

## Tom Baker

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### ACADEMIC APPOINTMENTS

University of Pennsylvania. Professor of Law 2008-2009. William Maul Measey Professor of Law and Health Sciences 2009-present. Secondary appointment, Wharton School: Business Economics and Public Policy Department (formerly Insurance and Risk Management), 2008-present; Healthcare Management Department, 2014-present.

Service: Law school deputy dean, 2010-12. Law school representative, Faculty Senate Executive Committee 2009-11. Chair, University Council Committee on Personnel Benefits 2012-14. Faculty Liaison to the Trustee Committee on Facilities and Campus Planning 2014-18. Chair, Law Building Committee 2009-10, 2016-8. Chair, Law Tenure & Promotion Committee 2013-14, 2017-18. Chair, Law Appointments Committee, 2014-15, 2019-. Chair, Academic Careers Committee 2018-. Chair, Gruss Committee 2008-. Leonard Davis Institute for Health Economics (executive committee, co-chair HIX research group, senior fellow) 2011-present. Steering Committee, Wharton/Penn Risk and Insurance Program 2011-2015.

Teaching: Insurance Law and Policy, Torts, Financial Services Law and Policy, Risk Management (at Wharton). Seminars: Insurance Insolvency, Health Insurance Market Regulation, Public Policy Seminar, Liability and Insurance, The Fintech Challenge.

The Hebrew University of Jerusalem. 1996-97. 2001-02. Summers 2003-06, 2009. March 2019. Visiting Professor & Fulbright Visiting Professor, Faculty of Law. Visiting Scholar, Center for the Study of Rationality. Teaching: U.S. Contract Law, Insurance, Con-Torts, Liability and Insurance.

University of California, Berkeley School of Law. March 2018. William Barker Visiting Professor teaching short course on Liability Insurance for Litigators.

University of Connecticut School of Law. 1997–2008. Connecticut Mutual Professor of Law and Director, Insurance Law Center. Service: Chair, Appointments (multiple terms), Educational Policy, and Petitions Committees. Teaching: Principles of Insurance, Liability Insurance, Insurance Regulation, Torts, Contracts.

Vanderbilt University Law School. Spring 2008. Visiting Professor teaching short course on Liability Insurance and the Litigation Process.

Columbia Law School. Fall 2006. Joseph F. Cunningham Visiting Professor of Commercial and Insurance Law. Teaching: Torts, Liability & Insurance Seminar.

Yale Law School. Fall semester 2002. Visiting Lecturer (taught Insurance Law and Policy).

University of Miami School of Law. 1992-97. Associate Professor. Teaching: Insurance Law and Policy, Contracts, Health Law, Environmental Law.

## EDUCATION

Harvard Law School, J.D., Magna Cum Laude, 1986. Harvard Law Review. Felix Frankfurter Scholarship.

Harvard College, B.A., Magna Cum Laude in Sociology, 1982. Phi Beta Kappa. John Harvard Scholarship. Honors thesis (Computers and Political Campaigns) published by the Harvard Program on Information Policy.

## PUBLICATIONS

### Books:

*Restatement of the Law Liability Insurance* (American Law Institute) (2019). Reporter.

*Insurance Law and Policy: Cases, Materials and Problems* (Aspen Publishing 2003; second edition 2008; third edition 2013; fourth edition 2017) (adopted at 41 U.S. law schools). Sole author of first two editions. Co-author with Kyle Logue of second two editions.

*Ensuring Corporate Misconduct: How Liability Insurance Undermines Shareholder Litigation* (University of Chicago Press 2010). Co-author with Sean Griffith. Reviewed in: D and O Diary blog (2010) (Kevin LaCroix); 124 Harv. L. Rev. 2131 (2011) (recent publications); 14 U. Penn. J. Bus. L. 927 (2012) (Miriam Baer). Review essay symposium in 38 Law and Social Inquiry 474 (2013 (essays by Carol Heimer and Jodi Short; introduction by Donald Langevoort).

*The Medical Malpractice Myth* (University of Chicago Press 2005) (paperback 2007). Sole author. Reviewed in: 16 Law and Politics Book Review 253 (2006) (Barbara A. Noah); 42(2) Trial Magazine 70 (February 2006) (Kathleen L. Natri); 25 Health Affairs 289 (2006) (Peter J. Hammer); 295 JAMA 1709 (2006) (Edward A. Dauer); 354 NEJM 15 (2006) (Martin E. Gordan); 152 Cong. Rec. S4122 (2006) (Senator Harry Reid); 27 J. Legal Med. 243 (2006) (Mary Coombs); 236 New York Law J. (October 2006) (Martin Bienstock), 85 Texas Law Rev. 1465 (2007) (Anthony Sebok); 25 Medizinrecht 348 (2007) (Gerald Mäsch); 41 Law & Society Rev. 737 (2007) (Sarah Jain).

