Syllabus Spring 2018
Insurance Law, LAW675001
Wednesdays, 6 pm to 7:50
Taught by Debbie Long

Contact Information: The best way to reach me is via email at Debbie.long@protective.com. In your email subject line, please include the phrase "Question from UA Law Student". I receive hundreds of emails daily, and I am more likely to focus on emails in that format. If you need to chat with me, please send me an email and ask to meet before or after class. If you prefer to contact me by phone, my office phone number is 205.268.3700. If you don't reach me, please feel free to leave a message with my assistant, Jackie Anderson.

Course book: Insurance law and Policy Cases and Materials, Tom Baker and Kyle Logue
Other reading material will be used from time to time

Prerequisites: This course assumes a good grasp of principles of contract law.

Course Description: An overview of Insurance Law, which is a huge subject area. We will explore the policy of insurance law and the mechanisms of the regulatory world affecting insurance businesses.

Course Objectives: In this course, you will become familiar with the policy of insurance law and regulation and an understanding of the law as it impacts the relationship between the insured and the insurer. By the end of the course, you should have a basic overview of:

- what an insurance company does in the ordinary course of business;
- the legal issues that arise in the ordinary course of insurance business;
- why the business of insurance implicates public policy and some of the principle policy issues implicated;
- who regulates the business of insurance and how that is changing; and
- the general areas in which insurance activities are regulated.

You will also learn how a business lawyer should approach doing legal work for a client engaged in any business, particularly a highly regulated business.

Assignments: I may, from time to time, assign short essay questions. If I intend for the essay score to be reflected in your final grade, I will tell you, and you will have at least two-weeks to write your essay response. On the other hand, I may tell you that the essay responses will not reduce your grade—though strong answers will improve your grade. The main purpose of the essays is to give you feedback on your understanding of the material and insight into how I grade exams. Time permitting, I will give written comments on those essays.

Class Attendance: One of the benefits of taking a course from an adjunct professor who has spent years practicing in the area is that the professor brings "real world" experience to the classroom, in addition to what is in the relevant textbooks. One of the detriments is that I will

include in my lectures material that is not in the casebook. You will likely learn more if you come to class.
I will adhere to the law school policy regarding attendance.

Use of Computers and Laptops: T his class is intended to be interactive, and I find that note-taking on computers discourages interaction. For that reason, I discourage note-taking on computers and may preclude the use of computers if necessary to facilitate classroom discussion. (I note that there is a fair amount of research indicating that use of computers for note-taking is less effective for learning than note-taking by hand.)

14 classes, beginning January 10

Class 1: January 10

Introduction to Insurance: Chapter 1, pages 1-29. It would be helpful to at least skim over this chapter prior to the first class, but at some point you should read (and re-read) the entire chapter. As we move through the remaining content, specific pages may be assigned and revisited.

Class 2: January 17

Introduction to Insurance: Chapter 1, pages 1-29 continued. (Note: the order of class 2 and 3 may be flipped)

Class 3: January 24

Contract Law Foundations: Chapter 2

Relevant concepts: Insurance Contracts (including what they must include, need for insurable interest, and the Interpretation of Insurance Contracts; Ambiguity)

Citations to be discussed:

- Alabama Code Sections 27-14-3 and 4 (Insurable Interest) https://law.justia.com/codes/alabama/2016/title-27/chapter-14/section-27-14-3/
- Alabama Insurance Department Regulations, Chapter 482-1-131 (Life Insurance Disclosure Regulation) http://www.aldoi.gov/PDF/Legal/131-2004.pdf and NAIC Buyer's Guide http://naic.org/documents/consumer_guide_life.pdf
- Protective Life Insurance Company v. Sullivan, et al, 425 Mass. 615, https://law.justia.com/cases/massachusetts/supreme-court/volumes/425/425mass615.html
- World Trade Center Properties v. Travelers Indemnity Co, p 37

Class 4: January 31

First-Party Insurance: Illustrative Lines and Issues: Chapter 3. Focusing on Life Insurance, Disability Insurance, and Health Insurance

Selected Life Insurance Issues and cases; selected regulations governing life insurance:

- Misrepresentation in the Application
- Fraudulent Claims
- Suicide Clauses

- Other Exclusion
- Market Conduct Regulation

Cases to read:
ALFA Life Insurance Corporation v. Colza, https://law.justia.com/cases/alabama/supreme-court/2014/1111415.html

Class 5: February 7
First-Party Insurance: Illustrative Lines and Issues: Chapter 3, continued. Focusing on Property Insurance, Disability Insurance and Credit Insurance
McCullar v. Universal Underwriters Life Ins. Co., 687 So. 2d 156 (Ala. 1996) found at https://www.leagle.com/decision/1996843687so2d1561842

Class 6: February 14
First-Party Insurance: Illustrative Lines and Issues: Chapter 3, continued. Focusing on health insurance, insurance as an employee benefit, subrogation and other policy concerns

Class 7: February 21
First-Party Insurance: Recap and Discussion

Class 8: February 28
Liability Insurance, Chapter 4. Focusing on General Liability Insurance and common clauses and requirements, automobile insurance, professional liability insurance

Class 9: March 7
Liability Insurance, Chapter 4. Focusing on defenses to coverage and the problem and costs of fraud

Spring Break: March 14

Class 10: March 21
Liability Insurance Relationship Issues, Chapter 5. Focusing on basic duties of insurer and insured and the impact of insurance on tort law

Class 11: March 28
Insurance Regulation, Chapter 6
Topics will include state vs. federal regulation, and impact of international treaties; role of National Association of Insurance Commissioners (NAIC) and National Conference of Insurance Legislators (NCOIL); interaction with non-insurance regulators (SEC and FINRA)

Class 12: April 4
Insurance Regulation, Chapter 6, continued
The Devil is in the Details -- Topics include review of model laws and regulations and a discussion of the relevancy of the regulation in today's world

Class 13: April 11
Insurance Regulation, Chapter 6 continued
Topics will include Insolvency of Insurers and Guaranty System Coverage; Residual Markets (and transfer of premium burden)

Class 14: April 18
Review and Discussion