

# LAW 344: INSURANCE LAW      FALL 2010

Professor Elizabeth Adjin-Tettey

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Course Website: <http://moodle.uvic.ca/my/index.php> (201009 Law 344 13316)

Credits: 1.5 units

Hours: 3 Hours/Week

Class Time: Monday & Wednesday: 10:30 a.m. - Noon.

Location: Rm. 158, Fraser Building

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## A. COURSE OBJECTIVES

1. To gain an appreciation of the principles of insurance law and the particular operation of contract law in the insurance context;
2. To develop ability to analyze insurance problems and apply legal doctrine and policy considerations to them;
3. To develop skill in working with mixed jurisprudence based in part on statute and in part on common law;
4. To acquire insight into the structure and substance of insurance policies;
5. To evaluate the effectiveness of legislation and common law principles in controlling the insurance industry and protecting consumers of insurance products.

## B. COURSE DESCRIPTION

The course will examine the theory and elements of the practice of insurance law, with reference to the most common forms of both first party and third party insurance: property, life and motor vehicle insurance. The issues addressed will include:

1. Basic theory of insurance as a loss spreading mechanism;
2. Nature of insurance contracts
3. The structure, marketing strategies and regulation of the insurance industry.
3. The basic principles of indemnity insurance:
  - (a) Insurable interest;
  - (b) Valuation;
  - (c) Subrogation;
  - (d) Contribution and other consequences of indemnity
4. The duty of good faith and obligation of full disclosure;
5. Selected issues on interpreting insurance policies

6. The claims process
7. B.C. Automobile insurance (Brief Overview)

### C. TEACHING METHODOLOGY

Mostly Lectures

Class Discussion – Class discussions will give students the opportunity to critically reflect on the readings as well as apply skills and knowledge acquired in the course to solve practical problems. There is no mark for class participation. Students are, however, encouraged to participate in class discussions as this will serve as a mechanism for the instructor to gauge the extent of students' engagement with the materials and address potential concerns, if any.

### D. COURSE MATERIALS

#### 1. Required Readings

- Barbara Billingsley, *General Principles of Canadian Insurance Law*, First Edition, Student Edition, 2008
- Baer & Rendall, *Cases on the Canadian Law of Insurance*, 6<sup>th</sup> ed. (2000) (Reserve)
- *The B.C. Insurance Act*, 1996 (consolidated) (online)
- *The B.C. Insurance (Vehicle) Act*, 1996 (consolidated) (online)
- *The B.C. Insurance (Vehicle) Act*, 1984, *Regulations* (consolidated) (online)

#### 2. Recommended Readings

- (a) Boivin, Denis, *Essentials of Canadian Law: Insurance Law*, 2004, Irwin Law (reserve), online: <http://site.ebrary.com/lib/uvic/docDetail.action?docID=10200629>
- (b) Brown, Menezes, Cassels, Brock and Blackwell, *Insurance Law in Canada*, 6<sup>th</sup> ed., 2007, Carswell
- (c) Craig Brown & Julio Menezes, *Insurance Law in Canada*, 4<sup>th</sup> student ed. (Carswell, 2002) (reserve)
- (d) Craig Brown, *No-Fault Automobile Insurance in Canada* (Carswell, 1988)
- (d) J. Weir, *The Annotated Insurance Act of Ontario*, 2 Vols. (Carswell, 1986) (reserve)
- (e) S. Gregory and G. Gregory, *The Annotated British Columbia Insurance (Motor Vehicle) Act*, 2d. ed. (Carswell, 1990) (reserve)
- (f) D. Norwood and J. Weir, *Norwood on Life Insurance Law in Canada*, 3d. ed. (Carswell, 2002) (reserve)

## E. EVALUATION

Students may choose one of the two options outlined below:

### **Option A:**

1. Research paper or case comment worth 40 per cent of the final grade
  - a. Students will choose their own topic or case in consultation with the instructor.
  - b. Papers should be at least 10 pages long and should not exceed 15 pages
  - c. Detailed instructions for the paper will be provided at a later date
  - d. Paper outline and working bibliography due by October 8, 2010.
  - e. Final papers due by December 3, 2010 at 4:30 p.m.
2. Final examination: Final Examination (open book) worth 60 per cent of the final grade

Students who choose this option must inform me of their decision by September 24, 2010.

Depending on the number of students who choose Option A and whether their anonymity can be protected, they **may** write a shorter final examination compared to those who choose Option B.

Or

### **Option B**

Final Examination (open book) worth 100 per cent of the final grade

### **Major Paper**

Generally, students cannot write their major paper in this course.

### **Exception:**

Students with a background in insurance law/issues may write a major research paper with the express permission of the instructor. A student who wishes to write a major paper in the course must submit a written proposal describing her/his background and interest in writing a paper on insurance. The student must also clearly identify the research question s/he wishes to pursue and any prior work s/he has done on the topic

### **Calculation of Grades**

The Law Faculty uses the following marking scheme to determine your final letter grade. The “verbal description” column reflects a rough consensus among faculty members concerning assessing student performance. I adopt this description in my grading for this course:

Numerical %	Grade Point Value	Letter Grade	Verbal Description:
90+	9	A+	Truly Exceptional
85-89	8	A	Excellent/Outstanding
80-84	7	A-	Excellent
75-79	6	B+	Very Good
70-74	5	B	Good

65-69	4	B-	Average/Competent
60-64	3	C+	Fair
55-59	2	C	Poor
50-54	1	D	Unsatisfactory (Marginal Pass)
49>	0	F (Failing Grade)	Totally Unsatisfactory

### **Classroom Climate**

An inclusive, respectful, supportive and diverse classroom environment is crucial for the success of this course. To ensure that all class members feel welcome and equally comfortable to contribute to class discussions, we (instructor and students) must endeavor to be respectful in our communications, and in particular, pay attention to our language, examples, and the ways in which we conduct ourselves in class. We have both an ethical and legal responsibility to support a positive and safe learning environment. For further information about university policies, please consult the University's Discrimination and Harassment Policy (<http://web.uvic.ca/uvic-policies/pol-1000/1150HPP.html>). Should you have any concerns about the classroom climate or any other matter, do not hesitate to contact me or the Associate Dean, Academic and Student Relations.

### **Academic Integrity**

Academic integrity is very important in the work of faculty and students. Please consult the University Calendar (<http://web.uvic.ca/calendar2010/GRAD/FARe/Acln.html>) for policies regarding paraphrasing, plagiarism, cheating, and multiple submissions of work. Do not hesitate to contact me if you have any concerns or questions, or require clarification.

### **Students with a Disability**

The University has support systems and resources in place for students living with disabilities. There are also various forms of accommodation that can be arranged to meet individual needs of students. For further information or if you wish to access any of the support systems and resources and/or seek accommodation, contact the Associate Dean, Academic and Student Relations or the Resource Centre for Students with a Disability: <http://rcsd.uvic.ca/>

### **Accommodation of Religious Observances**

The University of Victoria and the Faculty of Law have policies guaranteeing accommodation for students who are unable to participate in a class or an aspect of the course due to a religious holiday. If you will be missing a class, know that you will be unable to complete an assignment or exam, or otherwise require accommodation on account of a religious holiday, please speak with me or the Associate Dean, Academic and Student Relations.