LAW 2997 ~ COMPLEX INSURANCE LITIGATION

SYLLABUS

WEEK ONE

FORMAT: LECTURE AND DISCUSS

TOPIC: CONSTRUCTION OF AN INSURANCE POLICY FOCUSING ON GRANT OF COVERAGE, DECLARATIONS PAGE, LIMITS, SELF INSURED RETENTIONS, EXCLUSIONS AND CONDITIONS, CONTRA PROFERENTUM

READING: ABRAHAM PAGES 19 - 42

STUDENT INVOLVEMENT: LISTEN AND DISCUSS

WEEK TWO

FORMAT: LECTURE AND DISCUSSION

TOPIC: SUDDEN AND ACCIDENTAL POLLUTION EXCLUSION AS IT RELATES TO UST’S AND AST’S

READING: ABRAHAM PAGES 145 - 163

STUDENT INVOLVEMENT: LISTEN AND DISCUSS

WEEK THREE

FORMAT: LECTURE AND DISCUSSION
TOPIC: A DISCUSSION OF THE LEGAL OR EQUITABLE NATURE OF THESE COSTS "AS DAMAGES"

READING: ABRAHAM PAGES 43 - 72

STUDENT INVOLVEMENT: RE: POLLUTION EXCLUSION
HALF ARGUE FOR THE INSURER,
HALF FOR THE INSURED - NEW YORK
LAW TO BE APPLIED

WEEK FOUR

FORMAT: LECTURE AND DISCUSSION

TOPIC: NUMBER OF OCCURRENCES AND SIR ISSUES

READING: ABRAHAM PAGES 91 - 94; 106 - 118

STUDENT INVOLVEMENT: RE: COSTS AS DAMAGES
BENCH MEMORANDUM SURVEYING LAW THROUGHOUT THE NATION

WEEK FIVE

FORMAT: LECTURE AND DISCUSSION

TOPIC: OWNED PROPERTY AND MITIGATION LANGUAGE

READING: ABRAHAM PAGES 163 - 173

STUDENT INVOLVEMENT: RE: NUMBER OF OCCURRENCES
ORAL ARGUMENT ON TENSION BETWEEN LOUISIANA LAW AND ACTUAL POLICY LANGUAGE
WEEK SIX

FORMAT: LECTURE AND DISCUSSION

TOPIC: ALLOCATION AND TRIGGER ISSUES

READING: ABRAHAM PAGES 94 – 106; 119 - 128

STUDENT INVOLVEMENT: RE: OWNED PROPERTY
DRAFT PUBLIC POLICY PORTION OF BRIEF ON MITIGATION ISSUE

WEEK SEVEN

FORMAT: LECTURE AND DISCUSSION

TOPIC: “END USE” ENDORSEMENT AND BATCHING CLAUSE

READING: ABRAHAM PAGES 176 - 186

STUDENT INVOLVEMENT: RE: ALLOCATION AND TRIGGER ISSUES
MEMORANDUM OF LAW ON ISSUE UNDER CALIFORNIA LAW

WEEK EIGHT

FORMAT: LECTURE AND DISCUSSION

TOPIC: POLLUTION BUY BACK AND IMPOSSIBILITY

READING: ABRAHAM PAGES 7 - 18
WEEK ELEVEN

FORMAT: LECTURE AND DISCUSSION

TOPIC: CHOICE OF FORUM AND ARBITRATION CLAUSE

READING: ABRAHAM PAGES 243 - 263

STUDENT INVOLVEMENT: RE: OCCURRENCE, PUBLIC POLICY AND INTENTIONAL TORTS ORAL ARGUMENT ON PUBLIC POLICY ISSUES, FOR AND AGAINST COVERAGE

WEEK TWELVE

FORMAT: LECTURE AND DISCUSSION

TOPIC: NOTICE AND CONDITIONS PRECEDENT, PREJUDICE

READING: ABRAHAM PAGES 186 - 193

STUDENT INVOLVEMENT: RE: CHOICE OF FORUM AND ARBITRATION DRAFT RECOMENDATION LETTER TO CLIENT ANALYZING SHORT TERM/LONG TERM GAINS

WEEK THIRTEEN

FORMAT: LECTURE AND DISCUSSION

TOPIC: RESERVES, CLAIMS HANDLING AND DENIALS
READING: SUPPLEMENTAL MATERIALS TO BE SUPPLIED ON RESERVING PRACTICES

STUDENT INVOLVEMENT: RE: NOTICE AND CONDITIONS JUDICIAL ANALYSIS AND OPINION WRITING (DRAFT OPINION) UNDER TEXAS LAW

WEEK FOURTEEN

FORMAT: LECTURE AND DISCUSSION

TOPIC: CUSTOM AND USAGE AND INSURANCE EXPERTS

READING: ABRAHAM PAGES 26 - 42

STUDENT INVOLVEMENT: RE: RESERVES, CLAIMS HANDLING RECOMMENDATION LETTER TO CLIENT WEIGHING POTENTIAL ADMISSIONS VS. FIDUCIARY OBLIGATIONS