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# THE JUDICIAL LEDGE

*Navigating Insurance Claim Investigations*



APPROVED BY:  
CEUInstitute

# Laws vs. Ethics

## Laws:

Government-set rules enforced by courts to maintain order, protect rights, and resolve disputes. In insurance, they ensure fairness and prevent fraud. Non-compliance leads to penalties or charges.

## Example:

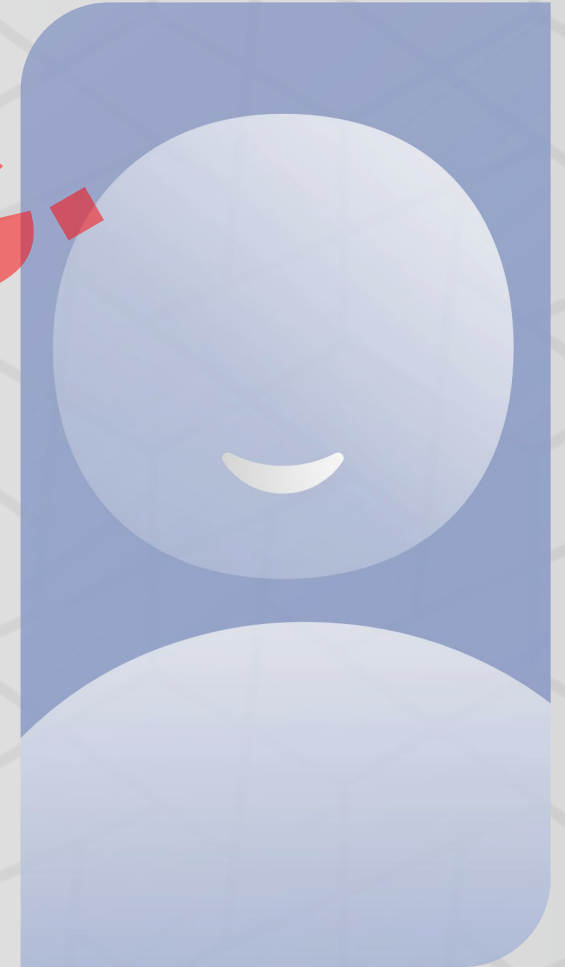
Regulations on claims handling, anti-fraud laws, privacy laws (e.g., HIPAA), and adjuster licensing.

## Ethics:

Moral principles guiding behavior, set by organizations to provide framework for decisions based on integrity, honesty, fairness, and respect. In insurance, they guide responsible and transparent conduct.

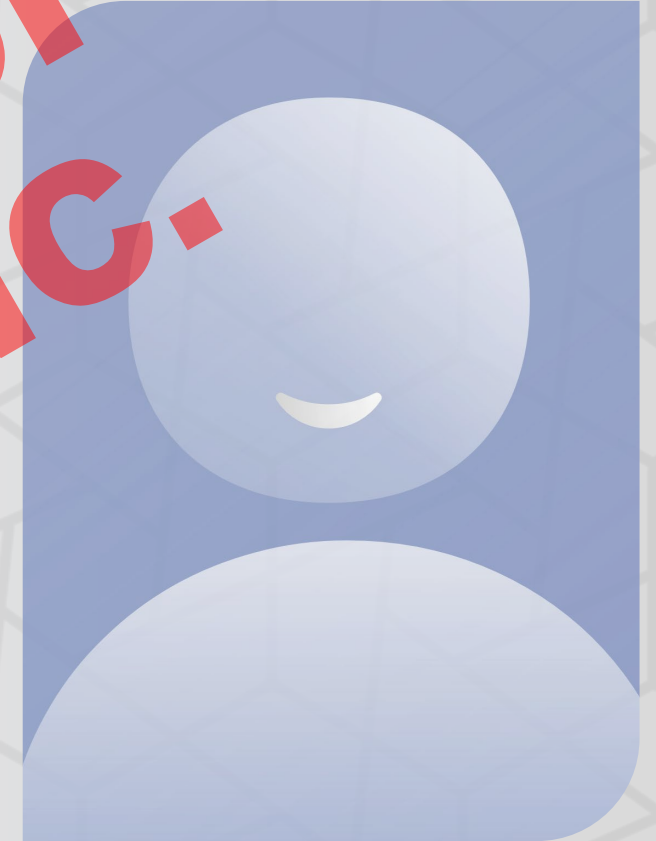
## Example:

Confidentiality, avoiding conflicts of interest, transparency, and treating all parties fairly.

