

**DANIEL SCHWARCZ**  
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## **ACADEMIC APPOINTMENTS**

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### **University of Minnesota Law School, Minneapolis, MN**

*Professor* (2014- present)

*Julius E. Davis Professor* (2015-2016)

*Associate Professor with Tenure* (2011-2014)

*Associate Professor* (2007-2011)

Courses: Contract Law, Insurance Law, Secured Transactions, Financial Regulation, Health Insurance Seminar, Judicial Opinion Writing

### **UCLA Law School, Los Angeles, CA**

*Visiting Professor of Law* (Spring, 2013)

### **Harvard Law School, Cambridge, MA**

*Climenko Fellow and Lecturer on Law* (2005-2007)

## **AWARDS**

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### **American Law Institute Young Scholars Medal (2017)**

Awarded every other year to one or two outstanding early-career law professors whose work is relevant to the real world and has the potential to influence improvements in the law.

### **Liberty Mutual Prize (2011)**

Prize for an exceptional article on the law of property/casualty insurance, awarded for *Reevaluating Standardized Insurance Policies*, 78 UNIVERSITY OF CHICAGO LAW REVIEW 1263 (2011).

### **Stanley V. Kinyon Teacher of the Year (2011 & 2008)**

Two-time recipient of annual teaching prize at University of Minnesota Law School.

## **SCHOLARLY PUBLICATIONS – LAW REVIEW ARTICLES**

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*Regulation by Threat: Dodd-Frank and the Non-Bank Problem*, 84 U. CHI. L. REV. (forthcoming, 2017) (with David Zaring).

*The Impact of Individualized Feedback on Law Student Performance*, 67 J. L. & EDUC. (forthcoming, 2017) (with Dion Farganis).

- Featured in *National Law Journal* article, *Law Students Benefit from Feedback Before Exams* (5/11/16).

*Coverage Information in Insurance Law*, 101 MINN. L. REV. (forthcoming, 2017).

*Do Credit Based Insurance Scores Proxy for Income in Predicting Policyholder Risk*, 14 J. EMPIRICAL LEGAL STUD. (forthcoming, 2017) (with Joshua Teitelbaum & Darcy Steeg-Morris).

*The Risks of Shadow Insurance*, 50 GA. L. REV. 163 (2015).

## SCHOLARLY PUBLICATIONS – LAW REVIEW ARTICLES (Continued)

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*A Critical Take on Group Regulation of Insurers in the United States*, 5 UC IRVINE L. REV. 537 (2015).

*Towards a Universal Framework for Insurance Anti-Discrimination Laws*, 21 CONN. INS. L.J. 1 (2014) (with Ronen Avraham & Kyle Logue).

*Regulating Systemic Risk in Insurance*, 81 U. CHI. L. REV. 1569 (2014) (with Steven Schwarcz).

*Understanding Insurance Antidiscrimination Laws*, 87 S. CAL. L. REV. 195 (2014) (with Ronen Avraham & Kyle Logue).

*Transparently Opaque: Understanding the Lack of Transparency in Insurance Consumer Protection*, 61 UCLA L. REV. 394 (2014).

*Saving Small Employer Health Insurance*, 98 IOWA L. REV. 1935 (2013) (with Amy Monahan).

- Reprinted as *Limiting the ACA's Threats to Small Group Health Insurance Markets*, 16 RISK MANAGEMENT & INS. REV. 25 (2013) (peer-reviewed).
- Named one of the top employee benefits articles of 2013 by TAX NOTES

*Reevaluating Standardized Insurance Policies*, 78 U. CHI. L. REV. 1263 (2011).

- 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) and *Wall Street Journal* article, *A Home-Insurance Trap?* (12/3/11).

*Regulatory Contrarians*, 89 N. C. L. REV. 1629 (2011) (with Brett McDonnell).

- Reprinted in *ESSENTIAL PAPERS ON THE ECONOMICS OF FINANCIAL REGULATION* (Geoffrey Miller, ed.). (Edward Elgar Publishing, 2016).

*Will Employers Undermine Health Care Reform by Dumping Sick Employees?*, 97 VA. L. REV. 125 (2011) (with Amy Monahan).