*Embracing Risk: The Changing Culture of Insurance and Responsibility*, (University of Chicago Press 2002). Contributing editor, with Jonathan Simon. Reviewed in: 21 Health Affairs 294 (2002) (William M. Sage); 28 Law & Social Inquiry 295 (2003) (Brian J. Glenn); 33 Journal of Interdisciplinary History 602-604 (2003) (Timothy Alborn); 29 Canadian J. of Sociology 469 (2004) (Norma Nielson & Stephanie Bertels); 72 J. Risk & Insurance 182 (2005) (Anne Kleffner, Norma Nielson & Stephanie Bertels).

### Articles:

How Liability Insurers Protect Patients and Improve Safety, 68 *DePaul Law Review* 209 (2019) (with Charles Silver)

Mutually Assured Protection Among Large U.S. Law Firms, 24 *Connecticut Insurance Law Journal* 1 (with Rick Swedloff) (2018) (selected for presentation to the Insurance Law Section at the 2016 annual meeting of the American Association of Law Schools)

Regulating Robo Advice Across the Financial Services Industry, 103 *Iowa Law Review* 713 (2018) (with Benedict Dellaert) (featured in the Harvard Law School Forum on Corporate Governance and Financial Regulation, April 5, 2017)

- In Defense of the Restatement of Liability Insurance Law, 24 *George Mason L. Rev.* 767 (2017) (with Kyle Logue)
- Everything's Bigger in Texas except the Medmal Settlements, 22 *Connecticut Insurance Law Journal* 1 (2016) (with Eric Helland and Jonathan Klick)
- Liability Insurer Data as a Window on Lawyers' Professional Liability, 5 *U.C. Irvine Law Review* 1273 (2016) (with Rick Swedloff)
- Putting the Health Back in Health Insurance, 71 *Medical Care Research and Review* 337 (2014) (with Pavel Atanasov)
- Can Consumers Make Affordable Care Affordable? The value of choice architecture (2013) (with Eric Johnson, Ran Hassin, Allison Bajger, Galen Treuer), 8(12) *PLOS ONE* e81521 <http://dx.plos.org/10.1371/journal.pone.0081521>
- "You Want Insurance with That?" Using Behavioral Economics to Protect Consumers from Add-On Insurance Products, 20 *Connecticut Insurance Law Journal* 1 (2013) (with Peter Siegelman) (relied on by the U.K. Financial Conduct Authority in General Insurance Add-Ons Market Study, MS 14/1)
- Regulation by Liability Insurance: From Auto to Lawyers Professional Liability, 60 *UCLA Law Review* 1412 (2013) (with Rick Swedloff)
- Predicting Securities Fraud Settlements and Amounts: A Hierarchical Bayesian Model of Federal Securities Class Action Lawsuits, 9 *J. Empirical Legal Studies* 482 (2012) (with Blakely McShane, Oliver Watson, Sean Griffith)
- Health Insurance, Risk, and Responsibility after the Affordable Care Act, 159 *University of Pennsylvania Law Review* 1577 (2011)
- The Shifting Terrain of Risk and Uncertainty on the Liability Insurance Field, 60 *DePaul Law Review* 521 (2011) (updated version in 1 *Journal of Financial Perspectives* 29 (2013))
- Insurance in Sociolegal Research, 6 *Annual Review of Law and Social Science* 433 (2010)
- Liability Risks for After Hours Use of Public School Property to Reduce Obesity: A 50 State Survey, 80 *Journal of School Health* 508 (2010) (with Hania Masud)
- Tontines for the Invincibles: Enticing Low Risks into the Health Insurance Pool with an Idea from Insurance History and Behavioral Economics, 2010 *Wisconsin Law Review* 79 (2010) (with Peter Siegelman)
- Allowing Patients to Waive the Right to Sue for Malpractice: A Response to Thaler and Sunstein 104 *Northwestern University Law Review* 233 (2010) (with Timothy Lytton)
- How the Merits Matter: D&O Insurance and Settlements in Securities Class Actions, 157 *University of Pennsylvania Law Review* 755 (2009) (with Sean Griffith) (selected by the Corporate Practice Commentator as one of the top 10 corporate and securities articles of 2009) (reprinted in Matera & Sbarbaro, eds., *Saggi di Diritto Commerciale Interno e Comparativo*, 2012)
- The Effects of Tort Reform on Medical Malpractice Insurers' Ultimate Losses, 76 *Journal of Risk and Insurance* 197 (2009) (with Patricia Born and Kip Viscusi)
- Liability Insurance, Moral Luck, and Auto Accidents, 9 *Theoretical Inquiries in Law* 165 (2008)
- Embracing Risk, Sharing Responsibility, 56 *Drake Law Review* 561 (2008)

