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Department

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## MESSAGE FROM THE SPECIAL EDITORS

This issue of *New Jersey Lawyer* provides an informative glance at the many facets of insurance law practice.

The first article, by M. Paige Berry, outlines the number of options available for clients who do not wish to obtain insurance through traditional means. She discusses the regulations associated with the various forms of nontraditional insurance and comments on their pros and cons.

The next three articles focus on the litigation aspect of insurance law; each recognizes that there are always at least two sides to a matter. First, Robert Chesler identifies the inadequacies of coverage provided under the comprehensive general liability policy and the resulting issuance of “niche” insurance policies. He demonstrates the reasons why businesses must always be careful when selecting coverage. Second, John Bannan covers the extensive remedies available for combating insurance policy abuse, from insurance fraud to breach of good faith. Third, Jeffrey Cohen discusses insurance carriers' duty to their insureds as well as the insured's rights when an insurer fails to fulfill its obligations.

Finally, the last two articles illustrate the influence of the Employment Retirement Income Security Act (ERISA) on the health benefits afforded to New Jersey insureds. First, Maria Cristiano reviews HMOs' liability under ERISA for cost-containment procedures and negligence by participating providers. Barbara Williams then examines in detail the pre-emption of ERISA and many state common law causes of action. Her overview of this complex and rapidly evolving area of law includes a look at recent developments that will likely determine how cases against insurance companies and HMOs will be resolved.

### Footnotes

<sup>a1</sup> **M. Paige Berry**, counsel with the firm Reed, Smith, Shaw & McClay, LLP, in Princeton, heads the firm's New Jersey insurance practice. She focuses exclusively on insurance-related matters, and is a past chairperson of the NJSBA's Insurance Law Section.

<sup>a2</sup> **Jeffrey M. Pollock** is a partner with the firm of Sills, Cummis, Zuckerman, Radin, Tischman, Epstein & Gross, P.A., in Newark. His practice includes policyholder representation and environmental litigation. He serves on the editorial board of *New Jersey Lawyer, the Magazine*, and is a director and treasurer of the NJSBA's Environmental Law Section.

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