- Cited in *NY Times* article, *Following the Money, Doctors Ration Care* (12/11/10).
- Named one of the top employee benefits articles of 2011 by TAX NOTES.

*Regulating Insurance Sales or Selling Insurance Regulation? Against Regulatory Competition in Insurance*, 94 MINN. L. REV. 1707 (2010).

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

*Beyond Disclosure: The Case for Banning Contingent Commissions*, 25 YALE L. & POL'Y REV. 289 (2007).

*A Products Liability Theory for the Judicial Regulation of Insurance Policies*, 48 WM. & MARY L. REV. 1389 (2007).

## SCHOLARLY PUBLICATIONS – CASEBOOKS & HANDBOOKS

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INSURANCE LAW AND REGULATION: CASES AND MATERIALS (6th edition) (Foundation Press, 2015) (with Kenneth S. Abraham).

- Leading casebook in Insurance Law, which has been used in courses at more than 100 U.S. law schools.

RESEARCH HANDBOOK ON THE ECONOMICS OF INSURANCE LAW (Edward Elgar Publishing, 2015) (co-editor with Peter Siegelman).

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

## SCHOLARLY PUBLICATIONS – BOOK CHAPTERS & ESSAYS

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*The Law and Economics of Insurance* (with Peter Siegelman), in THE OXFORD HANDBOOK OF LAW AND ECONOMICS (Oxford University Press, forthcoming 2017) (Parisi, ed.).

*The Changing Role of Insurance Intermediaries in the 21st Century* (with Peter Siegelman), in RESEARCH HANDBOOK ON THE ECONOMICS OF INSURANCE LAW (Edward Elgar Press, 2015) (Schwarcz & Siegelman, eds.).

*Monitoring, Reporting, and Recalling Defective Financial Products*, 2013 U. CHI. LEGAL F. 409 (2013).

*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 2013) (Moss & Carpenter, eds.).

*Transparency and Contrarian Experts in Financial Regulation: A Brief Response to Professor Bradley*, 1 AM. U. BUS. L. REV. 33 (2012).

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

- Reprinted in JUXTAPOSING AUTONOMY AND PATERNALISM IN PRIVATE LAW (Hart Publishing, 2011) (Ogus & Van Boom, eds.) and as *Insurance Demand Anomalies and Regulation*, 44 J. CONSUMER AFFAIRS 547 (2010).

*Differential Compensation and the Race to the Bottom in Consumer Insurance Markets*, 15 CONN. INS. L. J. 723 (2009).

## AMICUS BRIEFS

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*Amicus Brief of Scholars of Insurance and Financial Regulation in MetLife v. FSOC* (2016) (D.C. Circuit) (Lead author).

*Amicus Brief of Scholars of Insurance Regulation in MetLife v. FSOC* (2015) (D.D.C.) (Lead author).

## 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**

*Funded Consumer Representative* (2008-2014)

Selected by the national organization of state insurance regulators to represent consumer views on insurance regulatory issues. Attended quarterly meetings, presented to various committees of regulators, and regularly participated in conference calls and the drafting of regulatory work product.

**Ropes & Gray, Boston, MA**

*Associate* (2004-2005)

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

**Williams & Connolly, Washington, DC**

*Summer Associate* (2002)

## JUDICIAL CLERKSHIP

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**Judge Sandra Lynch, U.S. Court of Appeals for the First Circuit, Boston, MA**

*Managing Law Clerk* (2003-2004)

## SELECTED ACADEMIC PRESENTATIONS

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*Ending the Public Utility Conception of Insurance*, Vanderbilt Law School, Nashville, TN (Feb. 24, 2017).

*The Impact of Individualized Feedback on Law Student Performance*, Conference on Empirical Legal Studies, Duke Law School, Durham, NC (Nov. 18, 2016)

*FSOC's Role in Regulating Systemic Risk in Insurance*, Workshop on Systemic Risk and Insurance, Columbia Business School, New York, NY (Oct. 28, 2016)

*Coverage Information in Insurance Law*, Northwestern Law and Economics Seminar, Northwestern Law School, Chicago, IL (Sept. 15, 2016).

