

Kyle D. Logue

University of Michigan Law School
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ACADEMIC APPOINTMENTS

UNIVERSITY OF MICHIGAN SCHOOL OF LAW

Douglas A. Kahn Collegiate Professor of Law (2016-Present)
Wade H. and Dores M. McCree Collegiate Professor of Law (2006 – 2016)
Associate Dean for Academic Affairs (2006 – 2008)
Professor of Law (1998 – 2006)
Assistant Professor of Law (1993 – 1998)

TSINGHUA UNIVERSITY SCHOOL OF LAW (BEIJING)

Visiting Professor (Summer 2007)

UNIVERSITY OF VIRGINIA SCHOOL OF LAW

Visiting Professor of Law (2004 – 2005)

UNIVERSITY OF ALABAMA LAW SCHOOL

Visiting Professor of Law (summer 1998)

EDUCATION

YALE LAW SCHOOL. J.D. (1990)

Articles Editor, *Yale Law Journal*, Volume 99
John M. Olin Fellow in Law and Economics, Summers 1988 and 1989
Winner, Olin Prize for Best Student Paper in Law and Economics

AUBURN UNIVERSITY, COLLEGE OF LIBERAL ARTS, B.A., *summa cum laude* (1987)

Harry S. Truman Scholar (1985)
Phi Kappa Phi National Fellow (1987)

PROFESSIONAL ACTIVITIES AND EXPERIENCE

Honorary Member, American College of Coverage and Extracontractual Counsel
(2016)

Principal Investigator, Autonomous Vehicle Liability and Insurance Research
Project (2015-2016)

Chair, Administrative Committee of the UAW-GM Legal Services Employee Benefit
Plan (2010-present)

Commercial Arbitrator, Neutral (2012-present)

Sutherland, Asbill & Brennan (Atlanta, Georgia)
Attorney (1991-1993)

The United States Court of Appeals for the Fifth Circuit
Law Clerk to the Honorable Patrick E. Higginbotham (1990-1991)

AMERICAN LAW INSTITUTE
Member (2010 – Present)
Associate Reporter, ALI Project on *Restatement of the Law of Liability Insurance*
(2010 – Present)

AMERICAN ASSOCIATION OF LAW SCHOOLS
Insurance Section: Chair (2015), Chair Elect (2014), Treasurer (2013), Secretary
(2012)

AMERICAN LAW & ECONOMICS ASSOCIATION

LIBERTY MUTUAL PRIZE (2013)
For “Outsourcing Regulation: How Insurance Reduces Moral Hazard,” chosen as
most outstanding article of 2013 on property/casualty insurance

COURSES TAUGHT

Insurance Law and Regulation
Torts
Economic Analysis of Law
Advanced Topics in Torts and Insurance
Tort Theory
Federal Income Taxation
Tax Policy
Legal Transitions
Products Liability
Cost-Benefit Analysis

SCHOLARLY WORKS IN PROGRESS

RESTATEMENT OF THE LAW OF LIABILITY INSURANCE, AMERICAN LAW INSTITUTE
(with Tom Baker)

“The Forfeiture-of-Coverage-Defenses Rule: Enforcing the Duty to Defend under Factual
and Legal Uncertainty,” (with Tom Baker and Ezra Friedman)

“In Defense of the Restatement of the Law of Liability Insurance” (with Tom Baker)

“Reallocating Auto Risk in the Transition to Driverless Cars: From Driver Liability to Enterprise Liability”

“Some Thoughts on Unifying Tort Theory Through Insurance”

SELECTED PUBLICATIONS

“A Survey of Legal Issues Arising from the Deployment of Autonomous and Connected Vehicles,” *Michigan Telecommunications and Technology Law Review* (forthcoming 2017)

“NFIB v. Sebelius and the Individual Mandate: Thoughts on the Tax/Regulation Distinction,” 5 *Michigan Business and Entrepreneurial Law Review* 173 (2016)

“In Praise of (Some) Ex Post Regulation: A Response to Professor Galle,” 69 *Vand. L. Rev.* 97 (2016)

“The Perverse Effects of Subsidized Weather Insurance,” 68 *Stanford Law Review* 571 (2016) (with Omri Ben-Shahar)

“Encouraging Insurers to Regulate: The Role (If Any) for Tort Law,” 15 *University of California Irvine Law Review* 1355 (2015)

