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BAR: Admitted to the Bar:

Minnesota (1981); Nevada (2001)
U.S. District Court, District of Minnesota (1983)
U.S. Court of Appeals, Eighth Circuit (1985)
U.S. Court of Appeals, Eleventh Circuit (1991)
U.S. Supreme Court (1992)

EDUCATION: J.D., Yale Law School, 1981

B.A., University of Minnesota, 1977
(University of Iowa, 1972-74)
Summa Cum Laude
Phi Beta Kappa

EMPLOYMENT:

2005 – **Doris S. and Theodore B. Lee Professor of Law**
William S. Boyd School of Law
University of Nevada Las Vegas
Las Vegas, NV

2003 – 2005 **William S. Boyd Professor of Law**
William S. Boyd School of Law
University of Nevada Las Vegas
Las Vegas, NV

1999 – 2003 **Professor of Law**
(Associate Dean for Academic Affairs 2000–2001)
William S. Boyd School of Law
University of Nevada Las Vegas
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- 1995 – 1999 **Professor of Law**
(Fonvielle and Hinkle Professor of Litigation; 1997–99)
(Associate Dean for Academic Affairs; 1997–98)
Florida State University
College of Law
Tallahassee, FL
- 1991 – 1995 **Professor of Law**
Brooklyn Law School
Brooklyn, New York
- 1988 – 1991 **Associate Professor of Law**
Brooklyn Law School
Brooklyn, New York
- 1986 – 1988 **Assistant Professor of Law**
Brooklyn Law School
Brooklyn, New York
- 1983 – 1986 **Litigation Associate**
Maslon, Edelman, Borman & Brand
Minneapolis, Minnesota
- 1981 – 1983 **Law Clerk**
The Honorable Raymond J. Broderick, U.S.D.J.
Eastern District of Pennsylvania
Philadelphia, Pennsylvania

PUBLICATIONS

Books

LEARNING CIVIL PROCEDURE (4th ed. 2022)(with Prof. Brooke D. Coleman, Prof. Steven Baicker-McKee, David F. Herr, Esq. & Dean Michael J. Kaufman)(1st ed. 2013)(2d ed. 2015)(3d ed. 2018) and TEACHER’S MANUAL FOR LEARNING CIVIL PROCEDURE (all editions).

GENERAL LIABILITY COVERAGE: KEY ISSUES IN EVERY STATE (5th ed. 2021)(with Randy J. Maniloff, Esq. and Margo Meta, Esq.)(1st ed. 2011)(2d. ed. 2012)(3d ed. 2015)(4th ed. 2018).

PRINCIPLES OF INSURANCE LAW (5th ed. 2020)(with Prof. Erik S. Knutsen and Prof. Peter N. Swisher) (4th ed. 2011; 3d ed. 2004); INSTRUCTOR’S MANUAL FOR PRINCIPLES OF INSURANCE LAW (5th ed. 2020).

FUNDAMENTALS OF PRETRIAL LITIGATION (11th ed. 2020)(with Prof. Roger S. Haydock and David F. Herr, Esq.)(1st ed. 1985)(2d ed. 1992) (3d ed. 1994)(4th ed. 2000)(5th ed. 2001)(6th ed. 2007)(7th ed. 2008)(8th ed. 2011)(9th ed. 2013)(10th ed. 2016) and TEACHER'S MANUAL FOR FUNDAMENTALS OF PRETRIAL LITIGATION (all editions).

FUNDAMENTALS OF LITIGATION PRACTICE (Thomson West 2018)(with Prof. Roger S. Haydock and David F. Herr, Esq.)(also 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017 Editions).

STEMPEL AND KNUTSEN ON INSURANCE COVERAGE (4th ed. 2016)(with Prof. Erik S. Knutsen); *Stempel on Insurance Contracts* (Aspen/WoltersKluwer 2006)(successor edition to *Law of Insurance Contract Disputes* (Aspen 1999)(successor edition to *Interpretation of Insurance Contracts* (1994))(supplemented annually).

MOTION PRACTICE (7th ed. 2016)(with David F. Herr, Esq. and Prof. Roger S. Haydock)(1st ed. 1985)(2d ed. 1991)(3d ed 1998) (4th ed. 2001)(5th ed. 2009)(6th ed. 2012).

LITIGATION ROAD: THE STORY OF *Campbell v. State Farm Insurance* (Thomson West 2008).

LAWYERING: PRACTICE AND PLANNING (West 1996) (with Profs. Roger S. Haydock, Peter B. Knapp, Ann Juergens & David F. Herr, Esq.).

FOUNDATIONS OF THE LAW (West 1994) (with Prof. Bailey Kuklin) and TEACHER'S MANUAL FOR FOUNDATIONS OF THE LAW (1994).

Book Chapters

American Exceptionalism: The COVID-19 Insurance Experience, in AIDA EUROPE RESEARCH SERIES: INSURANCE LAW AND REGULATION ON COVID-19 AND INSURANCE (Maria Luisa Munoz Paredes & Anna Tarasiuk, eds.)(forthcoming)(with Erik S. Knutsen).

Textual Literalism, Formalism, and Canon-Centric Construction as De Facto – and Defective – Artificial Intelligence in (Abel B. Veiga Copo & Miguel Martinez Munoz, eds.. PROCEEDINGS, III CONGRESO INTERNACIONAL DE DERECHO DEL SEGUO (EL SEGURO DE PERSONAS Y LA INTELIGENCIA ARTIFICIAL (Thomson Reuters 2022)(forthcoming)(with Erik S. Knutsen).

Bringing Rigor to Textualism Through Artificial Intelligence in Abel B. Veiga Copo & Miguel Martinez Munoz, eds., Proceedings, III Congreso Internacional De Derecho Del Seguro (El Seguro De Personas y La Inteligencia Artificial (Thomson Reuters 2022)(forthcoming)(with Erik S. Knutsen).

Hard Battles Over Soft Law: The American Experience with the ALI Liability Insurance Restatement, in ABEL B. VEIGA COPO (ED.), DIMENSIONES Y DESAFIOS DEL SEGURO DE RESPONSABILIDAD Civil (Thomson Reuters 2021).

Pre-Contractual Utmost Good Faith of the Reinsured, in YONG QIANG HAN & GREGORY PYNT (EDS), *CARTER V. BOEHM AND PRE-CONTRACTUAL DUTIES IN INSURANCE LAW: A GLOBAL PERSPECTIVE AFTER 250 YEARS* (Hart Publishing 2018).

Pre-contractual Duties under American Insurance Law in YONG QIANG HAN & GREGORY PYNT (EDS), *PRE-CONTRACTUAL DUTIES IN INSURANCE LAW: CARTER V. BOEHM 250 YEARS ON* (Hart Publishing 2018)(with Martin Davies)(Hart Publishing 2018).

Insurance and Climate Change Litigation, in WILLIAM C.G. BURNS & HARI M. OSOFSKY (EDS.), *ADJUDICATING CLIMATE CHANGE: SUB-NATIONAL, NATIONAL, AND SUPRA-NATIONAL APPROACHES* (Cambridge 2009).

Punitive Damages in Bad Faith Actions Against Insurers in the USA: The Impact of Campbell v. State Farm, in ZEITSCHRIFT FÜR DIE GESAMTE VERSICHERUNGSWISSENSCHAFT, SUPPLEMENT JAHESTAGUNG 2007, p. 250 (2007).

From Johnstown to New Orleans: Insurance of Environmental Risks in the USA in ALEXANDER BRUNS & ZDENKO GROBENSKI (EDS.) *DIE VERSICHERUNG VON UMWELTRISIKEN (INSURANCE OF ENVIRONMENTAL RISKS)* 21 (2007).

Other

Note on The Principles of Reinsurance Contract Law (PRICL) and The COVID-19 Health Crisis (with Kevin Bork, Helmut Heiss, Marta Ostrowska, Ignacio Tirado, Anna Veneziano, Manfred Wandt & Oliver D. William)(PRICL in cooperation with the International Institute for the Unification of Private Law (UNIDROIT))

Rapporteur, Chapter 4 (Articles 4.1 and 4.2), *Reinsurer Liabilities Excess of Policy Limits and for Extra-Contractual Obligations*, PRINCIPLES OF REINSURANCE CONTRACT LAW (PRICL), PRICL Project Group in cooperation with the International Institute for the Unification of Private Law (UNIDROIT) (2022)(manuscript)

Rapporteur, Chapter 2 (Articles 2.1.1 through Article 2.4.5), *Duties of the Reinsurer and the Reinsured*, PRINCIPLES OF REINSURANCE CONTRACT LAW (PRICL), PRICL Project Group in cooperation with the International Institute for the Unification of Private Law (UNIDROIT) (2019)

Law Review Articles

The 2022 New Jersey Insurance Fair Conduct Act and the Incomplete Evolution of Policyholder Protection, 75 RUTGERS L. REV. 101 (2022)(forthcoming).

