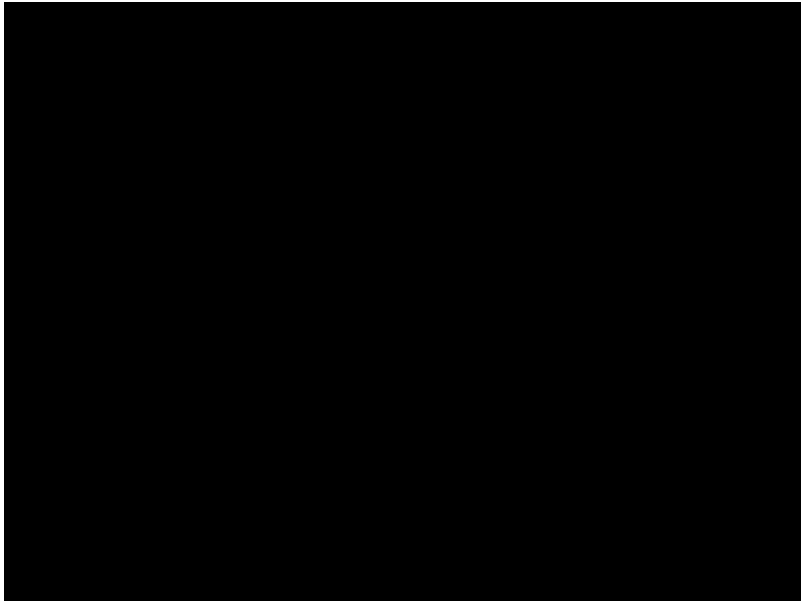


Policyholder Playbook Episode 49: Internal Insurer Communications Involving Attorneys May Be Discoverable

December 9, 2025 Greg Van Houten

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Show notes:

[Episode 48](#) encourages policyholders to consider seeking internal insurer communications in discovery. This episode, Episode 49, encourages policyholders to consider doing the same, even when those internal insurer communications involve someone with a JD. Why? Because case law tells us that, and I quote, “To the extent that an attorney acts as a claims adjuster, claims process supervisor or claims investigation monitor, and not as a legal advisor, the attorney-client privilege does not apply.”

The idea is that an insurance company cannot shield from discovery communications they’d have in the ordinary course of their business—about coverage, policy interpretation or the like—by assigning a lawyer to the file. And this is becoming all the more common, with insurers who outsource their claims-handling functions to law firms. Guess what: Doing that doesn’t guarantee privileged protection, and policyholders should evaluate such arrangements with a healthy dose of skepticism.

The bottom line? Internal insurer communications may be discoverable, even if attorneys are the sender, the recipient or are copied.

See, e.g., *Chicago Meat Processors v. Mid-Century Ins.*, No. 95-cv-4277, 1996 WL 172148, at *3 (N.D. Ill. Apr. 10, 1996) (ordering insurer to produce claim investigation file because “the factual results of such an investigation are discoverable in cases challenging the denial of the claim”).