**Syllabus for Insurance Law**

**Spring 2020**

Professor Peter Molk, pmolk@law.ufl.edu

Class: Monday, 1:30-2:25; Tuesday/Wednesday, 1:00-1:55

Office hours: Monday 9:30-10:30, or by appointment

# COURSE OBJECTIVES AND LEARNING OUTCOMES:

# This course will introduce you to fundamental principles of insurance law. By the end of the course, you should be able to:

# Describe the legal and economic foundations of insurance law;

# Demonstrate an understanding of the contract law principles that govern the process of resolving insurance law disputes;

# Explain the functions of language in standardized insurance policies;

# Explain how policy goals have contributed to the development of insurance law and related doctrines; and

# Apply strategic and practical considerations throughout the entire process of filing and litigating an insurance law dispute.

**COURSE MATERIALS:**

Our casebook is ABRAHAM & SCHWARCZ, INSURANCE LAW AND REGULATION (6th ed. 2015). Additional materials will be posted to our course website.

**EXPECTATIONS:**

Class will start on time and end on time. I expect you to attend every class and to arrive on time. Regular class attendance is required as a condition of receiving course credit. If you miss more than **seven** classes, you will receive a failing grade for the course. Observance of religious holidays does not count toward your absences. Please notify me in advance of such religious absences by email. If you are going to miss class for another reason, you do not need to notify me.

# ASSIGNMENTS:

The reading assignments are available on our course webpage. They are subject to change from time to time. There are also two problems that will be assigned during the semester to be turned in for credit. They will be graded on a pass-fail basis. Problems must be completed, printed out, and handed to me by the start of the corresponding class. Problems submitted after class begins will receive no credit.

You should expect to spend approximately two hours on out-of-class preparation for every hour of in-class instruction.

# EXAM AND GRADE:

# Each of the two problems will be worth 5% of your final grade. The final exam constitutes the remaining 90% of your grade. To assist in your exam, you may use any non-human resources you desire. The exam must be taken at the scheduled date and time except in a case of family or medical emergency or accommodation made by the Office of Student Affairs.

Participation and attendance will also be factored into your final grade and will count for no more than a one-step increase or decrease in your final grade, but such adjustments will be unusual except in the case of a history of late arrivals to class.

**INFORMATION ON UF LAW GRADING POLICIES**

The law school grading policy is available at: <http://www.law.ufl.edu/student-affairs/current-students/academic-policies#9>. Students receive grade points according to the following scale:

|  |  |  |  |
| --- | --- | --- | --- |
| Letter Grade | Point Equivalent | Letter Grade | Point Equivalent |
| A- | 4.0 | C- | 2 |
| A- | 3.67 | C- | 1.67 |
| B+ | 3.33 | D+ | 1.33 |
| B- | 3.0 | D- | 1.0 |
| B- | 2.67 | D- | 0.67 |
| C+ | 2.33 | E- | 0 |

**STUDENT ACCOMODATIONS**

Students requesting accommodation for disabilities must first register with the Disability Resource Center (<http://www.dso.ufl.edu/drc/>). Once registered, students will receive an accommodation letter, which must be presented to the Assistant Dean for Student Affairs (Dean Mitchell) when requesting accommodation. Students with disabilities should follow this procedure as early as possible in the semester.

**ACADEMIC HONESTY**

Academic honesty and integrity are fundamental values of the University community. Students should be sure that they understand the UF Student Honor Code at <http://www.dso.ufl.edu/students.php>.

**STUDENT COURSE EVALUATIONS**

Students can provide feedback on the quality of instruction in this course by completing online evaluations at <https://evaluations.ufl.edu>. Evaluations are typically open during the last two or three weeks of the semester, but students will receive notice of the specific times when they are open. Summary results of these assessments are available to students at <https://evaluations.ufl.edu/results/>.

**READING LIST**

**Introduction and Fundamentals**

Introduction; Misrepresentation and Warranties

1-31

The Role of Standardized Forms; contra proferentem, reasonable expectations

31-63

Damages; Public Policy Restrictions

81-94

94-105

The Role of Intermediaries

 63-78

**Regulatory Fundamentals**

Introduction to Insurance Regulation; Solvency Regulation

 113-117; skim 117-126

Rate Regulation

126-128; skim case 128-131; 131-142

What Is Regulated As Insurance?

 Supplemental case, Griffin Systems v. Ohio DoI, 575 N.E.2d 803 (Ohio 1991)

Residual Federal Regulation

 157-160

**Property Insurance**

Sample Policy; Affirmative Coverage Issues

183-184

Review sample policy (185-209) and complete and hand in worksheet.

 210-229

Exclusions

229-242

247-260

Measure of Recovery; Subrogation; Limited Interests

260-282 (omit discussion of coinsurance, note 5 page 265)

**Life Insurance**

 Review sample policy, available on course website

291-315

skim 315-320

320-327

**Health Insurance and Health Insurance Reform**

 343-362

 372-390

 398-421

**Disability Insurance**

 421-433

**Liability Insurance**

Sample CGL Policy; Affirmative Coverage Issues

 435-436

Review sample policy (437-54) and complete and hand in worksheet.

 455-463

 469-477

CGL Exclusions

 495-516

 Supplemental case, Mighty Midgets v. Centennial Ins. Co., 47 N.Y.2d 12 (1979)

Occurrence vs. Claims-Made

 568-576

Duty to Defend and Settlement

 577-617

**Automobile Insurance**

 637

 651-656

 658-665

 674-679

710-715

686-701

**D&O Insurance**

 535-537

 Skim policy 538-554

 555-568

**Reinsurance**

 717-757

**Mutual Insurer Issues**

 Supplemental case, Hill v. State Farm, 83 Cal. Rptr. 3d 651 (Cal. App. 2008)