Insuring Fortuity – and Intent: A Comment on Professor French’s Insuring Intentional Torts, 83 OHIO ST. L.J. ONLINE __ (2022)(with Erik S. Knutsen)(forthcoming).

Technologically Improving Textualism, 6 NEV. L.J. FORUM, Article 2 (2022).

A Deeper Dive Into Nautilus: Differentiating Insurer Efforts to Recover Defense Costs and Assessing Recoupment in the Wake of the ALI Restatement, 56 TORT, TRIAL & INS. PRAC. L.J. 57 (2022).

What is the Meaning of “Plain Meaning”?, 56 TORT, TRIAL & INS. PRAC. L.J. 551 (2021).

Rejecting Word Worship: An Integrative Approach to Judicial Construction of Insurance Policies, 90 U. CIN. L. REV. 259 (2021)(with Erik S. Knutsen).

Adding Context and Constraint to Corpus Linguistics, 86 BROOK. L. REV. 389 (2021).

Hard Battles Over Soft Law: The Troubling Implications of Insurance Industry Attacks on the American Law Institute Restatement of the Law of Liability Insurance, 69 CLEVE. ST. L. REV. 606 (2021).

The Elastics of Snap Removal: An Empirical Case Study of Textualism, 69 CLEVE. ST. L. REV. 289 (2021)(with Thomas O. Main and David McClure).

Infected Judgment: Creating Conventional Wisdom and Insurance Coverage Denial in a Pandemic, 27 CONN. INS. L.J. 185 (2020)(with Erik S. Knutsen).

Snap Removal: Concept; Cause; Cacophony; and Cure 72 BAYLOR L. REV. 423 (2020)(with Thomas O. Main and David McClure).

How to Make a Dead Armadillo: The ALI Consumer Contracts Restatement and the Perils of Compromise, 32 LOYOLA CONSUMER L. REV. 605 (2020).

Legal Ethics and Law Reform Advocacy, 10 ST. MARY’S J. LEG. MALPRACTICE & ETHICS 102 (2020).

Protecting Auto Accident Victims from the UM/UIM Insurer Identity Crisis, 26 CONN. INS. L.J. 1 (2019-2020)(with Erik S. Knutsen).

Constructing More Reliable Law and Policy: The Potential Benefits of the Underused Delphi Method, 87 UMKC L. REV. 919 (2019)(with Juan Bataller-Grau, Elia Segui-Mas & Javier Vercher-Moll).

The Techno-Neutrality Solution to Navigating Insurance Coverage for Cyber-Losses, 122 PENN. ST. L. REV. 645 (2018)(with Erik S. Knutsen).

Asymetry and Adequacy in Discovery Incentives: The Discouraging Implications of Haeger v. Goodyear, 51 AKRON L. REV. 639 (2018).

Judicial Peremptory Challenges as Access Enhancers, 86 *FORDHAM L. REV.* 2263 (2018).

Hyatt v. Franchise Tax Board of California: Perils of Undue Disputing Zeal and Undue Immunity for Government Inflicted Injury, 18 *NEV. L.J.* 61 (2017).

An Analytic “Gap”: The Perils of Robotic Enforcement of Payment-by-Underlying-Insurer-Only Language in Excess Insurance Policies, 52 *TORT, TRIAL & INS. L.J.* 807 (2017).

Notes from a Quiet Corner: User Concerns About Reinsurance Arbitration – and Attendant Lessons for Selection of Dispute Resolution Forums and Methods, 9 *ARB. L. REV.* 93 (2017).

The Irrepressible Myth of Burnham – and Its Increasing Indefensibility After Goodyear and Daimler, 15 *NEV. L.J.* 1203 (2015).

Enhancing the Socially Instrumental Role of Insurance: The Emerging Opportunity Presented by Treatment of Breach of the Duty to Defend, 5 *UC-IRVINE L. REV.* 587 (2015).

Making Liquor Immunity Worse: Nevada’s Undue Protection of Commercial Hosts Evicting Vulnerable and Dangerous Patrons, 14 *NEV. L.J.* 866 (2014)

Rediscovering the Sawyer Solution: Bundling Risk for Protection and Profit, 11 *RUTGERS J. L. & PUB. POL’Y* 170 (2013).

Asymmetric Dynamism and Acceptable Judicial Review of Arbitration Awards, 5 *PENN. ST. YEARBOOK ON ARB. & MED.* 1 (2013).

Stoney Road Out of Eden: The Struggle to Recover Insurance for Armenian Genocide Deaths and Its Implications for the Future of State Authority, Contract Rights, and Human Rights, 18 *BUFF. HUM. RTS. L. REV.* 1 (2012).

Tainted Love: Arbitral Infatuation in Derogation of Sound and Consistent Jurisprudence, 60 *KAN. L. REV.* 795 (2012).

Taking Cognitive Illiberalism Seriously: Judicial Humility; Aggregate Efficiency; and Acceptable Justice, 43 *LOYOLA L.J.* 627 (2012).

Tending Potted Plants: The Professional Identity Vacuum in Garcetti v. Ceballos, 12 *NEV. L.J.* 703 (2012)(for *The Worst Supreme Court Case Ever?* Symposium).

Paradox Lost: The Potential of Restorative Attorney Discipline – with a Cautionary Call for Making Distinctions, 12 *NEV. L.J.* 350 (2012).

In Praise of Procedurally Centered Judicial Disqualification – and a Stronger Conception of the Appearance Standard: Better Acknowledging and Adjusting to Cognitive Bias, Spoliation, and Perceptual Realities, 30 *REV. OF LITIG.* 733 (2011).

Shady Grove and the Potential Democracy-Enhancing Benefits of Erie Formalism, 44 AKRON L. REV. 907 (2011).

Misclassifying the Insurance Policy: The Unforced Errors of Unilateral Contract Characterization, 32 CARDOZO L. REV. 101 (2010)(with Prof. Hazel Beh).

The Insurance Policy as Social Instrument and Social Institution, 51 WM. & MARY L. REV. 1489 (2010)(Winner, 2009 Liberty Mutual Insurance Prize).

Impeach Brent Benjamin Now!? Giving Adequate Attention to Failings of Judicial Impartiality, 47 SAN DIEGO L. REV. 1 (2010).

Feeding the Right Wolf: A Niebuhrian Perspective on the Opportunities and Limits of Mindful Core Concerns Dispute Resolution, 10 NEV. L.J. 472 (2010).

Refocusing Away From Rules Reform and Devoting More Attention to the Deciders, 87 DENV. U. L. REV. 3335 (2010).

The Insurance Policy as Statute, 41 MCGEORGE L. REV. 203 (2010).

Completing Caperton and Clarifying Common Sense Through Using the Right Standard for Constitutional Judicial Recusal, 29 REV. LITIG. 249 (2010).

Playing Forty Questions: Responding to Justice Roberts' Concerns in Caperton and Some Tentative Answers About Operationalizing Judicial Recusal and Due Process, 39 SOUTHWESTERN L. REV. 1 (2009).

The Insurance Policy as Thing, 44 TORT, TRIAL & INS. L.J. 813 (2009).

Chief William's Ghost: The Problematic Persistence of the Duty to Sit Doctrine, 57 BUFF. L. REV. 813 (2009).

The "Other" Intermediaries: The Increasingly Anachronistic Immunity of Managing General Agents and Independent Claims Adjusters, 15 CONN. INS. L.J. 600 (2008-2009).

Mandating Minimum Fairness in Mass Arbitration, 76 U. CINN. L. REV. 383 (2008).

Adam, Martin and John: Iconography, Infrastructure, and America's Pathological Inconsistency About Medical Insurance, 14 CONN. INS. L.J. 229 (2007-2008).

Keeping Arbitrations from Becoming Kangaroo Courts, 8 NEV. L.J. 251 (2007).

