INSURANCE LAW (ISGL)

ISGL 0351. Insurance Law and Litigation. (2 Credits)
Every lawyer, in private practice, in the business sector, or in government, is likely to be confronted with insurance issues. This course is intended to provide a broad based introduction to insurance law. It will cover the nature and purpose of insurance, from the legal and economic prospective; different types of insurance, including first & third party insurance, personal and commercial insurance and reinsurance; state & federal regulation of insurer’s; issues of insurance coverage and interpretation; and duties and responsibilities of insurers and insureds. Emphasis will be placed on recent insurance cases which have resulted in sweeping changes. The events of 9/11, Katrina, the State Attorney Generals’ investigations of the insurance industry, recent New York Court of Appeals’ bad faith decisions, the AIG bailout, Health Insurance Reform, and the BP Gulf Oil spill and super Storm Sandy have also raised numerous issues, which we will review. The course will be taught from a litigation vantage point since much of insurance law has been developed and continues to be developed in the courts.

Attribute: LAWB.

ISGL 0419. Insurance Regulation and Consumer Protection. (3 Credits)
The insurance industry is central to the U.S. economy, and every person has some contact with insurance, whether for health, auto or other insurance needs. Insurance companies are heavily regulated, primarily on the state level, with federal law impacting certain aspects of insurance products and regulation. The goal of this course is to provide students with an overview of insurance regulation and consumer protections, including health insurance and life insurance, whether students are seeking general knowledge for litigation or transactional careers, or considering a career in the financial services field, in either the private or public sector. The course will rely on background documents and articles, as well as recent regulatory actions, rather than a formal textbook.

In the United States, the insurance industry is primarily regulated at the state level, with the twin aims of regulation being insurance company solvency and consumer/policyholder protection. Topics in the course will include the evolution of the state-based system of insurance regulation and the McCarron-Ferguson Act; the definition of insurance, insurable interest, and the different kinds of insurance; the state system of licensing of insurance companies and insurance agents; the National Association of Insurance Commissioners (NAIC) and the role of accreditation and model laws; the insurance policy contract and the role of regulators in the approval of insurance policy forms; insurance rate-setting and the role of regulators; the provisions of the Dodd-Frank Wall Street Reform and Consumer Protection Act, following the financial crisis, related to insurance; financial regulation of insurance companies, including examinations, and reserves regulation; market conduct regulation of insurance companies, including multistate examinations and enforcement matters; the concept of unfair discrimination in insurance eligibility and rate-setting; potential bias in underwriting of insurance products, and the use of data in determining eligibility and rates for insurance products; the Affordable Care Act, its constitutionality, and related Supreme Court cases; the state-based system of health insurance regulation and state differences in health insurance products; federal government health insurance including Medicare and Medicaid programs; ERISA preemption and the role of the U.S. Department of Labor; overview of life insurance and annuity products regulation; consumer protections for life insurance products, including contestability provisions, suitability and best interests regulation, and advertising and marketing regulation; long-term care insurance and market challenges; general overview of property/casualty insurance, including climate change risk and the insurance industry; consumer protections related to title insurance and force-placed property insurance; anti-money laundering and sanctions controls requirements applicable to the insurance industry; data privacy and cybersecurity laws and regulations; the role of state insurance regulators in the rehabilitation and liquidation of insurance companies, and state guaranty funds.

This course is taught by Maria Vullo, who served as Superintendent of Financial Services for the State of New York, Executive Deputy Attorney General for Economic Justice in the Office of the New York Attorney General and was a partner in a major law firm. As Superintendent, Ms. Vullo led an agency of 1,400 employees that was responsible for the supervision of all insurance companies and agents licensed to do business in New York and the enforcement of New York’s Insurance Law, as well as all New York state-chartered banks and nonbanks. In addition to teaching, Ms. Vullo presently serves on boards of directors, as a financial services consultant, and as regulator-in-residence at the Fintech Innovation Lab NYC.

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