

Message from Elliott R. Feldman, President, NASP

Dear Members:

Over the past few days, there has been a healthy exchange of intelligent and articulate points of view regarding the Wal-Mart v. Shank case. Following the initial publication of the *Wall Street Journal* front page article regarding this matter, the WSJ published several letters providing different perspectives on the relevant issues, including one that I had submitted on behalf of NASP which is posted in the Press Release section of our website. As is typically the case when the rights of a subrogating insurer compete with those of an insured or claimant, there is a complex interplay of conflicting legal interests, with no easy answer. In addition, of course, none of us is fully aware of the day-by-day events which unfolded in the litigation, nor of the private communications among the parties. Insofar as the Supreme Court has denied cert, the case presumably will be resolved on the basis of the ruling of the Court of Appeals. At the same time, however, it is important for the business community, as well as the public at large, to understand how subrogation rights operate, in general, as well as when embedded within a personal injury action.

We will be monitoring the media for further reports regarding this case, or similar reported decisions, so that we can offer the position of the subrogation industry. I encourage all of you to do likewise for insurance and business periodicals to which you subscribe, as well as newspapers of general circulation in your respective areas. If appropriate, please reference NASP as an association that can support your viewpoint and provide the media with additional background information regarding the importance of protecting subrogation rights.

Finally, while I doubt our offer will be accepted, we will be contacting CNN and MSNBC to offer our services to educate their viewing public regarding these issues.

Sincerely,

Elliott R. Feldman
President, NASP