



2009 Hurricane Ike Mediation Pilot Program Texas Department of Insurance

The Texas Department of Insurance (TDI) invites you to mediate your Hurricane Ike residential property insurance claim dispute through a pilot program with three participating insurers: AAA Texas, Allstate, and Farmers.

What is mediation?

Mediation is a way of resolving insurance claim disputes with your insurance company. The mediation process involves you and your insurance company meeting with an independent third-party mediator to reach a mutually agreeable resolution.

Who is eligible for mediation?

Your claim dispute must involve one of the three insurers participating in the pilot program. Additionally, the claim must be more than \$1,000. Generally, the difference between your desired settlement and your insurer's offer must be more than \$500. However, disputes involving a lesser amount may be mediated if you and the insurer agree.

Only claims filed under one of the following types of policies qualify for mediation:

- Homeowners
- Renters
- Industrial fire
- Windstorm and hail policies, excluding the National Flood Insurance Program (NFIP) and the Texas Windstorm Insurance Association (TWIA)

Condominium association, commercial, liability, and auto insurance claims are not eligible for this program.

What is the cost? Where are the conferences held? How long does it take?

The mediation program is free for you. The insurance company pays the cost unless you cancel a session without a good reason and want to reschedule. The conference will be rescheduled only after you pay the \$350 fee.

The mediation conference will be held in the areas affected by Hurricane Ike, including areas in Southeast and East Texas.

The process typically lasts a couple of hours, but can continue as long as progress is being made. Mediation does not prevent you from taking the matter to court or settling your claim through another method.

How does it work?

Step 1- Complete the Mediation Request Form: The request form tells TDI that you would like to begin the mediation process. TDI will notify your insurance company and a mediation administrator. The insurance company will have 21 days to settle your claim before the mediation process begins.

AAA Texas, Allstate, and Farmers will send a Mediation Request Form to policyholders with unresolved residential property claims that resulted from Hurricane Ike. If you didn't receive a form, you can download it from TDI's website at www.tdi.state.tx.us/consumer/storms/cpmhurrike.html.

Step 2- Submit the request form to the mediation administrator, Truce Dispute Resolution Firm, LLC.

- Complete the request form online at www.truce.com.
- Send your request form by
 - E-mail to requestform@trucemedia.com
 - Fax to **214-387-8429**
 - Mail to **Truce Dispute Resolution Firm LLC**
6136 Frisco Square Boulevard, Suite 400
Frisco, Texas 75034

Step 3- Schedule the conference: A mediation administrator will work with you and your insurance company. Mediators are required to disclose conflicts of interest, and you will be able to object to a mediator if you think a conflict exists. You will be given at least 14 days notice of the date, time, and location of the conference.

Step 4- Prepare for mediation: Prepare for the mediation by gathering important documents, such as your policy, photographs, repair or replacement estimates, bills, and letters. Review the situation and be ready to discuss your concerns and needs. Determine what solutions would be agreeable and define realistic expectations for the outcome.

Step 5- Tell the administrator who else will be present. Tell the mediation administrator if you will be bringing anyone with you to the mediation conference. You will need to list the people participating at least seven days prior to the mediation conference. You may have an attorney present at the mediation conference, but it is not required.

Step 6- Reach an agreement: If you and the company reach an agreement, the details of the agreement will be written down on a mediation agreement form that you and the company representative will sign. When you sign the mediation agreement form, it becomes a binding contract between you and the company. You are not required to accept an agreement during the mediation. If you and the company agree to a settlement and sign the mediation agreement form, you have three days to rescind the agreement if you haven't cashed or deposited any checks or drafts.

For more information or assistance

For more information about the mediation program or to request mediation, call ***Truce Dispute Resolution Firm***
1-877-428-7823

For answers to general insurance questions or to file a complaint, call the ***Consumer Help Line*** or visit our website

1-800-252-3439
463-6515 in Austin
www.tdi.state.tx.us