

ITEM 10.03 | THIRD PARTY BAD FAITH ACTIONS

The lawyer-client privilege between an insurer, the insured and insured's counsel is not waived in a third party bad faith action. Since the insured is not the party bringing the action, it does not waive the privilege.²⁴

*Trial Lawyers Section of the Florida Bar
Conference of Circuit Court Judges
Conference of County Court Judges*

Footnotes

²⁴ *Progressive v. Scoma*, 975 So. 2d 461 (Fla. 2d DCA 2007) (“Few evidentiary privileges are as jealously guarded as the attorney-client privilege. Permitting a third party who brings a bad faith claim to abrogate the attorney-client privilege previously held by the insured and insurer would seem to undermine the policy reasons for having such a privilege, such as encouraging open and unguarded discussions between counsel and client as they prepare for litigation.”).

