

Scarlett Rajbanshi and Kevin Bergin Obtain Summary Judgment on Behalf of Legal Malpractice Insurer

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Peabody & Arnold Attorneys Scarlett Rajbanshi and Kevin Bergin recently prevailed in an insurance coverage matter on behalf of the firm's insurer client. The dispute involved a denial of coverage under a claims-made, legal malpractice insurance policy following a late notice of claim by the insured law firm. The court found that the insured failed to report the claim within the clear and unambiguous provisions and time limits set forth in the operative policies. Accordingly, the denial of coverage was supported by the terms of the policy. In addition, the court held that Massachusetts law did not require the insurer to establish that it suffered prejudice from the late notice of claim under a claims-made policy for the denial of coverage to be valid. The court also held that there was no violation of M.G.L. c. 93A and 176D where the insurer's denial of coverage was correct.