



# Principles of Insurance Law

*Emeric Fischer, Peter Nash Swisher, Jeffrey Stempel*

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Over the past two decades, there have been a number of important developments in the areas of liability, property, and life and health insurance that have significantly changed insurance law. Accordingly, the Fourth Edition of *Principles of Insurance Law* has been substantially rewritten, reformatted, and refocused in order to offer the insurance law student and practitioner a broad perspective of both traditional insurance law concepts and cutting-edge legal issues affecting contemporary insurance law theory and practice. This edition not only expands the scope of topical coverage, but also segments the law of insurance in a manner more amenable to study, as well as facilitating the recombination and reordering of the chapters as desired by individual instructors. The Fourth Edition of *Principles of Insurance Law* includes new and expanded treatment of important insurance law developments, including:

- The critical role of insurance binders as temporary forms of insurance as illustrated in the World Trade Center property insurance disputes resulting from the terrorist attacks of September 11, 2001;
- The continuing debate between "legal formalists" and "legal functionalists" for "the heart and soul" of insurance contract law;
- What constitutes a policyholder's "reasonable expectation" regarding coverage;
- The current property and liability insurance "crisis";
- Risk management and self-insurance issues;
- Emerging, and frequently conflicting, case law concerning the intersection of insurance law and federal anti-discrimination regulation;
- Ongoing interpretive battles over the preemptive scope of ERISA;
- The United States Supreme Court ruling that a California statute attempting to leverage European insurers into honoring commitments to Holocaust era policies is preempted by the Executive's power over foreign affairs;
- The State Farm v. Campbell decision, which struck down a \$145 million punitive damages award in an insurance bad faith claim as well as setting more restrictive parameters for the recovery of punitive damages;
- New issues over the dividing line between "tangible" property typically covered under a property insurance policy and "intangible" property, which is typically excluded - an issue of increasing importance in the digital and cyber age;
- Refinement of liability insurance law regarding trigger of coverage, duty to defend, reimbursement of defense costs, and apportionment of insurer and policyholder responsibility for liability payments;
- The difficult-to-harmonize decisions concerning when a loss arises out of the "use" of an automobile;
- Insurer bad faith and the availability, if any, of actions against a policyholder for "reverse bad faith"; and
- The degree to which excess insurance and reinsurance may be subject to modified approaches to insurance policy construction.

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