

# **ARTHUR J. LEVINE, PH.D., J.D., CPCU, ARM**

Workers Compensation Insurance Premium Controversies  
Expert Witness • Attorney

## **CURRICULUM VITAE**

### **CAREER EXPERIENCE**

*Summary: California workers compensation insurance premium issues since 1976.*

**Attorney and Expert Witness/Consultant in Workers Compensation Insurance Premium Determination, Rating, Industry Custom and Practice, and Related Matters-Current.**

**Staff Counsel to Public Members of Governing Committee of Workers' Compensation Insurance Rating Bureau of California (WCIRB): 2003-Current.**

Advise and represent the Public Members of the Rating Bureau on all matters concerning workers' compensation pure premium rates, classifications, rating plans, rating systems, manual rules and policy, and endorsement forms. Liaise with WCIRB staff, the California Department of Insurance, business, labor, public and others as Public Members' representative. Attend WCIRB Governing Committee, Classification and Rating Committee, Policyholder Ombudsman Oversight Committee meetings.

**Adjunct Professor of Law: 2001-2003.** Insurance Law and Regulation, Advanced Liability Insurance Law, Arbitration (Western State University College of Law); Workers Compensation (American College of Law).

**Insurance and Risk Management Consultant: 1980-Current** Consulting and expert witness engagements concerning property/casualty insurance coverage, underwriting, brokerage, premium and rating (especially concerning workers' compensation premium and rating) and related matters; risk management, self-insurance, pooling and related risk treatment issues. Expert testimony rendered in numerous court and jury trials/ADR proceedings; depositions; declarations; discovery assistance; second opinions; research; trial preparation of other experts.

**Insurance Underwriter: 1976-1980** Aetna Life and Casualty, Mission Insurance Group, Industrial Indemnity Company. - 1976 to 1980. Began as casualty underwriting trainee. Honors at six-week home office training school, assigned to field office, then advanced to home office underwriter with authority over field offices. Supervising underwriter for all property/casualty lines at field offices.

### **PROFESSIONAL LICENSES**

**Attorney at Law, State Bar of California.** Admitted to practice in all State courts and in United States (Federal) District Court, Central District of California.

**Fire and Casualty Broker-Agent,** California Department of Insurance (Expired)

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## **INSURANCE EDUCATION**

**American Institute for Property & Liability Underwriters Chartered Property Casualty Underwriter** (CPCU) designation, 1980.

**Insurance Institute of America** Associate in Risk Management (ARM) designation. 1981.

## **OTHER ACADEMIC BACKGROUND**

**Claremont Graduate University** (Claremont Colleges, Claremont California).

Doctor of Philosophy, History, 2004.

Doctoral Dissertation: *'Mercenary, Mendacious Mythology'? Assessing the Insurance Industry's Explanation for the Product Liability "Crisis" of the 1970s.*

Master of Arts, American History, May 2000. Focus upon insurance issues in social, legal, and business history.

Insurance-related historical research papers completed:

- "Interest Group Influence in the 1993 Repeal of California's Workers' Compensation Insurance Minimum Rate Law"
- "Fraud, Fiction, or Fact? Debunking the Myth of *Paul v. Virginia* (1869)"<sup>1</sup>
- "A Question of Commerce: the Story of the Supreme Court's Controversial Insurance Case; *U.S. v. South-Eastern Underwriters Association* (1944)"<sup>2</sup>
- "'Moral Hazard': Insurance as a Cold War Weapon"
- "Kosher Underwriting? Insuring 'Jew Risks,' 1865-1950"
- "Private Insurance as a Factor in 20th Century Social History: A Critical Bibliography"

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<sup>1</sup> Arguably the most important insurance legal decision in U.S. history; it exempted the insurance industry from federal regulation.

<sup>2</sup> Upheld the application of federal anti-trust laws to the insurance industry, a decision subsequently mooted by congressional action (McCarren-Ferguson Act).

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**Western State University College of Law, Fullerton, 1986-1988.** Completed Juris Doctor Degree while maintaining full-time insurance consulting practice.