Assessing the Coverage Carnage: Asbestos Liability and Insurance After Three Decades of Dispute, 12 CONN. INS. L.J. 349 (2006).

Class Actions and Limited Vision: Opportunities for Improvement Through a More Functional Approach to Class Treatment of Disputes, 83 WASH. U.L.Q. 1127 (2006).

Lawyers, Democracy and Dispute Resolution: The Declining Influence of Lawyer-Statesmen Politicians and Lawyerly Values, 5 NEV. L.J. 479 (2005).

The Most Rational Branch: Guinn v. Legislature and the Judiciary's Role as Helpful Arbiter of Conflict, 4 NEV. L.J. 518 (2004).

Arbitration, Unconscionability, and Equilibrium: The Return of Unconscionability Analysis as a Counterweight to Arbitration Formalism, 19 OHIO ST. J. ON DISP. RES. 757 (2004).

Not So Peaceful Coexistence: Inherent Tensions in Addressing Tort Law Reform, 4 NEV. L.J. 337 (2004).

Malignant Democracy: Core Fallacies Underlying Election of the Judiciary, 4 NEV. L.J. 35 (2003)

Forgetfulness, Fuzziness, Functionality, Fairness and Freedom, in Dispute Resolution, 3 NEV. L.J. 305 (2003).

The Insurance Aftermath of September 11: Myriad Claims, Multiple Lines, Arguments Over Occurrence Counting, War Risk Exclusions, the Future of Terrorism Coverage, and New Issues of Government Role, 37 TORT & INS. L. J. 817 (2002).

Timeless and Ahead of It's Time: Lachs v. Fidelity & Casualty of New York, 2 Nev. L.J. 319 (2002).

An Inconsistently Sensitive Mind: Richard Posner's Cerebration of Insurance Law and Continuing Blind Spots of Economicalism, 7 CONN. INS. L.J. 7 (2000–2001).

Applying Amended Rule 26(B)(1) in Litigation: The New Scope of Discovery, 199 F.R.D. 396 (2001)(with David F. Herr, Esq.).

Ulysses Tied to the Generic Whipping Post: The Continuing Odyssey of Discovery "Reform", 64 L. & CONTEMP. PROBS. 197 (2001).

Politics and Sociology in Federal Civil Rulemaking: Errors of Scope, 52 ALA. L. REV. 529 (2001).

Doctors, HMOs, ERISA, and the Public Interest After Pegram v. Herdrich, 36 TORT & INS. L.J. 687 (2001)(with Nadia von Magdenko, Esq.).

The Inevitability of the Eclectic: Liberating ADR from Ideology, 2000 J. DISP. RES. 247.

Identifying Real Dichotomies Underlying the False Dichotomy: Twenty-First Century Mediation in an Eclectic Regime, 2000 J. DISP. RESOL. 371.

Theralaw and the Law-Business Paradigm Debate, 15 J. PSYCH. L. & PUB. POL. 344 (1999).

Embracing Descent: The Bankruptcy of a Business Paradigm for Conceptualizing and Regulating the Legal Profession, 27 FLA. ST. L. REV. 25 (1999).

Judge-Made Insurance That Was Not on the Menu: Schmidt v. Smith and the Confluence of Text, Expectation, and Public Policy in the Realm of Employment Practices Liability, 21 W. NEW ENG. L. REV. 283 (1999).

Domtar Baby: Misplaced Notions of Equitable Apportionment Create a Thicket of Potential Unfairness for Insurance Policyholders, 25 WM. MITCHELL L. REV. 769 (1999).

A Mixed Bag for Chicken Little: Analyzing Year 2000 Claims and Insurance Coverage, 48 EMORY L.J. 169 (1999).

Reason and Pollution: Construing the "Absolute" Pollution Exclusion in Context and in Light of its Purpose and Party Expectations, 34 TORT & INS. L.J. 1 (1998).

A More Complete Look at Complexity, 40 ARIZ. L. REV. 781 (1998).

Unmet Expectations: Undue Restriction of the Reasonable Expectations Approach and the Misleading Mythology of Judicial Role, 5 CONN. INS. L.J. 181 (1998).

Contracting Access to the Courts: Myth or Reality? Bane or Boon? 40 ARIZ. L. REV. 965 (1998).

Unreason in Action: A Case Study in the Wrong Approach to Construing the Liability Insurance Pollution Exclusion, 50 FLA. L. REV. 463 (1998).

Continuing Classroom Conversation Beyond the Four Whys, 29 TOLEDO L. REV. 59 (1998)(with Prof. Bailey Kuklin).

Beyond Formalism and False Dichotomies: The Need for Institutionalizing a Flexible Concept of the Mediator's Role, 24 FLA. ST. L. REV. 949 (1997).

Bootstrapping and Slouching Toward Gomorrah: Arbitral Infatuation and the Decline of Consent, 62 BROOK. L. REV. 1380 (1996).

Reflections of Judicial ADR and the Multi-door Courthouse at Twenty: Fait Accompli, Failed Overture, or Fledgling Adulthood? 11 OHIO ST. J. DIS. RES. 297 (1996).

Two Cheers for Specialized Courts, 61 BROOK. L. REV. 67 (1995).

Condescending Contradictions: Richard Posner and Pregnancy Discrimination, 46 FLA. L. REV. 193 (1994)(with Prof. Ann C. McGinley).

Halting Devolution or Bleak to the Future? Subrin's New-Old Procedure as a Possible Antidote to Drefuss's "Tolstoy Problem" 46 FLA. L. REV. 57 (1994).

Reassessing The Sophisticated Policyholder Defense in Insurance Coverage Litigation 42 DRAKE L. REV. 807 (1993), *reprinted in* 44 DEFENSE LAW JOURNAL 189 (1995).

New Paradigm, Normal Science, or Crumbling Construct? Trends in Adjudicatory Procedure And Litigation Reform, 59 BROOKLYN L. REV. 659 (1993).

Cultural Literacy and the Adversary System: The Enduring Problems of Distrust, Misunderstanding and Narrow Perspective, 27 VAL. U. L. REV. 313 (1993).

Sanctions, Symmetry, and Safe Harbors: Limiting Misapplication of Rule 11 by Harmonizing It with Pre-Verdict Dismissal Devices, 60 FORDHAM L. REV. 257 (1991), *reprinted in* 41 DEFENSE LAW JOURNAL 239 (1992).

Reconsidering the Employment Contract Exclusion in Section 1 of the Federal Arbitration Act: Correcting the Judiciary's Failure of Statutory Vision, 1991 J. DISP. RES. 259.

The Rehnquist Court, Statutory Interpretation, Inertial Burdens, and a Misleading Version of Democracy, 22 U. TOLEDO L. REV. 583 (1991).

A Better Approach to Arbitrability, 65 TULANE L. REV. 1377 (1991).

Pitfalls of Public Policy: The Case of Arbitration Agreements, 22 ST. MARY'S L.J. 259 (1990).

All Stressed Up But Not Sure Where To Go: Pondering the Teaching of Adversarialism in Law School (Book Review Essay), 55 BROOKLYN L. REV. 165 (1989).

A Distorted Mirror: The Supreme Court's Shimmering View of Summary Judgment, Directed Verdict, and the Value of Adjudication, 49 OHIO ST. L.J. 95 (1988).

Rehnquist, Recusal, and Reform, 53 BROOK. L. REV. 589 (1987)(winner, 1990 Sanford Levy Award).

Why Lawyers Should Be Allowed to Advertise: A Market Analysis of Legal Services, 58 N.Y.U. L. REV. 945 (1983)(with Prof. Geoffrey C. Hazard, Jr. and Prof. Russell G. Pearce).

Electoral Folklore: An Empirical Examination of the Abortion Issue, 1 YALE L. AND POL. REV. 1 (1982) (with William D. Morris, Ph.D.).

An Assessment of Alternative Strategies for Increasing Access to Legal Services, 90 YALE L.J. 122 (1980) (with Russell G. Pearce and Patrick W. Shea)(student empirical project).

Shorter Articles, Commentary, Book Reviews, Bar Publications, Features

COVID Coverage Cases Conflict With Insurer Documentation, LAW360 (May 24, 2022)(with Peter Kochenburger and Erik Knutsen).

How Sonic Boom Risk Informs ‘Physical Loss’ For COVID Era, LAW360 (April 5, 2022)(with Peter Kochenburger).

From Quiet to Confrontational to (Potentially) Quiescent: The Path of the ALI Liability Insurance Restatement, THE BRIEF (Fall 2020) p. 10.

