

10. (2 points)

The doctrine of joint and several liability plays an important role in property and casualty insurance.

a. (0.5 point)

Explain this doctrine.

b. (1 point)

Briefly describe an advantage or disadvantage of this doctrine from the perspectives of:

- i. Defendant
- ii. Plaintiff
- iii. Insurers
- iv. Trial Lawyers

c. (0.5 point)

Briefly describe two proposed modifications to this doctrine.

EXAM 6C SPRING 2015 SAMPLE ANSWERS AND EXAMINER'S REPORT

QUESTION 10	
TOTAL POINT VALUE: 2	LEARNING OBJECTIVE: A4 knowledge statement a
SAMPLE ANSWERS (BY PART, AS APPLICABLE)	
Part a: 0.5 point	
<ul style="list-style-type: none"> Joint and several liability is a theory of recovery that permits the plaintiff to recover damages from multiple defendants collectively, or from one defendant individually Under the current joint and several doctrine, courts allow the plaintiff to recover all of the damages from one of multiple wrongdoers, even if the party is only partially at fault for the loss. 	
Part b: 1 point	
<p>Full marks require one description for each of four perspectives. Following are samples of accepted answers by perspective:</p> <ul style="list-style-type: none"> Defendant disadvantage – even if the defendant is only partially at fault, they could be held liable for damages disproportionate to their responsibility; fairness issue Defendant - advantage may be able to share burden with other who are also responsible Plaintiff advantage – ensures plaintiff is fully compensated as long as someone with “deep pocket” is in the picture Insurers disadvantage – increase in cost and unpredictability of insuring the defendant companies when there is a possibility of being held responsible for more damages than responsibilities Trial Lawyers advantage – increases efficiency in the legal system, it promotes settlements in many cases Trial Lawyers – disadvantage because less cases will go to courts. 	
Part c: 0.5 point	
<p>Any two of the following answers would get full mark:</p> <ul style="list-style-type: none"> replace with the rule of proportionate liability barring application of joint and several liability to recover non-economic damages barring the application to recover from defendants found to be responsible for less than a certain % of a plaintiff's harm Having a fund, similar to PACICC, that pays for lawsuits when the guilty party does not have the ability or coverage to indemnify the injured party. 	

EXAM 6C SPRING 2015 SAMPLE ANSWERS AND EXAMINER'S REPORT

EXAMINER'S REPORT (BY PART, AS APPLICABLE)	
	<ul style="list-style-type: none">• Candidates were expected to know the concept of joint and several liability and its implications.• A majority of the candidates got the full mark.
Part a	
	<ul style="list-style-type: none">• Most candidates received full credit. Candidates did not receive full credit due to not capturing both "collectively" and "individually".
Part b	
	<ul style="list-style-type: none">• Most candidates received full credit. Common error is mixing the concept of defendant and plaintiff
Part c	
	<ul style="list-style-type: none">• Most candidates received full credit. Candidates did not receive full credit due to they were only able to name one of the modifications.