



News

The Door Appears to Be Closing on the 'Unavailability' Insurance Exception

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In a two part Law360 article, Hinshaw partner [Scott M. Seaman](#), a Chicago-based partner and co-chair of the national Insurance & Reinsurance Services group, explores the "Unavailability of Insurance" exception to the majority rule of a pro rata allocation of long tail losses.

In Part I, Seaman [discusses](#) the general rule in pro rata jurisdictions that the unavailability of insurance coverage in the market does not absolve policyholders of responsibility for self-insuring and explore the genesis of the limited "unavailability of insurance" exception. In Part II, he addresses the limited nature of the "unavailability of insurance" exception and considers the prospect of the exception being even further limited.

[Read Door Closing On 'Unavailability' Insurance Exception: Part 1 \(PDF, republished with permission\)](#)

[Read Door Closing On 'Unavailability' Insurance Exception: Part 2 \(PDF, republished with permission\)](#)

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