“The Unintended Effects of Government Subsidized Weather Insurance,” *Regulation*, Fall 2015, pp. 2-6 (with Omri Ben-Shahar)

“Delegating Tax,” 114 *Michigan Law Review* 235 (2015) (with James Hines)

“Mandatory Rules and Default Rules in Insurance Contracts,” in *IN LAW AND ECONOMICS OF INSURANCE*, edited by D. Schwarcz and P. Siegelman, 377-412. *RESEARCH HANDBOOKS IN LAW AND ECONOMICS SERIES ELGAR*, 2015 (with Tom Baker)

“Towards a Universal Framework for Insurance Anti-Discrimination Laws,” *Conn. Ins. L. J.* 21, no. 1 (2015): 1-52. (with Ronen Avraham & Daniel Schwarcz)

“Understanding the AMT, and Its Sibling (the AMxT),” 6 *Journal of Legal Analysis* (2014) (with James Hines)

The Ethiopian Tax System: Some Contemporary Issues and Problems (Co-editor with Tadesse Lencho) (2014)

INSURANCE LAW AND POLICY (Aspen Publishers) (3rd ed. 2013) (with Tom Baker)

“Understanding Insurance Anti-Discrimination Law,” 87 *University of Southern California Law Review* 195 (2014) (with Ronen Avraham and Daniel Schwarcz)

- "Outsourcing Regulation: Insurers as Regulators of Safety,"
111 *Michigan Law Review* 197 (2012) (with Omri Ben-Shahar)
- "How Insurance Substitutes for Regulation," *Regulation* (Winter 2012-13) (with Omri Ben-Shahar)
- "Narrowing the Tax Gap through Presumptive Taxation," 2 *Columbia Journal of Tax Law* 100 (2010) (with Gustavo Vettori)
- "Coordinating Sanctions in Tort," 31 *Cardozo Law Review* 2313 (2010)
- "Of Coase, Calabresi, and Optimal Tax Liability,"
63 *Tax Law Review* 797 (2010) (with Joel Slemrod)
- "Genes as Tags: The Tax Implications of Widely Available Genetic Information,"
61 *National Tax Journal* 843 (2008) (with Joel Slemrod)
- "Technology, Privacy, and the Future of Taxation," *National Tax Journal*, Vol.61,
Issue 4, Part 2 (2008) (issue editor, with Joel Slemrod).
- "Capital Levies and Transition to a Consumption Tax: A Comment," in *Key Issues in Public Finance* (2008)
- "Optimal Tax Compliance and Penalties When the Law Is Uncertain,"
27 *Virginia Tax Review* 241 (2007)
- "Tax Law Uncertainty and the Role of Tax Insurance,"
25 *Virginia Tax Review* 339 (2005)
- "Reparations as Redistribution," 84 *Boston University Law Review* 101 (2004)
- "Revisiting the Roles of Legal Rules and Tax Rules in Income Redistribution: A Response to Kaplow & Shavell," 89 *Iowa Law Review* 101 (2004) (with Ronen Avraham and David Fortus)
- "The Genie and the Bottle: Collateral Sources and the 9/11 Victims' Compensation Fund," 53 *DePaul Law Review* 591 (2003) (with Kenneth Abraham)
- "Legal Transitions, Rational Expectations, and Legal Progress," 13 *Journal of Contemporary Legal Issues* 211 (2003)
- "Insuring Against Terrorism – and Crime," 102 *Michigan Law Review* 268 (2003) (with Saul Levmore)
- "Redistributing Optimally: Of Tax Rules, Legal Rules, and Insurance," 56 *Tax Law Review* 203 (2003) (with Ronen Avraham)

