PUBLICATION UPDATE

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New Appleman Insurance Bad Faith Litigation, Second Edition

Publication 389 Release 73 November 2022

HIGHLIGHTS

Various items with new or expanded coverage.

Chapter 5, Insurer's Duties Under First-Party Insurance Policies. Chapter 5 includes: (1) addition of significant new authority and analysis to § 5.06 (Bad Faith Without Coverage); (2) addition of substantial new authority and analysis to § 5.09 (Bad Faith During Coverage Litigation), notably including new § 5.09[2][b][v] (Connecticut Litigation Privilege) and § 5.09[2][d][v] (Florida Litigation Privilege); and (3) new § 5.13 (Interests Collateral to Payment of Benefits).

Chapter 7, Parties to Bad Faith Litigation. Section 7.04 (Counsel Who Assist Insurers in Bad Faith or Other Tortious Conduct May Be Subject to Liability for Aiding and Abetting in Some Jurisdictions) includes new § 7.04[4][c][iii][F] (*Bassichis v. Flores*) and § 7.04[4][c][iii][G] (Illinois Litigation Privilege).

Chapter 8, Defenses to Bad Faith Claims. Chapter 8 includes new § 8.04[7] (Medicare Advantage).

Chapter 10, Legislative Approaches to Bad Faith Litigation. Section 10.04[2][y] includes discussion of new case questioning prior assumption that Oregon will not recognize any claim for first-party bad faith.

Chapter 18, Trial Issues. Chapter 18 includes: (1) new § 18.15 (Garnishment and Arbitration); (2) new § 18.16 (Testimony by Judge or Arbitrator in an Underlying Proceed-

ing); (3) substantial new authority and analysis in § 18.13 (When Does Prior Work as the Insurer's Claims Counsel Disqualify a Lawyer from Bringing a Bad Faith Suit or Testifying as an Expert?); and (4) additional authority and analysis in § 18.03 (Bifurcation) and in § 18.04 (Expert Witnesses on Claim Handling or Bad Faith).

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