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December 12, 2017

David F. Levi
President
American Law Institute
4025 Chestnut St.
Philadelphia, PA, 19104

Dear President Levi:

Thank you for your letter of December 6, 2017 in response to my letter expressing NCOIL's continuing concern regarding the American Law Institute's (ALI) proposed Restatement of the Law of Liability Insurance (the proposed Restatement).

NCOIL was encouraged by your assertion in your December 6 letter that Council Draft No. 4, distributed to ALI members last week, would contain "several substantive changes to the Proposed Final Draft" of the proposed Restatement, and that some of the changes would be "on points on which you and others have expressed concerns." However, upon reviewing the latest draft, I write to note that I am unable to connect the premise of your letter with the reality of the revised draft. Based upon our review of Council Draft No. 4, it appears that the concerns I cited in my November 28, 2017 letter have gone largely ignored.

Before the NCOIL Executive Committee meets to consider the action outlined in my November 28 letter, we invite ALI to show NCOIL how our concerns have been addressed in Council Draft No. 4, or, in the alternative, how they will be addressed going forward. We request the courtesy of a reply to this request on or before December 19, 2017. With continued best regards for a Happy Holiday Season, I remain,

Very truly yours,

Thomas B. Considine
Chief Executive Officer
National Council of Insurance Legislators