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By:  Oliverson H.C.R. No. 58

CONCURRENT RESOLUTION

WHEREAS, In 2018, the American Law Institute passed a Restatement of the Law of Liability Insurance; and

WHEREAS, ALI Restatements have traditionally been held in high regard and relied upon by courts as authoritative references regarding established rules and principles of law; and

WHEREAS, Such Restatements, in the ALI's own words, are "primarily addressed to courts" and "aim at clear formulations of common law and its statutory elements of variations and reflect the law as it presently stands or might appropriately be stated by a court," as stated in the *ALI Style Guide, 2015*; and

WHEREAS, The Restatement contains several areas that, contrary to the above-stated intent, are inconsistent with well-established law and purport to address matters that are properly within the legislative prerogative; accordingly, courts cannot properly rely on the new Restatement; and

WHEREAS, The ALI's most recent Restatement is neither consistent with well-established insurance law nor respectful of the role of state legislators in establishing legal standards and practice for the insurance industry, and it is not worthy of recognition by the courts as an authoritative reference; now, therefore, be it

RESOLVED, That the 86th Legislature of the State of Texas hereby condemn the American Law Institute's 2018 Restatement of the Law of Liability Insurance and discourage courts from relying on the Restatement as an authoritative reference regarding established rules and principles of law; and, be it further

RESOLVED, That the Texas secretary of state forward official copies of this resolution to the president and director of the American Law Institute.