

# **GENERAL SESSION: ALI Restatement of the Law, Liability Insurance**

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# Agenda for Today's Session:

1. Background: The American Law Institute and the Restatement of the Law, Liability Insurance
2. Role of Insurers in the Liability Insurance Project
3. Substance of the Liability Insurance Restatement
4. If Approved by ALI, What's Next: How Will Courts and Legislators React to the Restatement?
5. Final Observations About the ALI – Its Mission and Other Work

## Background:

# The American Law Institute and the Restatement of the Law, Liability Insurance

- What is the American law Institute?
- How did the Restatement of the Law, Liability Insurance project begin?
- What is a Restatement and what guidelines govern Reporters in producing the project drafts?

# Role of Insurers in the ALI Liability Insurance Project

- Who participates in the ALI process of producing drafts of a Restatement project?
- Have insurers been involved in this process? Only recently?
- What are some examples of insurer participation in the project?

# Substance of the Liability Insurance Restatement

Examples of Areas of Controversy:

- Rules on Policy Interpretation
- Rules on Misrepresentation/Rescission
- Liability of Insurers for Conduct of Defense
- Scope of the Duty to Defend
- Rules Relating to Settlement Rights and Obligations
- Rules Relating to Exhaustion and Allocation
- Remedies, Including Handling of Fee-Shifting

# If Approved by ALI, What's Next: How Will Courts and Legislators React to the Restatement?

# Final Observations About the ALI – Its Mission and Other Work

**Thank you.**

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