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Bulletin de documentation

par

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The purpose of this review of insurance documents, prepared by Miss Dumont, Manager of the Documentation Centre of the Sodarcac Group, is to summarize the most pertinent articles collected over the preceding quarter. A monthly Bulletin containing the full-length review may be obtained at a cost of \$80 per year for Canadian orders and \$75 U.S. for foreign orders. Here are some excerpts of January, February and March 1987 Bulletins, Volume IV, No. 1 & 2, and 3.

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1. Extraits du numéro de Janvier/Février 1987

Actualité juridique/Legal News

About 200 people who say their health was damaged by *dioxyn laced defoliants* in New Brunswick 25 years ago have launched a suit against the Dow Chemical Co. in Michigan. Almost 70 former herbicide sprayers as well as wives, widows and children are seeking more than \$10,000 each for damages related to exposure to 2,4,5-T in the fifties and sixties.

(The Globe & Mail, 01.03.87)



Un régime à revoir : l'*indemnisation du préjudice corporel* suscite de plus en plus d'interrogations. Résumé des interventions, lors d'un colloque organisé à l'Université d'Ottawa sur le sujet. La situation actuelle : la responsabilité civile en droit commun. Les régimes étatiques. Les conséquences. Les expériences étrangères.

(Journal du Barreau, 01.01.87)



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ASSURANCES

Officers pirating *software risk* breaching fiduciary trust law. Consideration should be given to the appointment of key personnel to executive or directorship positions.
(*Software Canada*, January 1987)



278 A New Jersey based software developer and its Canadian distributor have been awarded \$36,000 in damages following a victory in a recent court battle over illegally reproduced copies of a *software* line.
(*Computing Canada*, 01.22.87)



A son has successfully sued his mother for negligence after he asked her to dance and she fell on him and broke his ankle. He was awarded \$13,000.
(*Journal of Commerce*, 01.20.87)



Une compagnie fabricante de *briquets à gaz* est poursuivie pour \$11 millions de dommages et intérêts par un Américain dont l'épouse est décédée des suites de l'explosion d'un tel briquet.
(*La Presse*, 14.02.87)



À la suite du décès de leur fils de 20 ans, mort des suites d'une *allergie* aux oeufs, un médecin et son épouse ont intenté une poursuite de \$410,000 contre un *hôpital* de Montréal. Le couple soutient que l'hôpital a fait preuve de négligence.
(*La Presse*, 13.02.87)



Une *université* du Québec vient d'être condamnée à verser une somme de \$10,000 à une *étudiante* à qui elle a fait perdre une année scolaire par suite d'une erreur administrative. Il s'agit cependant d'un jugement rendu en Cour supérieure.
(*La Presse*, 13.02.87)



The disk takers. People who *copy* computer programs illicitly are costing software developers hundreds of millions of dollars. The pirates cry for lower prices, the victims for stiffer laws. Where should you stand on copyrights and wrongs ?
(*Canadian Business*, March 1987)



Un propriétaire de *bar* peut être tenu responsable des agissements d'une *personne ivre* qui quitte son établissement. Ce type de *responsabilité* est reconnu de plus en plus par nos tribunaux. Compte rendu d'un récent jugement.
(*Les Affaires*, 21.02.87)

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Actualité/News in Brief

La *Laurentian Capital Corporation*, société de portefeuille du groupe La Laurentienne, annonce l'acquisition d'*Omega Insurance Co.* de Seattle (Washington), compagnie qui concentre ses activités dans la vente de polices d'assurance funéraire.
(*La Presse*, 14.01.87)



White collar crime is on the rise worldwide and a well-financed international agency is needed to trade illicit funds laundered through offshore banks. Fraud is increasing in letters of credit, insurance claims, credit card payment, stock transfers and futures trading.
(*The Globe & Mail*, 01.15.87)

Assurance dirigeants et administrateurs/Directors' and Officers' Insurance

U.S. D & O *market* expanding. Several new players are entering the market. There are indications that reinsurers are taking a more positive response on this class of business.
(*Financial Protection News*, 01.09.87)



D & O liability insurance *premiums* increased an average of 506% in 1986, according to a survey of 256 chairmen of Fortune

1,000 companies. Some 78,5% of the total respondents reported some increases in D & O premiums during 1986 — U.S.A. (*Business Insurance*, 01.19.87)

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Aetna Life & Casualty Co. is moving full force into the *tight* D & O market as it offers policyholders coverage in 20 states — U.S.A. (*Journal of Commerce*, 01.16.87)

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Surveying *Canadian boards* for the first time, NY-based Korn-Ferry International said it showed directors' liability insurance premiums increase 59% of respondents in the past year. Price jumps averaged 686%. (*Canadian Underwriter*, January 1987)

