

## Van Osselaer in American Bar Association: ‘Making a Choice of Law: An Erie Self-Fulfilling Prophecy’

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July 25, 2023 Andrew Van Osselaer

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**PRACTICES** Insurance Recovery, Litigation, Environmental

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Associate [Andrew Van Osselaer](#) authored an article for the *American Bar Association* discussing the complex challenges of choice of law analysis in dealing with legal issues that have yet to be definitively resolved.

Read an excerpt below:

At the outset of litigation, coverage lawyers are often forced to grapple with determining which state’s law most favors their client. For example, when dealing with environmental liabilities, the application of one state’s law regarding pollution exclusion over another may be entirely dispositive of coverage. Choice of law analysis becomes difficult, however, when dealing with legal issues that have yet to be definitively resolved. In such cases, we rely on our best judgement to anticipate how a court would interpret state law and apply it to our case. The “*Erie* guesses” of federal courts – essentially their interpretation of state law – serve as valuable guidance in that regard.

To read the full article on the *American Bar Association* website, [click here](#).