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## ROLES IN THE CLAIM PROCESS

### Insured and claims representative

As the named insured on the policy and as the named party on the statement of claim or demand, the design professional has certain roles and responsibilities. First, as stated above, there is a duty to report the matter promptly. A claims representative will be appointed and will discuss the details with the design professional. There is a duty to cooperate with the claims representative and usually time spent with the claims representative is not reimbursable.

The design professional may be requested to attend depositions between the parties. Time spent preparing for and attending depositions with legal counsel is not reimbursable. The design professional also attends meetings, mediations and arbitrations, as necessary. If the claim goes to court, the design professional is required to attend when appropriate.

The design professional has a duty to cooperate with the claims representative and legal counsel throughout the process. Unless the file is determined by court order, the design professional's approval is required to settle the claim.

### Lawyer

The lawyer's professional responsibility is to provide the best defense possible to the design professional. Although usually associated with court appearances and litigation, lawyers always participate in arbitrations and will also often attend mediations.