

Version 0.8 (last revised October 8, 2022; updated link to open casebook provided)		Attendance Link will be here	Panel	Zoom URL will be here	A is the Abraham casebook; Other materials should be found in this OpenCasebook prepared by Professor Chandler: <a href="https://opencasebook.org/casebooks/3804-principles-of-insurance-law-and-regulation/">https://opencasebook.org/casebooks/3804-principles-of-insurance-law-and-regulation/</a>		Notes for Students	Extra Reading			
Class Number	Day	Day of Week		Topic	Regular Reading	Recording Link from 2023 and 2022					
1	1/17/2023	Tuesday	None	Introduction; What makes insurance special; Explaining the insurance industry	A 1-11;	<a href="https://t.ly/LQBZ">t.ly/LQBZ</a>	Really try not to miss the first day; I cover important themes; I also appoint The Nag and The Assistant Navigator	<a href="https://cilj.law.uconn.edu/wp-content/uploads/sites/2520/2021/02/Abraham-Final-PDF.pdf">https://cilj.law.uconn.edu/wp-content/uploads/sites/2520/2021/02/Abraham-Final-PDF.pdf</a>			
2	1/19/2023	Thursday	None	Contract Formation: Warranty & Misrepresentation; Standardized Forms	A 12-35	<a href="https://t.ly/D4NC">t.ly/D4NC</a>					
3	1/24/2023	Tuesday	None	Binders: Contra proferentum; Reasonable expectations	A 37-66	<a href="https://t.ly/FJ8b">t.ly/FJ8b</a>					
4	1/26/2023	Thursday	A	Intermediaries; Texas contract law;	A 67-78; National Union Fire Ins. Co. of Pittsburgh, PA v. CBI Industries, Inc., 907 S.W.2d 517 (Tex. 2005); Transportation Ins. Co. v. Moriel, 879 S.W. 10 (Tex. 1994);	<a href="https://t.ly/h6NL">t.ly/h6NL</a>					
5	1/31/2023	Tuesday	B	Insurance remedies: extra-contractual damages; ADR	Texas Ins. Code sec. 541, 542, 542A; Menchaca summary	<a href="https://t.ly/nHiH">t.ly/nHiH</a>					
6	2/2/2023	Thursday	C	State laws requiring insurance: First party insurance and liability insurance; Firearms insurance?	<a href="https://www.iii.org/article/background-on-gun-liability">https://www.iii.org/article/background-on-gun-liability</a> ; <a href="https://www.sfgate.com/news/bayarea/article/How-Will-San-Jose-Enforce-Its-Proposed-Gun-Laws-16374030.php">https://www.sfgate.com/news/bayarea/article/How-Will-San-Jose-Enforce-Its-Proposed-Gun-Laws-16374030.php</a> ; <a href="https://link.springer.com/content/pdf/10.1057/palgrave.gpp.2510063.pdf">https://link.springer.com/content/pdf/10.1057/palgrave.gpp.2510063.pdf</a>	<a href="https://t.ly/ML4B">t.ly/ML4B</a>	San Jose appears to be delayed in producing its ordinance.				
