# CONNECTICUT INSURANCE LAW JOURNAL

Volume 30, Number 2 Spring 2024



University of Connecticut School of Law Hartford, Connecticut Connecticut Insurance Law Journal (ISSN 1081-9436) is published at least twice a year by the Connecticut Insurance Law Journal Association at the University of Connecticut School of Law. Periodicals postage paid at Hartford, Connecticut. Known office of publication: 55 Elizabeth Street, Hartford, Connecticut 06105-2209. <u>Printing location: Sheridan, 450 Fame Ave, Hanover, Pennsylvania 17331.</u>

Please visit our website at http://cilj.law.uconn.edu or see the final page of this issue for subscription and back issue ordering information.

Postmaster: Send address changes to Connecticut Insurance Law Journal, 55 Elizabeth Street, Hartford, Connecticut 06105-2209.

The journal welcomes the submission of articles and book reviews. Submissions should be double-spaced and in Microsoft Word version 97 format or higher. Citations should conform to the most recent edition of THE BLUEBOOK: A UNIFORM SYSTEM OF CITATION.

It is the policy of the University of Connecticut to prohibit discrimination in education, employment, and in the provision of services on the basis of race, religion, sex, age, marital status, national origin, ancestry, sexual identity, status as a disabled veteran or veteran of the Vietnam Era, physical or mental disability, or record of such impairments, or mental retardation. University policy also prohibits discrimination in employment on the basis of a criminal record that is not related to the position being sought; and supports all state and federal civil rights statutes whether or not specifically cited within this statement.

Copyright © 2024 by the Connecticut Insurance Law Journal Association.

Cite as CONN. INS. L.J.

## CONNECTICUT INSURANCE LAW JOURNAL

### VOLUME 30 2023–2024 NUMBER 2

#### EDITORIAL BOARD 2023-2024

*Editor-in-Chief* Lauren E. Kidd

*Managing Editors* James C. Hallinan Andrea Catania

Articles Editors Eric Benoit Hannah G. Livezey

*Technology Editor* Kiana Laude

ANTHONY E. LOZIER

Symposium & Competition Editor

Assistant Managing Editor Allan Quade

> Executive Editors ERIN DENNEHY BENJAMIN GODLEY ANDREW J. HIGGINS MICHAEL NANFITO ESANGUBONG UDOH

**Research Editor** Autumn N. Siegel

**Membership** Editor

SRP Editor

IAN SHELDON

Administrative Editor

ALEXANDRIA ABACHERLI

RADHIKA S. BHAGAT Assistant Executive Editor

SPENCER BUCKLEY

TUCKER ALISSI AUTUMN AMES RENÉE BINGLING JOHN BUCKLEY KIRA BURNHAM WILL BUTLER NICOLE COLLETTO Associate Editors Remington Copertino Alexandrea W. Davenport Lindsay Dowty Spencer Duke Jack Fader Lindie Gibbs Olivia Kappel Tiffany McCormick Samantha Mortara

SHAQUILLE C. RICKETTS JACK RUBINO ELIZA RUSSELL ABRAHAM SCHWIMMER RACHEL THOMAS SAMUEL VALAS JOSEPH J. VAIL III

*Faculty Advisor* Travis Pantin Student Advisor Matt Nanci

#### UNIVERSITY OF CONNECTICUT SCHOOL OF LAW

#### FACULTY AND OFFICERS OF ADMINISTRATION FOR THE ACADEMIC YEAR 2023–2024

#### **Officers of Administration**

Radenka Maric, M.S., B.S., Ph.D., President, University of Connecticut Anne D'Alleva, B.A., M.A., Ph.D., Interim Provost and Executive Vice President for Academic Affairs

