

SYLLABUS
INSURANCE LAW (LAW 614)
UNIVERSITY OF LA VERNE COLLEGE OF LAW
SPRING 2019

Instructor

Prof. Dean McVay

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Time

Mondays 6:30 p.m. to 8:20 p.m.

Room: 203

Materials

The required **casebook** for this course is **Baker, *Insurance Law and Policy, 4th Edition*** (Aspen Publishers).

A **recommended text** is **Jerry & Richmond, *Understanding Insurance Law, 4th Edition*** (Lexis-Nexis Publishing).

Office Hours

I do not hold office hours, but I am available by appointment to meet on campus or at my office in San Bernardino. I am willing to meet with you by telephone if necessary. Even though I do not hold office hours, I am generous with my time, and I am more than willing to accommodate your schedules. Finally, I strongly encourage you to meet with me as frequently as necessary as you move through the class; I am more than happy to assist you as you learn the material that you will need to know in preparation for the final exam in this class.

Exams, Quizzes, and Grading

The final exam will be a two hour essay exam. The exam may cover material contained in the assigned reading but not discussed in class. 100% of the final grade will be based on the final exam.

Class Website

A TWEN site exists for the course. That site will be used to communicate with students, and to post additional documents that may become of interest as the course proceeds.

Class Policies and Standards

These classroom policies exist because I believe that they will not only foster a sense of responsibility and professionalism, but also because adhering to them will facilitate greater learning for all of the students.

CLASS ATTENDANCE

As a requirement for the accreditation of law schools by the ABA, **regular** and **punctual** class attendance is necessary, and each law school has the burden of demonstrating enforcement of this class attendance requirement. Attendance will be taken by use of a roll sheet that is circulated among the class. An excessive number of absences (more than 2.5) will result in your withdrawal from the course, in accordance with school policy. There is no distinction between “excused” and “unexcused” absences, so please manage your absences accordingly.

It is each student’s responsibility to sign the roll sheet that is circulated each class period, to ensure that his or her attendance in class is recorded. If a student initials or signs the roll sheet *on behalf of another student*, regardless of whether or not the other student is present in class, such a transgression will be treated as an ethical violation, and will be referred to the Assistant Dean for Student Affairs for resolution.

TARDINESS

Our students must adopt a habit of punctuality as practitioners in an esteemed profession, and it is timely to cultivate this habit as law students. Students are expected to be on time. Coming to class ten minutes late or leaving ten minutes early will constitute ½ an absence.

CELLULAR PHONES, TEXT MESSAGING ETC.

Each student is expected to leave such devices in his or her locker or car. Students who bring such devices to class are responsible for (i.) putting them away (in their backpacks or purses) for the entire class, and (ii.) turning the phone “off” or placing it “on vibrate.” The professor reserves the right to ask a student to leave class (and record one full “absence” for the class period), if the device rings, beeps, chimes, chirps, or otherwise disturbs the class.

STUDENTS WITH DISABILITIES

Students with disabilities should refer to the policies described at the University of La Verne *Disabled Student Services Handbook* [as of September 13, 2017 located at <https://sites.laverne.edu/disabled-student-services/disabled-student-services-handbook/>], which can be found on the website of the University of La Verne Disabled Student Services website (<https://sites.laverne.edu/disabled-student-services/disabled-student-services-handbook/>) or at their office. Temporary accommodations are offered on a case by case basis. All required documentation must be submitted by the student before any formal accommodations and should be made directly to the Director of Student Affairs.

Any student eligible for and requesting academic accommodations due to a documented disability (or a suspected disability) is asked to contact the College of Law Director of Student Affairs and Americans with Disability Act Compliance Officer, or you can contact the University of La Verne Disabled Student Services office; both listed below. In order to be considered for accommodations, disabilities must be documented and the proper medical evaluations must be submitted. The office is here to help you succeed in law school. Visit it online at <https://sites.laverne.edu/disabled-student-services/>

CLASS PARTICIPATION

Insurance Law is a course that benefits greatly from vibrant class discussion. I will therefore expect everyone to participate. A significant form of participation will occur when students are on call, and I will use a system of blind calling. I will allow students who are on call one opportunity to pass. If you pass more than once, I reserve the right to mark you absent.

CHANGES TO SYLLABUS

Students will receive notice of any changes made to the Syllabus throughout the semester.

Class Learning Objectives

The course gives an overview of insurance law principles, insurance marketing, coverages and public policies affecting this important part of American society. The cases and other materials studied give an understanding of insurance contract formation and interpretation as well as familiarity with specific types of insurance coverage commonly encountered in the general practice of law, such as Health, Disability, Life, Property and Liability.

Reading Assignments

Below are the assigned readings for the topics expected to cover during the semester. Dates and readings are subject to change. All page numbers refer to the textbook unless otherwise noted.