- "The Current Life Insurance Crisis and How the Law Should Respond," 32 *Cumberland Law Review* 1 (2001)
- "If Taxpayers Can't Be Fooled, Maybe Congress Can: A Public Choice Perspective on the Tax Transition Debate," 67 *Chicago Law Review* 1507 (2000)
- "Smokers' Compensation: Toward a Blueprint for Federal Regulation of Cigarettes," 22 *Southern Illinois University Law Journal* 519 (1998) (with Jon Hanson and Mike Zamore)
- "A Critique of the Proposed National Tobacco Resolution and a Suggested Alternative,"(with Jon Hanson), *Law Quadrangle Notes* (March 1998)
- "The Costs of Cigarettes: The Economic Case for Ex Post Incentive-Based Regulation," 107 *Yale Law Journal* 1163-1361 (1998) (with Jon Hanson)
- "The Influence of Income Tax Rules on Insurance Reserves," Chapter in *The Limited Financing of Catastrophe Risk* 29-79 (Kenneth Froot, ed.) Chicago: Univ. Chi. Press (1998) (with David Bradford)
- "The Effects of Tax-Law Changes on Equilibrium Prices in the Property-Casualty Insurance Industry," Chapter in *The Economics of Property-Casualty Insurance* (David Bradford, ed.) Chicago: Univ. Chi. Press (1996) (with David Bradford)
- "Toward a Tax-Based Explanation of the Liability Insurance Crisis," 82 *Virginia Law Review* 895-959 (1996)
- "Tax Transitions, Opportunistic Retroactivity, and the Benefits of Government Precommitment," 94 *Michigan Law Review* 1129-1196 (1996)
- "Solving the Judgment-Proof Problem," 72 *Texas Law Review* 1375-1394 (May 1994)
- "The First-Party Insurance Externality: An Economic Justification for Enterprise Liability," 76 *Cornell Law Review* 129-196 (November 1990) (with Jon Hanson), excerpted in *Foundations of the Economic Approach to Law* 195-203 (Avery Wiener Katz, ed.) Oxford University Press (1998)

SELECTED PRESENTATIONS AND PANEL DISCUSSIONS

May 2016, Philadelphia, PA

Participated in “Roundtable on Security and Privacy for Cyber-Physical Systems” at the Center for Technology, Innovation and Competition, University of Pennsylvania Law School

May 2016, Washington DC

Presented Restatement of the Law of Liability Insurance, Chapters 1, 2, and 3 for approval at ALI Annual Meeting

April 2016, Ann Arbor, MI

Participated in (and helped to organize) conference: “Autonomous Vehicles: Legal and Regulatory Hurdles to Deployment,” at the University of Michigan Law School

January 2016, Boston, MA

Presented Restatement of the Law of Liability Insurance, Chapters 1, 2, and 3 at conference on “The New Face of Insurance Litigation,” at the Boston College Law School

October 2015, New York, NY

Presented Restatement of the Law of Liability Insurance, Council Draft 1, Chapters 1 and 2, to ALI Council

October 2015, Philadelphia, PA

Presented Restatement of the Law of Liability Insurance, Preliminary Draft 2, Chapter 3, to ALI Advisers and to the Members and Consultative Group

June 2015, Tel Aviv, Israel

Presented "The Perverse Effects of Subsidized Weather Insurance" at the Tel Aviv University School of Law Workshop on Law and Economics

May 2015, New York, NY

Presented "The Perverse Effects of Subsidized Weather Insurance" at the American Law and Economics Association Annual Meeting, Columbia University Law School

April 2015, Hartford, CT

Participated in a panel discussion on "Rethinking and Reform" at The Affordable Care Act Turns Five symposium, University of Connecticut School of Law

February 2015, Camden, NJ

Participated as a reporter for The American Law Institute's Restatement of the Law of Liability Insurance conference, Rutgers School of Law-Camden

November 2014, Los Angeles

Presented "Delegating Tax" at the Tax Policy Colloquium, Loyola Law School

September 2014, Irvine, California
Presented "Encouraging Insurers to Regulate" at The Relationship Between Insurance and Legal Regulation symposium, University of California Irvine School of Law

September 2014, Philadelphia
Presented Revised drafts of "Principles of the Law of Liability Insurance" to ALI Advisers

April 2014, Washington, DC
Presented Chapter 2 of "Principles of the Law of Liability Insurance" for approval at ALI Annual Meeting

April 2014, Chicago, IL
Discussed Terrorism Risk Insurance Act at National Journal conference held at Soldier Field, <http://www.rstreet.org/2014/04/15/r-streets-lehmann-on-terrorism-insurance/>

March 2014, Philadelphia, PA
Presented first draft of Chapter 3 of "Principles of the Law of Liability Insurance" to ALI advisers

March 2014, NY, NY
Presented "Delegating Tax" at NYU Law School, Tax Policy Colloquium

November 2013, Boston, MA
Presented "Regulating Weather Risk," at Boston College School of Law (for Liberty Mutual Prize)