- The Missing Monitor in Corporate Governance: The Directors' and Officers' Liability Insurer, 95 *Georgetown Law Journal* 1795 (2007) (with Sean Griffith) (selected by the Corporate Practice Commentator as one of the top 10 corporate and securities articles of 2007; reprinted in *Economics of Corporate Law*, edited by Claire A. Hill and Brett McDonnell)
- Predicting Corporate Governance Risk: Evidence from the Directors' and Officers' Insurance Market 74 *Chicago Law Review* 487 (2007) (with Sean Griffith)
- Offer of Judgment Rules and Civil Litigation: An Empirical Study of Automobile Insurance Litigation in the East, 59 *Vanderbilt Law Review* 155 (2006) (with Albert Yoon)
- Reconsidering the Harvard Medical Practice Study Conclusions about the Validity of Medical Malpractice Claims, 33 *Journal of Law, Medicine & Ethics* 501 (2005)
- Medical Malpractice and the Insurance Underwriting Cycle, 54 *DePaul Law Review* 393 (2005). Reprinted in K. Naga Sri Valli (ed), *Medical Malpractice Insurance: An Overview* 195 (Abacus Press, India: 2007)
- The Virtues of Uncertainty in Law: An Experimental Approach, 89 *Iowa Law Review* 443 (2004) (with Alon Harel and Tamar Kugler)
- Insuring Liability Risks, 29 *Geneva Papers on Risk and Insurance* 87 (2004) (Geneva Lecture)
- Real Torts: Using Barry Werth's *Damages* in the Law School Classroom, 2 *Nevada Law Journal* 386 (2002)
- Liability and Insurance After September 11<sup>th</sup>: Embracing Risk Meets the Precautionary Principle, 27 *Geneva Papers on Risk and Insurance* 342 (2002)
- Blood Money, New Money and the Moral Economy of Tort Law in Action, 35 *Law & Society Review* 275 (2001)
- Insuring Morality, 29 *Economy and Society* 559 (2000)
- Transforming Punishment into Compensation: In the Shadow of Punitive Damages, 1998 *Wisconsin Law Review* 101 (1998)
- Reconsidering Insurance for Punitive Damages, 1998 *Wisconsin Law Review* 211 (1998)
- Liability Insurance Conflicts and Defense Lawyers: From Triangles to Tetrahedrons, 4 *Connecticut Insurance Law Journal* 101 (1998)
- On the Genealogy of Moral Hazard, 75 *Texas Law Review* 237 (1996). Reprinted in *Law and Economics of Insurance*, D. Schwarcz, ed)
- Whose Safety Net? Home Insurance and Inequality, 21 *Law and Social Inquiry* 229 (1996) (with Karen McElrath)
- Constructing the Insurance Relationship: Sales Stories, Claims Stories and Insurance Contract Damages, 72 *Texas Law Review* 1395 (1994) (Reprinted in *Insurance Law Anthology*)
- The Application of Per Occurrence Limits from Successive Policies, 3 *Environmental Claims Journal* 411 (1991) (with Eva Orlebeke)

#### Book Chapters:

- Behavioral Economics, Decumulation, and the Regulatory Strategy for Robo Advice, in *The Disruptive Impact of FinTech on Retirement Systems*, Olivia S. Mitchell, ed. (forthcoming 2019) (with Benedict Dellaert)

- Mandatory Rules and Default Rules in Insurance Contracts, in *Law and Economics of Insurance*, D. Schwarcz & P. Siegelman, eds., (2015) (with Kyle Logue)
- Behavioral Economics and Insurance Law: The Importance of Equilibrium Analysis, in *Handbook of Behavioral Economics and Law*, Eyal Zamir and Doron Teichman, eds., (2014) (with Peter Siegelman)
- The Law and Economics of Liability Insurance: A Theoretical and Empirical Review, in *Handbook on the Economics of Torts*, Jennifer Arlen, ed., (2013); reprinted in *Law and Economics of Insurance*, D. Schwarcz, ed., (2015) (with Peter Siegelman)
- Transparency through Insurance: Mandates Dominate Discretion, in *Confidentiality, Transparency, and the U.S. Civil Justice System*, Joseph Doherty, Robert T. Reville, and Laura Zakaras, eds., (2012)
- Bonded Import Safety Warranties, in *Import Safety: Regulatory Governance in the Global Economy*, Cary Coglianesse, Adam Finkel & David Zaring, eds. (University of Pennsylvania Press, 2009)
- Government as Risk Manager, in *Principles of Regulation*, John Cisternino & David Moss, eds. (Tobin Project, 2009) (with David Moss)
- Liability Insurance at the Tort-Crime Boundary, in *Fault Lines: Tort Law as Cultural Practice*, David M. Engel and Michael McCann, eds. (Stanford U. Press 2009)
- Medical Malpractice Insurance Reform: “Enterprise Insurance” and Some Alternatives, in *Medical Malpractice and the U.S. Health Care System*, William M. Sage and Rogan Kersh, eds. (Cambridge U. Press 2006)
- Insurance as Tort Regulation: Six Ways that Liability Insurance Shapes Tort Law, in *Liability in Tort and Liability Insurance*, Gerhard Wagner, ed. (European Centre for Tort and Insurance Law 2005). Also published in 12 *Conn. Ins. L. J.* 1 (2006). Reprinted in M.N. Bhavani (ed.), *Tortious Liability Emerging Trends* (Abacus Press, India: 2008). Translated to Chinese and published in 2012(2) *Renmin University Law Review* 233 (translated by Li Weina)
- Liability Insurance and the Regulation of Firearms, in *Suing the Firearms Industry*, Timothy Lytton, ed. (U. Michigan Press 2005) (with Thomas Farrish)
- Containing the Promise of Insurance: Adverse Selection and Risk Classification, in *Risk and Morality*, Richard Ericson and Aaron Doyle, eds. (U. Toronto Press 2003). Also published in 9 *Conn. Ins. L. J.* 371 (2003)
- Risk, Insurance and the Social Construction of Responsibility, in *Embracing Risk*, Tom Baker and Jonathan Simon, eds (U. Chicago P. 2002)
- Insurance Claims Discrimination, in *Insurance Redlining*, Gregory Squires, ed. (Urban Institute Press 1997) (with Karen McElrath)