Judicial Disqualification: Federal-State Differences, NEVADA LAWYER (March 2019), pp. 18-21.

Professional Responsibility Pitfalls: Often But Not Always Apparent, NEVADA LAWYER (May 2018), pp.8-12.

Comment to the Advisory Committee on the Federal Rules of Evidence (Feb. 16, 2016)(concerning proposed abolition of Rule 803(16)).

Comment to the Reporters of the ALI Restatement on the Law of Liability Insurance (submitted January 20, 2016)(Regarding Council Draft §44)

Franchise Tax Board of California v. Hyatt: Questions of Reciprocal Sovereign Immunity – and the Continued Force of Nevada v. Hall (Hamilton-Griffin on Rights Blog, Dec. 28 & 29, 2015; reprinted on SCOTUSblog)(two-part commentary).

Policyholder Rights to Independent Counsel, NEV. LAWYER (Dec. 2015), p. 12.

Rodney Dangerfield No More: The American Law Institutes’ Coming Restatement of the Law of Liability Insurance, NEV. LAWYER (Dec. 2015) p. 24.

Comment to the Reporters of the ALI Restatement on the Law of Liability Insurance (submitted November 18, 2015)(Regarding Preliminary Draft No. 1 §19)

Comment to the Reporters of the ALI Restatement on the Law of Liability Insurance (submitted November 18, 2015)(Regarding Preliminary Draft No. 2 §44)

The Worst Supreme Court Case Ever? Identifying, Assessing, and Exploring Low Moments of the High Court, 12 NEV. L.J. 516 (2012)(Introduction to Symposium).

Insurance in the Courts (with Randy Maniloff, Esq. & Marc Mayerson, Esq.), RISK

MANAGEMENT & INSURANCE REVIEW (Spring 2006-2010)(semi-annual feature articles summarizing recent insurance litigation and case outcomes).

Lawyer Professional Responsibility in Litigation, NEV. LAWYER (Aug. 2007), p. 12.

The Relationship Between Defense Counsel, Policyholders, and Insurers: Nevada Rides Yellow Cab Toward “Two-Client” Model of Tripartite Relationship. Are Cumis Counsel and Malpractice Claims by Insurers Next?, NEV. LAWYER (June 2007), p. 20.

The Status of the Notice/Prejudice Rule for Liability Insurance Claims in Nevada, NEV. LAWYER (June 2007), p. 10 (with Timothy S. Menter, Esq.).

Introduction to Symposium: Perspectives on Dispute Resolution in the Twenty-First Century, 3 NEV. L.J. 191 (2003).

An Overview of the Sarbanes-Oxley Act and Its Implications for Attorneys, NEVADA LAWYER (April 2003).

The Case for an Elected Judiciary in Nevada, COMMUNIQUE (April 2003).

Introduction: Favorite Insurance Cases Symposium, 2 NEV. L.J. 287 (2002).

Symposium: The Florida Tobacco Litigation -- Fact, Law, Policy, and Significance, 25 FLA. ST. U. L. REV. 737 (1998)(served as co-chair of Symposium on Florida Tobacco Litigation and Moderator of Panel).

Recent Case Developments (Regular Feature, CONNECTICUT INSURANCE LAW JOURNAL 1997–2001).

Recent Court Decisions, (Quarterly Feature, JOURNAL OF RISK AND INSURANCE 1997 – 2005).

Insurance in the Courts (Regular Feature, Risk Management & Insurance Review (2005-2009)).

Down and Dirty in the Global Village: Jack Webb's Guide To International Commercial Litigation, 6 J. TRANS. L. 367 (1997)(book review).

Insurance Coverage and Employment Claims, TRIAL (Nov. 1996) p. 82.

Reading Between the Lines: Insurance Contract Interpretation TRIAL (September 1995) p. 74.

Interpreting Insurance Policies, THE COMPLETE LAWYER (Summer 1995) *Law Notes*, p. 1.

Treatise Chapters and Supplements

Lead Editor, NEVADA CIVIL PRACTICE MANUAL (5th ed. 2001)(Supplements 2002, 2003, 2004).

2005, 2006, 2007, 2008, 2009).

Author, Chapter 56 (*Summary Judgment*) and Chapter 30 (*Oral Depositions*) in MOORE'S FEDERAL PRACTICE (3d ed. 1997)(quarterly supplementation Chapter 56, 1998-2012; Chapter 30, 1997-present).

Co-Author (with David F. Herr, Esq.) Chapter 6 (*Documentary Evidence*) and Chapter 10 (*Witnesses in General*) in Hon. Joseph M. McLaughlin, FEDERAL EVIDENCE PRACTICE GUIDE (Matthew Bender 1989).

Author, 1993 Supplements to Wolcott B. Dunham (ed.), NEW YORK INSURANCE LAW (1990)(Chapter 11 (*Regulation of Life Insurance Companies*); Chapter 21 (*Non-Profit Health Care Plans*); Chapter 22 (*Other Life, Annuity, Retirement and Health Entities*); Chapter 26 (*Basic Concepts of Insurance Law*); Chapter 29 (*Representations and Warranties*); Chapter 32 (*Life Insurance Policies*); Chapter 33 (*Life Insurance Claims*); Chapter 34 (*Annuities and Variable Contracts*); Chapter 35 (*Accident and Health Insurance*); Chapter 40 (*Professional Liability Insurance*); Chapter 46 (*Aviation Insurance*); Chapter 48 (*Workers' Compensation Insurance*); Chapter 52 (*Fidelity and Surety Insurance*).

Additional Teaching

Comparative Civil Procedure and Dispute Resolution (Insubria University, Como, Italy): July 2010, July 2011, July 2012, July 2013.

Comparative Liability Insurance: Chile and the United States (Adolfo Ibanez University, Santiago, Chile): December 2022.

Professional Presentations

An Overview of Insurance Regulation and How The Federal Government and the States Regulate Insurance -- A Practical Walk-Through of the System (as part of insurance regulation conferences sponsored by Executive Enterprises, Inc.): October 1989 (New York); March 1990 (New York); September 25-26, 1990 (New York); March 1991 (New York); September 26-27, 1991 (New York); October 1991 (Chicago); April 1992 (New York); July 13-14, 1992 (New York); July 12-13 1993 (New York).

The Legacy of *Goldberg v. Kelly* (panel moderator at Brooklyn Law School Symposium)(May 1990)(Brooklyn, NY).

Principles of Insurance Contract Interpretation, presented at Insurance Contract and Coverage program sponsored by Executive Enterprises, Inc. (October 1990)(New York)(also served as program co-chair).

How The Sophistication of the Policyholder Can Have an Impact On Coverage, presented at Insurance Contract and Coverage Briefing sponsored by Executive Enterprises, Inc.: October 1990 (New York); April 15-16, 1991 (New York)(also served as program co-chair).

Workshop on Drafting Effective Policy Language, presented at Insurance Contract and Coverage Briefing sponsored by Executive Enterprises, Inc.: April 15-16, 1991 (New York)(with David F. Herr, Esq.)(also served as program co-chair).

The Impact of New Amendments to the Federal Rules of Civil Procedure Regarding Discovery and Disclosure; National Association of Securities & Commercial Attorneys (January, 1994); (Captiva, Florida).

The Value and Drawbacks of Specialized Courts, presented at Brooklyn Law School Pomerantz Lecture forum (October 1994)(Brooklyn, New York)(commenting on Pomerantz Lecture by Prof. Rochelle Dreyfuss).

More on Coverage Defenses, presented at Denying Coverage and Related Issues conference sponsored by American Conference Institute: October 31-Nov. 1, 1994 (New York) and March 8-9, 1995 (New York).

Walking the Tightrope Between Acting in Bad Faith and Vigorously Defending, presented at Bad Faith and Punitive Damages in Insurance Claims conference sponsored by American Conference Institute: April 6-7 1995 (New York).

Interpretation of Insurance Contracts: Bad Faith, Duty to Defend, Duty to Settle, Related Issues, presented at Minnesota Insurance Law 1995 (conference sponsored by Minnesota Institute of Legal Education): April 5, 1995 (Bloomington, Minnesota).

What ADR Can Learn from Litigation, presented at Ohio State University Symposium and Schwartz Lecture (April 7, 1995)(Columbus, Ohio).

