

McCormick and Murphy Bad Faith Case Studies Roadmap

Navigating the complexities of bad faith insurance claims.

Based on *Case Studies* by McCormick and Murphy

Phase 1: Initial Assessment and Investigation

- Review policy terms and conditions.
- Gather all relevant documentation (correspondence, medical records, repair estimates).
- Identify potential bad faith triggers.
- Consult with legal counsel specializing in insurance bad faith.



Phase 2: Establishing the Claim's Validity

- Demonstrate the extent of the loss or injury.
- Provide clear evidence of the insurer's unreasonable conduct.
- Quantify damages incurred due to the delay or denial.



Phase 3: Pre-Litigation Demand and Negotiation

- Draft a formal demand letter outlining the claim and bad faith allegations.
- Present evidence supporting the demand.
- Engage in settlement negotiations with the insurer.



Phase 4: Filing a Lawsuit

- If negotiations fail, prepare and file a lawsuit.
- Serve the insurance company with legal documents.
- Begin formal discovery process.



Phase 5: Discovery and Evidence Gathering

- Conduct depositions of key witnesses and company representatives.
- Issue interrogatories and requests for production of documents.
- Obtain expert witness reports.



Phase 6: Motions and Pre-Trial Proceedings

- File and respond to motions (e.g., summary judgment).
- Attend pre-trial conferences.
- Prepare trial exhibits and witness lists.



Phase 7: Trial

- Present the case to a judge or jury.
- Examine and cross-examine witnesses.
- Argue legal points and present evidence.



Phase 8: Post-Trial and Appeals

- Handle post-trial motions.
- Negotiate or enforce judgment.
- Consider and pursue appeals if necessary.

Resources & Further Reading

Related guides for this timeline:

■ Bad Faith Insurance Claim Checklist

<https://storage.googleapis.com/mccormick-and-murphy-checklists-20260706-65ee7b/mccormick-and-murphy/Checklist/bad-faith-insurance-claim-checklist.pdf>

■ Action Sheet: Navigating Bad Faith Insurance Claims

<https://storage.googleapis.com/mccormick-and-murphy-checklists-20260706-14eb7c/mccormick-and-murphy/Action%20Sheet/case-studies-action-sheet.pdf>

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Understanding and pursuing your rights against insurance bad faith is crucial.