

INSURANCE LAW
PROF. MICHELLE BOARDMAN
SPRING 2024
MONDAY, 1:50-3:50

The text for this class is Kenneth S. Abraham and Daniel Schwarcz's **Insurance Law and Regulation** (7th Edition). Unlike some first-year texts, the writing between cases is not fluff; it is central to learning and exploring the subject matter. Most of the sections have problems and questions that you will answer for yourself before coming to class. I recommend writing down your analysis. Some answers will be a phrase or a line but others will be more detailed. Your grade will be based on class participation (25%) and an exam (75%).

1/22: **Fundamental insurance concepts and information problems**, 1-11. Worksheet on adverse selection and moral hazard. **Insurance contract formation**, 37-45. Explore <https://www.verisk.com/insurance/capabilities/insurance-policy-programs/>
Misrepresentation, 12-18 & 30-35.

Topics we will cover include: Adverse selection, moral hazard, standardized forms, policy interpretation, public policy restrictions, insurance regulation, exclusions (including the pollution exclusion, terrorism exclusion, and intrinsic loss), all within the context of property insurance, life insurance, health insurance, and liability insurance.

Learning Outcomes

This course involves learning about specific lines and categories of insurance, as well as understanding the overarching concepts that are common to all insurance. Among other skills, at the end of the course students will:

- Understand and be able to apply the concepts of risk, risk allocation, adverse selection, moral hazard, and underwriting accuracy to various insurance contexts.
- Understand and be able to apply the insurance-specific rules of contract law that govern the interpretation and construction of insurance policies, including issues of misrepresentation and bad faith.
- Know how to analyze the structure and content of various types of insurance policies.
- Develop a general understanding of the insurance market from the perspective of both the policyholder and the insurer and understand how the market shapes the availability and content of insurance.
- Have an advanced understanding of central disputes in liability insurance, commercial property insurance, homeowners insurance, health insurance, and life insurance.