Pace University
DigitalCommons@Pace

Pace Law Faculty Publications | School of Law

12-1988

Review of "No Fault Automobile Accident Law" by Josephine Y. King

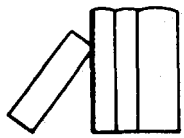
Jay C. Carlisle
Pace University School of Law, jcarlisle@law.pace.edu

Follow this and additional works at: http://digitalcommons.pace.edu/lawfaculty

Part of the Insurance Law Commons

Recommended Citation
Jay C. Carlisle, Review of "No Fault Automobile Accident Law" by Josephine Y. King, N.Y. St. B.J., Dec. 1988, at 57, available at http://digitalcommons.pace.edu/lawfaculty/628/.

This Book Review is brought to you for free and open access by the School of Law at DigitalCommons@Pace. It has been accepted for inclusion in Pace Law Faculty Publications by an authorized administrator of DigitalCommons@Pace. For more information, please contact cpittson@law.pace.edu.



The Lawyer's Bookshelf

No Fault Automobile Accident Law

by Josephine Y. King,
Wiley Publications, N.Y. 1987.

Reviewed by Jay Carlisle, Esq., Professor of Law, Pace University.

Attorneys, judges, legislators and regulators will welcome the availability of *No Fault Automobile Accident Law* as a useful, clearly organized and information-packed reference volume. The author is not a newcomer to this subject; she has written extensively on the topics of loss and liability insurance, tort law and compensation systems over the last twenty years beginning with an article in the New York University Law Review in 1968.

Although some practitioners remain opposed to any limitations on the common law tort action and will focus their talents, in a personal injury case, on surmounting any imposed monetary or verbal threshold, still, as responsible lawyers, they must obtain all first party benefits to which their clients are entitled. In New York, the limit on such benefits is $50,000 for medical expenses, work loss ($1000 per month) and incidental expenses. The author has greatly simplified the lawyer's task in determining whether, and to what extent, an accident victim is entitled to first party reparations.

The study divides no fault jurisdictions into two classes. The first encompasses states that not only afford first party payment for economic loss within specified limits, but also curtail tort actions by imposing a monetary or verbal threshold; included in this group are New York, Connecticut, New Jersey, Florida, Michigan and Massachusetts. The second group, quasi no fault states, either make first party insurance mandatory to provide limited economic loss protection, or simply provide voluntary first party personal injury protection; there is no restriction on traditional tort actions.

The essential statutory framework in each of the two groups is surveyed in Chapter 2. The attorney can turn to the sections for New Jersey, New York, Florida, for example, and grasp the main details of that state's no fault scheme in capsule form.

An illustration of the importance of having a comparative base of reference is the analysis of wage loss and survivor benefits in Chapter 7 of the text. This is not a simple area to summarize but the author has done so in comprehensive text and clearly drawn tables. The same is true of Chapter 8 which organizes and analyzes medical benefits and tort threshold requirements in the various states. Here, too, helpful tables capture the entitlements and limitations on an individual state and a comparative basis.

The author's knowledge of New York's administrative regulations is clearly demonstrated in her exposition of the complex arbitration system extablished to resolve issues between the insured and the insurer.

This is the kind of work that is useful to the attorney in general practice as well as the attorney who specializes in personal injury work.

This volume supplies an intelligent and impartial record of the law on which to build a case for or against extension of the no fault concept.

THE DIVORCE LAW HANDBOOK, by Elliot D. Samuelson, 255 pp., Human Sciences Press, Inc., N. Y. Reviewed by James B. Gitlitz, Chernin & Gold, Binghamton, New

HeinOnline -- 60 N.Y. St. B.J. 57 1988