**Liability Insurance Law Syllabus**

**Contact Information for Douglas R. Richmond**

As an adjunct faculty member commuting from Kansas City, my time on campus is limited. When on campus on Mondays, I can generally be found in the adjunct office assigned to me beginning at around 8:30 a.m. I am generally available by e-mail and telephone as indicated below, and am happy to schedule times to meet when I am in Gainesville. If I am not in my office on a Monday, you should e-mail or call me and we can quickly arrange to meet. Unfortunately, at the time this Syllabus was prepared, my office was not yet assigned. I will give you the office location in our first class meeting. Regardless, you can always e-mail or call me, and we can arrange to meet.

**Course Number:** LAW 6930, Section 133D

**Credit Hours:** One (1)

**Class Time:** Mondays 1:00–2:40 p.m.

**Room:** 210

**Office Location:** TBD

**Phone:** (312) 339-2003 (Mobile)

**Email:** doug.richmond@aon.com

**Office Hours:** See above

**Course Materials**

All of the materials for the course are available on Canvas. In the past, the text for this course has been Robert H. Jerry, II & Douglas R. Richmond, Understanding Insurance Law (5th ed. 2012), “UIL” for short. Unfortunately, the 6th Edition of UIL, which is now being published by Carolina Academic Press, will not be available in time for the Spring Semester. The 5th Edition, which may still be purchased from LexisNexis, would be an unwise investment. Accordingly, the reading materials consist of edited Word versions of key chapters from the forthcoming 6th Edition. I have added page numbers at the bottom of the pages (these obviously are not the numbers that will appear when the book is published) for ease of reference. Other course materials include specimen insurance policies. I have included one case as assigned reading and have provided a link to that opinion. I have also placed a copy of the case (with copyrighted material removed) on the Canvas page for the class. I reserve the right to add cases to the course materials. If I do, I will handle them as I have the one case already mentioned.

**Course Objectives**

This short course is intended to provide you with practical knowledge of liability insurance that you can apply early in your legal career. After briefly introducing basic insurance law concepts, the course will provide (a) an overview of common forms of liability insurance, including an examination and analysis of prevalent liability insurance policy forms; (b) thorough treatment of liability insurers’ contractual duties to defend and indemnify their insureds; (c) thorough treatment of liability insurers’ duty to settle litigation involving their insureds; (d) a general analysis of liability insurers’ duty of good faith and fair dealing; (d) liability insurers’ potential liability for breach of their duties, including tort liability for bad faith; and (e) the professional responsibilities of defense lawyers hired by liability insurers to defend their policyholders.

**Learning Outcomes**

After completing this course, students should be able to (1) understand and explain liability insurers’ duty to defend their insureds; (2) understand and explain liability insurers’ duty to indemnify their insureds; (3) demonstrate an understanding of liability insurers’ duty to make reasonable settlement decisions and resulting tort liability for bad faith if they fail to do so; (4) recognize and analyze common conflicts of interest in insurance defense practice; and (5) understand insureds’ duty to cooperate with their liability insurers in the resolution of claims and litigation.

**Topical Outline of Subjects to Be Covered and Reading Assignments**

The reference to “UIL” in connection with each class identifies those pages from the forthcoming 6th Edition of Understanding Insurance Law as explained above. I reserve the right to adjust reading assignments. In Class Two, students will be assigned actual liability insurance policies to read, analyze, and discuss. Again, those policies are available on the Canvas page for the class.

Class One, Jan. 8: An Overview of Liability Insurance and the Nature of Risk. Reading assignment: UIL Chap. 1, pp. 1–13 (but not § 12), 41–42 (discussing first-party versus third-party insurance); UIL Chap. 6, pp. 70–86 (not § 64), 114–40.

Monday, Jan. 15 No class in recognition of Martin Luther King, Jr. Day.

Class Two, Jan. 22: Liability Coverage under Commercial General Liability (“CGL”), Homeowners, and Umbrella and Excess Insurance Policies. Reading assignment: Read the specimen policies and CGL policy declarations page available on the Canvas page for the class. Bring these policies and the declarations page with you to class or have them available on your laptop because we will discuss them in class.

Class Three, Jan. 29 Claim Mechanics, the Duty to Cooperate, and the Duty to Defend. Reading assignment: UIL Chap. 8, pp. 1–12 (not § 82), 37–43; UIL Chap. 11, pp. 1–13; *State Farm Fire & Cas. Co. v. King Sports, Inc.*, 827 F. Supp. 2d 1364 (N.D. Ga. 2011), https://www.westlaw.com/Document/I514dbeac212d11e1be8fdb5fa26a1033/View/FullText.html?transitionType=Default&contextData=(sc.Default)&VR=3.0&RS=cblt1.0.

Class Four, Feb. 5: The Insurer’s Duty to Defend. Reading assignment: UIL Chap. 11, pp. 13–58, 79–82.

Class Five, Feb. 12: Professional Responsibilities of Insurance Defense Counsel. UIL Chap. 11, pp. 82–128.

