

**DANIEL B. SCHWARCZ**  
University of Minnesota School of Law  
Walter F. Mondale Hall  
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## ACADEMIC APPOINTMENTS

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**University of Minnesota Law School**, Minneapolis, MN 2007-present  
*Associate Professor of Law*  
Stanley V. Kinyon Tenure-Track Teacher of the Year (2007-2008)  
*Courses:* Contracts, Insurance Law, Secured Transactions, Health Insurance and Health Care Reform

**Harvard Law School**, Cambridge, MA 2005-2007  
*Climenko Fellow and Lecturer on Law*

## SCHOLARLY PUBLICATIONS

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### Edited Books

THE LAW AND ECONOMICS OF INSURANCE (Edward Elgar Publishing, forthcoming 2012) (editor).

HEALTHCARE SUPPLEMENT TO ABRAHAM'S INSURANCE LAW AND REGULATION (Foundation Press, 2010) (co-editor with Kenneth Abraham).

- slated to join ABRAHAM'S INSURANCE LAW AND REGULATION as co-editor for sixth edition. The casebook has been used as the principal text in courses on insurance law in more than 100 American law schools.

### Journal Articles and Book Chapters

*Preventing Capture Through Consumer Empowerment Programs: Some Evidence From Insurance Regulation*, in PREVENTING CAPTURE: SPECIAL INTEREST INFLUENCE AND HOW TO LIMIT IT (Cambridge Univ. Press, forthcoming 2012) (Moss, Croley & Carpenter, eds.).

*Reevaluating Standardized Insurance Policies*, 77 UNIVERSITY OF CHICAGO LAW REVIEW (forthcoming December, 2011).

- Recipient of the 2011 Liberty Mutual Prize for an exceptional article on the law of property/casualty insurance.
- Featured in *NY Times* article, *Not All Homeowners Policies Are Alike* (4/21/11).

*Regulatory Contrarians*, 89 NORTH CAROLINA LAW REVIEW 1629 (2011) (with Brett McDonnell).

*Will Employers Undermine Health Care Reform by Dumping Sick Employees?*, 97 VIRGINIA LAW REVIEW 125 (2011) (with Amy Monahan).

- Cited in *NY Times* article, *Following the Money, Doctors Ration Care* (12/11/10).

*Regulating Consumer Demand in Insurance Markets*, 3 ERASMUS LAW REVIEW 23 (2010).

- Reprinted in JUXTAPOSING AUTONOMY AND PATERNALISM IN PRIVATE LAW (Hart Publishing, forthcoming 2011) (Ogus & Van Boom, eds.).
- Selected from a call for papers by the National Bureau of Economic Research (NBER) Insurance Project Group.

*Insurance Demand Anomalies and Regulation*, 44 JOURNAL OF CONSUMER AFFAIRS 547 (2010) (peer-reviewed).

## SCHOLARLY PUBLICATIONS (CONTINUED)

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*Regulating Insurance Sales or Selling Insurance Regulation? Against Regulatory Competition in Insurance*, 94 MINNESOTA LAW REVIEW 1707 (2010).

- Selected from a call for papers by the Section on Financial Institutions and Consumer Financial Services of the American Association of Law Schools.

*Differential Compensation and the Race to the Bottom in Consumer Insurance Markets*, 15 CONNECTICUT INSURANCE LAW JOURNAL 723 (2009) (peer-reviewed).

*Redesigning Consumer Dispute Resolution: A Case Study of the British and American Approaches to Insurance Claims Conflict*, 83 TULANE LAW REVIEW 735 (2009).

*Beyond Disclosure: The Case for Banning Contingent Commissions*, 25 YALE LAW & POLICY REVIEW 289 (2007).

*A Products Liability Theory for the Judicial Regulation of Insurance Policies*, 48 WILLIAM & MARY LAW REVIEW 1389 (2007).

*Shame, Stigma, and Crime: Evaluating the Efficacy of Shaming Sanctions in Criminal Law*, 116 HARVARD LAW REVIEW 2186 (2003) (student note).

## EDUCATION

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**Harvard Law School**, J.D.

*magna cum laude*

*Harvard Law Review*, Articles Editor

Olin Fellow in Law and Economics

**Amherst College**, A.B. in Economics and Law, Jurisprudence, & Social Thought

*magna cum laude*

Phi Beta Kappa

Nelson Award for Economics

Debate Team, President

## PRACTICE EXPERIENCE

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**National Association of Insurance Commissioners**

2008-present

*Funded Consumer Representative*

Selected by the national organization of state insurance regulators to represent consumer views on insurance regulatory issues. Involved in various initiatives involving transparency in personal lines insurance markets, such as the collection and disclosure of market-conduct data, readability requirements for insurance policies, and the design of consumer disclosures.

