

The Legal Intelligencer Blog

FROM THE OLDEST LAW JOURNAL IN THE UNITED STATES

Developing a Bad Faith Library in the Digital Age

I have not physically touched a West Reporter in a number of years. And yet I feel more on top of the Pennsylvania Bad Faith caselaw than I ever have, because of the technology now widely available. In this post, we look at some tips and ideas about how to make sure that the large body of emerging insurance litigation and bad faith law finds its way to you (the easy way) and not the other way around (the hard way).

If you would like to share any ideas you have that are not covered here, please e-mail me, and I will publish them in a future post.

Electronic clipping services. I have to thank our firm librarian, Ann Unger, for this one. This is a fantastic way to get a weekly digest of cases involving insurance bad faith law sent right to your desktop. Both Westlaw and Lexis permit you to set up these e-mail services by entering certain key words and phrases which, once set up, will provide you with a miniature digest of cases on a frequency of your choosing. You can skim the case summaries sent in the e-mail digest and then dig deeper for cases of greater interest. I am currently getting two separate weekly digests, one dedicated to bad faith cases and other dedicated to UM/UIM decisions.

Electronic newsletters. There are several very good resources put out by Westlaw and Lexis that deliver insurance law case summaries including important decisions from all around the county. Two that I would recommend is Andrews Insurance Litigation Reporter from West's and the Bad Faith Newsletter from Mealey's carried on the Lexis Service.

Create a digital file cabinet. So how do you collect and keep track of all of this data coming at you? You need to develop some sort of electronic holding area where you can collect, categorize, and retain important decisions and other materials.

Personally, I opted for a rather low-tech collection method. I have created a simple document on Microsoft Word and paste into it decisions and excerpts from the cases I review by subject area. You can then use Microsoft Word's table of contents and index functions to create quick ways into the data. Over time, you will find that you are actually developing a rather comprehensive textbook on your practice areas.

I imagine you could collect this information in some way with database software such as Microsoft Excel, although I feel the relatively low-tech approach offered by Microsoft Word works the best.

If you consider any of the above suggestions, and implement even just one of them, you will find you are able to stay more current and knowledgeable about important bad faith opinions and other materials. This will save you from having to reinvent the wheel in terms of your research and allows you a handy resource when you are in the middle of a motion or brief and require a case discussing the "clear and convincing" burden of proof applicable to bad faith cases, for example, or a case supporting the proposition that in state court bad faith cases are tried to the bench not a jury. The time you will save and the information you will gain by taking advantage of this technology is invaluable.

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