

Irwin and Its Effect on UM/UIM

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2022

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Allstate v. Irwin: A Game-Changing Opinion

IN THE SUPREME COURT OF TEXAS

No. 19-0885

ALLSTATE INSURANCE COMPANY, PETITIONER

v.

DANIEL WES IRWIN, RESPONDENT



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TOPICS TO BE COVERED

- UM/UIM Key Issues
- CPRC Ch. 37 (UDJA)
- Allstate v. Irwin*
- Attorney's Fees Practice Tips

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Key UM-UIM Provisions

§ 1952.106. Recovery Under Underinsured Motorist Coverage

Currentness

Underinsured motorist coverage must provide for payment to the insured of all amounts that the insured is legally entitled to recover as damages from owners or operators of underinsured motor vehicles because of bodily injury or property damage, not to exceed the limit specified in the insurance policy, and reduced by the amount recovered or recoverable from the insurer of the underinsured motor vehicle.

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First appeared as part of the conference materials for the
2022 The Car Crash Seminar session

"Recent Developments in Prosecuting and Defending UM/UIM Actions"