

Risk REVIEW

A Publication of ICRMP—Idaho Member Owned and Governed Property and Casualty Insurance Pool



When to Defend & When to Settle Our Litigation Philosophy

Our ICRMP program has a twenty-six year history of successfully resolving litigation against Idaho public entities. We understand the conflicts inherent in our assignment and, in the vast majority of cases, we resolve the litigation to the satisfaction of the member(s) involved and to the benefit of the entire membership. So how does ICRMP reconcile our obligation to pay while defending the reputation of the defendant(s) we underwrite? What is ICRMP's litigation philosophy; do we defend public entities or "just settle"?

The graph below reflects the average annual allocation of payments made in lawsuits ICRMP is responsible for resolving. Lawsuits are essentially one party's attempt to obtain money damages for alleged behaviors arising out of an accidental event or as a result of certain employment practices. If you've never been party to a lawsuit, you're fortunate. If you have been sued or sued another party you know litigation is not only expensive but time consuming, emotionally draining, and promotes less than positive relationships for those involved.

When a suit is covered by ICRMP, the risks related to the costs of defending the suit and paying the verdict are ICRMP's to bear. Being a defendant in a lawsuit while someone else pays for the defense and controls the decision to settle can make a difficult conflict even more challenging. While the defense and risk of losing the suit is ICRMP's to pay, you and your agency are the one's accused of injuring the complaining party.

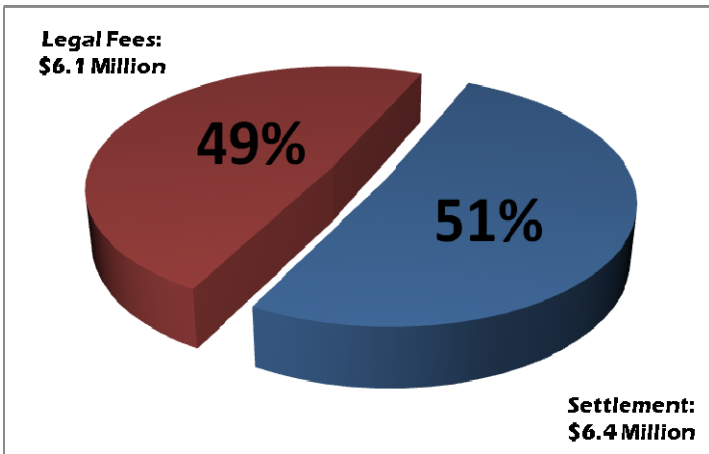
“Defending every lawsuit, regardless of the merits is unaffordable. Settling every meritless suit is unacceptable.”



“Your honour, it is my client's view that these scurrilous allegations have damaged his reputation and have made almost impossible any further visits to the woods.”

The majority of claims we handle are resolved prior to litigation. Of those disputes that move to litigation, the majority are dismissed as a result of the motions filed by ICRMP defense attorneys. When going to trial becomes likely, the costs and risks go up and these are the situations when our extensive experience with local government litigation is most valuable. Our philosophy is to evaluate each lawsuit on its specific merits. Decisions to settle or go to trial are often very complex. Unlike commercial insurance carriers we actively seek input from our members when making these decisions.

For ICRMP, the outcome of the litigation is not just about the financial costs, it is about making the best decisions for everyone involved, this includes not only the defendants in the suit but all ICRMP members. There are cases without merit that should be tried to conclusion and there are cases with questionable merit that are best resolved through settlement. These decisions are some of the most difficult we make, but we make them in consultation with our members and with all members' interests at heart. Defending every lawsuit, regardless of the merits is unaffordable. Settling every meritless suit is unacceptable. Carefully considering every suit with the member involved and the entire program in mind is our "philosophy".



Q&A

What is a Tort?

BEHIND YOUR BOARD:

Cleone Jolley — Member-at-Large Representative



Life-long Idahoan Cleone Jolley has served on the ICRMP Board of Trustees as Member-at-Large Representative for the past seven years. He has been Precinct Chairman for 12 years and Bingham County Commissioner for 10 years. He has served on numerous boards including the Gem Plan Board, Bingham Memorial Hospital Board, Eastern Idaho Regional Waste Water Board, Idaho Juvenile Offender System Board, as well as serving as Chairman of Idaho Association of Counties 5th District.

Prior to being elected Bingham County Commissioner, Cleone managed Jolley Building Supply for over 30 years. With wife Myrna, they continue to live on their farm of 40 years in Goshen. Together they have three sons and 12 grandchildren. Cleone’s dedication and service in the public and political communities reflect his deep Idaho roots.

At the end of the day Cleone stays busy with his farm and cattle and enjoys spending time with his grandchildren. If asked, Cleone would give these words of wisdom, “Pray, use common sense, do what you think is right even if it isn’t popular. Hang tough!!”

Q&A

Answer: A civil wrong that results in damages or injuries. Verbal reports to your agency does not satisfy the requirements under the Idaho Tort Claims Act.

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