7	2/7/2023	Tuesday	A	Public policy coverage prohibitions	A 98-110; RLLI Sections 44-46 (black letter + comments); <a href="https://ccwsafe.com/">https://ccwsafe.com/</a> (poke about website until you understand their business); Pak-Mor Mfg. Co. v. Royal Surplus Lines Ins.Co.	<a href="https://t.ly/Rr3d">t.ly/Rr3d</a>		<a href="https://cilj.law.uconn.edu/wp-content/uploads/sites/2520/2022/05/LOGUE-SHNIDERMAN-CILJ-Review.pdf">https://cilj.law.uconn.edu/wp-content/uploads/sites/2520/2022/05/LOGUE-SHNIDERMAN-CILJ-Review.pdf</a>			
8	2/9/2023	Thursday	B	Underwriting regulation; proxies; non-causal factors; algorithms	Texas Insurance code chapter 544 (read subchapter A carefully and skim subchapters B-I); 42 USC 300gg (just 42 USC 300gg itself; not the remaining provisions); Optional 42 USC 300gg-4 (we will discuss it in class, but you can get a head start)	<a href="https://t.ly/feoQ4">t.ly/feoQ4</a>		<a href="https://cilj.law.uconn.edu/wp-content/uploads/sites/2520/2021/04/CILJ-Vol-27-1-Wilson-Note-FINAL.pdf">https://cilj.law.uconn.edu/wp-content/uploads/sites/2520/2021/04/CILJ-Vol-27-1-Wilson-Note-FINAL.pdf</a>			
9	2/14/2023	Tuesday	C	Insurance regulation: federalism solvency	A 111-142; 15 USC 1013(c) (reflecting changes made by CHIRA, enacted in 2021)	<a href="https://t.ly/ZdlU">t.ly/ZdlU</a>					
10	2/16/2023	Thursday	A	Substantive insurance regulation	A 142-166	<a href="https://t.ly/V0Ki">t.ly/V0Ki</a>		<a href="https://cilj.law.uconn.edu/wp-content/uploads/sites/2520/2019/06/Vol25_1-art5.pdf">https://cilj.law.uconn.edu/wp-content/uploads/sites/2520/2019/06/Vol25_1-art5.pdf</a>			
11	2/21/2023	Tuesday	B	Federal and international insurance regulation	A 166-179; 183-194	<a href="https://bit.ly/3BpdCey">https://bit.ly/3BpdCey</a>					
12	2/23/2023	Thursday	C	Subsidized insurance schemes: Texas Windstorm and NFIP	179-183; <a href="https://youtu.be/dv5vr52w3bk">https://youtu.be/dv5vr52w3bk</a> ; Overcoming Contemporary Reform Failure of the National Flood Insurance Program to Accelerate Just Climate Transitions; TWIA Treasure Hunt	<a href="https://bit.ly/2YtxFde">https://bit.ly/2YtxFde</a>					
13	2/28/2023	Tuesday	A	Excess insurance, reinsurance and "cat bonds"	771-795; Catastrophe Bonds: A Primer and Retrospective	<a href="https://bit.ly/3FpvoRx">https://bit.ly/3FpvoRx</a>					
14	3/2/2023	Thursday	B	Insurer insolvency; Surplus Lines insurers	The Insolvency Process; 11 U.S.C 109 (who can be a debtor); Admitted vs. Non-admitted Carriers: A Comparison; The Basics of Surplus Lines Insurance; Texas Surplus Lines Insurance	<a href="https://t.ly/bnAG">t.ly/bnAG</a>					
15	3/7/2023	Tuesday	C	Captives	<a href="https://www.cpajournal.com/2018/12/19/captive-insurance-companies/">https://www.cpajournal.com/2018/12/19/captive-insurance-companies/</a> ; Caylor Land & Development Co. v. Commissioner of Internal Revenue, T.C. Memo. 2021-30	<a href="https://t.ly/pdLr">t.ly/pdLr</a>	Please note that the author of the CPA Journal article might have a slight bias!				

