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To Lisa.

—R.H.J.

For my father.

—D.R.R.

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Preface to the Seventh Edition

This preface to the seventh edition of *Understanding Insurance Law* is being written nearly forty years after the publication of the first edition in 1987. Five of the seven editions have deep connections to Kansas. Bob Jerry wrote the first edition as a young law professor at the University of Kansas. Doug Richmond, then a third-year law student at KU, read the first edition while taking Professor Jerry's insurance law class. In 2003, a year after the third edition was published, Professor Jerry moved from the University of Missouri School of Law to the University of Florida to become the dean of the law school (a position he held until 2014). With these new duties, he needed help if another edition were ever to be published. Thus, in 2007 we joined as co-authors on the fourth edition, further cementing a friendship that began two decades earlier, and we completed the fifth edition in 2012 and the sixth edition in 2017.

The preface to the first edition claimed that “[f]ew subjects as important as insurance law are so neglected by American law schools and law students,” but observed that academic attention to insurance law was showing signs of growth. Nearly four decades later, insurance law casebooks and treatises are abundant, scholarly interest in insurance law has expanded, practitioner-oriented materials are robust, the first *Restatement* in the law of insurance has been written and approved by the ALI membership, insurance law courses are popular at many law schools, and law students increasingly appreciate the practical importance of the subject. Indeed, educators and students in larger numbers understand what practicing lawyers have long known—that having foundational knowledge of insurance law is critically important given that it is difficult to imagine a piece of litigation or a business or legal transaction that does not involve insurance in some way.

Because the subject of insurance law is vast, the aim of this book must be modest. Our purpose is to present in a single volume an analytic and substantive survey of the topics likely to be covered in an insurance law course. Because many of those topics are routinely subjects of litigation, we also hope that insurance law practitioners and judges will find parts of this book to be helpful. But our principal objective is to make the substance of insurance law accessible and understandable to law students, lawyers, and courts who are unfamiliar with the subject.

Much of this book is necessarily descriptive, but we intend that the text provide perspective—sometimes economic, sometimes historical, sometimes political, and always, we hope, practical. After all, students who read this book will soon be practicing lawyers, and we believe that studying the law from different perspectives produces

lawyers better suited to solve their clients' problems. For judges and practicing lawyers, we hope that exposure to different approaches will perhaps shed at least some light on murky areas. Also, we are not shy about offering our own critical assessments of insurance law doctrines and their directions or evolution, but we strive to make clear when we are describing and when we are offering our opinions.

No book is solely the product of its authors, and this one is no exception. We have built on the work of many insurance law scholars and lawyers who devote their practices to insurance law. Professor Jerry gives special thanks to two people: first, his friend Peter Maxfield, who in 1985 suggested that he write a text on the fundamentals of insurance law; without this suggestion, the first edition would not have come into existence; and second, Doug Richmond, for without the collaboration with him, each of the editions since the third would not exist. Professor Jerry is also grateful to a number of research assistants he has had through the years who helped him with the book: on the fifth edition, Chris Dietzel, L'12, University of Florida; on the third edition, Michele Mekel, Bruce Nguyen, Patrick Morgan, and Jeff Lasswell, all students at the University of Missouri-Columbia; on the second edition, Michael Elsner, Jason Massie, Bill Bruns, Teresa Newsom, and Bryan Rosenstiel, all students at the University of Memphis; and on the first edition, Scott Young, Charles Scanlon, Kevin Engels, Susan Hunt, Brian Doerr, and Jerry Capps, all students at the University of Kansas. Last but far from least, he is grateful to Lisa Jerry for her help and support, not only on this text but also with just about everything good that has happened in his career.

Doug Richmond is grateful to the many fine lawyers with whom he worked at his law firm in Kansas City, Missouri, where he was fortunate to build a challenging and enjoyable trial and appellate practice fueled by insurance and insurance law. Doug owes whatever professional successes he can claim to the immense support of the outstanding young lawyers who labored with and tolerated him on a daily basis, including Dave Barnard, Darren Black, Carlton Callenbach, Josh Ellwanger, Mike Matula, Orion Riggs, Bob Rooney, and Marty Rosemann. They remain special friends today. He never would have had any sort of meaningful legal career but for his great clients, whose patience and loyalty were invaluable. The clients to whom he is particularly indebted are too numerous to mention. And, of course, he owes thanks to friends at many law firms around the country who, over the years, have generously shared their ideas, opinions, and suggestions on a range of thorny issues. You know who you are.

We sincerely hope that readers find this book helpful to their understanding of insurance law. We welcome all comments, criticisms, and suggestions. Like insurance lawyers everywhere, we are still, and always, learning.

Robert H. Jerry, II
Douglas R. Richmond
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