

PRESENTED AT

21st Annual Insurance Law Institute

November 10-11, 2016

Houston, Texas

Decades of Unexpected, Accidental and Wild Changes in Insurance Law Practice

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DECADES OF UNEXPECTED, ACCIDENTAL AND **WILD** **CHANGES IN INSURANCE LAW PRACTICE**

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The title of this paper is the same as the title of the panel discussion. This essay might be called: “Quinn’s Concurring and Dissenting Advance Contribution.” (Notice that the terms is not “Advanced.” It refers to timing only.) It is important to note that the primary purpose of this panel discussion, and therefore this paper, is **not** about recent cases or statutes--summarizing their contents, histories, conflicts and future; nor is it about the (often fictionalized) jurisprudentially subtlety of this or that case. This discussion is about the **practice of insurance law**, or, **the business of insurance lawyering** (again, **not** about the law itself, i.e., legal doctrines and rules).

Nor is this essay about the deplorable economic ravages which appear to have beset the practice of insurance law at least in Texas during the last 10 years, or a little less. To be sure, the Great Recession has inflicted changes upon the practice,

¹ There is also a website, www.michaelseanguinn.com, an insurance blog, Quinn’s Commentaries on Insurance Law, and another blog entitled Quinn’s Commentaries on Lawyers and Lawyering.

but that too is not the topic here, though the panel will discuss it a bit, I expect. The economic disaster we may now be leaving behind was certainly unexpected and wild but, in my view, not unexpected, at least by the discerning.

I am not, however, the panel-appointed disseminator of truths or even common impressions; indeed, I expect that there will be disagreement; my (attempts at) correct observations may even be convicted by other panel members of being false and wrong-headed.

In short, although I think there have been “wild” changes in insurance law which only a few lawyers have vaguely or clearly realized were coming, changes in insurance law have only one major source (or group of related sources), and that is the new problems to be found in “Cyberland.” There are new topics, new languages, new insurance policies, new perils, new firm organizations, new insurance needs for law firms, new risks—all of which make it necessary to create new laws or change existing ones. (At first I wanted to include a discussion of such a new policy that is designed for law firms. I selected the excellent insurance contract made available to the bar by AEGIS. It’s named “SafeLaw,” and is described on its face as “Cyber Insurance for Lawyers.” I have learned a good deal from this policy about contemporary methods of excellent underwriting. Alas, further discussion will have to wait.)

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First appeared as part of the conference materials for the
21st Annual Insurance Law Institute session

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