#### Book reviews and other short pieces:

- CA. Wong, S Kulhari, EJ McGeoch, AT Jones, J Weiner, D Polsky, T Baker, Shopping on the Public and Private Health Insurance Marketplaces: Consumer decision aids and plan presentation, *J GEN INTERN MED* (2018). <https://doi.org/10.1007/s11606-018-4483-x>
- CA Wong, R Town, D Polsky, T Baker, For Third Enrollment Period, Marketplaces Expand Decision Support Tools To Assist Consumers, *35 Health Affairs* 680 (2016)

- CA Wong, G Nirenburg, R Town, D Polsky, T Baker, Insurance Plan Presentation and Decision Support on HealthCare.Gov and State-Based Websites Created for the Affordable Care Act, Letter, *Annals of Internal Medicine* (2015)
- CA Wong, DA Asch, CM Vinoya, CA Ford, T Baker, R Town, RM Merchant, Seeing Health Insurance and HealthCare.gov Through the Eyes of Young Adults, *J. Adolescent Medicine* (2015)
- CA Wong, DA Asch, CM Vinoya, CA Ford, T Baker, R Town, RM Merchant, The Experience of Young Adults on HealthCare.gov: Suggestions for Improvement: A Case Report, *Ann Intern Med.* Published online 8 July 2014 doi:10.7326/L14-0287
- The Economics of Health Insurance, 9 *J. Am. Col. Radiol.* 866 (2012) (with Saurabh Jha)
- The Patient Protection and Affordable Care Act and the Regulation of Health Insurance, 9 *J. Am. Col. Radiol.* 871 (2012) (with Saurabh Jha)
- Review: Edward Z. Zelinsky, The Ownership Society (Oxford U. P. 2008), 10 *Journal of Pension Economics and Finance* 153 (2010)
- Review: Kenneth S. Abraham, The Liability Century: Insurance and Tort Law from the Progressive Era to 9/11 (Harvard U. P. 2008), 83 *Business History Review* 629 (2009)
- International Association of Insurance Supervisors, in Christian Tietje and Alan Brouder, eds., *Handbook of Transnational Economic Governance Regimes* (2009) (with Eryn Mathews)
- Embracing Risk, Sharing Responsibility, 56 *Drake L. Rev.* 561 (2008)
- Qualitative and Quantitative Research on Tort Law Topics: A Comment on Helland & Klick and Kritzer, 1 *Journal of Tort Law* Issue 3, Article 4 (2007)
- Review: Richard Ericson and Aaron Doyle, Uncertain Business: Risk, Insurance and the Limits of Knowledge (U. Toronto P. 2004), 32 *Journal of Law & Society* 643 (2005)
- Meet Your New Insured: Successors' Rights to Insurance Assets in Corporate Transactions, 14 No.5 *Coverage* 1 (September/October 2004) (with John Buchanan and Mariana Horton)
- Insurance and the Law, 11 *International Encyclopedia of the Social and Behavioral Sciences* 7587-91 (2002)

#### Manuscripts in Circulation:

- The Rise of Runoff (2017)
- Insurers as Bumblebees in the Garden of Law Firm Norms (with Rick Swedloff) (2017).
- Defending the Restatement of the Law Liability Insurance: Regulatory Considerations (2017). Available at SSRN: <https://ssrn.com/abstract=2958381>
- Partitioning Sorted Sets: Overcoming Choice Overload While Maintaining Decision Quality (2018) (with Benedict Dellaert and Eric Johnson). Available at SSRN: <https://ssrn.com/abstract=3082254>
- Should Failure to Defend Imply Forfeiture of Coverage Defenses? (2017) (with Ezra Friedman and Kyle Logue) selected for presentation at the 2017 Annual Meeting of the American Law and Economics Association

