



**THE AMERICAN LAW INSTITUTE**

Early Career Scholars Medal Conference  
The Future of Insurance Law and Regulation  
Fairmont Hotel, Ballroom II  
Washington, DC  
Friday April 6, 2018  
9:00 a.m.-4:00 p.m.

**AGENDA**

- 8:30 AM** Coffee and Registration
- 9:00 AM** Welcome: Daniel Schwarcz, ALI Young Scholars Medal Recipient  
Opening remarks: Richard Revesz, Director of ALI  
Stephanie Middleton, Deputy Director
- 9:30 AM** Keynote Speaker: Roy Woodall, Financial Stability Oversight Council

The last decade has witnessed dramatic shifts in the structure and substance of insurance regulation, even ignoring the health insurance domain. Dodd-Frank, for instance, subjects systemically important insurers to regulation by the Federal Reserve and established a new Federal Insurance Office to study state insurance regulation. Technological advances, such as insurers' increased use of "big data," have also created new challenges for insurance regulators with respect to issues such as unfair discrimination and policyholder privacy. Nor have shifts in the state's relationship with insurance markets been limited to the regulatory domain. To the contrary, the near-completion of the ALI's Restatement of Liability Insurance Law has dramatic implications for the role of courts in insurance markets. This Conference will critically evaluate these developments in insurance law and regulation over the last decade while exploring competing visions for mediating the relationships among courts, regulators, and insurance market participants in the future.

**10:00–11:40 AM Panel 1: Balancing State and Federal Regulation of Insurance Markets**

Moderator: Howell Jackson, Harvard Law School

Panelists: Martin Grace, Temple University School of Economics; Mike McRaith, former Director of Federal Insurance Office; Pat McCoy, Boston College Law School; Ted Nickel, Wisconsin Commissioner of Insurance (Immediate Past NAIC President); Thomas Sullivan, Federal Reserve System

**11:40–1:00 PM Panel 2: Modernizing Insurance Rate and Market Regulation**

Moderator: William McCartney, former director of insurance for Nebraska and President of NAIC

Panelists: Birny Birnbaum, Center for Economic Justice; Da Lin, Harvard Law School; Dave Snyder, Property Casualty Insurers Association of America; Rick Swedloff, Rutgers Law School

**1:00–1:45 PM** Lunch

**1:45–2:50 PM**

**Panel 3: The Role of Courts and Regulators in Policing Insurance Policy Terms**

Moderator: Daniel Schwarcz, University of Minnesota Law School

Panelists: Michelle Boardman, George Mason University Law School; Omri Ben-Shahar, University of Chicago Law School; Erik Knutsen, Queen's University Law School; Jeffrey Stempel, University of Nevada, Las Vegas Law School

**2:50–4:00 PM**

**Panel 4: Key Unresolved Issues in the Restatement of Liability Insurance Law and Designing a Restatement of First-Party Insurance Law**

Moderator: Jay Feinman, Rutgers Law School

Panelists: Ken Abraham, University of Virginia Law School; Robert Cusumano, formerly General Counsel of ACE; Kyle Logue, University of Michigan Law School; Lorelie Masters, Hunton & Williams