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## Selected Bibliography of Resources for Insurance Law Research

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## BIBLIOGRAPHY

### SELECTED BIBLIOGRAPHY OF RESOURCES FOR INSURANCE LAW RESEARCH

COMPILED BY JAMES R. CARLSON\* AND WILLIAM P. WILSON\*\*

#### I. INTRODUCTION

The primary purpose of this select bibliography is to assist the practicing attorney in finding information about the case law, the statutes, and the administrative rules that comprise the specialized area of "insurance law." This is not to imply that this legal field is so vastly unlike the remaining body of American law that it requires specialized instruction to find it or understand it. Rather, it is hoped that the use of this bibliography will result in a considerable savings of both time and effort for the practitioner who does not specialize in insurance law. Since insurance law is primarily a state matter, this bibliography is confined primarily to sources of state law.

#### II. PRIMARY SOURCES OF INSURANCE LAW — STATUTES AND ADMINISTRATIVE RULES

The North Dakota Century Code addresses insurance issues

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in title 26.1. Additionally, pursuant to sections 26.1-01-08 and 28-32-02, the Commissioner of Insurance has the power to adopt, amend, or repeal administrative rules. These rules are located in title 45 of the North Dakota Administrative Code.

### III. SECONDARY SOURCES OF INSURANCE LAW

#### A. ENCYCLOPEDIAS

Two of the standard multivolume encyclopedias that are devoted entirely to insurance law are *Couch Cyclopedia of Insurance Law*, and *Insurance Law and Practice* by John and Jean Appleman. The Couch encyclopedia is composed of twenty-four volumes and covers all types of insurance law. An index, a table of cases, and forms to assist the practitioner are included in this set. The Appleman encyclopedia is comprised of twenty-six volumes, contains an index, a table of cases, forms, and also covers all types of insurance law.

#### B. TREATISES AND BOOKS

There are two treatises devoted to automobile insurance law. The three volume *Automobile Liability Insurance*, By Irving E. Schermer, deals specifically with no-fault insurance, uninsured motorist, and compulsory coverage issues. *Uninsured and Underinsured Motorist Insurance*, by Alan I. Widwiss, is confined to the subjects revealed in the title of the work.

Two other specialized books are of interest. *Annotations to the Homeowners' Policy*, published by the American Bar Association, contains case annotations from all states interpreting various provisions of standard homeowners' policies. *Property Insurance Annotations Fire and Extended Coverage* does the same for standard fire insurance policies.

#### C. PERIODICALS

The *Insurance Counsel Journal* is issued quarterly by the International Association of Insurance Counsel, an organization whose purpose is to bring into close contact those lawyers that are actively engaged in the practice of insurance law and those lawyers that are representatives of insurance companies.

The *Insurance Law Journal* is published monthly by Commerce

Clearing House, Inc. It reviews current developments in insurance law relating to various types of insurance policies, including life, health and accident, fire and casualty, automobile, negligence, and products liability.

The *Journal of American Insurance* is published four times a year by the Alliance of American Insurers and concerns public interest matters related to insurance law.

#### D. PERIODICAL, NEWSPAPER BIBLIOGRAPHY

This bibliography is not intended to cover all aspects of insurance law. Rather, it is a collection of articles on the subjects of good faith, bad faith, and punitive damages in the context of insurance law.

##### 1. Articles

Abraham, *Bad Faith Claims; Punitive Damages*, TITLE NEWS, Aug.-Sept. 1984, at 11.

Bess & Doherty, *Survey of Bad Faith Claims in First Party and Industrial Proceedings*, 49 INS. COUNS. J. 368 (1982).

Blan, *The Tort of Bad Faith — A Defense Viewpoint*, 34 ALA. L. REV. 543 (1983).

Bragg, *Punitive Damages; An Insurer's Lament*, 34 DEF. L.J. 483 (1985).

Chen, *Insurance of Section 1983 Punitive Damages: Wrong Law, Wrong Result*, 51 INS. COUNS. J. 533 (1984).

Crittenden, *Intra-insurance Industry Litigation: The Bad Faith Syndrome and Other Issues*, ARB. J., Sept. 1983, at 7.

Dey, *Insurer's Liability for Bad Faith or Negligent Refusal to Settle*, FOR DEF., Oct. 1983, at 6.

Dey, *Insurer's Bad Faith Failure to Pay or Settle Insurance Claims*, FOR DEF., Sept. 1983, at 8.

Fanning, *Bad Faith and Other Extra-Contractual Actions Against Insurers*, FOR DEF., Nov. 1985, at 11.

Galante, *RICO Used by Insurers to Sue Attorneys*, Nat'l L.J., Mar. 26, 1984, at 3, col. 1.