Eboni S. Nelson, B.A., J.D., Dean, School of Law

Paul Chill, B.A., J.D., Associate Dean for Academic Affairs and Clinical Professor of Law Jessica Rubin, B.A., J.D., Associate Dean for Experiential Education, Clinical Professor of Law Richard A. Wilson, BSc., Ph.D., Associate Dean for Faculty Development and Intellectual Life Karen L. DeMeola, J.D., Assistant Dean for Diversity, Belonging and Community Engagement Christina Mohr, B.S.B.A., J.D., Assistant Dean for Finance and Administration

#### **Faculty Emeriti**

Robin Barnes, B.A., J.D., Professor of Law Emerita

Loftus E. Becker, Jr., A.B., LL.B., Professor of Law Emeritus

John C. Brittain, B.A., J.D., Professor of Law Emeritus

Deborah A. Calloway, B.A., J.D., Professor of Law Emerita

Clifford Davis, S.B., LL.B., Professor of Law Emeritus

Timothy H. Everett, B.A., M.A., Clinical Professor of Law Emeritus

Todd D. Fernow, B.A., Professor of Law Emeritus and Former Director, Criminal Law Clinic

Timothy Fisher, B.A., J.D., Dean and Professor of Law Emeritus

Richard S. Kay, A.B., M.A., J.D., Wallace Stevens Professor of Law Emeritus and Oliver Ellsworth Research Professor of Law

Peter R. Kochenburger, A.B., J.D., Associate Clinical Professor of Law Emeritus

Lewis S. Kurlantzick, B.A., LL.B., Zephaniah Swift Professor of Law Emeritus and Oliver Ellsworth Research Professor of Law

James Kwak, A.B., Ph.D., J.D., Jesse Root Professor of Law Emeritus

Jennifer Brown Mailly, A.B., J.D., Clinical Professor of Law Emerita and Oliver Ellsworth Research Professor

Patricia A. McCoy, B.A., J.D., Professor of Law Emerita

R. Kent Newmyer, Ph.D., Professor of Law and History Emeritus

Nell J. Newton, B.A., J.D., Dean and Professor of Law Emerita

Jeremy R. Paul, A.B., J.D., Dean and Professor of Law Emeritus

Eileen Silverstein, A.D., J.D., Professor of Law Emerita

James H. Stark, A.B., J.D., Roger Sherman Professor of Law Emeritus and Oliver Ellsworth Research Professor

Kurt A. Strasser, B.A., J.D., LL.M., J.S.D., Phillip Blumberg Professor of Law Emeritus

Colin C. Tait, B.A., LL.B., Professor of Law Emeritus

Carol Ann Weisbrod, J.D., Professor of Law Emerita

Nicholas Wolfson, A.B., J.D., Professor of Law Emeritus

Stephen G. Utz, B.A., J.D., Roger Sherman Professor of Law Emeritus

#### Faculty of Law

Jill C. Anderson, B.A., University of Washington; J.D., Columbia University; Professor of Law Ashley B. Armstrong, B.A., Cornell University; J.D., LL.M., Georgetown University Law Center; Assistant Clinical Professor of Law

Jon Bauer, B.A., Cornell University; J.D., Yale University; Clinical Professor of Law and Richard D. Tulisano '69 Human Rights Scholar

Mary Beattie, B.A., Providence College; J.D., University of Bridgeport; Associate Clinical Professor of Law and Director, Academic Support

Bethany Berger, B.A., Wesleyan University; J.D., Yale University; *Wallace Stevens Professor of Law* 

Anya Bernstein, Ph.D. University of Chicago; J.D., Yale University, Professor of Law

Robert L. Birmingham, A.B., J.D., Ph.D. (Econ.), Ph.D. (Phil.), University of Pittsburgh; LL.M., Harvard University; *Professor of Law*  Diana R. Blank, B.A., Stanford University; Ph.D., University of California at Berkeley; J.D., Yale Law School; Visiting Assistant Clinical Professor of Law and William R. Davis Clinical Teaching Fellow

Kiel Brennan-Marquez, B.A., Pomona College; J.D., Yale University; Professor of Law, William