**Loyola Law School, Los Angeles, 1984-1986.** Top 10% of class first year; top 20% second year while maintaining full-time insurance consulting practice.

**University of California, Los Angeles, 1976.** B.A. Political Science. Graduated with Departmental & Collegiate honors. Student representative, Judicial Review Committee; University Policies Commission.

**Pepperdine University School of Law - Straus Institute for Dispute Resolution, 1999.** Intensive weeklong mediation training seminar taught by Chief Mediator of JAMS/Endispute.

**Academy for Jewish Religion-California.** 2005-2009. Rabbinic Ordination, Masters in Rabbinic Studies. Master's Thesis: *"These Words YHWH Spoke...Adding No More" Rabbinic Judaism's Decalogue Dilemma.*

## **PROFESSIONAL SOCIETIES**

**Society of Risk Management Consultants.** Professional Practices Committee, 1992-1993; Chairperson, National Publications Committee, 1988-1990.

**Society of Chartered Property and Casualty Underwriters.** Board of Directors, Orange Empire Chapter 1990-1991; Secretary 1989-1990.

**State Bar of California.** Member, admitted to practice law since 1989.

**Board of Rabbis of Southern California, Orange County Board of Rabbis.** Member.

## **SPEECHES, PAPERS AND PUBLICATIONS**

*'Mercenary, Mendacious Mythology'? Assessing the Insurance Industry's Explanation for the Product Liability "Crisis" of the 1970s.* Society of Chartered Property Casualty Underwriters (CPCU), Orange Empire Chapter, January 10, 2008

*California Bar Journal.* "An Insurance Premium Headache: Workers Compensation Insurance Premiums Present A Huge Expense and A Confusing Weave of Regulations." Mandatory Continuing Legal Education (MCLE) Self-Study Article, August, 2007.

"California Workers Compensation Premium Issues" Society of Chartered Property Casualty Underwriters (CPCU), Orange Empire Chapter, May 17, 2007

# ARTHUR J. LEVINE, PH.D., J.D., CPCU, ARM

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*Levine on California Workers Compensation Premium and Insurance: A Comprehensive Practical & Legal Guide to Premium Issues, Strategies & Disputes.* Author.

Predecessor edition published 1993; Updated 1994 and 1995. Current edition published by International Risk Management Institute, Inc., Dallas, Texas, 2003 and updated annually through 2006.

*California Workers Compensation Premium Reporter.* Editor.

A quarterly companion to *Levine on California Workers Compensation Premium and Insurance.* Published by International Risk Management Institute, Inc. through 2006.

*The John Liner Review: The Quarterly Review of Advanced Risk Management Strategies.* "Tort Reform and the Product Liability "Crisis" of the 1970's." Vol. 19. No. 3, Fall 2005.

*The Journal of Workers Compensation.* "Navigating Workers Compensation Premium Disputes." Spring, 2005, pp. 9-26.

*'Mercenary, Mendacious Mythology'? Assessing the Insurance Industry's Explanation for the Product Liability "Crisis" of the 1970s.* Business History Conference, Annual Meeting, Minneapolis, Minnesota, May, 2005.

*Reducing California Workers Compensation Premiums: Expert Techniques to Minimize Cost.* Leader, International Risk Management Institute, Inc. seminar series, Winter 2004

"The Workers' Compensation Insurance Crisis" Fullerton Rotary, April 2003.

Practical Risk Management Contributing Author (2002).

"Product Liability," "Construction Insurance," "Courts Examine Risk Manager's Conduct"

"Contractual Risk Transfer" Public Risk Management Association, Annual Conference, San Antonio, Texas, May, 2002

"Addressing Client Risk Management Needs in the Wake of Disaster..." State Capital Global Law Firm Group, San Diego Conference, March, 2002

"Government Regulation of Insurance," Guest Lecturer, California State University, Fullerton, Center for Insurance Studies. December 1998.

