

# PROPERTY AND CASUALTY INSURANCE LAW

## Spring 2014

### Scope:

This class will be one of the most personally and professionally useful courses of your legal education. Property and casualty insurance is purchased, in some form or fashion, by virtually every individual and every business entity in America. In addition to your personal insurance, almost any practice area will bring you into contact with issues arising out of property and casualty insurance. This course will analyze the fundamental concepts of property and casualty insurance through various policy forms including: General Liability, Professional Liability, Auto, Homeowners, Commercial Property, and Workers' Compensation/Employers Liability. The purpose of this course is to give each student the ability to analyze common insurance problems likely to be encountered in the practice of law.

There is no textbook. We have identified appropriate materials and these have been compiled and are available at the copy center. The syllabus assignments correspond to the sections in the course materials. We also anticipate having handouts, copy center materials, electronically delivered documents, and PowerPoint presentations. The Law Library contains numerous insurance resources pertaining to property and casualty insurance and those items may be consulted as needed. Also, we recommend that you subscribe to the Texas Insurance Law Newsbrief written and distributed weekly by Martin, Disiere, Jefferson, and Wisdom. Materials in the Newsbrief will be fair game for discussion, problems, and the final.

The class will also utilize the web discussion board. Class announcements, handouts, powerpoints, and other materials will be distributed using the discussion board. As we maintain a full-time law practice, any last minute changes to the schedule or assignment may also be distributed through the web discussion board's announcement feature.

**Each student is expected to have read the assigned reading before the start of class and be prepared to discuss the concepts raised in the materials.** If a topic is not completed in its entirety in a class period, the student should still read the next section on the syllabus for the next class.

As Adjunct Professors, we do not maintain office hours at the law school. You are welcome to call or e-mail to discuss any issue raised in class or to notify us of any problems:

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### **Attendance:**

As you know, the law school maintains an 80% attendance requirement. Attendance will be taken during each class period. Any student who is more than 20 minutes late to class will be considered absent regardless of whether the student attends the remainder of that class period. If the student is called upon in class and is unprepared to discuss the assigned reading, the student *may* be counted as absent for that day.

Classroom participation will be considered as part of your grade in the class. This grade is based upon the nature and extent of participation. Grades may be raised *or lowered* based on class participation. Grades may be changed one increment, e.g., from a B to a B+ or a B+ to a B based on class participation.

### **Final Exam:**

The final exam will contain material from every class. Although the final will emphasize those issues covered in class, any topic from the assigned reading may be on the final regardless of whether it is covered in class.

The final exam will consist of essay questions and/or short answers. The final exam will contain approximately 200 points and will be graded based upon the student's ability to correctly identify issues, analyze the issues presented, and justify the answer given based upon the concepts and case law studied during the semester. Up to 10 additional points *may* be awarded to any student's final grade based upon meaningful classroom participation which is deemed in my sole subjective discretion to materially benefit the classroom experience.

**The instructors reserve the right to change the syllabus at any point during the semester at his or her discretion.**

### **First Day:**

There is no reading assignment for the first class day. Students should register for the Texas Insurance Law Newsbrief by going to <http://www.mdjwlaw.com/newsroom-signup.html>. Students should read the Newsbrief as it is issued.

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### Class Schedule:

<b>Class</b>	<b>Date</b>	<b>Topic/Reading Assignment</b>
1	January 14	Introduction
2	January 16	Basics of Insurance
3	January 21	Rules of Insurance
4	January 23	Duties of Insurers
5	January 28	Duties of Insureds
6	January 30	Auto Policy Liability
7	February 4	Auto Policy PIP & UM/UIM
8	February 6	Auto Policy Property
9	February 11	Homeowners Property
10	February 13	Homeowners Liability
11	February 18	Workers Compensation
12	February 20	WC: Non Subscribers
13	February 25	CGL
14	February 27	CGL
15	March 4	CGL

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<b>Class</b>	<b>Date</b>	<b>Topic/Reading Assignment</b>
16	March 6	CGL
	March 11	Spring Break
	March 13	Spring Break
17	March 18	Texas Business Owners
18	March 20	Trial of Coverage Cases
19	March 25	Bad Faith Common Law
20	March 27	Bad Faith Prompt Payment
21	April 1	Bad Faith Unfair Settlement
22	April 3	Bad Faith Third-Party
23	April 8	Clash of the Titans Co-Primary
24	April 10	Clash of the Titans Primary v. Excess
25	April 15	Insurance Regulation
26	April 17	Ethics & Insurance
27	April 22	Insurance & Consumer Law
28	April 24	Review