#### Reports and popular press:

- Back to the Future of Cyber Insurance, PLUS Journal Q3 2019. Available at: [http://plusweb.org/Portals/0/Journal/2019\\_Q3%20Journal\\_Final.pdf?ver=2019-09-04-123206-163](http://plusweb.org/Portals/0/Journal/2019_Q3%20Journal_Final.pdf?ver=2019-09-04-123206-163)
- Regulating Robo Advisors: Old Policy Goals, New Challenges, Penn Wharton Public Policy Initiative, Issue Brief 5:7 (2017). Available at: <https://publicpolicy.wharton.upenn.edu/issue-brief/v5n7.php>
- Four ways states can prevent the Affordable Care Act from “exploding,” Vox, April 5, 2017 (with Daniel Hemel). Available at: <http://www.vox.com/the-big-idea/2017/4/5/15189402/states-aca-ahca-insurance-markets-implode-explode>

Window Shopping on Healthcare.gov and the State-Based Marketplaces in the Second Enrollment Period: More Consumer Support is Needed (December 17, 2014) (with Gabbie Nirenburg, Adrienne Beatty, and Janet Weiner). Available at [www.rwjf.org/en/research-publications/find-rwjf-research/2014/12/window-shopping-on-healthcare-gov-and-the-state-based-marketplac.html](http://www.rwjf.org/en/research-publications/find-rwjf-research/2014/12/window-shopping-on-healthcare-gov-and-the-state-based-marketplac.html)

Modernizing Insurance Regulation in the United States (October 17, 2011) (with L. Charles Landgraf and John S. Pruitt)

Extraordinary Remedy, Extraordinary Case, *The New York Times* (June 10, 2010) <http://roomfordebate.blogs.nytimes.com/2010/06/10/can-the-u-s-punish-bps-shareholders/>

Tontines for the Young Invincibles, 32(4) *Regulation Magazine* 20 (Winter 2009-2010) (with Peter Siegelman)

Liability = Responsibility, *The New York Times* (July 12, 2009) <http://www.nytimes.com/2009/07/12/opinion/12baker.html>

A Time for Tontines, *The New York Times* (March 9, 2009) (with Peter Siegelman) <http://www.nytimes.com/2009/03/09/opinion/09baker.html>

Liability Risks for Recreational Use of Public School Facilities: A 50 State Survey (January 2009) (a report for the National Policy and Legal Analysis Network to Prevent Childhood Obesity). Available at <http://changelabsolutions.org/publications/liability-schools-50-states>

*Jackpot Justice* and the American Tort System: Thinking Beyond Junk Science (May 2008) (with Herbert Kritzer and Neil Vidmar). Available at <http://ssrn.com/abstract=1152306>

Securities Misinformation Insurance (October 2006) (a report to the Task Force to Modernize Securities Legislation in Canada). Available at <http://ssrn.com/abstract=1010106>.

Research on Medical Malpractice: Implications for Tort Reform in Connecticut (January 2003) (a report to the Connecticut General Assembly)

Medical Mistakes, Not Lawsuits are the Problem, *The Hartford Courant* (January 26, 2003) (syndicated and published in multiple outlets nationally)

The Blood Money Myth, *Legal Affairs* (September-October 2002)

Congress Should OK Terrorism-Insurance Bill, *Newsday* (September 17, 2002) (with Peter Siegelman)

Privacy of Medical Records Worth the Cost, *The Hartford Courant*, (February 18, 2001)

Managed Care Companies Can Benefit From Liability, *The Hartford Courant*, (November 12, 1998)

## CONFERENCES, WORKSHOPS, AND SYMPOSIA ORGANIZED

Cyber Insurance and Cyber Resilience, Penn Law School (December 2009)

Robo Advice at the Regulatory Crossroads, Penn Law School (April 2018)

Annual Penn LDI Health Insurance Exchanges Conference (with Leonard Davis Institute and Princeton Center for Health and Wellbeing; supported by the Robert Wood Johnson Foundation):

- Diverging Paths for the Individual Market: Stabilization, Segmentation, and Expansion (September 2018);
- Strategy for an Uncertain Health Reform Landscape (September 2017);
- The Future of Health Insurance Exchanges in the Direct to Consumer Market (April 2016);
- Third Annual Health Penn LDI Insurance Exchange Conference (April 2015);
- Toward HIX 2.0 (April 2014);

- Penn LDI Health Insurance Exchanges Conference (April 2013) (also supported by the Sloan Foundation).

Workshops on Behavioral and Institutional Research and Financial Services Regulatory Reform, Penn Law School (November 2009), Georgetown Law Center (June 2010), Cornell Law School (April 2011) (with Annelise Riles; supported by the Tobin Project).