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The feasibility of starting an insurance company in Canada to sell liability insurance for executives is being explored by a group led by Johnson & Higgins Willis Faber. «*Corporate directors* are on the hot seat and they need insurance ». More lawsuits are being filed involving directors and defendants. *CANDO* proposed to offer policy limits of a minimum \$10 M, either on a primary or excess basis, with a potential top limit of \$30 M to \$40 M. Five other brokers have expressed interest in handling the policies including *Dale-Parizeau Inc.* (*Globe & Mail*, 02.02.87 ; *Financial Post*, 02.02.87)

Assurance/Insurance

Overview of international *major losses* and catastrophes. The article analyzes major losses and catastrophes that occurred throughout the world in the 16-year period 1970-1985. Occurrences of major loss by type 1970-1985. Percent frequency of major loss. Percent of insured damage by type of loss. Frequency of major loss by geographic region. Insured damage by region and type of loss. (*Best's Insurance Management Reports*, 02.16.87)

Assurances-Canada/Insurance in Canada

Licking the *liability* shortfall. Business eyes new risk *pool* : CELIC (Canadian Excess Liability Insurance). Interviews with some

risk managers. Another mutual is also sponsored by J&HWF : CANDO for Canadian Directors & Officers Insurance Co. Most people in the insurance industry applaud CELIC and CANDO. But some are still doubtful the initiatives will come to fruition. (*Financial Times*, 02.09.87)

Assurances — États-Unis/Insurance — U.S.A.

The ISO's new occurrence-based commercial general liability policy form, not its controversial claims-made form, will dominate the primary liability insurance market for the foreseeable future, insurer executives predict. Insurers say they will force only those businesses with high-hazard or long-tail exposures to use the claims-made form. The most important advantage to insurer is that the new occurrence policy has an aggregate policy limit. In addition, the new occurrence form also excluded all coverage for pollution liability. (*Business Insurance*, 02.09.87)

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Assurances-marchés, produits/ Insurance-market, products

In the wake of the San Juan disaster, insurance brokers and travel agents say full *catastrophic coverage* will be almost unobtainable for any but the largest hotel corporations. The premium would depend on who owns the hotel. The market now. (*Journal of Commerce*, 01.05.87)



Pollution and asbestos are still high on the list of environmental evils but insurers should continue to insure these risks after careful study of the exposure involved. The commentators were panelists at a session of the Engineering Law and Safety Service's annual conference. In the property area, « the known and potential problems with contaminants, especially asbestos, is fairly quantifiable ». (*Financial Protection News*, 01.09.87 ; *The National Underwriter P/C*, 12.29.86)



Sky holiday insurance in UK, a L6 market. Description of some covers.
(*Post Magazine*, 06.11.86)



282 *Le risque politique* : couvrir ou non. Dossier. Un risque rentable à certaines occasions. Comment placer le risque politique. Les caractéristiques essentielles des polices *risques politiques*. Selling political risks.
(*L'Argus International*, Nov.-Déc. 1986)



Risks in *sports* : litigation soaring. Today, sports-related injuries and resulting lawsuits are increasing at an alarming rate. The new judicial trend is to extend liability to recreational facility operators, schools, coaches and other athletic personnel for injuries sustained by athletes — U.S.A.
(*The National Underwriter P/C*, 12.29.86)

2. Extraits du numéro de Mars 1987

Assurances Canada/Insurance Canada

Ontario Superintendent of Insurance has licensed three *reciprocal Insurance Exchanges* : the Ontario School Boards' Insurance Exchange, the Metropolitan Toronto Public Education Insurance Exchange and the Canadian Lawyers Liability Assurance Society.
(*Canadian Underwriter*, February 1987)



The Ontario government has received good news in its efforts to keep a liability insurance market going for hard-to-place sports and recreation associations, community centres and day-care facilities. The 38 insurance companies that constitute the *Ontario Liability Insurers Pool* have agreed to renew this market to December 31st. So far, the Pool has collected more than \$5,5 million in premiums and paid out less than \$1 million in claims. Over statistics on the Pool.
(*The Globe & Mail*, 03.20.87)

Insurance *market conditions* continued to deteriorate last year although signs of improvement began appearing in the third and fourth quarters. Canadian respondents face many of the same problems as U.S. firms, with 21% of the Canadians reporting over a 100% increase in umbrella or excess liability premiums ; 57% also reported greater than a 100% increase in D & O liability premiums. The amount of coverage for Canadian firms also dropped significantly.

(*Journal of Commerce*, 03.30.87)

Assurances — États-Unis/Insurance U.S.A.

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Tort reform for specific U.S. coverages. 1986 saw considerable progress for the U.S. insurance industry in securing public support and a degree of legislative action on the reform of the U.S. legal system. There are some coverages in which specific reform can be taken that will directly impact and ease the present availability crisis : day-care centre liability, governmental liability, professional liability, liquor liability, D & O liability, pollution liability.

(*Insurance Market Report*, March 1987)