ASSIGNMENTS

All assignments are in **Baker, *Insurance Law and Policy, 4th Edition*** (Aspen Publishers). Please brief the principal cases and, unless otherwise directed, be prepared to discuss the problems. **Assignments are subject to change.**

<u>Week</u>	<u>Topic</u>	<u>Pages</u>
Insurance, Law, and Society:		
Class 1 1/7/19	Insurance, Law & Society	1-30
Contract Law Foundations:		
Class 2 1/14/19	Contract Law Foundations	31-65
No class 1/21/19 MLK Day		
Class 3 1/28/19	Contract Law Foundations	65-103
Class 4 2/4/18	Contract Law Foundations	103-143

First Party Insurance:

Class 5
2/11/19 Property Insurance 145-186

Class 6
Tuesday
2/19/19 Property Insurance (cont.); 186-213
(Not Mon., Life Insurance 213-240
Pres. Day)

Class 7
2/25/19 Disability Insurance 240-258

(Spring break
March 4-10)

Class 8
3/11/19 Health Insurance 258-273

Class 9
3/18/19 ERISA 273-313

Third Party Insurance:

Class 10
3/25/19 Subrogation; Liability Insurance 315-350

Class 11
4/1/18 Liability Insurance 351-424

Class 12
4/8/18 Automobile & 425-501
Professional Liability Insurance

Class 13
4/15/19 Relationship Issues 503-562

Appendix of Mission, Values and Learning Outcomes

University of La Verne Mission and Values

It is the mission of the University of La Verne to provide opportunities for students to achieve their educational goals and become contributing citizens to the global community.

The University of La Verne shares four core values that promote a positive and rewarding life for its students through fostering a genuine appreciation and respect for:

1. **Values Orientation.** The University affirms a philosophy of life that actively supports peace with justice, the health of the planet and its people. Therefore, in light of this affirmation, it encourages students to become reflective about personal, professional, and societal values. It also encourages values-based ethical behavior.
2. **Community and Diversity.** The University promotes the goal of community within a context of diversity. Therefore, it encourages students to understand and appreciate the diversity of cultures that exists locally, nationally, and internationally. It also seeks to promote appreciation and preservation of biodiversity by helping students understand the impact/dependence of human beings on their environment.
3. **Lifelong Learning.** The University commits itself to promoting education that facilitates lifelong learning. Therefore, it teaches students how to learn, to think critically, to do constructive research, and to access and integrate information in order to prepare them for continued personal and career growth.
4. **Community Service.** The University believes that personal service is a primary goal of the educated person. Therefore, it encourages students to experience the responsibilities and rewards of serving the human and ecological community.

University of La Verne College of Law Vision, Mission, and Values

VISION

La Verne Law is an incubator for innovation in legal education, thought, and advocacy for individuals passionate about serving their communities and promoting access and justice.

MISSION

The mission of La Verne Law is to guide our students in the discovery of law and self as they prepare for the practice of law or other professional careers. Our faculty of scholars and teachers is committed to creating an innovative, collaborative learning environment designed to develop the knowledge and skills relevant to achieving individual and professional success.

Our mission encompasses educating, as well as enhancing the professional lives of, the members of the local, regional, national, and international communities we encounter – students, faculty, staff, administrators, alumni, members of the bench and bar, and others who pursue social justice.

Our mission is grounded in the core values of the University of La Verne – life-long learning, ethical reasoning and decision-making, diversity & inclusivity, and community & civic engagement.

Difference-making is our legacy.

CORE VALUES

University Values: As a College within the University of La Verne we adopt and endorse the University core values of Lifelong Learning, Diversity and Inclusivity, Community Engagement, and Ethical Reasoning.

College of Law Core Principles and Values: As an institution dedicated to teaching and training the next generation of lawyers and leaders, we operate institutionally and individually on the principles of professionalism, innovation, ethics, student centeredness and community enhancement. In our actions and interactions, we are and seek to be affirming, respectful, humble, accountable, committed, inclusive, empathetic, responsive, passionate, and positive.

University of La Verne College of Law Program Objectives

- A. Upon completion of the program of legal education, students will possess the skills and knowledge to enable them to pass any bar examination of their choosing.

- B. Upon completion of the program of legal education, students will possess those skills to participate as respected members of the legal profession.

- C. Upon completion of the program of legal education, students will model ethical, responsible, and professional behavior.

- D. Upon completion of the program of legal education, students will embrace cultural differences and civic and community engagement.

American Bar Association Standard 302: LEARNING OUTCOMES

A law school shall establish learning outcomes that shall, at a minimum, include competency in the following:

- (a) Knowledge and understanding of substantive and procedural law;
- (b) Legal analysis and reasoning, legal research, problem-solving, and written and oral communication in the legal context;
- (c) Exercise of proper professional and ethical responsibilities to clients and the legal system; and
- (d) Other professional skills needed for competent and ethical participation as a member of the legal profession.

In compliance with ABA Standard 302, the University of La Verne College of Law has established the following.

University of La Verne College of Law Program Learning Outcomes

1. Students shall demonstrate knowledge and understanding of substantive and procedural law.
2. Students shall demonstrate competence in legal analysis and reasoning.
3. Students shall demonstrate competence in conducting legal research.
4. Students shall demonstrate competence in problem-solving.
5. Students shall demonstrate competence in written and oral communication.
6. Students shall be able and motivated to exercise proper professional and ethical responsibilities to clients, the legal system, and the wider community.

7. Students shall demonstrate competent litigation skills.
8. Students shall demonstrate competent transactional skills.
9. Students shall apply cultural competency while exercising their legal skills.
10. Students shall demonstrate competence in answering bar-style multiple-choice, essay, and performance test questions.