Fields Howell LLP

Bad Faith

Focused Defense Against Inflated Risk

Bad faith litigation often distorts the scope of a claim, transforming routine coverage disputes into reputational threats and exposing insurers to potentially massive, extra-contractual liability. At Fields Howell, we recognize how quickly a manageable claim can escalate, and we work proactively to mitigate those risks long before a bad faith allegation is ever made.

Our attorneys counsel domestic and international insurers at every stage of the claims process, from initial coverage evaluations to denial letters, reservation of rights, and settlement decisions. We guide clients on creating defensible claims files, ensuring clear documentation of good faith actions and compliance with jurisdiction-specific standards. Our goal is to prevent bad faith claims from developing, but when they do, we're ready to respond with precision.

Strategic Containment of Extra-Contractual Exposure

When bad faith claims arise, our first priority is containment. We work to surgically separate the core coverage dispute from the extra-contractual narrative that plaintiffs often construct to drive up perceived value. Our approach focuses on undercutting that narrative, challenging the legal sufficiency of the bad faith allegations, limiting discovery where possible, and narrowing the scope of the dispute to the actual policy and underlying facts.

We leverage our deep understanding of insurance regulations, case law trends, and plaintiff tactics to strategically diminish the credibility and viability of bad faith claims. Often, we are able to convince courts to strike bad faith claims early in litigation or bifurcate the extra-contractual issues from the main coverage dispute. These actions not only reduce the complexity and cost of litigation, but also pressure opposing counsel to reassess the true value of their case.

Balancing Settlement Strategy with Litigation Readiness

We understand that bad faith claims come with a host of pressures—public perception, regulatory scrutiny, and the risk of runaway jury verdicts. While some firms use these pressures to justify inflated settlements, Fields Howell takes a more disciplined approach. We work closely with insurers to explore all resolution paths, but never lose sight of fairness and proportionality. When a plaintiff demands far more than the facts warrant, we do not hesitate to call their bluff.

Our attorneys understand the business impact of every claim. That's why we develop early case strategies that balance aggressive defense with realistic risk assessment. In many instances, our involvement leads to swift, favorable resolutions before trial ever becomes necessary. But if litigation does become the best—or only—option, we're ready.

Attorneys

Our Bad Faith Team

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