PREFACE

The ABA/TIPS Fidelity and Surety Law Committee is pleased to publish this book focusing exclusively upon the law relating to the contract bond surety’s common law right to equitable subrogation. The surety industry and other parties who may assert a right to the bonded contract funds must understand the concepts, reasoning and equities that support the surety’s subrogation rights. These rights are of paramount importance for the contract bond surety seeking to mitigate and reduce loss.

While a number of prior ABA/TIPS Fidelity and Surety Committee publications may address the surety’s subrogation rights in either a general or more narrow and specific manner, this book provides a comprehensive resource for identifying all of the important issues and citations to the cases, books, articles and papers that discuss and/or explain the contract bond surety’s subrogation rights. This book provides not only the basics behind the contract bond surety’s subrogation rights, but also the legal and equitable arguments that may be made in asserting those rights in any dispute, negotiation or litigation.

We believe that this book will be a staple for the surety industry and others for many years to come.

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