

**DEPAUL UNIVERSITY COLLEGE OF LAW**  
**INSURANCE LAW**

Fall 2007

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**Required Text:**

Cases and Materials On General Practice Insurance Law (Fourth Edition)

West Group American Casebook Series

Leo P. Martinez

John W. Whelan

**Evaluation:**

Students attending the class will be evaluated based on their success on a traditional classroom examination. In-class attendance and performance will also be considered in the final grade.

**General Course Outline:**

- A. What Is Insurance?
- B. Governmental Regulation of Insurance
  - 1. State Regulation
  - 2. Federal Regulation
  - 3. The "Spitzer" Investigations
- C. Forming and Negotiating the Insurance Contract
  - 1. Formalities of Contract Making
  - 2. Negotiation and Agency: Insurers' Problems
  - 3. The Law of Misrepresentation: An Applicant's Problem in Negotiation
- D. Interpretation of Insurance Contracts
  - 1. General Principles
  - 2. Waiver, Estoppel and Other Theories
- E. Extra-Contractual Liability: The Covenant of Good Faith and Fair Dealing
  - 1. Distinguishing First Party and Third Party Insurance
  - 2. The Covenant of Good Faith and Fair Dealing
  - 3. The Origins -- Third Party Cases
  - 4. Limiting Third Party Claims
  - 5. The First Party Problem
  - 6. Reverse Bad Faith
  - 7. The Legislative Response
  - 8. Other Views

- F. Liability Insurance
  - 1. Introduction -- The Undertaking
  - 2. The Insurer's Undertaking
  - 3. The Insured's Undertaking
  - 4. Problems of Multiple Coverage
  - 5. Context Specific Application
  - 6. Waiver Agreements, Reservations of Rights, and Lawyer's Obligations
  
- G. Property Insurance
  - 1. Basic Principles
  - 2. Insurer's Defenses
  - 3. Paying Claims
  - 4. Subrogation
  
- H. Personal Insurance
  - 1. Life Insurance
  - 2. Disability Insurance
  - 3. Automobile Insurance
  
- I. The London Insurance Market
  
- J. Insurance Coverage Litigation: A Case Study
  - 1. Pleadings
  - 2. Discovery
  - 3. Motion Practice
  - 4. Trial