16	3/9/2023	Thursday	A	Life insurance concepts and mathematics; Texas Ins. Code sec. 1105	A 313-314; 326-333 [skip note 1]; 339 (bottom) - 345; skim Tex Ins. Code sec. 1105; <a href="https://www.policygenius.com/life-insurance/types-of-life-insurance/">https://www.policygenius.com/life-insurance/types-of-life-insurance/</a> ;	<a href="#">t.ly/QgNg</a>	Midterm Exam: Will cover materials through Class 15	Lecture on Insurable Interest, incontestability					
17	3/21/2023	Tuesday	B	Life insurance taxation and securities regulation	A 357-367; A 333-343; slides available on opencasebook site	<a href="#">t.ly/8kAA</a>							
18	3/23/2023	Thursday	C	Health insurance; Start lecture on ACA	A 383-87; 395-403; ERISA slides	<a href="#">t.ly/fneh</a>							
19	3/28/2023	Tuesday	A	The Affordable Care Act	ACA Slides	<a href="#">t.ly/VGQ7</a>		Revise slides to take account of cases and subsidy changes					
20	3/30/2023	Thursday	B	ACA Continued; Long Term Care Insurance: Private, Public and Hybrid	ACA Slides continued; A 351-57; 367-81	<a href="#">t.ly/hqCG</a>							
21	4/4/2023	Tuesday	C	Liability Insurance Contracts	A 463-482; RLLI Section 10 (black letter + comments)	<a href="#">t.ly/VpkM</a>	Reading the sample liability insurance contract with great care!						
22	4/6/2023	Thursday	A	Guest Lecture: Jennifer LeMaster	Powerpoint to be distributed	<a href="#">t.ly/GgVR</a>							
23	4/11/2023		B	Insurance Terms Regulation	A98-110: <a href="https://threeinsurance.com/the-policy/">https://threeinsurance.com/the-policy/</a> (read the Texas version of the policy and see how it differs from the ISO form in the Abraham book); RLLI sections 31, 32	<a href="#">t.ly/ePhp</a>							
24	4/13/2023	Thursday	C	Duty to Defend	RLLI sections 11, 12, 13,14, 15 (not including Reporters' Notes); we will also cover section 10 but I will take responsibility for that	<a href="#">t.ly/tKVw</a>							
25	4/18/2023	Tuesday	A	Duty to Settle	RLLI sections 24, 25, 26, 27 (not including Reporters' Notes); Stowers	<a href="#">t.ly/hoxH</a>							
26	4/20/2023	Thursday	B	Subrogation; Cooperation; Coverage; Exclusions;	RLLI sections 28, 29, 30, 31, 32 (not including Reporters' Notes)	<a href="#">t.ly/TswY</a>							
27	4/25/2023	Tuesday	C	Claims Made; D & O Policies; Profess	A 570-606	<a href="#">t.ly/E952</a>							
28	4/27/2023	Thursday	Everyone	Climate Change	Global Insurance Perspectives on Climate Change; Opportunities and Threats of Climate Change on Insurance (McKinsey Report)	<a href="#">t.ly/TXzM</a>							