*Insurance and Shadow Banking*, Center for American Progress, Washington DC (July, 2016).

*The Development of International Insurance Law*, Dalian University, Dalian, China (June 2016).

**SELECTED ACADEMIC PRESENTATIONS (Continued)**

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*Faculty Workshop, The Risks of Shadow Insurance*, University of Colorado Law School, Boulder, CO (September 2015).

*Faculty Workshop, Regulating Systemic Risk in Insurance*, University of Michigan Law School, Ann Arbor, MI (November 2014).

*Faculty Workshop, Regulating Systemic Risk in Insurance*, University of Virginia Law School, Charlottesville, VA (November 2014).

*Does Credit Score Proxy for Income in Predicting Insurance Risk?*, American Risk and Insurance Association, Washington DC (August 2013).

*Faculty Colloquium, Towards More Transparent Insurance Markets*, UCLA Law School, Los Angeles, CA (February 2013).

*Faculty Colloquium, Towards More Transparent Insurance Markets*, University of Texas Law School, Austin, TX (January 2013).

*Invited Participant, Frontiers of Consumer Protection*, University of Chicago Legal Forum, Chicago, IL (November 2012).

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

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

*Preventing Regulatory Capture in Insurance*, Symposium on Crisis and the Challenges of Regulatory Design, Duke's Keenan 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).

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

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

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

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

## **U.S. CONGRESSIONAL TESTIMONY**

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*Testimony on Examining Insurance Capital Rules and FSOC Process*, United States Senate Subcommittee on Securities, Insurance and Investment (4/30/15).

*Testimony on Legislative Proposals to Reform Domestic Insurance Policy*, United States House Subcommittee on Housing and Insurance (5/20/14).

*Testimony on Finding the Right Capital Regulation for Insurers*, United States Senate Subcommittee on Financial Institutions and Consumer Protection (3/11/14).

*Testimony on Insurance Oversight and Legislative Proposals*, United States House Subcommittee on Insurance, Housing and Community Opportunity (11/16/11).

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

## **SELECTED PRESENTATIONS AND TESTIMONY TO STATE AND FEDERAL REGULATORS**

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*Inconsistent and Under-Developed State Law on Insurers' Risk Classification Practices*, Federal Advisory Committee, Federal Insurance Office, Washington DC, 5/5/16.

*Regulating Systemic Risk in Insurance*, Federal Reserve Bank, Washington DC, 10/14/15.

*Presentation on Consumer Protection in Insurance Regulation*, Federal Insurance Office, Department of Treasury, Insurance Regulation in the United States: Modernization and Improvement, Washington DC, 12/9/11.

*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.

## **SELECTED MEDIA**

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*Law Students Benefit from Feedback Before Final Exams*, National Law Journal, 5/11/16.

*The Fine Print*, Planet Money, National Public Radio, 9/19/14.

*Insured See Climbing Rates, As Coverage Declines*, Marketplace, American Public Media, 9/7/12.

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

## **EXPERT WITNESS WORK (CASES IN WHICH DEPOSED)**

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Travis v. Allstate (IL. 2016)

Jones v. Travelers (N.D. Cal.) (2015)

American Family v. Chavez (D. Az. 2015)

Bebee Street v. Boen (S.D. Cir. Ct.) (2014)

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

Office Depot v. Marsh (Fl. Cir. Ct.) (2009-2010)

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

## **MEMBERSHIPS AND AFFILIATIONS**

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American Law Institute

Member (2014-present)

Advisor for Restatement of the Law of Liability Insurance (2014-present)

Journal of Consumer Affairs

Editorial Board (2012-2015)

AALS Financial Services Section

Executive Board (2012-present)

Chair (2014-2015)

Chair Elect (2013-2014)

AALS Insurance Law Section

Executive Board (2012-present)

Chair (2011-2012)

Chair-Elect (2010-2011)

Treasurer (2009-2010)

Massachusetts Bar Association, Member

## **SELECTED UNIVERSITY SERVICE**

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Clerkship Committee (2011-present)

Chair (2013-present)

Academic Engagement Committee (2010-2011)

Entry-Level Appointments Committee (2009-2010)

Faculty Works In Progress Committee (2008-2009)