

# **SYLLABUS FOR ADMIRALTY ENVIRONMENTAL AND INSURANCE CLAIMS**

## **January 2021 Intersession**

### **PROFESSOR**

Kenneth G. Engerrand (Adjunct Professor)

### **COURSE OBJECTIVES AND LEARNING OUTCOME**

The Deepwater Horizon blowout resulted in more than 500,000 claims and payments of more than \$60 billion, and the waters of the United States are faced with collisions, allisions, injuries, spills, and discharges every day. Admiralty Environmental and Insurance Claims teaches the civil and criminal remedies available for the environmental claims resulting from these incidents as well as the insurance issues applicable when there is a maritime accident. Therefore, the course covers the statutory and common law applicable to pollution of our nation's waters, including the various remedies available, how to pursue the remedies, and the defenses available to them. It also covers the different types of insurance available for marine risks; what is covered and what is not covered in marine policies; limitations on insurance coverage by contract, statute, common law, and public policy; and extra-contractual remedies available against marine insurers.

### **CLASS MEETING—DISTANCE EDUCATION, LIVE STREAMING**

This class is offered as a Distance Education, live streaming class, by Zoom. The class sessions will be held Monday through Friday, 9:00 am to 12:00 noon, 1:00 pm to 2:50 pm.

### **ATTENDANCE VIA ZOOM**

This class will be taught via Zoom. The link will be emailed to the students directly.

- You must be logged with a computer (not a phone) with your video camera turned on and microphone muted (note: the class will be set up to mute you automatically upon entry). Video must stay on for the entire class.

- You must identify yourself with your first and last name in the Zoom videoconferencing software.
- You must present yourself professionally in the video stream, both in attire and in conduct.

### **PREPARATION AND CLASS PARTICIPATION**

This class will be presented in a lecture format without recitation, although questions are welcome throughout the class and by email outside of class hours.

### **REQUIRED TEXT**

Assignments will be to Cases and Materials, Admiralty Environmental and Insurance Claims, by Kenneth G. Engerrand, available from the Law Center prior to the start of classes.

### **OFFICE HOURS AND CONTACT INFORMATION**

The best contact is by email to [kengerrand@brownsims.com](mailto:kengerrand@brownsims.com). Contact can also be made by phone at the direct line, (713) 351-6270.

### **EXAMINATION AND GRADING WITH PASS/FAIL OPTION**

Your grade will be your score on an open-book essay final examination administered during the Law Center's scheduled examination period (January 16, 2021, at 9:00 am). Students have the option to elect to take this course on a pass/fail basis in accordance with the terms of the Student Handbook.

### **RECORDING OF CLASS**

Students may not record all or part of class, livestream all or part of class, or make/distribute screen captures, without advance written consent of the instructor. If you have or think you may have a disability such that you need to record class-related activities, please contact the [Center for Students with Disabilities](#). If you have an accommodation to record class-related activities, those recordings may not be shared with any other student, whether in this course or not, or with any other person or on any other platform. Classes may be recorded by the instructor. Students may use instructor's recordings for their

own studying and notetaking. Instructor's recordings are not authorized to be shared with *anyone* without the prior written approval of the instructor. Failure to comply with requirements regarding recordings will result in a disciplinary referral to the Dean of Students Office and may result in disciplinary action.

## **ASSIGNMENTS**

Assignments to the casebook will be as follows:

January 11, 2021:

- Chapter 1 Sources of Maritime Law
- Chapter 2 Federal Environmental Common Law
- Chapter 3 General Maritime Law Remedies for Pollution
- Chapter 4 Federal Environmental Legislation: Clean Water Act

January 12, 2021:

- Chapter 5 Federal Environmental Legislation: Oil Pollution Act of 1990
- Chapter 6 Displacement of Federal Common Law
- Chapter 7 Preemption of State Law

January 13, 2021:

- Chapter 8 Marine Insurance Policies
- Chapter 9 General Principles of Marine Insurance
- Chapter 10 Principles for Protection and Indemnity Policies

January 14, 2021:

- Chapter 11 Principles for Hull Policies
- Chapter 12 Principles for Other Policies
- Chapter 13 Limitations on Insurance

January 15, 2021:

- Chapter 14 Indemnity and Insurance
- Chapter 15 Subrogation
- Chapter 16 Arbitration of Insurance Disputes
- Chapter 17 Extra-Contractual Remedies

## **AMERICANS WITH DISABILITIES ACT**

Whenever possible, and in accordance with Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990, the University of Houston will attempt to provide reasonable academic

accommodations to students who request and require them. Please contact student services for more information.

### **SEXUAL MISCONDUCT AND ANTI-DISCRIMINATION POLICIES**

The University is committed to maintaining and strengthening an educational, working, and living environment where students, faculty, staff, and visitors are free from discrimination and sexual misconduct. If you have experienced an incident of discrimination or sexual misconduct, there is a confidential reporting process available to you. For more information, please refer to the University system's Anti-Discrimination Policy SAM 01.D.07 and Sexual Misconduct Policy SAM 01.D.08, available here:

<http://www.uhsystem.edu/compliance-ethics/uhs-policies/sams/01-general-information/index.php>

<http://www.uhsystem.edu/compliance-ethics/docs/sam/01/1d7.pdf>  
(antidiscrimination)

<http://www.uhsystem.edu/compliance-ethics/docs/sam/01/1d8.pdf>  
(sexual misconduct)

Please be aware that under the sexual misconduct policy, SAM 01.D.08, faculty are required to report to the University any information received regarding sexual misconduct as defined in the policy. Please note that the reporting obligations under the sexual misconduct policy reach to employees and students. Also, as a required reporting party, Law Center employees and faculty members are not a confidential resource.

### **NAMES AND PRONOUNS**

Chosen names and preferred pronouns (including non-binary ones such as they/them/their) must be respected in my classroom. Please feel free to reach out to me at any time if you want to make me aware of your chosen name or pronoun, or if you have concerns about how I or your classmates address you.

### **COUNSELING AND PSYCHOLOGICAL SERVICES (CAPS)**

Counseling and Psychological Services (CAPS) can help students who are having difficulties managing stress, adjusting to the demands of a professional program, or feeling sad and hopeless. You can reach CAPS ([www.uh.edu/caps](http://www.uh.edu/caps)) by calling (713) 743-5454 during and after business hours for routine appointments or if you or someone you know is in crisis. No appointment is

necessary for the “Let’s Talk” program, a drop-in consultation service at convenient locations and hours around campus.

[http://www.uh.edu/caps/-outreach/lets\\_talk.html](http://www.uh.edu/caps/-outreach/lets_talk.html)

### **SYLLABUS CHANGES**

Due to the changing nature of the COVID-19 pandemic, please note that the instructor may need to make modifications to the course syllabus and may do so at any time. Notice of such changes will be announced as quickly as possible in class and by email to the students.