Graham & Luck, *The Continuing Development of the Tort of Bad Faith in Montana*, 45 MONT. L. REV. 43 (1984).

Granelli, *Good Times for Bad Faith*, Nat'l L.J., July 11, 1983, at 1, col. 1.

Harvey & Wiseman, *First Party Bad Faith: Common Law Remedies and a Proposed Legislative Solution*, 72 KY. L.J. 141 (1983).

Holmes, *A Model First-Party Insurance Excess-Liability Act*, 14 GA. L. REV. 497 (1980).

Holmes, *Is There Life After Gilmore's Death of Contract? — Inductions from a Study of Commercial Good Faith in First-Party Insurance Contracts*, 65 CORNELL L. REV. 330 (1980).

Kenney, *Punitive Damages in Aviation Cases: Solving the Insurance Coverage Dilemma*, 48 J. AIR L. & COM. 753 (1983).

Kinerk, *Laying the Foundation for a Bad Faith Action*, TRIAL, Dec. 1982, at 50.

Kornblum, *Is This the Era of Abuse of the Remedy?*, BRIEF, Aug. 1984, at 9.

Kottke, *Plugging the Cracks: The Basis and Extent of Liability for First Party Bad Faith Claims*, 32 FED'N INS. COUNS. Q. 79 (1981).

Kouri, *Bad Faith Punitive Damages Case*, BRIEF, Fall 1984, at 31.

Lanzone & Ringel, *Duties of a Primary Insurer to an Excess Insurer*, 61 NEB. L. REV. 259 (1982).

Louderback & Jurika, *Standards for Limiting the Tort of Bad Faith Breach of Contract*, 16 U.S.F.L. REV. 187 (1982).

Manchester, *Third-party Bad Faith Action*, TRIAL, Aug. 1984, at 28.

Minor, *Proving Bad Faith of an Insurer*, TRIAL, Aug. 1984, at 16.

Morrison, *Punitive Damages and Why the Reinsurer Cares*, 20 F. 73 (1984).

Orren, *A Uniform Statute for Punitive Damages in Insurance Cases?*, FOR DEF., Mar. 1985, at 3.

Prestley, *Insurance Bad Faith Litigation*, BRIEF, Aug. 1982, at 17.

Warfield, *Practical Aspects of the Excess Judgment Case*, 6 AM. J. TRIAL ADVOC. 405 (1983).

## 2. Student Written Materials

Casenote, *Involuntary Assignment of a Cause of Action for Bad Faith Failure to Settle Within the Policy Limits*, S. ILL. U.L.J. 365 (1984).

Comment, *Establishing the Tort of Bad Faith in Wyoming*, 20 LAND & WATER L. REV. 625 (1985).

Comment, *Liability in Excess of Insurance Policy Limits: Who Bears the Risk of Litigation?*, 12 U. TOL. L. REV. 101 (1980).

Comment, *Insurance Coverage of Punitive Damages in Montana*, 46 MONT. L. REV. 77 (1985).

Note, *Attorney's Fee Recovery in Bad Faith Cases: New Directions for Change*, 57 S. CAL. L. REV. 503 (1984).

Note, *Corporate Insurability of Punitive Damages Arising from Employee Acts*, 11 J. CORP. L. 99 (1985).

Note, *Estopping an Insurer's Denial of Coverage Under S.D.C.L. 58-11-44 after Braaten v. Minnesota Mutual Life Insurance Co.*, 27 S.D.L. REV. 77 (1981).

Note, *Excess Liability of Insurers for Bad Faith Refusal to Settle: A Boon to the Individual Insured that Works to the Detriment of Consumers*, 18 SUFFOLK U.L. REV. 377 (1984).

Note, *Insurance — Bad Faith and First Party Extracontractual Damages*, 5 AM. J. TRIAL ADVOC. 497 (1982).

Note, *Insurance Settlements: An Insured's Bad Faith*, 31 DRAKE L. REV. 877 (1982).

Note, *Insurer's Wrongful Refusal to Settle: A Note on Excess*, 15 LOY. U. CHI. L.J. 513 (1984).

Note, *The Publicly Held Corporation and the Insurability of Punitive Damages*, 53 FORDHAM L. REV. 1383 (1985).

Significant Cases, *Liability of Insurance Companies for Bad Faith Failure to Settle for Policy Limits; Infliction of Emotional Distress and Punitive Damages*, 1984 TRIAL LAW. GUIDE 189.

Significant Cases and Developments, *Punitive Damages for Bad Faith*, 1984 TRIAL LAW. GUIDE 311.

Survey of South Carolina Law, *Tortious Breach of Duty of Good Faith and Fair Dealing*, 34 S.C.L. Rev. 28 (1982).