"Using the New Pattern Jury Charge
Insurance Contract Questions"

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PJC 101.1 Basic Question - Existence

■ QUESTION 1:

Did Paul Payne and *Insurer Inc.* agree [*that Paul Payne's home would be insured for damage caused by fire*]?

PJC 101.2 Basic Question - Compliance

■ QUESTION 2:

Did *Insurer Inc.* fail to comply with the agreement?

[*Insurer Inc. failed to comply with the agreement if it failed to pay for damage caused by the fire.*]

PJC 101.21 Defenses - Basic Question

■ QUESTION 3:

Was *Insurer Inc.'s* failure to comply excused?

[*For its failure to comply to be excused, Insurer Inc. must show that the fire in question was intentionally caused by any act, design, or procurement on the part of Paul Payne.*]

New PJC 101.1 Comment

- **Insurance contracts** – with insurance policy, agreement's existence is not disputed; general PJC 101.1 question is unnecessary.

- Alternate questions that focus on whether specific contract language covers claim now are found in PJC 101.48 and 101.49.

New PJC 101.47 Insurance Contracts Distinguished from Other Contracts (Comment)

- In most insurance contract cases, there is no dispute whether parties had agreement, because insurance policy is the agreement.

- PJC 101.1 question asking whether parties had agreement is unnecessary.

- Common disputed issues –
    - whether event is covered or excluded
    - whether other defense or limitation applies
    - amount of covered loss

- Alternative questions focus on those issues.

Title search: Using the New Pattern Jury Charge Insurance Contract Questions

Also available as part of the eCourse
[Insurance Litigation Strategies](#)

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