How Judges Read Reinsurance Contracts presented at Mealey's Reinsurance in the Real World Conference (June 12-13, 1996)(Palm Beach, Florida).

Arbitrator Training and Panel Discussion at Mediation of 10th Annual Conference for Arbitrators and Mediators sponsored by Florida Dispute Resolution Center, August 24-25, 1996 (Orlando, Florida).

Pleading in Securities Litigation After the Securities Law Reform Act of 1995; National Association of Securities & Commercial Attorneys (Jan. 28, 1997)(Key Largo, Florida).

Insurance Coverage for Employment and Environmental Claims; Minneapolis Club Corporate Counsel (March 5, 1997)(Minneapolis, Minnesota).

How Does General Liability Coverage Manage the Fear of Liability in Today's Litigious

Workplace?; Minnesota Institute of Legal Education (March 6, 1997)(Bloomington, Minnesota).

The Reasonable Expectations Doctrine in Florida, 1997 Annual Meeting of the Florida Association of Defense Counsel (Sept. 1997)(St. Petersburg, Florida).

Current Developments in American Insurance Coverage Law (Presented to Lloyd's Nonmarine Underwriters)(November 1997)(London, England).

The Florida Tobacco Litigation (Symposium Organizer and Panel Moderator)(November 1997)(Tallahassee, Florida).

The Reasonable Expectations Doctrine in the Third Decade, 1998 Association of American Law Schools Annual Meeting of the Insurance Law Section (January 6, 1998)(San Francisco, CA).

Are Courts and Juries Competent for Addressing Complex Cases?, University of Arizona/Institute for Law and Economics Symposium, Courts on Trial (April 20, 1998)(Tucson, Arizona).

Are Recent Restrictions on Jurisdiction Wise?, University of Arizona/Institute for Law and Economics Symposium, Courts on Trial (April 20, 1998)(Tucson, Arizona).

Insurance Coverage for Year 2000 Liability: An Overview, Presentation for Insurers and Counsel sponsored by Wilson, Elser, Moskowitz, Edelman & Dicker (May 4, 1998)(New York, New York).

Insurance Coverage and Employment Claims, Professional Underwriters Liability Society Symposium (March 5, 1999)(New York, New York).

Current Developments in Legal Ethics: The ABA Ethics 2000 Project, Florida Bar CLE (June 23, 1999)(Boca Raton, Florida).

Professional Responsibility Issues in Gaming Law, International Association of Gaming Attorneys (September 27, 1999)(Nassau, Bahamas).

The Current Status of Multidisciplinary Practice, Continuing Legal Education Program, Southern Nevada Women Attorneys Association (Las Vegas, Nevada, Jan. 2000).

Specialized Business Courts, Testimony before Nevada House-Senate Subcommittee on Improving Nevada Business Climate (Las Vegas, Nevada, Jan. 2000).

Current Issues in Civil Litigation, Conference of Nevada Justices, Judges & Legislators (Las Vegas, Nevada, June 2000).

Current Issues in Cyberlaw, Continuing Legal Education, State Bar of Nevada Annual Meeting (June 2000).

Liability and Insurance Issues Arising for Mold Claims, University of Nevada Las Vegas, Harry Reid Center for Environmental Studies (Las Vegas, Nevada, Oct. 18, 2001).

Professional Responsibility Issues Regarding Attorney's Fees and Liens, Clark County Continuing Legal Education (Las Vegas, Nevada, December 18, 2001).

When Insurance Plays a Role in Your Dispute, State Bar of Nevada Continuing Legal Education, Jan. 24 (Reno, NV) & Jan. 25 (Las Vegas, NV).

Perspectives on Dispute Resolution in the 21st Century, William S. Boyd School of Law and Nevada Law Journal Symposium, Jan. 25, 2002 (Las Vegas, NV).

Recent Cases Raising Questions of Professionalism, State Bar of Nevada Leadership Conference (Las Vegas, Nevada, Feb. 22, 2002).

Professional Responsibility and Celluloid Lawyers, (Nevada Inn of Court)(Las Vegas, Nevada, Feb. 25, 2002).

Negotiation Principles and Techniques, Nevada Inns of Court (Reno, Nevada)(March 13, 2002).

The Attorney-Client Privilege and Current Issues in Legal Ethics (Las Vegas, Nevada, July 26, 2002)(Clark County Bar Association CLE).

Legal Ethics for the Gaming Attorney (San Diego, California, September 13, 2002)(Annual Meeting of the International Association of Gaming Attorneys).

An Overview of the Sarbanes-Oxley Act and its Implications for Lawyers (Las Vegas, Nevada, October 29, 2002)(Lionel, Sawyer & Collins Legal Workshop).

Ethical Issues in Gaming Law (Las Vegas, Nevada, November 8, 2002)(State Bar of Nevada CLE).

Legal Ethics: The Year in Review (Las Vegas, Nevada, November 12, 2002 and Reno, Nevada, November 22, 2002)(State Bar of Nevada CLE; Standing Committee on Ethics and Professional Responsibility).

An Overview of the Sarbanes-Oxley Act and its Implications for Corporate Behavior (Las Vegas, Nevada, December 10, 2002)(Northern Trust Workshop).

Judicial Selection: The Case for Appointment over Election (Las Vegas, Nevada, December 10, 2002)((UNLV Center for Democratic Culture Symposium on Judging Judges)(also moderated morning panel).

Legal Ethics and the Gaming Lawyer: The Impact of Sarbanes-Oxley (Las Vegas, Nevada,

January 9, 2003)(2003 American Gaming Summit).

The Press and the Courts: Friend or Foe? (Las Vegas, Nevada, February 11, 2003)(Clark County CLE and Boyd School of Law)(moderator).

Diminished Value Claims and Auto Insurance: *Siegle v. Progressive* in Context (Miami Beach, Florida, February 21, 2003)(ABA Trial Tort & Insurance Law Section Committee on Insurance Coverage).

Remedies in Dispute Resolution (Las Vegas, Nevada, March 25, 2003)(Nevada Inn of Court and State Bar of Nevada CLE).

The Emerging Common Law of Arbitration Unconscionability (Hamden, Connecticut, April 15, 2003)(Yale-Quinnipiac Center on Dispute Resolution).

Tort Reform: Issues of Law and Policy (Las Vegas, Nevada, April 25, 2003)(Center for Democratic Culture and Boyd School of Law)(moderator).

An Update on Lawyer Regulation Under the Sarbanes-Oxley Act (Las Vegas, Nevada, May 9, 2003)(National Association of Former United States Attorneys)

Recent Lawyer and Business Regulation Affecting the Gaming Industry (Las Vegas, Nevada, May 23, 2003)(Nevada Association of Certified Public Accountants)(panel discussion).

Professional Responsibility Pitfalls for Young Lawyers (Las Vegas, Nevada, August 7, 2003)(Clark County Bar Association).

The Sarbanes-Oxley Act After One Year: Implications for Attorneys (Las Vegas, Nevada, August 21, 2003)(Clark County Bar Association).

Issues Facing Lawyers Under Sarbanes-Oxley (Las Vegas, Nevada, Sept. 23, 2003)(Association of Gaming Attorneys)

Principles of Principled Negotiation (Las Vegas, Nevada, November 3, 2003)(Western Interstate Child Support Enforcement Council; 20th Annual Training Conference).

Negotiation Workshop (Las Vegas, Nevada, November 3, 2003) (Western Interstate Child Support Enforcement Council; 20th Annual Training Conference).

Ethical Dilemmas: What=s an Insurer to Do? (New York, New York, December 5, 2003)(Defense Research Institute).

Ethics and Civility: Nevada Ethics 2000 Committee Recommendations Concerning Professional Conduct (Las Vegas, Nevada, December 10, 2003)(Nevada Inn of Court).

Recoupment of Defense Costs (Santa Monica, California, Feb. 20, 2004)(ABA Tort Trial and Insurance Section).

An Insurer's Contractual "Right to Defend": The Tripartite Relationship and "Independent Counsel" (Tucson, Arizona, March 5, 2004)(ABA Litigation Section Insurance Coverage Committee).

The Legacy of *Brown v. Board* (Las Vegas, Nevada, March 10, 2004)(Nevada Inn of Court)

Corporate Ethics: How to "Travel Straight" and "In a Good Direction" and Still Survive and Thrive in the Corporate World (Panel Discussion)(Reno, Nevada, April 29, 2004)(District of Nevada Judicial Conference).

