

Trio of Hinshaw Authors Highlight Notable US Contributions From 250 Years of Insurance Law

In a New *Law360* “Expert Analysis” Byline

In The News | 1 min read

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Hinshaw partners Scott Seaman, Pedro Hernandez, and Peter Lewis have published a *Law360* “Expert Analysis” article which explores key themes discussed in their newly released book, *America 250: A History of Insurance and Insurance Coverage Law and Litigation in the United States*.

Three Key Pillars of America’s Insurance Law Contributions

Our *America 250* authors examine the following three core pillars of insurance coverage disputes in the United States:

1. Duty to Defend

- The duty to defend is most robustly established in the United States and has been extensively litigated, adding high cost and complexity to liability insurance claims handling and coverage disputes.

2. Insurer Bad Faith and Extracontractual Liability

- Bad faith doctrine, unique to the United States, allows policyholders to recover damages beyond policy limits in some states and under some circumstances when insurers act unreasonably, but its expansion has also increased insurance costs, complicated litigation, and fueled social inflation.

3. American-Style Litigation

- The US civil justice system features a unique combination of factors—including pro-policyholder policy interpretations, shifting attorney fees, expanded bad faith exposure, and consumer protection statutes—that

collectively drive social inflation, producing large defense costs, settlements, and nuclear verdicts unmatched in breadth or extent by any other country.

The Future of Insurance Litigation

Lastly, the authors address the future of insurance litigation, stressing that social inflation, litigation over long-tail claims, and emerging claims related to climate change, extreme weather, and PFAS contamination will continue to evolve.

With cybersecurity and artificial intelligence disputes on the rise, along with future claim types yet to emerge, our authors anticipate insurance coverage disputes will likely to remain a fixture of the litigation landscape for decades to come.

[Read the full Law360 article](#)

- *Law360*: “[Notable Contributions From 250 Years Of US Insurance Law](#)” (June 30, 2026)

The authors examine the future of insurance and explore rapidly evolving areas, including forever chemicals, climate change, cyber, and artificial intelligence. They provide their nominations for the most significant insurance law cases in the history of the United States to facilitate a dialogue and raise awareness of insurance coverage issues.



Access the *America 250* Book

Download a PDF copy of the “*America 250: A History of Insurance and Insurance Coverage Law and Litigation in the United States*” book here:

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