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Book Reviews

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NO-FAULT INSURANCE. By *Willis Park Rokes*.† Santa Monica: Insurors Press, Inc., 1971. Pp. xxi, 416. \$12.50.

"No-Fault" is not no-fault is not no-fault according to Dr. Willis Park Rokes in his excellent report—*No-Fault Insurance*. This readable and informative compilation of approximately 40 no-fault plans and concepts is a handy and useful guide for anyone having any interest whatsoever in the concept of no-fault insurance.

Dr. Rokes, who has a Ph.D. in insurance from Ohio State, has had a varied background as a multiple lines insurance claims examiner, Professor and lawyer handling subrogation claims. He attempts to present an unbiased and objective study of the principles, history, present laws and general concepts of the various no-fault plans. He discusses at length the theory of the present liability system, the DOT study, state, federal and insurance company proposals, and many of the contentions, both pro and con, of the no-fault system.

Perhaps half of the volume is devoted to the various bills now in existence in Massachusetts, Delaware, Florida and Illinois, and there is also an excellent bibliography of various articles on this considerably discussed—little understood public hue and cry.

This book is especially timely for Pennsylvanians, inasmuch as Governor Shapp, Insurance Commissioner Denenberg and both Houses of the Legislature are presently embroiled in heated discussions concerning the subject. Several bills have been introduced into the Legislature, including Commissioner Denenberg's Bill, and all have been considered by various committees in both the House and the Senate, but to date, there has not been an agreeable solution.

No-Fault Insurance attempts objectively to outline the general concepts involved. Dr. Rokes specifically points out that: "The 'No-Fault' concept entails a rather dramatic change from what historically has been the method for providing compensation for victims of automobile accidents."¹

After reviewing the "fault principle in negligence," Dr. Rokes comes to the conclusion that: "The implications toward the survival of the tort liability system for the operation of motor vehicles is clear. Strong pressures are at work to adopt the 'no-fault' principle in the handling

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1. W. P. ROKES, NO-FAULT INSURANCE (1971), 12.

of damages sustained by victims in automobile accidents, irrespective of fault.”²

In reviewing the history of automobile insurance in the United States, the author arrives at the following conclusion:

This disenchantment with tort liability, combined with an increasing feeling that fault is unascertainable in a majority of situations, plus the social concern with the automobile accident victim, irrespective of fault, has produced the present impetus toward supplanting the tort liability system with a no-fault concept.³

The author then discusses in very readable and understandable terms the plans now in effect in Saskatchewan, Puerto Rico, Massachusetts, Delaware, Florida and Illinois. He also discusses the various proposals set forth by Columbia University in 1932, the Keeton-O’Connell plan and several other proposals by various professors and authors.

In addition, he considers the Nationwide Mutual Insurance Company “Family Compensation Plan” which was in effect from 1956 to 1965, the Insurance Company of North America Plan, the American Insurance Association Plan and several other concepts as set out by varying types of insurance related organizations.

Daniel P. Moynihan’s Plan, the Stewart Plan of New York, the California, Rhode Island, Canadian, British Columbia and Ontario Plans are also discussed.

A good break-down of the Department of Transportation Study, the Nixon Auto Insurance Proposal and the Hart No-Fault Proposal is also included.

In discussing each of these plans, he very succinctly sets forth the major principles, contentions, differences and effects. The capsule summary quickly brings the reader up to date on the problems and advantages of the particular concept or bill.

In the concluding section, dealing with the general philosophies involved, Dr. Rokes stresses the need for objectivity in the consideration of the problem. In conclusion, he advises that:

It is incumbent upon those who have a legitimate interest in the reparations problem to abandon their strictly self-serving stance in the public deliberations which the ‘no-fault’ controversy has generated. There is need for a sensible recognition of reality. Radical legislative reaction to the resistance of stubborn allegiance to the

2. *Id.* at 17.

3. *Id.* at 30.

status quo could well result in sacrifice of values contributed by legitimate institutions—institutions which presently participate in the automobile accident reparations system. Their sacrifice would be the nation's loss.⁴

Hence, Dr. Rokes graphically points out that when one is talking about "No-Fault," it is imperative that he defines his terms. Are we talking true no-fault, pseudo-no-fault, the Delaware Bill or the Massachusetts Bill? Exactly what aspects of the many issued problem are in controversy? To be informed about no-fault, is to realize that it is a many faceted question and final understanding can come only from a discussion on the same issue.

Although maintaining objectivity throughout the entire work for the most part, Dr. Rokes is of the opinion that there must be certain changes in the reparations system and leaves for the reader the right to chart his own course towards the future.

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4. *Id.* at 215.

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