

4020 AGENT'S DUTIES OWED TO PRINCIPAL

An agent occupies a position of trust and confidence with respect to his or her principal and is under obligation to exercise good faith, reasonable diligence, and standard skill in the performance of his or her duties in behalf of, and in following the directions of, his or her principal. These obligations compel the agent to discharge his or her duties with absolute fidelity and loyalty to the interests of his or her principal; to keep his or her principal informed with respect to, and to make full disclosure to him or her of, all material facts that affect the subject of his or her agency; to consult with him or her on emergency developments, if opportunity exists to do so; to exercise the skill and care standard for such employment in the community; in all respects, to discharge faithfully his or her duties, so as to protect and serve the best interests of his or her principal.

COMMENT

This instruction and comment were originally published in their present form in 1962. Editorial changes were made in 1994 to address gender references in the instruction. No substantive changes were made to the instruction.

This is intended as a general instruction on the duties of an agent. For details as to the respects in which this instruction can be amended to fit particular factual situations, see Restatement, second, Agency §§ 377-398 (1958); Callighan's Wis. Digest Principal and Agent §§ 50-52 (1950).

Prisuda v. General Cas. Co. of Amer., 272 Wis. 41, 74 N.W.2d 777 (1956); Bockemuhl v. Jordan, 270 Wis. 14, 70 N.W.2d 26 (1955); Shevel v. Warter, 256 Wis. 503, 41 N.W.2d 603 (1950); Bank of Calif., v. Hoffmann, 255 Wis. 165, 38 N.W.2d 506 (1949); Faultersack v. Clintonville Sales Corp., 253 Wis. 432, 34 N.W.2d 682 (1948); Weinhagen v. Hayes, 174 Wis. 233, 178 N.W. 780, 183 N.W. 162, 187 N.W. 756 (1921); McKone v. Metropolitan Life Ins. Co., 131 Wis. 243, 110 N.W. 472 (1907).