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Preface

This is the sixth annual supplement to the Fourth Edition of Louisiana Insurance Law and Practice. Though this Fourth Edition was published in 2012, this work has been in continuous production and supplementation now for more than three decades, since the First Edition was published in 1984.

The systematic review of cases for this supplement was completed in late June, 2018 and covers cases through Volume 241 of the Southern (3rd) Reporter, Volume 882 of the Federal (3d) Reporter and Volume 289 of the Federal Supplement (3d) Reporter.

As always, the authors welcome suggestions from readers about improvement of this volume or expansion of its coverage.

Wm. Shelby McKenzie
H. Alston Johnson

Baton Rouge, Louisiana
October, 2018

About the Authors

William Shelby McKenzie is a native of Baton Rouge, Louisiana. In 1961, he received his undergraduate degree from Princeton University in chemical engineering. In 1964, he received his J.D. degree from LSU Law School, where, among many other honors, he was editor-in-chief of the Louisiana Law Review and a member of the Order of the Coif upon graduation. He joined the Baton Rouge law firm of Taylor, Porter, Brooks & Phillips, with whom he practiced for his entire legal career, serving as co-managing partner from 1998 to 2004. His practice included litigation representing insurers, insureds and occasionally third-party claimants as well as other business litigation. He also served as lead counsel for the LSU Board of Supervisors for 20 years, handling litigation, contracts and numerous other higher education issues. After becoming “of counsel” with his firm, he served as LSU’s interim general counsel from 2012 to 2014.

For 43 years, he was an adjunct faculty member at LSU Law School, teaching insurance to approximately 3,500 students over his career.

In 1984, Baton Rouge lawyer Michael McKay, on behalf of the Insurance Section of the Louisiana State Bar Association, contacted him to advise that the section felt the need for an insurance treatise for practicing attorneys. Recruiting his junior co-author to assist, the First Edition of McKenzie and Johnson, *Louisiana Insurance Law and Practice* was published in 1986 by West Publishing Company, followed by the Second Edition (1996), the Third Edition (2006) and the current Fourth Edition (2014), all with annual supplements.

His other publications include the course book for students in the Insurance class at LSU, numerous articles in the Louisiana Law Review, the Loyola Law Review and the Louisiana Bar Journal. He has also participated in numerous seminars on insurance law, including presentations to the Louisiana Judicial College, the Louisiana State Bar Association, the Louisiana Association of Defense Counsel, the Louisiana Trial Lawyers Association, the Baton Rouge Bar Association, the New Orleans Bar Association and the ABA TIPS Committee, along with a number of LSU Law School CLE programs.

He has served as a board or committee member and in some instances president or chair of the American College of Trial Lawyers (Louisiana State Chair, 2006-08), Baton Rouge Bar Association, Louisiana State Bar Association, American Bar As-

sociation, Louisiana Association of Defense Counsel, National Association of College and University Attorneys, LSU Law School Alumni Association (President, 1978), LSU Law School Alumni Board of Trustees (President, 2003-2005), Louisiana Bar Foundation, Baton Rouge Area Chamber of Commerce (General Counsel, 1987-1997) and the Capital Area Legal Services Corporation.

He was honored as the LSU Hebert Law Center's 2005 Distinguished Alumnus of the Year and the Louisiana Bar Foundation's 2011 Distinguished Louisiana Attorney, and has been inducted into the LSU Alumni Association Hall of Distinction (2007) and the University High School Alumni Hall of Distinction (2003).

H. Alston Johnson received his undergraduate degree from Georgetown University in 1967 and his law degree from Louisiana State University in 1970, where he was a senior associate editor of the Louisiana Law Review and a member of the Order of the Coif. He was admitted to practice in Louisiana in 1970 and thereafter participated in a graduate law program at the University of Grenoble. After a brief stint in private practice in Shreveport and military service, he joined the law faculty at Louisiana State University in 1972 and was a full-time member of that faculty until 1984, achieving the rank of full professor in 1978. As he was leaving the full-time faculty in 1984 to return to private practice, Shelby McKenzie invited him to collaborate on this treatise on *Louisiana Insurance Law and Practice*. The first edition appeared in 1986, followed by two other editions and then the present Fourth Edition.

After 1984, Professor Johnson continued to serve as an adjunct professor at the Hebert Law Center, Louisiana State University, teaching a variety of subjects. In the spring semester of 2012, he returned to full-time status on the faculty for three semesters. On June 1, 2013, he reverted to his prior adjunct status and continues to teach and maintain an active law practice.

In 1984, he left the full-time faculty to open the Baton Rouge branch office of Phelps Dunbar, the first in its 130-year history at that time. By 2017, the office has grown to over fifty attorneys and remains the largest branch office of Phelps Dunbar. He is a fellow of the American Academy of Appellate Lawyers and received the Louisiana Bar Foundation's Distinguished Attorney Award in 2005 along with the Louisiana State Bar Association's Boisfontaine Trial Advocacy Award in that same year. He is an emeritus member of the American Law Institute and served two terms on the Council of the Louisiana State Law Institute.

In addition to continuing to co-author this work on *Louisiana Insurance Law and Practice* with Shelby McKenzie, he is also the

ABOUT THE AUTHORS

author of the two-volume work on *Louisiana Workers' Compensation Law and Practice* (5th ed., Thomson West, 2010, with annual pocket parts), and the author of *Louisiana Civil Jury Instructions* (3rd ed., Thomson West, 2011, with annual pocket parts). He has been a frequent speaker at CLE seminars for a wide variety of groups over the years, and served for more than twenty years on the faculties for the Louisiana State Bar Association's Summer School for Lawyers and the Louisiana Judicial College's Summer School for Judges.

He was the chairman of the Governor's Advisory Committee on Tort and Insurance Reform in 1988, as well as a member of the Legislative Task Force on the Workload of the Louisiana Appellate Courts from 2001-2003. He has served the legal profession as a member of the Selection Committee for the U. S. Bankruptcy Judge for the Middle District of Louisiana in 2001 (by appointment of the Chief Judge of the United States Court of Appeals for the Fifth Circuit) and as a member of the Civil Justice Reform Act Advisory Group for the U. S. District Court for the Middle District of Louisiana from 1991-1995 (by appointment of the Chief Judge of the Middle District). From 2007 to 2009, he was also special counsel to the Judicial Conference of the United States Court of Appeals for the Fifth Circuit (by appointment of its Chief Judge) with regard to the investigation of certain charges of judicial misconduct by a sitting federal district judge.

He has also served his community as a board member and sometimes as board chairman of such entities as the Wex Malone Chapter of the American Inns of Court, Catholic Community Services of the Diocese of Baton Rouge, the Friends of Louisiana Public Broadcasting, Cancer Services of Greater Baton Rouge and the Foundation for Excellence in Louisiana Public Broadcasting.



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