Legal Ethics: The Year in Review (Reno, Nevada, Nov. 5, 2004)

Legal Ethics: The Year in Review (Las Vegas, Nevada, Nov. 19, 2004).

The Statute of Liberty -- or Not? Independent Counsel and the Tripartite Relationship (New York, Dec. 3, 2004)(DRI Insurance Coverage Symposium).

A Problem from Hell: Asbestos Liability and Insurance Coverage (Association of American Laws Schools Annual Meeting, Section on Insurance Law, San Francisco, California, January 7, 2005).

Is Successor Liability Insured? (ABA Tort, Trial & Insurance Section, Mid-Year Meeting, Phoenix, Arizona, Feb. 18, 2005).

Civility: An Overview (State of Nevada Board of Regents Meeting, March 11, 2005, Las Vegas, Nevada).

Class Actions and Limited Vision: Opportunities for Expanding Class Treatment Through a More Functional Approach to Class Actions (Institute for Law and Economic Policy, Symposium, Lake Las Vegas, Nevada, April 8, 2005).

Coverage for Asbestos-Related Liability: Was the Insurance Industry Unfairly Surprised? (Symposium, AAsbestos: Anatomy of a Mass Tort@; University of Connecticut School of Law, Hartford, Connecticut, Nov. 2, 2005).

Nevada Legal Ethics: The Year in Review (State Bar of Nevada Continuing Legal Education, Las Vegas, Nevada, Nov. 18, 2005).

Campbell v. State Farm Insurance: How a Roadside Collision Spurred 25 Years of Litigation and Changed American Law of Evidence, Legal Ethics, Punitive Damages, and Constitutional Law (Georgia-Augusta University, Goettingen, Germany, Nov. 22, 2005).

From Johnstown to New Orleans: Insurance of Environmental Risks in the USA (Symposium, Insurance of Environmental Risks, Competence Center on Insurance Science, Goettingen, Germany, Nov. 23, 2005)

The American Insurance System: An Agenda for Research and Reform (Dickinson School of Law, Pennsylvania State University, Carlisle, Pennsylvania, Dec. 5, 2005).

Insurance Coverage Coverage Issues in Nevada (National Business Institute, Las Vegas, Nevada, Oct. 12, 2006).

Nevada Legal Ethics: The Year in Review (State Bar of Nevada, Reno, Nevada, Nov. 17, 2006 & Las Vegas, Nevada, Dec. 1, 2006).

Legal Ethics and Ex Parte Contacts (Southern Nevada Inn of Court, Las Vegas, Nevada, Jan. 9, 2007).

Keeping Arbitrations from Becoming Kangaroo Courts (Boyd School of Law-UNLV Symposium, *The 75th Anniversary of the Federal Arbitration Act*, Las Vegas, Nevada, Jan. 26, 2007).

Punitive Damages in the United States: History, Controversy and Recent Developments (Universita Commerciale Luigi Bocconi, Milan, Italy March 5, 2007).

Insurance Punitive Damages After *Campbell v. State Farm Insurance* (German Insurance Science Association Annual Meeting, Stuttgart, Germany, March 8, 2007).

Mandating Minimal Fairness in Mass Arbitration (University of Cincinnati Corporate Law Center Symposium, *Twenty Years after McMahon*, Cincinnati, Ohio, March 30, 2007).

Litigation and Its Unanticipated Consequences: *Campbell v. State Farm* and the Evolving American Law of Punitive Damages (Litigation and Its Discontents Panel of the Annual Meeting of the Law and Society Association, Humboldt University, Berlin, Germany, July 26, 2007).

Ghost-Lawyering (Nevada Legal Services 25th Anniversary Symposium, October 17, 2007, Las Vegas).

Ethical Challenges for New Practitioners (Boyd School of Law Alumni CLE Symposium, November 2, 2007, Las Vegas).

Legal Ethics in Nevada: The Year in Review (State Bar of Nevada, Nov. 16, 2007, Las Vegas and Nov. 30, 2007, Reno).

Insurance Bad Faith and Public Policy: *Campbell v. State Farm* and the Evolving American Law of Punitive Damages (Nov. 19, 2007)(Osher Lifelong Learning Institute, Las Vegas).

Recent Developments in Nevada Legal Ethics (Lionel Sawyer & Collins Continuing Legal Education, Nov. 28, 2007, Las Vegas).

The “Other” Intermediaries: The Increasingly Anachronistic Immunity of Managing General Agents and Independent Claims Adjusters (Association of American Law Schools Section on Insurance Law, New York, Jan. 5, 2008).

The Liability Regime of “Downstream” Insurance Intermediaries and Sureties (March 31, 2008)(Osher Lifelong Learning Institute, Las Vegas).

Exxon: Supreme Court Rules on Preemption and Punitive Damages (July 17, 2008)(ALI-ABA Audio Webcast panel discussion).

Campbell v. State Farm: Lessons for Lawyers (Kentucky Justice Association Annual Meeting, September 5, 2008).

Current Issues in Professional Responsibility (Lionel, Sawyer & Collins Continuing Legal Education program, Tahoe City, California, October 4, 2008).

Ethical Issues for Lawyers in Construction Defect Litigation (BVR Comprehensive Construction Defect Claims & Coverage SuperConference (Las Vegas, NV, Nov. 6, 2008).

Nevada Legal Ethics: The Year in Review (State Bar of Nevada, Las Vegas, NV, Nov. 19, 2008 and Reno, NV, Dec. 5, 2008).

Construing Insurance Policies: Four Views of the Cathedral (Insurance Law Section program, AALS Annual Meeting, Jan. 9, 2009, San Diego, CA).

Diversity in the Legal Profession (Moderator/Panelist)(Boyd School of Law, Las Vegas, NV, Feb. 5, 2009).

Motion Mania: What Do Judges (and Lawyers) Really Want in Motion Practice? (Las Vegas, NV, McKibben Inn of Court, Feb. 10, 2009).

How the Bar and Law School Can Work Together to Prepare New Lawyers for Practice in Nevada (Panelist)(Boyd School of Law, Las Vegas, NV, March 27, 2009).

Quadrangulating Insurance Policy Meaning (McGeorge School of Law, Sacramento, CA, April 10, 2009).

Recent Developments in Judicial Disqualification and Judicial Conduct (Boyd School of Law Alumni CLE, Las Vegas, NV, Oct. 16, 2009).

Preserving Points for Appeal in Opening Statements and Closing Arguments: Objections and Plain Error (Howard McKibben Inn of Court, Las Vegas, NV, Nov. 10, 2009).

Legal Ethics: The Year in Review (State Bar of Nevada CLE, Las Vegas, NV, Nov. 12, 2009)(simulcast to Reno, NV).

Professional Responsibility Issues for Board Counsel (Federation of State Medical Board Counsel, Las Vegas, NV, Nov. 13, 2009).

An Update on Legal Ethics (Lionel, Sawyer & Collins, Las Vegas, NV, Nov. 19, 2009).

Legal Ethics – 2009: Highlights and Emerging Issues (State Bar of Nevada CLE, Las Vegas, NV, Dec. 21, 2009)(simulcast to additional locations).

The New Nevada Code of Judicial Conduct (Washoe County Bar Assn., Reno, NV, Feb. 10, 2010).

Bankruptcy and Dispute Resolution (Saltman Center Conference on Conflict Resolution and the Economic Crisis, Las Vegas, NV, Feb. 13, 2010).

Quadrangling Insurance Coverage: Four Views of the Cathedral (AALS Contracts Section Conference, Las Vegas, NV, Feb. 27, 2010).

Class Actions and Punitive Damages In the United States (Insubria University, Como, Italy, July 18, 2010).

Merit Selection of Judges (UNLV, September 15, 2010)(moderator).

Avoiding Ethical Pitfalls: Examples from Across the Nation (Boyd School of Law, October 4, 2010).

The Insurance Policy as Social Instrument and Social Institution (Liberty Mutual Prize Lecture, Boston College, Newton, MA, Oct. 6, 2010).

Electing or Appointing Judges (Boyd School of Law, October 22, 2010)(moderator),

Avoiding Ethical Pitfalls: Examples from Across the Nation (Lionel Sawyer & Collins CLE Program, Las Vegas, November 4, 2010)

Legal Ethics: The Year in Review (Las Vegas, Dec. 3, 2010).

