

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.

University of Connecticut School of Law. 1997–2008. Connecticut Mutual Professor of Law and Director, Insurance Law Center.

University of Miami School of Law. 1992-97. Associate Professor.

Visiting Positions: Tel Aviv University Faculty of Law; University of California, Berkeley Law School (William Barker Visiting Professor); Columbia Law School (Joseph F. Cunningham Visiting Professor of Commercial and Insurance Law); Vanderbilt University Law School (Visiting Professor); Yale Law School (Lecturer); The Hebrew University of Jerusalem (Fulbright Visiting Professor Faculty of Law).

PUBLICATIONS

Books:

Restatement of the Law Liability Insurance (American Law Institute) (2019). Reporter.
Insurance Law and Policy: Cases, Materials and Problems (Aspen Publishing 5th edition 2021). Author (eds.1-2); co-author with Kyle Logue (eds. 3-5) and Chaim Saiman (ed. 5).
Ensuring Corporate Misconduct: How Liability Insurance Undermines Shareholder Litigation (University of Chicago Press 2010). Co-author with Sean Griffith.
The Medical Malpractice Myth (University of Chicago Press 2005) (paperback 2007). Author.
Embracing Risk: The Changing Culture of Insurance and Responsibility, (University of Chicago Press 2002). Contributing editor, with Jonathan Simon.

Articles:

Insurance and Enterprise: Cyber-Insurance for Ransomware (forthcoming 2022), Geneva Papers on Risk and Insurance. <https://link.springer.com/article/10.1057/s41288-022-00281-7>. (with Anja Shortland).

The Government Behind Insurance as Governance: Lessons for Ransomware (2022), Regulation and Governance. <https://onlinelibrary.wiley.com/doi/full/10.1111/rego.12505>. (with Anja Shortland).

Choice Architecture for Healthier Insurance Decisions: Ordering and Partitioning Together Can Improve Consumer Choice, EXPRESS: Choice Architecture for Healthier Insurance Decisions: Ordering and Partitioning Together Can Improve Consumer Choice. *Journal of Marketing*, 0(ja). <https://doi.org/10.1177/00222429221119086> (with Benedict Dellaert, Eric Johnson and Shannon Duncan)

The Pandemic and the Past & Future of Insurance Law & Practice, 71 *DePaul Law Review* 1001 (2022) (Clifford Symposium 2021, with Kenneth S. Abraham)

Uncertainty > Risk: Lessons for Legal Thought from the Insurance Runoff Market, 62 *Boston College L. Rev.* 59 (2021) (reviewed in Jotwell 6/2/2020); condensed and updated version to be published as Uncertainty and Insurance Law, in the proceedings of II International Insurance Law Congress of the Federal Justice Council – Superior Court of Justice and VIII IBDS Forum José Sollero Filho (2022)

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

Mutually Assured Protection Among Large U.S. Law Firms, 24 *Connecticut Insurance Law Journal* 1 (2018) (with Rick Swedloff)

Regulating Robo Advice Across the Financial Services Industry, 103 *Iowa Law Review* 713 (2018) (with Benedict Dellaert)

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

“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)

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) (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) (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) (Clifford Symposium 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 11th: 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. (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 Coglianese, 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:

- Review: Caley Horan, *Insurance Era: Risk, Governance, and the Privatization of Security in Postwar America* (Chicago U.P. 2021). 53 *Journal of Interdisciplinary History* 167 (2022)
- Benedict Dellaert et al, Consumer decisions with artificially intelligent voice assistants, *Marketing Letters*, Aug. 17, 2020, <https://doi.org/10.1007/s11002-020-09537-5>
- 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)
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:

Binary Stars: How Crime Shapes Insurance and Insurance Shapes Crime (November 2022) (with Anja Shortland) (revise and resubmit from *Journal of Legal Analysis*)
Managing When the Models are Radically Mistaken: The Case of U.S. Long Term Care Insurance (June 2021) (with Camila Bayly)

Reports and popular press:

