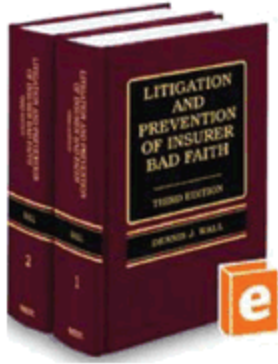


## Litigation and Prevention of Insurer Bad Faith

Dennis Wall

*Reviewed by Perry Ian Cone*



Insurer “bad faith” is a hot topic in Florida. It is fertile ground for policyholder insurer attorneys, an area of serious concern for insurer counsel, and the subject of much debate within the business community. Opposing forces have battled it out in the legislature the last two years.

Hot off the presses is Dennis Wall’s third edition of *Litigation and Prevention of Insurer Bad Faith*. Wall’s comprehensive treatise covers the waterfront in two volumes. It is the quintessential A-to-Z guide, a resource for both Florida and the entire U.S.

Wall’s vast collection of cases and secondary resources provides a wide array of food for thought on the intricacies of bad faith. It should be especially helpful to attorneys pushing the envelope, on the cutting edge, or seeking to create new law, and an equally valuable resource for insurer attorneys seeking to shore up their defenses or advising their clients on the prevention of bad faith.

The meat and potatoes of *Litigation and Prevention of Insurer Bad Faith* is its detailed and distinct treatments of third-party claims and first-party bad claims. In Part II, Third-Party Claims, Wall first covers insurers’ standards of conduct with familiar topics such as settlement, refusal to defend, and conduct of defense. Adequate shelf space is next given to the responsibilities of the insured and to an insurer’s defenses to bad faith claims. The foregoing summary does not do justice to the treatise’s depth and detail. For example, the topic of third-party settlement is separated into 50 different sub-topics.

In many respects and in Florida in particular, first-party bad faith is a very different animal from third-party bad faith. These differences are reflected in Wall's treatment of first-party claims in Part III. Given the variety of sources of the standards of insurer conduct, Wall divides this subject into 32 sub-topics. As with Part II, Part III on first-party claims covers responsibilities of the insured, insurer defenses, and discovery.

The treatise is national in its perspective of the complex subject matter. The challenge, as Wall recognizes, is that there are essentially 50 disparate perspectives representing the viewpoints of 50 states.

While national in scope, the treatise does not overlook Florida. Orlando is home to Wall, who has been a distinguished member of The Florida Bar for more than 30 years. (Speaking of Florida, insurer bad faith will soon observe its 75th birthday as a legal theory of liability in Florida. *See Auto Mut. Indem. Co. v. Shaw*, 184 So. 852, 859 (Fla. 1938)).

*Litigation and Prevention of Insurer Bad Faith* is a serious read and an essential legal resource. You may not want to take it on your vacation, but you will want to keep it at hand in your office to help you work through thorny legal issues.

The two-volume set of *Litigation and Prevention of Insurer Bad Faith* (1,383 pages) is available in hard copy for \$473, and as an e-book for \$497, from West Publishing.

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