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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

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

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- Galante, *RICO Used by Insurers to Sue Attorneys*, Nat'l L.J., Mar. 26, 1984, at 3, col. 1.
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- Kenney, *Punitive Damages in Aviation Cases: Solving the Insurance Coverage Dilemma*, 48 J. AIR L. & COM. 753 (1983).
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- 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).

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

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