**Ropes & Gray**, Boston, MA

2004-2005

*Associate*

Wrote briefs and memoranda on various insurance and commercial law matters.

**Williams & Connolly**, Washington, DC

Summer 2002

*Summer Associate*

**New York City Law Department**, New York, NY

Summer 2001

*Summer Honors Intern, Appellate Division*

## JUDICIAL CLERKSHIP

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**Judge Sandra Lunch**, U.S. Court of Appeals for the First Circuit, Boston, MA  
*Managing Law Clerk*

2003-2004

## SELECTED PRESENTATIONS

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*Reevaluating Standardized Insurance Policies*, Law and Economics Workshop, University of Chicago Law School, Chicago, IL (October 2011).

*Invited Commentator*, *Empirical and Lyrical: Revisiting the Contracts Scholarship of Stewart Macaulay*, University of Wisconsin Law School, Madison, WI (October 2011).

*Reevaluating Standardized Insurance Policies*, Liberty Mutual Prize Faculty Presentation, Boston College Law School, Boston, MA (September 2011).

*Reevaluating Standardized Insurance Policies*, American Risk and Insurance Association, San Diego, CA (August 2011).

*The Role of Consumer Representatives in Preventing Regulatory Capture in Insurance*, Symposium on Crisis and the Challenges of Regulatory Design, Duke's Kenan Institute for Ethics, Durham, NC (June 2011).

*The Role of Consumer Representatives in Preventing Regulatory Capture in Insurance*, Workshop on Preventing Capture, Harvard Business School, Cambridge, MA (May 2011).

*Invited Commentator*, *Workshop on Behavioral and Institutional Research and Financial Services Regulatory Reform*, Cornell Law School, Cornell, NY (April 2011).

*Invited Commentator*, *Regulation of Finance Panel*, Washington College of Law, American University Business Law Review Inaugural Symposium, Washington DC (April 2011).

*Reevaluating Standard Forms in Insurance*, University of Texas Law School, Law and Economics Workshop, Austin, TX (February 2011).

*Invited Moderator*, *Behavioral Economics and Insurance Regulation*, American Association of Law Schools, Section on Insurance Law, San Francisco, CA (January 2011).

*Invited Discussant*, *Should Congress Repeal the McCarran-Ferguson Act?*, Harvard Law School, Boston, MA (November 2010).

*Regulating Insurance Sales or Selling Insurance Regulation*, University of Pennsylvania Law School, Tobin Project on Financial Regulatory Reform, Philadelphia, PA (November 2010).

*Contrarians in Financial Regulation*, Symposium on Regulating Complex Systems, North Carolina Law Review, Chapel Hill, NC (October 2010).

*Deficient Consumer Protection in Homeowners Insurance Markets*, Canadian Law and Economics Conference, Toronto, Canada (October 2010).

*Deficient Consumer Protection in Homeowners Insurance Markets*, *The Next Crisis: Managing the Risk that Your Insurance Doesn't Work*, Invited Speaker, Chicago, IL (October 2010).

*Will Employers Undermine Health Care Reform by Dumping Sick Employees?*, University of Illinois Law School, Faculty Workshop, Champaign, IL (September 2010).

## **SELECTED PRESENTATIONS (CONTINUED)**

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*Regulating Consumer Demand in Insurance Markets*, National Bureau of Economic Research, Insurance Project Workshop, Boston, MA (May 2010).

*Paternalism and Emotion in Insurance Markets*, Erasmus Law School, Symposium on Juxtaposing Autonomy and Paternalism in Private Law, Rotterdam, Netherlands (February 2010).

*Paternalism and Emotion in Insurance Markets*, University of Minnesota Law School, Seminar on Law and Economics, Minnesota, MN (February 2010).

*Regulating Insurance Sales or Selling Insurance Regulation*, American Association of Law Schools, Section on Financial Institutions and Consumer Financial Services, New Orleans, LA (January 2010).

*Regulating Insurance Sales or Selling Insurance Regulation*, Carlson Business School, University of Minnesota, Strategic Management Workshop Series, Minneapolis, MN (January 2010).

*Redesigning Insurance Regulation*, Law & Society Conference, Panel on Reforming Financial Regulation, Denver, CO (May 2009).

