

of insurance contracts, the difference between property and liability policies, the rescission of insurance policies, the duties of the insured and insurer, conditions, warranties and exclusions, fortuity, the trigger of coverage, appraisal, independent counsel and the law of unintended consequences, subrogation, other insurance clauses, mold and fungi, punitive damages, preemption the power to control insurance, and federal or state court for declaratory relief. The Appendices include the California Standard Fire Insurance Policy, definitions, insurance fraud statutes, and form letters. The text is illustrated with summaries of relevant decisions of the U.S. Supreme Court, and state and federal courts, which obviates the need to run to the case reporters for the most salient points. This book will appeal to lawyers, insurance brokers and agents, claims adjusters, risk managers, property owners, business owners, insurance underwriters, insurance claims personnel, and any who earn a living from or with the assistance of, insurance. Barry Zalma has practiced law in California for more than 44 years as an insurance coverage and claims handling lawyer, and spent more than 50 years in the insurance business. His practice is now limited to service as an insurance consultant and expert witness specializing in insurance coverage, insurance claims handling, insurance bad faith, and insurance fraud, almost equally for insurers and policyholders. He also serves as an arbitrator or mediator for insurance related disputes.

Zulkey, Edward J. **Litigating Insurance Disputes**. Huntington, NY: Juris Publishing, Inc., 2016-date. 624 p. Looseleaf format (various pagings) and hardcover.

Cost: \$175 (hardbound); supplementation: 2013: \$75; 2014: \$65; 2015: 0; 2016: new edition (2021).

Insurance policies are basically contracts between insureds and insurers that provide protection of insureds against liability for claims or suits brought by third parties. This comprehensive resource provides a well-organized and annotated discussion of all types of insurance coverage, including automobile, commercial general liability, professional liability, directors' and officers' liability, and workers compensation, as well as the various layers of coverage, including primary, excess, umbrella and reinsurance. There is also discussion of how to read an insurance policy, the rules of insurance policy construction, the insured's duty of notice and cooperation, the insured's duty to defend, reservation rights and conflict of interest, the number of occurrences or claims, deductibles and limits, relationship of multiple insurers, the failure to settle, and the role of the broker. Part II addresses choice-of-law resolution in insurance cases, declaratory judgment litigation issues and strategies, discovery and case management in declaratory judgment actions, and arbitration in insurance disputes. Part III covers litigating directors' and officers' coverage claims, advertising liability coverage, litigating environmental and toxic tort coverage claims, employment liability coverage, and fiduciary responsibility insurance. The text is supported by numerous citations to case law and statutes. A companion CD-ROM provides a variety of forms, agreements, and other supporting documents. This is an invaluable tool for any lawyer who represents policyholders or insurers. Edward J. Zulkey is a Partner and General Counsel in the Chicago office of Baker & McKenzie where he practices primarily in the fields of liability insurance-related issues and professional liability. He is former Vice-Chair of the ABA/TIPS'

Committee on Excess and Reinsurance, Co-Chair of the Legal Malpractice Subcommittee of the ABA/TIPS' Committee on Insurance Coverage Litigation and Chairman, Casualty & Excess Insurance Committee, International Association of Defense Counsel. He has written numerous articles and lectured widely in the field of insurance coverage.

Additional titles in the field of Insurance Law are available from the following publishers: American Insurance Association, Matthew Bender, Chartered Property Casualty Underwriters Society, Foundation Press, Gould, Greenwood Publishing Group, William S. Hein & Co., International Risk Management Institute, James Publishing, Lawyers & Judges Publishing Co., Legal Research Systems, LexisNexis, Lloyd's of London Press, National Association of Insurance Commissioners, Oakstone Legal & Business Publishing, Panel Publishers, Practising Law Institute, S. Illinois University Press, Thomson Reuters (West), University Press of America, Warren, Gorham & Lamont, West Academic. See Appendix B for addresses and telephone numbers.

Judges, Courts, and Judicial Conduct

A judge is a person who presides over court proceedings and adjudicates formal disputes between competing parties. A judge may sit as a member of a panel of judges on an appellate court deciding questions of law and often issuing written opinions; as an individual in trial court proceedings of a civil or criminal nature, and with or without a jury; or by themselves, in local court proceedings, such as in probate, small claims, or traffic matters. Judges serve at the national, state, and local level.

The appointment of judges varies depending on the court and jurisdiction in which they serve. U.S. Supreme Court justices are appointed by the President with the advice and consent of the U.S. Senate, as are those of the U.S. Court of Appeals and U.S. District Courts. Selection of judges at the state level, which was initially entrusted to state legislatures, became subject to popular election by the 1820s. Mississippi was the first state to mandate the popular election of all its judges for limited terms. By 1860, 23 of the 30 states had adopted the practice of popular election of judges for limited terms of six to eight years. While a majority of states continued popular elections of judges well into the 20th century, the post Civil War era witnessed a gradual shift toward merit selection, in response to the growing complexity of issues arising in a increasingly industrialized economy and the rising professionalism of the legal profession. Missouri led the way in this regard, with judges appointed by the governor for an initial period of service, after which they were subject to a retention referendum.

Other states adopted a variety of merit selection plans, particularly for state supreme and appellate court judges. Typically, this involved nominating commissions, composed primarily of lawyers, submitting names of qualified candidates to the governor or legislature. At present, 25 states employ such nominating commissions for their supreme courts, and