

Introduction

Rescission of a contract or agreement, based upon fraud or miscommunication, is a recurring problem for insurance and general contracts alike. But what one needs to prove to obtain rescission varies greatly from jurisdiction to jurisdiction.

Given this profile, it is no wonder legal publications do not often examine the intricacies and nuances of insurance policy rescission in specific jurisdictions. Jurists and practitioners and their clients often inquire why there is no such guiding, comprehensive text on the law of rescission. We decided it was time to fill the void.

This book, a joint project between DRI's Insurance Law Committee and Life, Health and Disability Committee, is intended to provide an overview of the law on insurance policy rescission in each of the 50 States, the District of Columbia, and 10 provinces in Canada.

The Insurance Law Committee and Life, Health and Disability Committee, through the chapters contained in this text, offer the judiciary and practitioners and their clients a roadmap for how to successfully analyze and assess insurance policy rescission challenges and to understand the full implications of rescission. This text is designed to provide the reader with an historical and current perspective of the law and the necessary litigation tools.

Each of the chapters has been authored by a leading and highly respected member of the legal profession. Production of this compendium took more than one year and the assistance and involvement of numerous individuals and firms. We must first thank our dedicated and esteemed authors for their excellent contributions. We must also thank our dedicated team of regional editors: Ann Andrews, Kent Coppage, Jonathan Hodes, Edna Kersting, Joshua Lerner, Nancy Marr, James Steele, Rosa Tumialán, and David Zizik. We also want to thank several members of DRI's publications team who provided invaluable guidance from the Compendium's conception through its completion: Rina Carmel, Brandon McCullough, Elaine Pohl, and Tim Wright. It has been an honor for us to shepherd this extraordinary project.

Finally, please understand that despite the comprehensive nature of this compendium, the law is not static and can and will change. This compendium is not intended to provide legal advice. It is recommended that you consult the chapter authors or other counsel should you require assistance with particular questions or fact patterns. We hope you enjoy this compendium and that it will serve as a desk reference in your daily practice.

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