



# The Insurance Library

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Coverage, Litigators, Educators & Witnesses Interest Group

## CLEW NEWS

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## The Top 5 Resources for Coverage

### Analysis and Research

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“Is it covered?” It’s a simple question. The answer, however, is often complicated. Complicated enough for many lawyers and other experts to devote entire careers to the analysis and documentation of coverage issues. And while there may not be thousands of published resources on the subject, there are more than five. I know this because I asked Sarah Hart and Meagan Stefanow, senior research librarians with The Insurance Library, to name their top five go-to sources for insurance coverage questions, and they could not agree on just five.

Thankfully and helpfully, there were many points of agreement in their descriptions of the resources with the most utility. Both, for instance, listed the manuals published by the International Risk Management Institute and FC&S published by The National Underwriter Company high in their rankings, describing them as essential resources to be consulted for almost any coverage inquiry. And where they disagreed it was more often on subtle points of emphasis rather than fundamental characteristics of the publication. For in-stance, Meagan evinced a higher level of appreciation for the index in Handbook on Insurance Coverage Disputes (Ostrager & Newman) than did Sarah, in large part because it breaks information down state by state.

When It Comes to Coverage, There Is No Shortage of Resources at The Insurance Library.

The following assessments are based on a conversation with the veteran librarians that was consistently frank and only occasionally heated:

IRMI manuals—Commercial Liability Insurance and Personal Risk Management and Insurance are examples of the half dozen-plus specific titles available—are valuable because they go clause by clause through standard policies and offer analysis of the language, often including descriptions of changes in forms, assessments regarding intent, and citations to key cases. The manuals address content from the orientation of industry insiders such as underwriter and claims professionals.

FC&S has many of the same positive attributes as the IRMI manuals and may have more content addressing personal lines. FC&S also has a question and answer section which can be helpful when researching a question, particularly when “you hit the nail on the head” with the question being researched exactly matching a published question.

Almost any coverage inquiry will involve consulting both FC&S and the appropriate IRMI manual, according to both librarians. Sarah cited National Underwriter coverage guides on her list; Meagan did not disagree as to their utility—they are written by subject matter experts and have a high level of specialization and good examples—and did not include them only because she did not view them as a single source. The coverage guides also contain sections that look broadly at emerging issues that impact coverage, such as the development of autonomous vehicles and drones.

Both librarians listed Insurance Claims & Disputes: Representation of Insurance Companies and Insureds by Alan D. Windt as a top source when it comes to consulting a legal treatise. Rather than starting with policy language, Windt is organized by subject matters that cover different lines of business—things like duty to indemnify, obligations of an insurer and an insured, and the meaning of notice of claim—discussing issues more globally and then looking to how specific policy language addresses such issues. Windt is notable for excellent writing and clarity, is chock full of footnotes, and has an excellent index.

Meagan endorsed New Appleman on Insurance Law Library Edition as a useful source but also issued a note of caution regarding one of the most recognized brand’s insurance scholarship. The traditional authoritative source, known as Appleman’s 2nd is still worth consulting, but it is no longer updated and was essentially replaced with a number of publications bearing the Appleman name. The Library Edition has been expanded over time so that it is becoming more like the old Appleman’s 2d.

Appleman’s also has a fantastic quarterly journal, Meagan and Sarah agreed. While its coverage is not comprehensive in that you cannot always find an article on point, when you do it is sure to be well done and thorough.

Besides the aforementioned index, Meagan finds Ostrager & Newman to be a helpful source on occasion to find content that is not found elsewhere, “random stuff” in some instances.

Stempel and Knutsen on Insurance Coverage is another source relied upon by both librarians as a treatise that, like Windt and Ostrager, deals with general matters of insurance law, contract law, and other important issues that are not specific to one line of insurance such as subrogation, valuation, duty to defend, duty to settle, etc. It does also have separate chapters on specific (mostly commercial) lines of insurance.

There are also chapters on coverage of cyber risks and insurance and climate change, which are hot topics right now and have less written about them than subjects that have been addressed over a long period of time. It also contains a chapter on life insurance, even if it is rather short. Compared to other legal treatises, some of the chapters on individual lines are relatively short, they often hit key issues that other treatises/monographs lack citations for or miss completely.

Other helpful sources listed by Meagan and Sarah include Miller's Standard Insurance Policies Annotated, which includes more than 226,000 annotations to state and federal cases interpreting over 100 standard property and liability policies reported in the U.S. since 1978, and ABA's Journal Coverage.

Clearly, when it comes to coverage, there is no shortage of resources available, and the librarians at The Insurance Library are ready guides through the complexities and nuances of these publications. Reach out by email or find us online at [www.insurancelibrary.org](http://www.insurancelibrary.org).

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