

Foreword

This book was prepared in conjunction with the Commercial Crime Insurance Coverage program, sponsored by the American Bar Association Tort and Trial Insurance Practice Section's Fidelity and Surety Law Committee. The book is a successor to *Commercial Crime Policy, Second Edition*, published in 2005.

Members of the Fidelity and Surety Law Committee are well known for the scholarship of papers addressing fidelity insurance issues. The first compilation of materials dedicated to mercantile fidelity coverage issues was published more than 30 years ago, in conjunction with a 1983 national program titled "Employee Dishonesty: Claims, Coverages and Caveats." The program was reprised in 1991, 1996, and most recently 2004. The resulting program publications have been a widely used resource for industry professionals.

In the nine years since the Second Edition of *Commercial Crime Policy* was published and presented, policy forms covering commercial and mercantile crime and the cases that construe them have continued to evolve. A variety of crime coverage forms have evolved from policies developed in the 1980s by the Insurance Services Office and the Fidelity and Surety Association of America. During those years, both organizations, and some companies, have introduced newer coverage forms, including manifest intent and theft coverages, that apply both standard and non-standard wording.

Building upon the legacy of these prior programs, this book updates developments in the law. It addresses some of the practical and ethical issues impacting the investigation, litigation, and resolution of commercial fidelity claims and examines how courts have construed the newest commercial crime risks, including cyber losses. An appendix includes copies of representative commercial fidelity coverage forms.

We expect that this book, like its predecessors, will be an important resource for claim professionals and practitioners. We wish to thank all of the authors for their hard work and scholarship.

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