University of Connecticut Insurance Law Center Conferences:

- Insurance, Innovation, and Intellectual Property (April 2008);
- D&O Insurance: Shareholders' Friend or Foe? (April 2007);
- Catastrophic Risk Insurance: The Search for a Long-Term Solution (March 2006)
- Asbestos: Anatomy of a Mass Tort (November 2005);
- The Role of Insurance in Preventing Medical Injury (April 2005);
- Litigation Management in the Insurance Industry, (June 2004) (co-sponsored by the Tort Trial and Insurance Practice Section of the American Bar Association);
- A 21<sup>st</sup> Century Symposium on Josiah Royce's *War and Insurance*, (September 2003) (published in Volume 10:1 of the Connecticut Insurance Law Journal);
- Vision 20/20: The Future of Tort and Insurance (August 2002) and (March 2003) (co-sponsored by the Tort and Insurance Practice Section of the American Bar Association and the Geneva Association);
- Liability and Insurance After September 11<sup>th</sup> (March 2002) (co-sponsored by the Geneva Association; published in Volume 9:1 of the Connecticut Insurance Law Journal);
- Social Security: Privatization and Reform (April 2001);
- Intellectual Property and Insurance Law (January 2001) (co-sponsored by the Insurance Law Section of the American Association of Law Schools; published in Volume 8:1 of the Connecticut Insurance Law Journal);
- Richard Posner's Insurance Jurisprudence (September 2000) (published in volume 7:1 of the Connecticut Insurance Law Journal);
- Federalism, International Law and the Globalization of Financial Services (March 2000);
- A Conference for Latin American Regulators: Insurance and Financial Services (October 1999);
- Insurance, Risk and Responsibility: Toward a New Paradigm? (April 1999) (published in Volume 6:1 of the Connecticut Insurance Law Journal);
- Liability Insurance Conflicts and Professional Responsibility (September 1997) (published in Volume 4:1 of the Connecticut Insurance Law Journal).

## PRESENTATIONS

Recent Academic:

The Rise of Insurance Runoff, Journal of Law, Finance and Accounting Conference (September 2019), Conference on The Insurance Business in History (Seville, June 2019), IDC Law School (March 2019), Hebrew University Faculty of Law (March 2019).

A Legal and Regulatory Perspective on Automated Decision Dialogue Systems, 11<sup>th</sup> Invitational Triennial Choice Symposium (May 2019)

The Restatement of the Law Liability Insurance, UConn Law School (April 2019), Rutgers Law School (April 2019).

How Liability Insurers Protect Patients and Improve Safety, Tel Aviv University Law School Law & Economics Workshop (January 2019)

Behavioral Economics, Decumulation, and the Regulatory Strategy for Robo Advice, Wharton Pension Research Council conference (May 2018)

Robo Advice at the Regulatory Crossroads, Penn Law School (April 2018)



Insurtech: Disrupting the Uncertain Business, Sciences Po (May 2017)

Regulating Robo Advice Across the Financial Services Industry, Williamette Law School (November 2016), Penn Law School (December 2016), Chicago Law School (March 2017), University of Connecticut Law School (April 2017), Wharton B School for Public Policy (October 2017)

The Organization of Lawyers' Liability Insurance Companies: Mutual and Stock, International Institute for the Sociology of Law Conference on Consumer Redress When Lawyers are Negligent, Onati (July 2015), Northwestern University Law School (November 2015)

Insurers as Bumblebees in the Garden of Law Firm Norms, University of North Carolina Law School (October 2015)

Smart Choice Sets: Reducing Choice Overload by Partitioning Health Insurance Recommendation Lists, Boulder Summer Conference on Consumer Financial Decision Making, U. Colorado, Boulder (May 2015)

Mapping the Lawyers' Malpractice Insurance Market, University of California, Irvine (September 2014)

Using Big Data and Predictive Analytics to Improve Health Insurance Choice, Insurance Law Center, University of Connecticut School of Law (April 2014)

Liability Insurance as Governance, American Association of Law Schools Annual Meeting, Insurance and Tort Law Sections (New York, January 2014)

The Impact of Insurance on Civil Justice, Private Law Consortium, Bar Ilan University Law School (June 2013)

Choice Architecture and Health Insurance Exchanges: What We Know and Don't Know, and the Research Opportunities that Lie Ahead, Columbia Business School (May 2013).  
Conference on Beyond Nudges: Topics in Choice Architecture

Lawyers Liability as Governance, UCLA Law School (January 2013), University of Texas Law School (January 2013), University of California, Irvine, Law School (March 2013), University of Connecticut Law School (April 2013), Law and Society Association Annual Meeting (June 2013)

Protecting Consumers from Add-On Insurance Products: New Lessons for Insurance Regulation from Behavioral Economics, U. Miami Law School (March 2012), Rutgers (Camden) Law School (April 2012), Law and Society Association Annual Meeting (June 2012), Columbia Law School Law and Economics Seminar (November 2012)

