Insurance Claims and Disputes

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Overview

A claim denial letter from your insurance company is not the final word on your coverage. It is the starting point for a dispute that, handled correctly, often produces a different result. Insurance adjusters are trained to minimize payouts within policy terms, and the initial coverage determination reflects the insurer's position, not necessarily an accurate reading of your policy.

Many policyholders accept that first denial or lowball settlement without realizing they have both the legal right and practical leverage to push back. Massachusetts and Rhode Island law impose specific obligations on insurers to handle claims in good faith, and violations of those obligations carry real consequences. Cohen Cleary represents homeowners, auto policyholders, and business owners in disputes over denied claims, coverage underpayments, and bad faith insurance practices. We know how these disputes are evaluated, what documentation moves the needle, and when litigation becomes the most efficient path to resolution.

Pursuing Denied Claims and Insurance Underpayments

Insurance disputes take different forms depending on the policy type and the insurer's basis for its coverage decision. Our work in this area spans:

- Homeowners insurance denials involving fire, water, wind, and theft claims, including disputes over depreciation calculations and replacement cost valuations
- Auto insurance disputes, including collision claims, comprehensive coverage disagreements, and uninsured or underinsured motorist claims
- Commercial and specialty policy disputes where business interruption, property damage, liability, or professional coverage has been denied or underpaid
- Bad faith claims under Massachusetts General Laws Chapter 93A and Chapter 176D, which impose affirmative duties on insurers to investigate, evaluate, and settle claims fairly

Massachusetts Chapter 176D defines specific unfair claim settlement practices, including failing to conduct a reasonable investigation, misrepresenting policy provisions, and offering substantially less than what the claim is worth. When an insurer violates these standards, the policyholder may pursue a claim under Chapter 93A, which allows recovery of multiple damages and attorney's fees. Before filing suit, Massachusetts law requires a 30-day demand letter outlining the insurer's violations. We build these cases from the documentation forward, reviewing the insurer's claim file, adjuster correspondence, reserve activity, and any independent assessments to match insurer conduct against the statutory standards that the Division of Insurance enforces.

Why Consumers Trust Cohen Cleary

At Cohen Cleary, our practice teams combine deep subject-matter experience with disciplined

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execution and responsive client service. We do not take a one-size-fits-all approach. Every matter is handled with careful preparation, clear communication, and a strategy tailored to the client's goals and the realities of the forum.

Clients choose Cohen Cleary because we deliver:

Practice-Focused Legal Experience

Our attorneys work in defined practice areas, allowing us to develop practical insight into the legal, procedural, and regulatory nuances that matter most in each case. This focus allows us to anticipate issues, avoid unnecessary delays, and position matters for efficient resolution.

Clear Guidance and Proactive Communication

We prioritize clarity at every stage. Clients receive straightforward explanations of their options, timely updates on developments, and practical advice grounded in real-world outcomes.

Strategic Advocacy with Trial Readiness

Whether a matter calls for negotiation, mediation, or litigation, our attorneys prepare every case with discipline and foresight. We pursue efficient resolution when possible and are fully prepared to advocate aggressively when necessary to protect our clients' interests.

Regional Knowledge and Local Presence

With offices throughout Massachusetts and experience across New England courts and agencies, we bring local insight and regional reach to every matter.

Client-Centered Service

We treat every matter with urgency and respect. Our clients rely on us for responsive service, sound judgment, and steady counsel through complex legal challenges.

In our insurance dispute work, this approach helps clients challenge insurer decisions with clarity, efficiency, and confidence.

How Policy Interpretation Shapes Every Insurance Dispute

Most policyholders have never read the exclusions, conditions, or sublimits in their insurance policies. That gap is where insurers gain leverage. A denial based on a policy exclusion you never reviewed is still a denial, and contesting it requires more than disagreement. It requires a documented analysis of the policy language against the facts of the loss. We tell our clients that understanding your own policy is the first strategic step. Our attorneys analyze policy language against the insurer's stated basis for denial and identify where that interpretation fails to account for Massachusetts law, which construes ambiguous policy terms in favor of the insured.

Representing Policyholders Across Massachusetts and Rhode Island

Cohen Cleary represents policyholders from offices in Taunton and Plymouth, handling insurance disputes in courts throughout southeastern Massachusetts and Bristol, Plymouth, and Norfolk Counties. Our attorneys have practical familiarity with how insurance coverage cases

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proceed in the Massachusetts Superior Court and the Division of Insurance's regulatory framework. We also represent policyholders in Rhode Island, where the Unfair Claims Settlement Practices Act provides parallel protections for policyholders challenging insurer conduct. Whether a dispute involves a homeowner's claim in Bristol County or a commercial coverage question, the firm brings local procedural knowledge and regional reach across New England.

Speak with a Massachusetts Insurance Dispute Attorney

If your insurance claim has been denied, underpaid, or unreasonably delayed, contact Cohen Cleary for a case evaluation. We will review your policy, assess the insurer's conduct, and advise you on the most effective path to recovering the coverage you are owed. Consultations are available from our Taunton and Plymouth offices.

Frequently Asked Questions About Denied Insurance Claims

Can I sue my insurance company for denying my claim in Massachusetts?

Yes. If your insurer denied your claim without a reasonable basis, you may have grounds for a breach of contract action and potentially a bad faith claim under Chapter 93A. Massachusetts law requires insurers to investigate and evaluate claims fairly, and policyholders who can demonstrate violations may recover damages beyond the original claim amount, including multiple damages and attorney's fees.

What is bad faith insurance in Massachusetts?

Bad faith occurs when an insurer fails to meet its legal obligations under Chapter 176D, which defines specific unfair settlement practices. Examples include failing to conduct a reasonable investigation, denying a claim without explanation, unreasonably delaying payment, and offering a settlement substantially below the claim's documented value. A bad faith finding can trigger liability under Chapter 93A.

How long do I have to dispute an insurance claim denial?

Deadlines vary depending on the policy type and the basis for the dispute. Breach of contract claims in Massachusetts generally carry a six-year statute of limitations, but many policies contain shorter internal deadlines for filing proofs of loss, requesting appraisals, or initiating suit. Missing a policy-imposed deadline can forfeit your right to dispute the denial, even if the statute of limitations has not expired. Reviewing your policy's conditions section promptly after a denial is critical.

What is an appraisal clause, and should I use it?

Many property insurance policies contain an appraisal clause that allows either party to request an independent appraisal of the loss amount when there is a disagreement over valuation. Appraisal can resolve underpayment disputes more quickly than litigation, but it only addresses the amount of loss, not whether the claim is covered. If the insurer has denied coverage entirely or is acting in bad faith, appraisal alone will not resolve the dispute, and litigation may be necessary.

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