October 2013, Hartford, CT
Presented "Mandatory and Default Terms in Insurance Contracts," at symposium on *The Law and Economics of Insurance* at University of Connecticut School of Law

May 2013, Washington, DC
Presented Chapter 1 of "Principles of the Law of Liability Insurance" for approval at ALI Annual Meeting

February 2013, Palo Alto, CA
Presented "Outsourcing Regulation: Insurers as Regulators of Safety" at Stanford Law & Economics Workshop

January 2013, Ann Arbor, MI
Presented draft of "Understanding Insurance Anti-Discrimination Law" at University of Michigan Law & Economics Workshop

September 2012, Philadelphia, PA
Presented draft of chapter 2, "Principles of the Law of Liability Insurance" at ALI Advisers meeting

May 2012, Philadelphia, PA

Presented first draft of chapter 1, “Principles of the Law of Liability Insurance” at ALI Annual meeting

March 2012, Philadelphia, PA

Presented draft of chapter 2, “Principles of the Law of Liability Insurance” at ALI Advisers meeting

January 2012, Philadelphia, PA

Presented draft of chapter 1, “Principles of the Law of Liability Insurance” at ALI Council meeting

August 2011, Chicago, IL

Presented draft of “Outsourcing Regulation” at the University of Chicago Law School

March 2011, Philadelphia, PA

Presented first draft of chapter 1 of “Principles of the Law of Liability Insurance” at ALI advisers meeting

October 2010, Ann Arbor, MI

Presented “Narrowing the Tax Gap Through Presumptive Taxation” at University of Michigan/Beida Annual Tax Conference

October 2009, New York, NY

Presented “Narrowing the Tax Gap through Presumptive Taxation” at the Columbia Law School Tax Policy Colloquium

September 2009, Beijing, China

Presented “Coordinating Sanctions in Tort” at an international conference on “The Forces of Economic Growth: A Law and Economics Perspective” held at The Center for Law and Economics at the China University of Politics and Law

June 2009, Boulder, CO

Presented “Narrowing the Tax Gap through Presumptive Taxation” at the 2009 Summer Tax Workshop at the University of Colorado

May 2009, Chicago, IL

Presented “Overlapping Sanctions in Tort” at the University of Chicago Law and Economics Workshop

April, 2009, Durham, NC

Presented “Overlapping Sanctions in Tort” at the Duke Law School Legal Theory Workshop

February 2009, Ann Arbor, MI

Presented “Of Coase, Calabresi, and Optimal Tax Liability” at the Michigan Tax Policy Workshop

October 2008, Toronto, Ontario

Presented “Of Coase, Calabresi, and Optimal Tax Liability” at the University of Toronto Law School Tax Policy Workshop

May 2008, Champaign, IL

Invited panelist at “Roundtable on Distributive Justice, Morality and Philanthropy” at the University of Illinois College of Law

February 18, 2008, Chicago, IL

Presented “Overlapping Sanctions” at Northwestern Law School’s Law & Economics Colloquium

October 2007, Washington, DC

Presented “Genes as Tags: The Tax Implications of Widely Available Genetic Information” at conference organized by Office of Tax Policy Research on “Technology, Privacy, and the Future of Taxation”

October 2007, Washington, DC

Co-organizer (with Joel Slemrod) of conference entitled “Technology, Privacy, and the Future of Taxation.” (Funding provided by American Tax Policy, the Lynde and Harry Bradley Foundation, the National Science Foundation, and the Office of Tax Policy Research)

February 22, 2007, New York, NY

Presented “Optimal Tax Penalties When the Law is Uncertain” at the NYU Colloquium on Tax Policy and Public Finance

May 5, 2006, New York, NY

Presented “Capital Levies and Transition to a Consumption Tax: A Comment”, at the conference at NYU Law School on “Key Issues in Public Finance: A Conference in Honor of David Bradford”

March 30, 2006, Chicago, IL

Presented “Optimal Tax Penalties When the Law is Uncertain” at the Northwestern University School of Law, Advanced Topics in Taxation, Colloquium Series

March 28, 2006, Ann Arbor, MI

Presented “Obeying Uncertain Law” at the University of Michigan Law School Fawley Lunch Workshop series

March 10, 2005, New York, NY

Presented “The New Market in Tax Insurance” at the NYU Colloquium on Tax Policy and Public Finance

