Reinhart Wins Major Case Impacting Title Industry; Provides Future Precedence

MILWAUKEE – Reinhart Boerner Van Deuren s.c. (Reinhart) Shareholder Bridget Hubing successfully represented firm client WFG National Title Insurance Company in the Marinette County Circuit Court and before the Wisconsin Court of Appeals District III for a case that will have a major impact on the title industry.

The Court of Appeals affirmed the trial court's finding that WFG did not owe a duty to defend or indemnify its insured, which could have cost a substantial amount of money given the number of parties, the types of claims and the complexity of the legal issues. More importantly, the decision addresses title insurance policy matters that have never been adjudicated in Wisconsin.

Hubing cited fellow Reinhart Shareholder Bush Nielsen's book – Title & Escrow Claims Guide, a national treatise on the law of title insurance policies, real estate closing agents and escrows – and case law from many other states because there are no cases in Wisconsin directly on point for many of these issues.

In this case, the appellate court analyzed the duties and obligations of an insurer under the title insurance policy, including the property insured in Schedule A and the specific exceptions found in Schedule B. The appellate decision, which is recommended for publication, will provide much needed precedence for future cases regarding title insurance policy coverage in Wisconsin. It is a very important win for the title industry.

As in Wisconsin, many state jurisdictions do not have such a comprehensive decision on how to interpret title insurance policies. The decision can be utilized as persuasive authority across the nation because the policy is a standard form and should be interpreted in the same fashion as the Court of Appeals did in this case. Fellow Reinhart Shareholder Malinda Eskra assisted Hubing in the appeal.

The full decision can be found here.

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