Class Six, Feb. 19: The Insurer’s Duties to Indemnify and Settle, and Third-Party Bad Faith. Reading assignment: UIL Chap. 6, pp. 158–63 (discussing the insurability of punitive damages); Chap. 11, pp. 59–79.

Class Seven, Feb. 26: Excess Insurance and Umbrella Coverage. Reading assignment: UIL Chap. 14, pp. 1–22.

Monday, Mar. 5 Spring Break

Monday, Mar. 12 Possible makeup date. See below for more information.

Monday, Mar. 19 Final examination. The examination will take place during the regular class period in our regular classroom. See below for more information.

**Class Preparation**

On average, you should expect to spend approximately two hours preparing for every hour of class.

**Canvas Page**

There is a Canvas page for this class where you will find all materials for the class.

**Possible Makeup Date**

I will be traveling to Gainesville from Kansas City, where winters—and occasionally winter travel—are more challenging than they are in Florida. To account for the possibility that I may miss a class because of travel complications or unavoidable professional obligations, please reserve ***Monday, March 12***, as a possible makeup day.

**Evaluation: Final Examination**

Students will be evaluated by way of a final examination ***Monday, March 19***, during the time regularly allotted for class. The final examination will be open book and you may consult any written materials you wish; you may not, however, consult with other people. You should expect to be allotted 1.5 hours to complete the final examination.

Grades will be released at the same time as all other Spring 2017 courses.

**Class Attendance Policy**

Students are expected to attend all classes. If some conflict prevents you from sitting for the final examination at the time it is scheduled, you should consult the law school policy on delay in taking exams found at: <http://www.law.ufl.edu/student-affairs/current-students/academic-policies#12>.

**Laptops and Cellular Telephones**

You are free to use a laptop computer to take notes during class and to view materials for class. Because information appearing on a laptop screen potentially may distract fellow students seated near you, however, please do not use your laptop during class for non-class purposes, such as reading e-mail, searching the internet, and so on.

Please turn off your cell phones during class. That request having been made, I recognize that there may be times when you must be available by telephone (e.g., you are a parent or are otherwise responsible for a dependent and need to be available in case of an emergency). If that is the case, please put your phone in “vibrate only” or “silent” mode.

# Accommodations for Students with Disabilities

Students requesting classroom accommodation must first register with the Office of Disability Resources.  The UF Office of Disability Resources will provide documentation to the student who must then provide this documentation to the Law School Office of Student Affairs when requesting accommodation. Students who would need assistance in the event the classroom might need to be evacuated for an emergency (such as an unexpected weather event) should inform the Office of Student Affairs when requesting accommodation.

**Student Course Evaluations**

Students are expected to provide feedback on the quality of instruction in this course based on 10 criteria. These evaluations are conducted online. Evaluations are typically open during the last two or three weeks of the semester, but, given the timing of this course, students will be given specific times when they are open. Summary results of these assessments are available to students at <https://evaluations.ufl.edu>.

# Information on UF Law Grading Policies

The UF policy for assigning grade points is set forth below. The College of Law grading curve policy follows the policy on assigning grade points.

Grade Points Grade Point Grade Point

A (Excellent) 4.0 C+ 2.33 D- 0.67

A- 3.67 C (Satisfactory) 2.00 E (Failure) 0.00

B+ 3.33 C- 1.67

B (Good) 3.00 D+ 1.33

B- 2.67 D (Poor) 1.00

Pursuant to faculty policy, the mandatory mean grade for all course sections is 3.15–3.25, inclusive. If the mean GPA for students enrolled in the course section (determined as of the beginning of the semester) is above 3.2, the lower end of the range is 3.15 and the upper end of the range may be .05 higher than the mean GPA of the students enrolled in the course. If the mean GPA of the students enrolled in the course section (determined as of the beginning of the semester) is below 3.2, the lower end of the range may be .05 lower than the mean GPA of the students enrolled in the course and the upper end of the range shall be 3.25.

The mean grade specified above is recommended rather than mandatory with respect to any seminar (classified as LAW 6936) and any course section of 15 or fewer students. In no event, however, may the mean grade exceed 3.6, except as follows: If the mean GPA (determined at the beginning of the semester) for students enrolled in a course section after the last day to drop a class is above 3.55, the mean grade for the course section may exceed 3.6, but may not exceed the mean GPA of the students enrolled in the course section plus .05. Grades awarded to LL.M. students, exchange students, and graduate students, and grades of E are excluded from calculation of the mean grade.

The law school grading policy is available at: <http://www.law.ufl.edu/student-affairs/current-students/academic-policies#9>.

**2017 Course Grades**

In 2017, 28 students took the final examination. The mean GPA for the class was 3.202. The grade distribution was as follows: A (1), A- (4), B+ (9), B (11), and B- (3).

**2016 Course Grades**

In 2016, 23 students sat for the final examination. The mean GPA for the class was 3.217. The grade distribution was as follows: A (1), A- (5), B+ (2), and B (15).

**2015 Course Grades**

In 2015, 20 students sat for the final examination. The mean GPA for the class was 3.232. The grade distribution was as follows: A (1), A- (1), B+ (9), and B (9).