Texas Appraiser and Umpire Selection Checklist

Questions to ask before anyone is named to an appraisal panel, for policyholder counsel, insurer counsel, carriers, TPAs, adjusting firms and public adjusters. Built from *In re ACE American Insurance Co.* (Tex. May 8, 2026), Insurance Code Chapter 1813, and TDI's proposed 28 TAC §§5.9800 to 5.9806.

1. COMPETENCE

- [ ] Has handled this property type
  Residential, multifamily, warehouse, retail, institutional
- [ ] Has handled this damage mechanism
  Water, mold, fire, wind, hail, flood
- [ ] Can audit completed work, not only estimate it
  Invoices, change orders, pay applications, general conditions, overhead and profit
- [ ] Meets the proposed dwelling categories, if residential
  Adjuster or public adjuster, engineer or architect, or construction or estimating experience (§5.9804)
- [ ] Holds a current Texas adjuster license, if the role calls for one

2. INDEPENDENCE AND DISINTEREST

- [ ] No current or recent relationship with either party, its counsel or its adjusting firm
- [ ] Fee is hourly or flat, not tied to the size of the award
- [ ] Practice does not depend on steady referrals from one carrier, law firm or public adjusting firm
- [ ] All of the above disclosed in writing before appointment

3. CAPACITY AND SCHEDULE

- [ ] States the number of open appraiser and umpire assignments
- [ ] Commits to a written schedule at the first meeting
- [ ] Can meet the proposed 120-day and 240-day marks
  Or the parties have agreed to different dates in writing (§5.9805(c))
- [ ] Has a plan for inspections, document exchange and the award date

4. PROCESS AND AWARD

- [ ] Agrees to an itemized award format at the first meeting
- [ ] Will separate disputed categories
  Mold, ordinance or law, completed versus reasonable cost, RCV versus ACV
- [ ] Will state that pricing an item is not a coverage finding
- [ ] Will keep a record of documents reviewed and inspections made

PUT THESE IN WRITING AT THE FIRST PANEL MEETING

1. The deadline schedule the panel will follow, even if the policy is silent
2. Any agreed extension, signed before a deadline passes
3. Each panel member's conflict disclosure and fee terms
4. The award format and the categories it will itemize
5. How the umpire will be chosen if the appraisers cannot agree
6. Where documents, photos and estimates will be exchanged

Why the clock matters

TDI data shows half of umpired residential awards took more than 193 days and a quarter more than 278. The proposed rule ends an umpire's engagement at 240 days.

Why the format matters

After *In re ACE*, coverage, sublimits and allocation stay with the court. An itemized award gives the court numbers it can apply.

Rule status

Chapter 1813 applies to residential and personal auto policies issued or renewed on or after January 1, 2026. As of October 26, 2026, TDI had not adopted §§5.9800 to 5.9806.

Okla Risk Advisors
Party appraiser and neutral umpire, residential and commercial.
Written conflict disclosure on every engagement. Hourly or flat fees, never tied to the award.

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