Current Issues in Judicial Disqualification: Assessing the Landscape Post-Caperton, Citizens United and the 2007 ABA Model Code of Judicial Conduct, AALS Section on Litigation (co-sponsored by Sections on Civil Procedure and Professional Responsibility) (San Francisco, Jan. 7, 2011).

Current Issues in Legal Ethics (State Bar of Nevada/Boyd School of Law CLE)(Las Vegas, Nev.,

Feb. 4, 2011).

Fundamentals of Litigation Practice: Drafting Effective Pleadings (ThomsonReuters (West) National Webinar, May 19, 2011).

Fundamentals of Litigation Practice: Scope of Discovery (ThomsonReuters (West) National Webinar, June 16, 2011).

Carrigan v. Ethics Commission: The U.S. Supreme Court Rescues Nevada from Temporary Insanity (Southern Nevada Association of Women Attorneys, Las Vegas, Nevada, July 7, 2011).

Fundamentals of Litigation Practice: Sanctions: Bringing and Avoiding Sanctions Motions (ThomsonReuters (West)(National Webinar, Nov. 17, 2011).

Recent Developments in Legal Ethics (Lionel, Sawyer & Collins CLE Program, Las Vegas, Nov. 17, 2011).

Fundamentals of Litigation Practice: Post-Trial Motions (ThomsonReuters(West)(National Webinar, Dec. 15, 2011).

Legal Ethics: The Year in Review (State Bar of Nevada CLE Program, Las Vegas, Dec. 15, 2011).

Politics, Ethics, and the Supreme Court: The Present and Future of Supreme Court Recusal (Presenter and Panelist)(Association of American Law Schools Annual Meeting, Washington, DC, Jan. 6, 2012).

Fundamentals of Litigation Practice: Use and Discovery of Experts (ThomsonReuters(West) (Feb. 16, 2012).

Fundamentals of Litigation Practice: Effective Use of Interrogatories and Document Requests (ThomsonReuters(West)(March 15, 2012).

Saints & Sinners: Ethical Issues in Marketing Legal Services (ABA Business Law Section Annual Meeting)(Las Vegas, NV, March 22, 2012).

Power Grab: The Supreme Court's Inconsistent and Result-Oriented Arbitration Jurisprudence (Law & Society Annual Meeting, Honolulu, Hawaii, June 5, 2012).

Guido Calabresi: The Establishment Iconoclast (Adolfo Ibanez University, Santiago, Chile August 10, 2012).

Managing the Arbitration Process for Efficiency & Economy Following the Preliminary Hearing (Training Program conducted for the American Arbitration Association, Las Vegas, Nevada, November 7, 2012)

Unfinished Business: When Lateral Hires Become Toxic (Lionel Sawyer & Collins CLE, Las Vegas, Nevada, December 6, 2012)(with Paul Hejmanowski, Esq. and A. William Maupin, Esq.).

Notice and Insurance: Reconsidering Distinctions Between Occurrence and Claims-Made Policies (Lionel Sawyer & Collins CLE Presentation, Las Vegas, Nevada, December 6, 2012).

Unfinished Business: When Lateral Hires Become Toxic (State Bar of Nevada Ethics Year in Review 2012, Las Vegas, Nevada, December 10, 2012)(with Paul Hejmanowski, Esq. and A. William Maupin, Esq.) .

Ameliorating Exceptionalism (Association of American Law Schools Annual Meeting – Health Law Section Meeting, New Orleans, Louisiana, January 5, 2013).

The Duties and Liabilities of the Insurance Broker (ABA Tort Trial & Insurance Practice Section Insurance Coverage Litigation Committee Midyear Program, Phoenix, Arizona, Feb. 15, 2013).

Aysmetric Dynamism and Acceptable Judicial Review of Arbitration Awards (Penn State Yearbook on Arbitration and Mediation Symposium on The Role of the Courts: Judicial Review of Arbitral Awards and Mediated Settlement Agreements, Carlisle, Pennsylvania, Feb. 22, 2013).

Rediscovering the Sawyer Solution: Bundling Risk for Protection and Profit (Rutgers School of Law-Camden Conference on Fragmented Risk, Camden, New Jersey, March 1, 2013).

Popular Culture and Professionalism (State Bar of Nevada CLE, Las Vegas, Nevada, March 8, 2013).

Extraordinary Pretrial Remedies (State Bar of Nevada CLE, Las Vegas, Nevada, April 18, 2013).

The Insurance Policy as Social Instrument (Aldolpho Ibanez University, Santiago, Chile, June 20, 2013).

Popular Culture and Professionalism (State Bar of Nevada/UNLV CLE, Las Vegas, Nevada, October 5, 2013).

Professional Responsibility: Cautionary Trails From Across the Country (Lionel, Sawyer & Collins CLE, Las Vegas, Nevada, Nov. 21, 2013).

Conflicts of Interest: Identifying the Client and the Duties (Panel Discussion at Lionel, Sawyer & Collins CLE, Las Vegas, Nevada, Nov. 21, 2013).

Basics of Insurance Coverage (CLE, State Bar of Nevada, Las Vegas, Nevada, Jan. 15, 2014).

Hot Topics in Insurance (CLE, State Bar of Nevada Annual Meeting, Newport Beach, California,

July 11, 2014).

Insurer Breach of the Duty to Defend: What Consequences in the USA? (Jornadas de Reccho Comercial (Chilean Commercial Law Congress), Adolpho Ibanez University, Santiago, Chile, August 28, 2014).

Enhancing the Socially Instrumental Role of Insurance: Too Often Missing the Opportunity Presented by Breach of the Duty to Defend (University of California-Irvine Symposium on The Relationship between Insurance and Legal Regulation: Normative, Theoretical and Empirical Perspectives), Irvine, California, September 19, 2014).

Insurer Breach of the Duty to Defend: What Consequences? What Direction? (CLE, Lionel, Sawyer & Collins, Las Vegas, Nevada, Dec. 4, 2014).

Super-Failure of Mandated Disclosure: The Case of Insurance (Tenth International Conference on Contracts, Contracts Section of the Association of American Law Schools, Las Vegas, Nevada, Feb. 28, 2015)

Aiding and Abetting: The Supreme Court's Unfortunate Encouragement of Police Misconduct (Joint Program of the Federalist Society and the Black Law Students Association on Police Misconduct, Las Vegas, Nevada, April 10, 2015)

Things You Don't Know Can Hurt You. Here Are Twelve of Them (Clark County Bar Association CLE Program in Lawyer Professional Responsibility, Las Vegas, Nevada, June 25, 2015).

Police Misconduct Litigation in the USA (Adolpho Ibanez University, Santiago, Chile, Aug. 6, 2015).

Insurance Intermediaries in the United States (University of Connecticut/Renmin Law School Conference *The U.S. & China: New Insurance Products, New Regulatory Challenges*, Oct. 9, 2015, Hartford, Connecticut).

Ethical Challenges in ADR (State Bar of Nevada Section on Alternative Dispute Resolution CLE, Psychology of Negotiation, Mediation Ethics and Appellate Court Practice Tips, Nov. 6, 2015, Las Vegas, Nevada).

Hearsay and Its Discontents: The Ancient Documents Exception as a Window (Boyd Law Alumni State Bar of Nevada CLE, Reno, Nevada, January 14, 2016).