#### Selected Professional:

The Restatement of the Law Liability Insurance, American Law Institute (February 2019, Federal District Court, Houston); Los Angeles Business Trial Lawyers Association (January 2019); American Law Institute (January 2019, Los Angeles Superior Court); ALI-CLE webinar (October 2018); White & Williams Coverage College (February 2018); National Conference of State Legislators Annual Meeting (December 2017); National Conference of Insurance Legislators Annual Meeting (November 2017); AIRROC Education Day (June 2017); TTIPS Mid-Year Meeting (February 2017); American College of Coverage and Extracontractual Counsel (January 2017); ABA Defense research Institute Insurance Coverage and CLE Seminar (December 2016); ABA Section on Trial, Torts and Insurance Practice CLE Conference (February 20, 2015); Rutgers Law School Risk Center Conference (February 27, 2015); ABA Section on Litigation 2014 Insurance Coverage Litigation CLE Seminar (March 7, 2014); Defense Research Institute Insurance Coverage and CLE Conference, New York, New York (December 2012); Law and Regulation Committee of the American Insurance Association (June 2011).

Regulating Robo Advisors, National Association of Insurance Commissioners Insurance Summit (June 2018), Oregon Department of Consumer & Business Services (July 2018), SEC Commissioner Robert Jackson & staff (May 2018)

Behavioral Economics and Insurance Regulation, National Insurance Office of the Treasury Department, Federal Advisory Committee on Insurance (May 2016). ACE Global Legal Conference (June 2014).

Consumer Decision Making: Lessons from the Research, America's Health Insurance Plans Exchange Forum (March 2016); Enroll America annual conference (May 2016).

The Consumer Choice Paradigm in Healthcare, New Jersey Health Care Quality Institute (May 2015)

Why Insurance Law, 2013 Torts Trial and Insurance Law Section Awards Dinner, San Francisco CA (August 2013).

Health Insurance Exchanges Research Group, Penn Medicine Innovation Seminar (December 2012).

Healthcare Exchange Design, Center for Consumer Information and Insurance Oversight, State Grantee Meetings (May and September 2011).

How D&O Insurance Transforms Securities Litigation, Professional Liability Underwriting Society Annual Meeting, San Antonio (November 2010).

Negotiating the Changing Terrain of Risk and Uncertainty in Liability and Insurance, ACE Global Legal Conference (June 2010).

Medical Malpractice and Health Reform, briefing to U.S. Senate staff (October 2009).

What D&O Insurance and Securities Litigation Can Teach the Insurance Industry About Insuring Financial Injuries, Munich Re Conference on Mass Litigation (June 2008).

D&O Insurance, Corporate Governance, and Securities Litigation, ABA Tort Trial and Insurance Practice Section Task Force on Corporate Governance (May 2007).

Principal speaker for AEI-Brookings Joint Center for Regulatory Studies, Judicial Education Program, Judicial Symposium on Insurance and Risk Allocation in America: Economics, Law and Regulation (September 2006) (led sessions on medical liability, insurance law, insurance regulation, life and property insurance, and the insurance industry approach to litigation).

Liability Insurance and Tort Law, Geneva Association Program on Civil Liability, Munich (October 2005).

What Drives U.S. Casualty Losses? Annual Meeting of the Reinsurance Association of America (April 2005).

Moderator, Outsider Perspectives, Annual Meeting of the Professional Liability Underwriting Society (November 2004)

Liability Loss Drivers and Reserving Cycles in the US Casualty Market, Munich Re Renewal Briefing (October 2004).

Liability and Liability Insurance: Forms and Functions. Sino-American Insurance Seminar, Beijing and Nanjing, China (October 2004).

Terrorism, Liability and Insurance: An American Perspective, Annual Seminar of the Cour de Cassation (French Supreme Court for civil law) (April 2004).

Insurance Economics and Legal Systems, 30<sup>th</sup> General Assembly of the Geneva Association (June 2003).

## HONORS AND AWARDS

Appointed Connecticut Mutual Professor of Law, University of Connecticut (September 1997).

Elected to American Law Institute (October 2000).

Fulbright Professor, The Hebrew University (Fall 2001).

29<sup>th</sup> Annual Lecture of the Geneva Association (September 2003).

University of Connecticut Provost's Research Fellowship Leave (Spring 2005).

Appointed William Maul Measey Professor of Law and Health Sciences (July 2009).

Hawley Lecture at Iowa College of Law (August 2010).

McKay Award, Tort Trial and Insurance Practice Section, American Bar Assn. (August 2013).  
A. Leo Levin Teaching Award for Excellence in an Introductory Course (May 2014).  
Elected Honorary Member of the American College of Coverage Counsel (2016).

## PROFESSIONAL ACTIVITIES AND SERVICE

American Association of Law Schools Sections on Insurance, Torts, and Contracts. Chair of Insurance Section 2002-03; Insurance Section Program Chair 2001-02.

