, may not care to follow the progress of the litigation by receiving all the information the lawyer provides to the insurer. It was the Committee's view that a lawyer may properly decline to provide information to an insured with the insured's consent.