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Appeal court weighs in on duties of counsel appointed by insurers

Nina Bombier was quoted in Law Times in relation to the Court of Appeal decision in *Mallory v. Werkmann Estate*, 2015 ONCA 71, which reinforces how the duty of loyalty and good faith owed by defence counsel to the insured client must trump the interests of the insurer that appoints and pays for counsel.

Chief Justice George Strathy of the Ontario Court of Appeal has ordered a veteran litigator removed as counsel for a defendant in a personal injury case on the grounds of conflict of interest between the interests of the insured and those of the insurer...

...Generally speaking, the bifurcated nature of the retainer doesn't create a problem.

"It doesn't come up very frequently because lawyers tend to be pretty good about understanding their position," says Nina Bombier of Lenczner Slaght Royce Smith Griffin LLP in Toronto...

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