February 17, 2005, Los Angeles, CA

Presented “The New Market in Tax Insurance” at the UCLA Tax Policy and Public Finance Workshop

October 22, 2004, Charlottesville, VA

Presented “The New Market in Tax Insurance” at the Virginia Legal Theory Workshop

April 9, 2004, Boston, MA

Presented “Reparations as Redistribution” at the Boston University School of Law Symposium: The Jurisprudence of Slavery Reparations

April 24, 2003, Chicago, IL

Presented “The Genie and the Bottle: Collateral Sources and the 9/11 Victims’ Compensation Fund” at the Clifford Symposium at DePaul University Law School

February 10, 2003, New York, NY

Presented “Legal Transitions, Rational Expectations, and Legal Progress” at the Columbia Law & Economics Workshop

February 6, 2003, New York, NY

Presented “Insuring Against Terrorism – and Insurance” at the Michigan Law & Economics Workshop

October 25, 2002

Presented “Legal Transitions, Rational Expectations, and Legal Progress” at the Legal Transitions Conference at the University of San Diego Institute for Law and Philosophy

February 28, 2002, New York, NY

Presented “Redistributing Optimally” at the NYU Colloquium on Tax Policy and Public Finance

February 15, 2002, Chicago, IL

Gave talk on “Insuring Against Terrorism” to joint meeting of Chicago and Michigan alumni groups

January 24, 2002, New York, NY

Talked about “Insuring against Terrorism” to Michigan alumni at New York state bar meeting

November 29, 2001, Palo Alto, CA

Presented “Redistributing Optimally” at a joint meeting of the Stanford Law & Economics Workshop and the Stanford Distributive Justice Seminar

November 13, 2001, Chicago, IL

Presented “Redistributing Optimally” at Chicago Law & Economics Workshop

February 2000, Hartford, Connecticut

Presented “Privatizing Risk Regulation: When Does Mandatory Liability Insurance Make Sense?” at the Insurance Law Center, University of Connecticut Law School

November 1999, Ann Arbor, Michigan

Presented “Subsidizing Life Insurance” at the University of Michigan Law & Economics Workshop

August 1999, Woodstock, Vermont

Presented paper entitled “Subsidizing Life Insurance” at the Harvard Law School Seminar on Current Research in Taxation

April 1999, Lexington, Kentucky

Presented “Privatizing Risk Regulation: When Does Mandatory Liability Insurance Make Sense?” at the University of Kentucky Law School

March 1998, Toledo, Ohio

Presented “How Best to Tax Cigarettes: Ex Ante or Ex Post?” at the Joseph A. Cannon Memorial Law Review Symposium entitled “Tobacco Regulation: Personal Rights v. Public Welfare”

February 1998, Washington, D.C.

Testified (with Jon Hanson) before the United States Senate Committee on Labor and Human Resources regarding Smokers’ Compensation proposal

October 1997, Washington, D.C.

Testified (with Jon Hanson) before the United States Senate Democratic Task Force on Tobacco regarding Problems With and Alternatives to the Proposed National Tobacco Resolution.

September 1997, Ann Arbor, Michigan

Gave talk entitled “Some Thoughts on the Proposed National Tobacco Settlement” at University of Michigan Law School Informal Lunch Talk Series

July 1997, Cambridge, Massachusetts

Presented draft of “Costs of Cigarettes” paper at “Harvard Law School Conference on the Proposed Tobacco Settlement: Should Tort Law Be on The Table?”

June 1997, Berkeley, California

Participated in “Workshop on Public Economics and Tax Policy” at University of California, Berkeley (invitation only workshop attended by 10-15 tax law professors and taught by public finance economists)

Selected Law School and University Service

Law School Committee Chairmanships:

Curriculum (2014-2016)

Intellectual Community (2015)

Academic Standards (2013)

Career Services and Professional Affairs (2009-10)

Symposium/Journals (2006-07)

Research (2006-08)

ABA Self-Study Committee (2006-07)

Tenure (2005-06)

Dean Search (2003)

Appointments (2000-01)

Legal Practice Program Supervisory Committee (1998-99)

Chair, Ad Hoc University Committee on Tobacco Investments (2000)

(wrote Tobacco Divestment Report, which advised University to divest from tobacco stocks and articulated the standard for future divestment)