*Differential Compensation and Consumer Insurance Markets*, Georgia State Department of Risk Management & Insurance, Research Seminar Series, Atlanta, GA (April 2009).

*Insurance Policies: What Are They and How Should They be Interpreted*, American Association of Law Schools, Insurance Section, San Diego, CA (January 2009).

*Towards a New Approach to Resolving Consumer Insurance Disputes*, University of Minnesota Law School, Faculty Works in Progress, Minneapolis, MN (September 2008).

*Towards a New Approach to Resolving Consumer Insurance Disputes*, Indiana University Bloomington Law School, Big 10 Untenured Conference, Bloomington, IN (August 2008).

*Towards a New Approach to Resolving Consumer Insurance Disputes*, University of Connecticut Law School, Banking & Consumer Services Junior Scholars Conference, Hartford, CT (May 2008).

*Beyond Disclosure: The Case for Banning Contingent Commission Payments*, American Association of Law Schools, Insurance Section, New York, NY (January 2008).

*Beyond Disclosure: The Case for Banning Contingent Commission Payments*, Harvard Law School, Climenko Fellow Workshop, Cambridge, MA (June 2006).

*A Products Liability Theory for the Judicial Regulation of Insurance Policies*, Harvard Law School, Law and Economics Seminar, Cambridge, MA (April 2006).

## **MEDIA AND TESTIMONY**

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*Testimony on Emerging Issues in Insurance Regulation*, United States Senate Subcommittee on Securities, Insurance, and Investment (9/14/11).

*Guest Blogger, Faculty Lounge*, <http://www.thefacultyounge.org> (9/12/11-9/13/11).

*Guest Blogger, Credit Slips*, [www.creditslips.org](http://www.creditslips.org) (7/4/11-7/11/11).

*Op-Ed, The Need for Insurance Policy Transparency*, P & C NATIONAL UNDERWRITER, 10/21/10.

## **MEDIA AND TESTIMONY (CONTINUED)**

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*Presentation on The Need for Insurance Policy Transparency*, National Association of Insurance Commissioners, C Committee Meeting, Orlando, FL, 10/20/10 (Described in *NAIC to Review Personal Lines Contract Transparency*, P & C NATIONAL UNDERWRITER 10/21/10).

*Presentation on Default Rules and Retained Asset Accounts*, National Association of Insurance Commissioners, Consumer Liaison Meeting, Orlando, FL, 10/18/10 (Discussed on *BestDay Podcast for Wednesday, Oct. 20: ACLI Conference Wrap-up; Daniel Schwarcz on Retained Asset Accounts*, BEST NEWS SERVICE, 10/20/10).

*Presentation on Deficient Consumer Protection in Form Regulation*, National Association of Insurance Commissioners, Consumer Liaison Meeting, Seattle, WA, 8/13/10 (Described in *Insurance Policies Do not Serve Consumers' Needs, Advocate Says*, P & C NATIONAL UNDERWRITER 8/19/10).

*Testimony on Insurance Contract Readability Standards*, Consumer Connections Working Group, National Association of Insurance Commissioners, 3/28/10.

*Plan to Block Health Insurance Rate Hikes May Not Impact Minnesota*, Minnesota Public Radio, 2/22/10.

*House Set to Vote on Insurance Antitrust Exemption*, Minnesota Public Radio, 2/8/10.

*Flood Leaves Victims High and Dry When it Comes to Insurance Coverage*, Minnesota Public Radio, 8/30/07.

*Keep on Giving to Katrina Relief*, Op-ed, Denver Post, 9/18/05.

## **EXPERT WITNESS WORK**

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*Johnson v. Allstate*, (S.D. IL 2011).

*Office Deport v. Marsh et. al.*, (FL Cir. Ct.) (2009-2010).

*Roth v. Aon*, (N.D. IL) (2008-2009).

## **BAR ADMISSIONS AND MEMBERSHIPS**

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AALS Insurance Law Section  
 Chair (2011-present)  
 Chair-Elect (2010-2011)  
 Treasurer (2009-2010)  
 Massachusetts Bar Association, Member

## **UNIVERSITY SERVICE**

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Academic Engagement Committee (2010-2011)  
 Faculty Secretary (2007-2011)  
 Entry-Level Appointments Committee (2009-2010)  
 Faculty Works In Progress Committee (2008-2009)  
 Visiting Assistant Professor Committee (2008-2009)  
 Clerkship Committee (2007-2008)  
 Capstone Course Committee (2007-2008)