American Bar Association, Trial Torts and Insurance Practice Section Emerging Issues Committee (2000-2002); Robert B. McKay Law Professor Award Committee (2000-03); faculty editor, Fidelity & Surety Digest (formerly Fidelity & Surety News) (1999-2006); Presenter at ABA events (1996, 2002, 2004, 2007, 2014); Recipient of Robert B. McKay Law Professor Award (2013).

American College of Coverage Counsel, Honorary Member.

American Law and Economics Association. Member.

American Law Institute. Member since 2000. Reporter, Restatement of the Law Liability Insurance.

International Association for the Study of Insurance Economics (the Geneva Association). Scientific Committee (2003-13).

Journal of Financial Perspectives, Editorial Board (2012-)

Law and Society Association. Site Evaluation Committee (2001); Graduate Student Workshop Committee (2002-05, 2012-13; Chair 2004-05; Workshop Instructor 2002-05, 2007); Ad Hoc Insurance Committee (2004-05); nominated for Trustee (2006); Publications Committee (2006-08; Chair 2006-07); Summer Institute Committee (Chair 2007-08); Early Career Workshop Committee (2008-09, 2012-13; Co-chair 2008-09).

Law and Society Review, Editorial Board Member (2006-12).

New Appleman Advisory Board (2005-14).

New England Insurance and Society Study Group. Founder and facilitator (1997-2010).

Peer reviewer: American Journal of Health Economics; American Journal of Industrial Medicine; American Journal of Law & Medicine; American Journal of Sociology; American Law and Economics Review; Austrian Science Fund, Humanities and Social Science Division; Behavioral Science & Policy; BioSocieties; Cambridge University Press; British Journal of Sociology; CHEST Journal; Economic and Social Research Council (UK); Economic Anthropology; Economy and Society; Geneva Papers on Risk and Insurance; Harvard University Press; Health Affairs; Israel Science Foundation; International Journal of the Legal Profession; International Review of Law & Economics; Journal of Consumer Culture; Journal of Empirical Legal Studies; Journal of Health Politics, Policy and Law; Judgment and Decision Making; Journal of Legal Studies; Journal of Law, Medicine & Ethics; Journal of Law & Society; Journal of Public Policy & Marketing; Journal of Risk and Insurance; Law and History; Law and Policy Quarterly; Law and Social Inquiry; Law and Society Review; National Institutes of Health, Ethics/Genome Study Section; National Science Foundation; Oxford University Press; Polity; Princeton University Press; Regulation and Governance; Science, Technology and Human Values; Social Science and Medicine; Stanford Law Review; University of Chicago Press; University of Toronto Press; Yale Law Journal; Yale University Press.

Picwell, Inc., Co-Founder; Director and Corporate Secretary (2012-2018).

Professional Liability Underwriting Society. Academic member (2004-present). Presenter in educational programs (2004-08, 2010).

Promotion and tenure reviewer (external): American Bar Foundation; Bar Ilan University; Cornell University; George Mason University; The Hebrew University of Jerusalem; Queen's University; Rutgers University; Stanford University; SUNY Buffalo Law

School; SUNY Potsdam; Syracuse University; Tel Aviv University; University of California, Berkeley; University of California, Hastings; University of California, Irvine; University of California, Los Angeles; University College of London; University of Connecticut; University of Florida; University of Hawaii; University of Houston; University of Illinois; University of Michigan; University of Minnesota; University of Missouri; University of Nevada, Las Vegas; University of the Pacific; Vanderbilt University.

Sloan and Russell Sage Foundations. Working group on Behavioral Economics and the Regulation of Retail Financial Markets (2008-2014).

Society for Empirical Legal Studies. Member.

The Tobin Project. Government and Markets Initiative.

#### PRIOR PROFESSIONAL EXPERIENCE

Office of Independent Counsel – Iran/Contra. 1991-92  
Associate counsel.

Covington & Burling, Washington, D.C. 1987-91.

Private law practice involving civil litigation and advice with a focus on complex insurance coverage litigation, housing law, and ERISA.

Neighborhood Legal Services Program, Washington, D.C. 1989.

Staff attorney on loan from Covington & Burling. Handled landlord-tenant, public benefits, and consumer debt cases.

United States Court of Appeal, First Circuit. 1986-87.

Law clerk to Hon. Juan R. Torruella, Circuit Judge. San Juan, Puerto Rico, chambers.

Palmer & Dodge, Boston, MA; Morrison & Foerster, San Francisco, CA; Fish & Richardson, Boston, MA. Summers 1984-86. Summer law clerk.

ADMITTED TO PRACTICE: District of Columbia (Bar No. 414160) (inactive), Commonwealth of Massachusetts (Bar No. 549810) (inactive), Commonwealth of Pennsylvania (Bar No. 308011).