



## **Resolve Your Insurance Conflict through EAGLE Mediation**

By John D. Doak, Oklahoma Insurance Commissioner

While the vast majority of insurance claims are settled quickly and effectively, sometimes the consumer and the insurer can't agree. Luckily, there is a free, voluntary solution that offers both parties the opportunity to reach an agreement without going to court. It's called the EAGLE Mediation Program. EAGLE stands for Ending Arguments Gently, Legally and Economically.

### **What is Mediation?**

Mediation is a just and effective process where a neutral third party or mediator helps resolve disputes by reaching a negotiated, written agreement.

EAGLE will provide mediators for two reasons:

1. To settle disputes between consumers and insurers before engaging in court proceedings,
2. To offer settlement conferences to resolve issues in insurance agent disciplinary proceedings prior to administrative hearings.

In order to participate in the EAGLE program, both opposing parties must agree to mediation and those participating in the mediation process must have full settlement authority.

### **Who is the Mediator?**

Mediators for the EAGLE program will be trained mediators who have been trained by the Oklahoma Supreme Court to help unhappy consumers and insurance companies work toward an agreement that puts their conflict to rest. The mediator is a neutral party and does not represent either of the parties involved, but rather advocates reaching a beneficial settlement for both parties.

### **What to Expect?**

The OID Consumer Assistance department initiates mediation when an agreement between consumer and insurer is unable to be reached. A mediator may also be requested from OID if a mediation session has already been scheduled.

### **What are the Advantages of Mediation?**

- Mediation is fair, neutral and confidential,
- Mediation is free and avoids costly court fees,
- Mediation saves time, often being completed in one meeting,
- A neutral third party assists the parties in reaching a voluntary, mutually beneficial resolution where all parties have equal say in the process, and
- Proceedings are informal and flexible.

One example in which EAGLE mediation can help is with first party claims regarding differences in value for property damage. Say an insured had a 2012 Ford F-150 that was stolen. They paid \$27,000 for the vehicle, but the insurance company is only offering to pay \$20,000 for the loss. An EAGLE mediator would listen to both sides and help them reach an agreeable settlement that day and with no costs to either party.

Policyholders who resolve their differences through mediation are generally more satisfied than those who must endure the time and cost of the court system. Insurance companies will have the chance to resolve differences before turning the file over to defense attorneys. If a negotiated settlement cannot be reached by the parties, the mediation is terminated and the parties maintain the option of litigating their dispute.

Oklahoma's EAGLE program has served as a model for other programs since creation in 1999. It has been highly praised as an efficient mechanism for resolving claims disputes between policyholders and companies. EAGLE is a Conflict Settlement Program certified by the Oklahoma Supreme Court as part of the state's Alternative Dispute Resolution System.

For more information about the EAGLE Mediation program or questions regarding any other insurance matter, contact Consumer Assistance Division at 1-800-522-0071 or visit <http://www.ok.gov/oid/>.