The Ethics of Claims Handling (Defense Research Institute, Insurance Coverage and Claims Institute, Chicago, Illinois, April 7, 2016)

Excess Insurance, Attachment of Liability, and Current Controversy in the USA Surrounding Exhaustion of Underlying Limits: The Clash between Purpose, Policy Text and Public Policy

(Seminar on International Development of Insurance Law in China, Dalian, China, June 3, 2016)

Excess Insurance, Attachment of Liability, and Current Controversy in the USA Surrounding Exhaustion of Underlying Limits: The Clash between Purpose, Policy Text and Public Policy (Beihang University, Beijing, China, June 6, 2016)

Implicit Bias, Cognitive Error & Judicial Recusal (Institute for the Advancement of the American Legal System Symposium on Best Practices for Ensuring Fairness, Transparency, and Timeliness in Recusal Practices for State Court Judges, Colorado Springs, Colorado, November 4, 2016)

Comments From a Quiet Corner: Current Concerns Regarding Reinsurance Arbitration (Penn State Symposium, The Issues in Arbitration, State College, Pennsylvania, Feb. 3, 2017)(by electronic connection)

Legal Ethics and Law Reform Advocacy (Rutgers Workshop on Insurance, Camden, New Jersey, Oct. 20, 2017)

Judicial Peremptory Challenges and Increasing Access to Justice (Fordham Stein Center Civil Procedure Colloquium, New York, N.Y., Oct. 27, 2017)

What Went Wrong? A Look At Professional Responsibility Pitfalls From Across the Nation (Nevada State Bar CLE: Ethics: The Year in Review, Las Vegas, Nevada, Nov. 7, 2017)

The American Law Institute Restatement (of the Law of Liability Insurance) and Its Discontents (Central University of Finance and Economics, Beijing, China, Dec. 11, 2017)

The Duty to Defend in USA Insurance Law (Central University of Finance and Economics, Beijing, China, Dec. 11, 2017)

The Restatement of the Law of Liability Insurance: Is The Sky Falling? (ABA Litigation Section Insurance Coverage Litigation Committee CLE Seminar, Tucson Arizona, March 1, 2018)(Plenary Session Panel Discussion)

Rejecting Word Worship: An Integrative Approach to Construction (ALI Early Career Scholars Medal Conference, Washington, D.C., April 6, 2018)(with Erik S. Knutsen)

The Techno-Neutrality Solution to Navigating Insurance Coverage for Cyber-Losses (Penn State Law Review Symposium/CLE: *Insuring Against Cyber Risk: The Evolution of an Industry*, Pittsburgh, PA and State College, PA, April 13, 2018)(with Erik S. Knutsen)

Hard Battles Over Soft Law: The Substantive and Political Implications of Controversy Surrounding the American Law Institutes *Restatement of the Law of Liability Insurance* (Joint Conference of the Asia-Pacific Risk and Insurance Association and the Insurance Risk and Finance Research Centre-Nanyang Technological University, Singapore, July 31, 2018)

The RLLI and Insurer Settlement Obligations (University of Connecticut Insurance Law Center Symposium: The Restatement of the Law of Liability Insurance: The World Turned Upside Down?, Hartford, Connecticut, April 5, 2019)

The RLLI and Contract Interpretation: Too Much Fuss About Too Little (Rutgers Center for Risk and Responsibility Symposium: Was the World Turned Upside-Down? The ALI Restatement of the Law, Liability Insurance, Camden, New Jersey, April 12, 2019)

What Do We Mean by “Plain Meaning”? (American College of Coverage Counsel Annual Meeting and Symposium, Chicago, Illinois, May 9, 2019)

The Elastics of Snap Removal: Judicial Traits and Jurisprudential Divide (Fifth Annual Civil Procedure Workshop, Austin, Texas, October 25, 2019).

The Elastics of Snap Removal: Judicial Traits and Jurisprudential Divide (Bay Area Civil Procedure Forum, San Francisco, CA, November 19, 2019).

Legal Ethics and Law Reform Advocacy (19th Annual Symposium on Legal Malpractice & Ethics, St. Mary’s University School of Law, San Antonio, TX, January 24, 2020).

Testing the Troublesome Surplusage Canon (6th Annual Symposium on Law & Corpus Linguistics, BYU School of Law, Provo, Utah, February 6, 2020)(with Lawrence Solan)

Alternatives to Corpus Linguistics (Symposium on Data-Driven Interpretation)(Brooklyn Law School, March 6, 2020)(Moderator/Discussant)

Venue Issues in Covid-19 Coverage Litigation (American College of Coverage Counsel virtual symposium, May 14, 2020)(Panelist)

Mock Reinsurance Arbitration (*Commercial Lines Insurance v. NatCatGmbH*)(demonstrating application of Principles of Reinsurance Law (“PRICL”), AIDA Europe Annual Meeting, Zurich, Switzerland, September 17, 2020)(via Zoom)(Presenter/Counsel)

Hard Battles Over Soft Law: The Politics of Law Reform in the USA and the ALI Restatement of Liability Insurance, Il Congreso Internacional de Derecho de Seguros “Dimensiones y desafíos del Seguro de responsabilidad civil” XL Aniversario de la Ley del Contrato del Seguro (October 7, 2020, Madrid, Spain)(via remote connection).

Avoiding Ethical Trapdoors in Gaming Law or Finding Your Way Out of Tunnels: Exploring Real World Scenarios, 2020 Gaming Law Conference (Las Vegas, Nevada, Nov. 5, 2020)(with Anthony Cabot, Esq.)(via remote connection)

COVID-19: Challenges for (Re-)Insurance Law – A Transnational Perspective (Zurich, March 25, 2021)(conducted via Zoom)(Inaugural ATILA Transatlantic Lecture on Insurance Law, European Law Institute Insurance SIG series Transatlantic Lectures on Insurance

Law)(Panelist/Organizer)

A U.S. Perspective on COVID-19 Claims Following Fortunes and Settlements (AIDA International Reinsurance Working Party, Buenos Aires, May 11, 2021)(conducted via Zoom)

Liability & Insurance concerning Artificial Intelligence: Recent trends in US and EU Law (Zurich, September 23, 2021)(conducted via Zoom)(Panelist/Organizer)(European Law Institute Insurance SIG series Transatlantic Lectures on Insurance Law)

Reinfection: Examining Judicial Traits and Estimating Outcomes as Covid-19 Cases Gain Appellate Review (Chicago, Illinois; September 23, 2021)(American College of Coverage Counsel Annual Meeting)

Dictionary Use and Textual Literalism as De Facto – and Defective – Artificial Intelligence (III Congreso Internacional de Derecho del Seguro, Madrid, Oct. 6, 2021)(via Blackboard)(with Erik S. Knutsen)

Bringing Rigor to Textualism Through Artificial Intelligence (III Congreso Internacional de Derecho del Seguro, Madrid, Oct. 6, 2021)(via Blackboard)(with Erik S. Knutsen)

Professional Responsibility Aspects of Mentoring (Howard McKibben Inn of Court, Las Vegas, NV February 8, 2022)(via Zoom).

(North) American Exceptionalism: The Auto Liability Version (Presentation with Erik S. Knutsen)(European Law Institute Insurance SIG series Transatlantic Lectures on Insurance Law, March 10, 2022).

Will It Be That New a Day in New Jersey? Assessing the IFCA (Rutgers Law School Center for Risk and Responsibility, April 13, 2022)(via Zoom).

The Combative War Exclusion: Past, Present, Future; Theory and Practice (Presentation with Erik S. Knutsen)(European Law Institute Insurance SIG series Transatlantic Lectures on Insurance Law, September 29, 2022).

The New Face(s) and Future(s) of War and Related Exclusions (Presentation with Erik S. Knutsen)(IV Congreso Internacional De Derecho Del Seguro)(Universidad Pontificia Comillas, Madrid, October 14, 2022).

U.S. Insurance Law: Structural Features and Current Controversies (Universidad Pontificia Comillas, Escuela de Derecho, Madrid, Oct. 17, 2022).

MEMBERSHIPS:

Academy of Insurance (2015 – present)

American Law Institute (1991 - present)
 Adviser, *Principles of the Law of Liability Insurance* (2011-2018)

American Bar Association (1982 -present).
 (Winner, 2017 Robert B. McKay Law Professor Award of the Tort Trial
 and Insurance Practice Section)
 Section on Business Law
 Section on Legal Education and Admission to the Bar
 Section on Litigation
 Tort Trial & Insurance Practice Section;

American Bar Foundation (2015 – present)
American College of Coverage Counsel (2015 – present)
American Judicature Society (1984 - present)
American Association for Justice (2002 – present)
Association of the Bar of the City of New York (1988 - present);
Clark County Bar Association (2001– present)
Defense Research Institute (2003 – present)
European Law Institute (2018 – present)
 Insurance SIG (2019 – present)

Project Group, Principles of Reinsurance Contract Law (2015 – present)
Risk Insurance Management Society (2002 – present)

State Bar of Nevada
 Nevada Judicial Code Commission (2008 – 2010)
 Standing Committee on Ethics and Professionalism (2000 – 2010)(Chair,
 2008 – 2010)
 Nevada Ethics 2000 Commission (2003 - 2006)

LAW SCHOOL ACTIVITIES:

Editor, YALE LAW JOURNAL, Volume 90 (Member, Volume 89).
Director, Thomas Swan Barristers' Union, 1980–81.
 Recipient, John Fletcher Caskey Prize, Spring, 1980.
Co-founder, YALE LAW AND POLICY REVIEW.