Back to the Future of Cyber Insurance, PLUS Journal Q3 2019.
Regulating Robo Advisors: Old Policy Goals, New Challenges, Penn Wharton Public Policy Initiative, Issue Brief 5:7 (2017).
Four ways states can prevent the Affordable Care Act from “exploding,” Vox, April 5, 2017 (with Daniel Hemel).
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).
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)
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)
A Time for Tontines, *The New York Times* (March 9, 2009) (with Peter Siegelman)
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). A
Jackpot Justice and the American Tort System: Thinking Beyond Junk Science (May 2008) (with Herbert Kritzer and Neil Vidmar).
Securities Misinformation Insurance (October 2006) (a report to the Task Force to Modernize Securities Legislation in Canada).
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)
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 2019)
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) 2013-2022
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 (selected):
- 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);
 - Litigation Management in the Insurance Industry, (June 2004);
 - Vision 20/20: The Future of Tort and Insurance (August 2002) and (March 2003).

PRESENTATIONS

Recent Academic:

- Binary Stars: How Crime Shapes Insurance and Insurance Shapes Crime, Penn Carey Law School (June 2022), Temple University (August 2022), Notre Dame Law School (November 2022).
The Covid-19 Coverage Litigation Tracker: Research Questions and Preliminary Results, American Association of Law Schools (January 2022), UConn Law School (October 2020), University of Wisconsin (November 2020).
Government and Insurance: Lessons for Managing Cybercrime, Haifa and HUJI Cyber Conference (December 2021), Penn Carey Law School (November 2021).
Uncertainty and Insurance Law, II International Insurance Law Congress of the Federal Justice Council – Superior Court of Justice and VIII IBDS Forum José Sollero Filho (November 2021).
Managing When the Models are Radically Mistaken: The Case of U.S. Long Term Care Insurance, UConn Law School (March 2021), Max Planck Institute for the Study of Societies' Insurance and Society Workshop (June 2021).
The Rise of Insurance Runoff, Hastings Law School (February 2020), 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, 11th Invitational Triennial Choice Symposium (May 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)
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, Onati (July 2015), Northwestern University Law School (November 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)

Selected Professional:

The Covid-19 Coverage Litigation Tracker: Research Questions and Preliminary Results, INTAP (June 2021), MunichRe (June 2021),
The Restatement of the Law Liability Insurance, British Insurance Law Association (May 2020); American Law Institute (February 2019, Federal District Court, Houston); Los Angeles Business Trial Lawyers Association (January 2019); Law and Regulation Committee of the American Insurance Association (June 2011).
Regulating Robo Advisors, International Pension Research Association (June 2020); 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).
Why Insurance Law, 2013 Torts Trial and Insurance Law Section Awards Dinner, San Francisco CA (August 2013).
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).
D&O Insurance, Corporate Governance, and Securities Litigation: A U.S. Report, Joint conference of the Geneva Association and the European Association of Law and Economics, Milan (May 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).
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, 30th 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).
29th 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).
10 Most-Cited Torts/Insurance Law Faculty in the U.S., 2016-2020 (#3) & 2013-2017 (#3), Brian
Leiter Law School Reports

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);
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 on insurance topics (40+ journals in various academic fields, including law,
economics, sociology, history, and health policy; 7 academic presses; funding agencies in
the US, UK, EU, and Israel)
Professional Liability Underwriting Society. Academic member (2004-present).
Promotion and tenure reviewer (28 law schools as of 2020).
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.

EDUCATION

Harvard Law School, J.D., Magna Cum Laude, 1986. Harvard Law Review.
Harvard College, B.A., Magna Cum Laude in Sociology, 1982. Phi Beta Kappa.

OTHER PROFESSIONAL EXPERIENCE

Tom Baker Consulting. 1994-present. Insurance consulting services, principally litigation related, including service as an expert witness and arbitrator.

Picwell, Inc., Co-Founder (2012), CEO (2013), Director and Corporate Secretary (2014-2018), acquired by Jellyvision (2022).

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

Covington & Burling, Washington, D.C. 1987-91. Private law practice with a focus on complex insurance coverage litigation.

Neighborhood Legal Services Program, Washington, D.C. 1989. Staff attorney on loan from Covington & Burling.

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