T. Golden Scholar, and Faculty Director of the Center on Community Safety, Policing, and Inequality

- Paul Chill, B.A., Wesleyan University; J.D., University of Connecticut; *Clinical Professor of Law* John A. Cogan, Jr., B.A., University of Massachusetts Amherst; M.A., University of Texas; J.D.,
- University of Texas School of Law; *Professor of Law and Roger S. Baldwin Scholar* Mathilde Cohen, B.A., M.A., L.L.B., Sorbonne-École Normale Supérieure; LL.M., J.S.D., Columbia University; *George Williamson Crawford Professor of Law*
- Tara Cooley, B.S., Meredith College; M.P.A. University of Nevada Las Vegas; J.D., Golden Gate University; L.L.M., Lewis & Clark Law School; *Teaching Fellow and Director of the Connecticut Community Law Center*
- Haley Costello-Essig, B.A., M.A., Fordham University; J.D., University of North Carolina School of Law; Visiting Assistant Clinical Professor – Legal Practice Program
- Diane F. Covello, B.S., University of Kansas; J.D., Duke University School of Law; Co-Director, Intellectual Property and Entrepreneurship Law Clinic and Associate Clinical Professor of Law
- Anne C. Dailey, B.A., Yale University; J.D., Harvard University; Associate Dean for Faculty Development and Intellectual Life and Ellen Ash Peters Professor of Law
- Miguel F.P. de Figueiredo, B.A., Johns Hopkins University; M.A., University of Chicago; Ph.D., University of California, Berkeley; J.D., Yale University; *Professor of Law and Terry J. Tondro Research Scholar*
- Jessica de Perio Wittman, B.A., State University of New York at Stony Brook; B.A, M.L.S., State University of New York at Buffalo; J.D., Seattle University School of Law; *Director of the Law Library, Associate Professor of Law and Cornelius J. Scanlon Scholar*
- Aaron Dhir, B.A. (with Distinction), Dalhousie University; LL.B., Dalhousie Law School; LL.M., NYU School of Law; Professor of Law
- Casey Faucon, B.A., Rice University; J.D./D.C.L., Louisiana State University, Paul M. Herbert School of Law; LL.M., University of Wisconsin; LL.M., University of Denver, Strum College of Law; Associate Professor of Law & Transactional Law Clinic Director
- Richard Michael Fischl, B.A., University of Illinois; J.D., Harvard University; Constance Baker Motley Professor of Law
- Catharine H. Freeman, B.A., Fairfield University; J.D., Boston College Law School; Visiting Assistant Professor of Law and Director of the Housing and Eviction Defense Clinic

Hillary Greene, B.A., J.D., Yale University; Zephaniah Swift Professor of Law

- Khondker Hossain, B.A., SUNY at Stony Brook; J.D., Brooklyn Law School; *Teaching Fellow-Housing Clinic*
- Nadiyah J. Humber, B.S., Vanderbilt University; J.D., Suffolk University School of Law;
- Associate Professor of Law
- Mark W. Janis, A.B., Princeton University; B.A., M.A., Oxford University; J.D., Harvard University; William F. Starr Professor of Law

Darcy Kirk, A.B., Vassar College; M.S., M.B.A., Simmons College; J.D., Boston College;

Distinguished Professor of Law

- Molly K. Land, B.A., Hamline University; J.D., Yale University; Associate Dean of Academic Affairs, Catherine Roraback Professor of Law
- Leslie C. Levin, B.S.J., Northwestern University; J.D., Columbia University; *Hugh Macgill* Professor of Law
- Peter L. Lindseth, B.A., J.D., Cornell University; M.A., M. Phil, Ph.D., Columbia University; Olimpiad S. Ioffe Professor of International and Comparative Law and Director, Graduate, International, and Non-JD Programs
- Richard Luedeman, A.B.; Harvard University; J.D.; Yale Law School; Associate Clinical Professor of Law
- Joseph A. MacDougald, A.B., Brown University; M.B.A., New York University; J.D., University of Connecticut; M.E.M., Yale University; Professor-in-Residence; Executive Director, Center for Energy and Environmental Law
- Willajeanne F. McLean, B.A., Wellesley College; B.S., University of Massachusetts; J.D., Fordham University; LL.M., Free University of Brussels; *Distinguished Professor of Law*

