

By: Oliverson

H.C.R. No. 58

CONCURRENT RESOLUTION

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

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

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

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

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

22           RESOLVED, That the 86th Legislature of the State of Texas  
23 hereby condemn the American Law Institute's 2018 Restatement of the  
24 Law of Liability Insurance and discourage courts from relying on

1 the Restatement as an authoritative reference regarding  
2 established rules and principles of law; and, be it further

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