Student	Panel Assignment
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This course is being technically offered in Hybrid format. I will teach some classes in person and others via Zoom. The current plan is for most Tuesday classes to be in person and for about 1/3 of Thursday classes sessions to be taught in person and the remainder taught in a synchronous remote mode. There may also be occasions on which a Tuesday class will be taught remotely. I will give you further notice on the allocation of classes between in person and remote as soon as I am able. I would ask for some flexibility and understanding from the class; the remote format is due to significant family health issues and a potential need for me to travel to the East Coast.

Grading Rubric	Percentage	Comments	Notes
Final Exam	80%	A typical law school final exam; mixture of MC and essay; graded anonymously; open book	
Midterm	20%	All or almost all MC/Short answer. It will be given during an 8 a.m. to 8 p.m. window (You pick 1 hour to take the midterm) on March 9, 2022; open book	
Class Participation on Non-Panel Days	Raise or lower one grade at instructor's discretion	Frequency and intelligence of comments	
Attendance	<p><b>Students who fail to attend 6 or more classes on days in which attendance is taken will not be permitted to take the final exam. It is your job to track attendance. An effort will be made, however, to warn students when they have 4 absences. This policy is subject to university and Law Center policy on excused absences, such as those for religious observance.</b></p>		

Goal				
Familiarization with insurance industry, including reinsurance				
Learn how to read an insurance policy				
Fluency in insurance vocabulary				
Gain fluency in basic insurance economics				
Develop instincts for provisions likely to be in an unseen insurance contract based on economic background				
Familiarity with McCarran Ferguson Act and federal statutes regulating insurance				
Appreciate typical state insurance regulation issues				
Understanding policy issues in health insurance reform				
Understand different life insurance products as well as rudiments of life insurance mathematics				
Understand Texas law of insurance and how it may differ from Restatement				
Realizing that being an insurance lawyer is cool				

<b>Office Hours</b>
Monday 11-12 (in person)
Thursday 430 pm - 530 pm (virtual)
Also by virtual appointment
Note: If no one shows up for a 15 minute span, I get off Zoom. If you don't see me, send me an email and I should return.

**Other Notices**

Counseling and Psychological Services (CAPS) can help students who are having difficulties managing stress, adjusting to the demands of a professional program, or feeling sad and hopeless. You can reach CAPS ([www.uh.edu/caps](http://www.uh.edu/caps)) by calling 713-743-5454 during and after business hours for routine appointments or if you or someone you know is in crisis. No appointment is necessary for the “Let’s Talk” program, a drop-in consultation service at convenient locations and hours around campus. [http://www.uh.edu/caps/outreach/lets\\_talk.html](http://www.uh.edu/caps/outreach/lets_talk.html)

**COVID-19 Information**

Students are encouraged to visit the University’s COVID-19 website for important information including on-campus testing, vaccines, diagnosis and symptom protocols, campus cleaning and safety practices, report forms, and positive cases on campus. Please check the website throughout the semester for updates.

**Vaccinations**

Data suggests that vaccination remains the best intervention for reliable protection against COVID-19. Students are asked to familiarize themselves with pertinent vaccine information, consult with their health care provider. The University strongly encourages all students, faculty and staff to be vaccinated.

**Reasonable Academic Adjustments/Auxiliary Aids**

The University of Houston complies with Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990, pertaining to the provision of reasonable academic adjustments/auxiliary aids for disabled students. In accordance with Section 504 and ADA guidelines, UH strives to provide reasonable academic adjustments/auxiliary aids to students who request and require them. If you believe that you have a disability requiring an academic adjustments/auxiliary aid, please contact the Justin Dart Jr. Student Accessibility Center (formerly the Justin Dart, Jr. Center for Students with DisABILITIES).

**Excused Absence Policy**



Regular class attendance, participation, and engagement in coursework are important contributors to student success. Absences may be excused as provided in the University of Houston Undergraduate Excused Absence Policy and Graduate Excused Absence Policy for reasons including: medical illness of student or close relative, death of a close family member, legal or government proceeding that a student is obligated to attend, recognized professional and educational activities where the student is presenting, and University-sponsored activity or athletic competition. Under these policies, students with excused absences will be provided with an opportunity to make up any quiz, exam or other work that contributes to the course grade or a satisfactory alternative. Please read the full policy for details regarding reasons for excused absences, the approval process, and extended absences. Additional policies address absences related to military service, religious holy days, pregnancy and related conditions, and disability.

### Recording of Class

Students may not record all or part of class, livestream all or part of class, or make/distribute screen captures, without advanced written consent of the instructor. If you have or think you may have a disability such that you need to record class-related activities, please contact the Justin Dart, Jr. Student Accessibility Center. If you have an accommodation to record class-related activities, those recordings may not be shared with any other student, whether in this course or not, or with any other person or on any other platform. Classes may be recorded by the instructor. Students may use instructor's recordings for their own studying and notetaking. Instructor's recordings are not authorized to be shared with anyone without the prior written approval of the instructor. Failure to comply with requirements regarding recordings will result in a disciplinary referral to the Dean of Students Office and may result in disciplinary action.

### Syllabus Changes

Due to the changing nature of the COVID-19 pandemic, please note that the instructor may need to make modifications to the course syllabus and may do so at any time. Notice of such changes will be announced as quickly as possible through ( specify how students will be notified of changes).