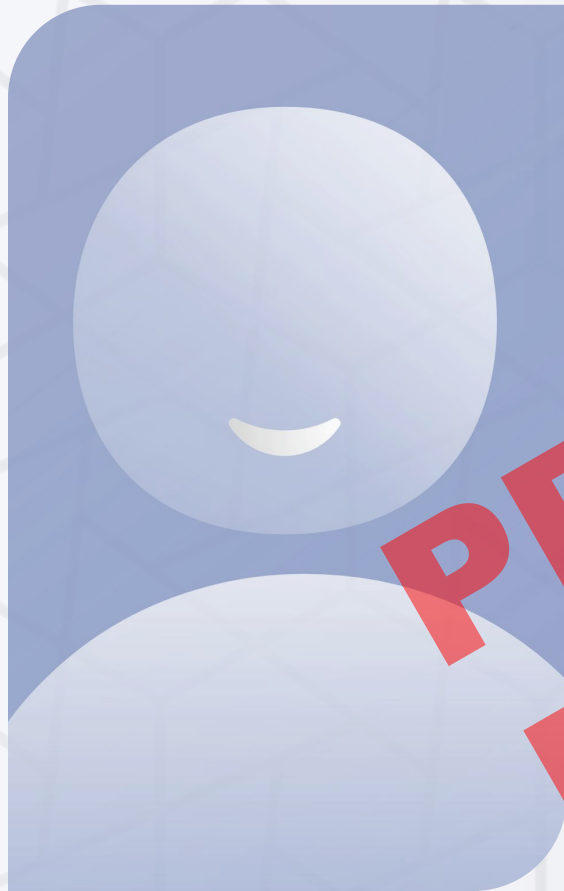


# NAIC Ethical Guidelines

- Good Faith Claims Handling
- Prompt Investigation and Communication
- Clear and Accurate Information
- Avoidance of Misrepresentation
- Fair Claim Settlements
- No Discriminatory Practices
- Proper Documentation
- Compliance with Legal and Regulatory Standards



# Ethical Issues in Investigations



**The Information  
You Collect  
(or Don't Collect)**

**How You Collect  
That Information**

**How You  
Disseminate  
That Information**

**How You Use  
That Information**

# Commonalities of Ethical Investigations



## **Unbiased – Objectivity & Fairness:**

No Prejudgment | Equal Treatment | Balanced Reporting | Conflict of Interest Free

## **Thorough – Comprehensive Investigation:**

Detailed Evidence Collection | Methodical Approach | Persistent Follow-Up

## **Transparent – Clarity & Openness:**

Clear Communication | Explanation of Findings | Policy Adherence

## **Confidential – Privacy & Security:**

Data Protection | Discretion | Compliance with Privacy Laws

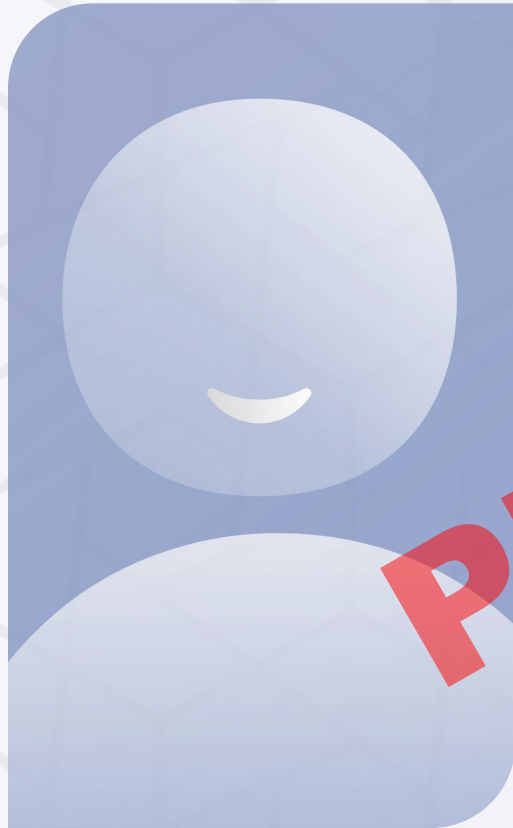


# What Ethical Investigations Are Not

- Without Legitimate Need
- No Articulate Suspicion
- Ulterior Motives
- Purely for Profit



# Consequences of Unethical Investigations



## Inadmissible Evidence:

Improper  
Collection

Fabrication  
of Evidence

Violation of  
Privacy Laws

## Litigation:

Counterclaims  
and Lawsuits

Regulatory  
Penalties

Class Action  
Lawsuits

## Reputation:

Loss of  
Client Trust

Negative  
Publicity

Professional  
Reputation

# Types of Investigations



## Research:

- Backgrounds
- Social Media
- Medical Canvasses
- Asset Searches
- Skip Tracing
- Record Retrievals



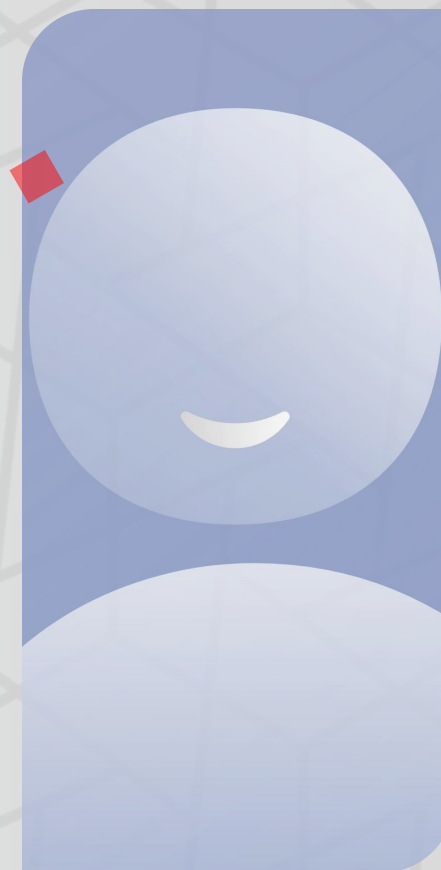
## Interviews:

- Interviews
- Scene Investigations
- Alive & Well Checks
- Clinic Inspections
- Subrogation Investigations



## Surveillance:

- Surveillance
- Activity Checks
- Remote Surveillance





# How Your Investigative Provider Should Conduct Ethical Investigations

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# Ethics by Investigation Type

## Research:

- **Permissible Purpose**
- Relevant Subjects Only
- Authorized Records Access
- **Social Media Friending**

## Interviews:

- Objectivity
- Thoroughness
- **Over Expansion**
- Confidentiality
- **Promises / Misleading Statements**
- Intimidation
- **Advice and Guidance**
- Irrelevant Questions
- Recording Permission / Editing

## Surveillance:

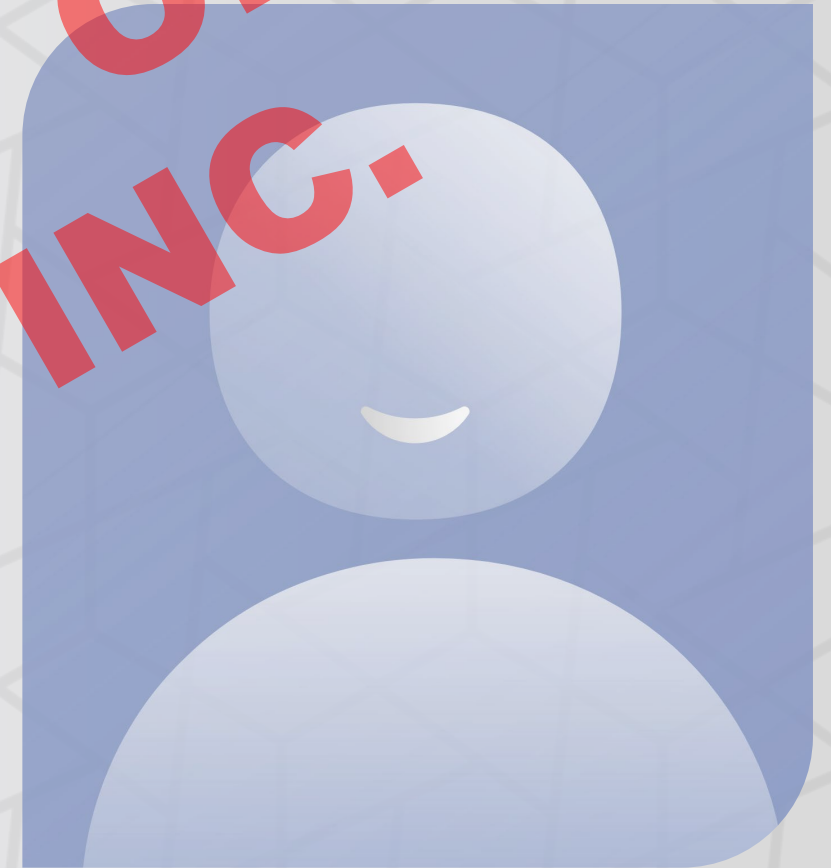
- **Selective Filming**
- Roping / Entrapment
- Trespassing
- **Privacy**
- Remote Surveillance
- **Pretexting**
- GPS tracking
- Rough Shadowing
- Video Editing



# All Services



- Accurate and Complete Reporting
- Stay Away from Opinions
- Preserving Integrity of Evidence
- Accurate billing
- Ethical Use of AI



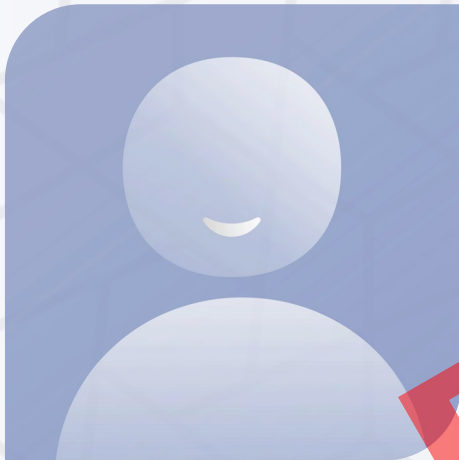
# Using Investigation Findings



**Avoid Being  
Selective**

**Don't Use  
to Intimidate**

# Key Takeaways



1

Distinguish between ethical practices and legal requirements in insurance claim investigations.

2

Unethical investigations can result in inadmissible evidence, legal actions, and reputational harm.

3

Uphold objectivity, thoroughness, transparency, and confidentiality in interviews, surveillance, and research.