Thomas H. Morawetz, A.B., Harvard College; J.D., M.Phil., Ph.D., Yale University; *Tapping Reeve* Professor of Law and Ethics

Minor Myers, B.A., Connecticut College; J.D., Yale University; Professor of Law

Eboni S. Nelson, B.A., Wake Forest University; J.D., Harvard Law School; *Dean and Professor of Law* 

Paschaline Nsiah-Asare, LL.B., University of Science and Technology; LL.M., S.J.D., University of Connecticut School of Law; *Energy and Environmental Law Teaching Fellow* 

Ángel R. Oquendo, A.B., M.A., Ph.D., Harvard University; J.D., Yale University; *George J. and* Helen M. England Professor of Law

Sachin S. Pandya, B.A., University of California, Berkeley; M.A., Columbia University; J.D., Yale University; Professor of Law

Travis Pantin, B.A., University of Chicago; J.D., Yale Law School; Director of the Insurance Law Center and Associate Professor of Law

Lisa Perkins, B.S., J.D., Michigan State University; LL.M., Georgetown University Law Center; *Clinical Professor of Law and Director, Tax Clinic* 

Richard D. Pomp, B.S., University of Michigan; J.D., Harvard University; Alva P. Loiselle Professor of Law and Board of Trustees Distinguished Professor

Rachel Reeves, B.S., University of Southern Maine; J.D., University of Maine School of Law; Director of Field Placement and Pro Bono Programs and Assistant Clinical Professor of Law

Erin Romano, B.A., University of Bryn Mawr College; J.D., Seton Hall University School of Law; Criminal Defense Clinic Teaching Fellow

Jessica S. Rubin, B.S., J.D., Cornell University; Associate Dean for Experiential Education, Clinical Professor of Law

Susan R. Schmeiser, A.B., Princeton University; J.D., Yale University; Ph.D., Brown University; *Professor of Law* 

Peter Siegelman, B.A., Swarthmore College; M.S.L., Ph.D., Yale University; *Phillip I. Blumberg* Professor of Law

Julia Simon-Kerr, B.A., Wesleyan University; J.D., Yale Law School; Evangeline Starr Professor of Law

M. Kat Smith, M.S., Florida State University; J.D., University of Minnesota Law School; Assistant Clinical Professor of Law

Rachel Timm, B.A., University of Nebraska; J.D., Creighton School of Law; Assistant Clinical Professor of Law

Anna VanCleave, M.A., University of Michigan; J.D., NYU School of Law; Director of the Criminal Defense Clinic and Associate Professor of Law

Alexander West, B.A., Clark University; J.D. Seattle University School of Law; Visiting Assistant Clinical Professor of Law and Associate Director of the Housing and Eviction Defense Clinic

Steven Wilf, B.S., Arizona State University; Ph.D., J.D., Yale University; Anthony J. Smits Professor of Global Commerce

Richard A. Wilson, BSc., Ph.D., London School of Economics and Political Science; *Gladstein Chair of Human Rights and Board of Trustees Distinguished Professor of Law and Anthropology* 

Carleen Zubrzycki, B.A., Yale University; J.D., Yale School of Law; Associate Professor of Law

# CONNECTICUT INSURANCE LAW JOURNAL

## VOLUME 30 2023–2024 NUMBER 2

### CONTENTS

### ARTICLES

IMPROVING THE MARKET FOR		
Homeowners Insurance	Jay M. Feinman	169
	2	
RISKY BUSINESS: A REVIEW ESSAY ON		
RISKY BUSINESS: A REVIEW ESSAY ON		
THE LAW & ECONOMICS OF		
SELECTION IN INSURANCE MARKETS	Peter Siegelman	221
	0	