"Workers' Compensation in California-the CDI Perspective" Invited Panelist, California Department of Insurance-Sponsored MCLE Program, March, 1998

"Recent Developments Affecting Workers' Compensation Insurance Premium Dispute Resolution: Judicial and Administrative Remedies" Panelist, California Insurance Regulation Conf., April 1997

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"How to Handle Premium Audit Disputes" California Insurance Auditors & Managers Association, Nov., 1995; Workers' Compensation Forum, June 1995

"Employer Bill of Rights" California Compensation Defense Attorneys' Association, San Francisco, 1994

"Fighting Back: Disputing Workers' Comp. Premiums and Preparing for Open Rating" Half-day seminar (CEB and DOI credit) given at eight California locations, 1994.

"Workers' Compensation-Open Rating" Panel Moderator, CPCU Society, Los Angeles Chapter 1994 All-Industry Day

"Employer Bill of Rights and the Insurance Structure of the Future" Panelist, California Compensation Defense Attorneys Association, 1994 Annual Seminar

"Taming the Beast of Workers' Compensation 1993" Lecturer, Judge David O'Brien (Ret.) Seminars

"Coverage Gaps in Standard General Liability Insurance Policies" Los Angeles County Bar Association Real Property Law Section

*L.A. Daily Journal, S. F. Daily Journal, Sacramento Daily Recorder:*

What Employers Must Know About Workers' Comp Dividends

What Employers Must Know of Dividends to Solve Problems

Policyholders Have Discretion in Handling Workers' Comp

(Three-part series, December, 1992)

Private Group Rules Workers' Compensation Premiums

Disputing Workers' Compensation Premiums

Making Appeals to the Insurance Department

Disputing Workers' Comp. Premiums in Court

(Four-part series, February, 1992)

Digging Up Information on Insurance Policies July, 1991

Insurance Certificates Have a Narcotic Effect Mar. 1991

Can You Really Trust Insurance Certificates? Feb. 1991

Can a Contract Effectively Allocate Liability? December 1990

Are Insurance Cancellation Penalties Unlawful? November 1990

Malpractice Insurer Change Raises Questions September, 1990

"Health Insurance Mirage" Fox Television News. Story contributor/on-camera interviewee RE legal actions vs. insurance agents and broker. April 1992.

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*Insurance Insider, Editor*

Umbrella and Excess Liability Insurance"

Telling the Players Without a Program: Who owns whom in property/liability insurance;  
How affiliations affect insurance marketing, Discovery tips re: insurance placements.  
Insurance Co. Operations;" "Property Insurance;" "How to Read an Insurance Policy

*The Risk Management Letter, Editor, Numerous editions*

The Umbrella Book, Contributor

"Expert Witness Seminar," Panelist, Society of Risk Mgt. Consultants, Houston, 1992

"Commercial Risk Management," Institute Faculty, Society of Certified Insurance Counselors, April 1992

"A Day in the Life of an Insurance Broker - How the 'Real World' and Legal Duties Collide." Orange County Bar Assoc. Insurance Law Section, Oct., 1991; Independent Ins. Agents/Brokers, June 1992.

"Handling Disputes with the Workers' Compensation Insurance Rating Bureau"  
Independent Insurance Agents and Brokers of Monterey County, May 1991; Risk and Insurance Management Society Orange Empire Chapter, May 1991; Professional Insurance Agents of Orange County, June 1991; Professional Insurance Agents of Coachella Valley, June 1991; Insurance Brokers Society of Southern California, September, 1991; Insurance Brokers Society of Northern California, September 1991; Professional Insurance Agents of North San Diego, October 1991.

"1990 Legal Developments Affecting Insurance Producers",  
Professional Insurance Agents of San Bernardino/Riverside (January 1991); Society of Chartered Property Casualty Underwriters - Orange Empire Chapter (Feb. 1991).  
"Risk Management and the Law: What Risk Managers Should Know"  
Risk and Insurance Management Society, 1990 National Conference, Boston

"Insurance Coverages and the Industry: Nuts & Bolts"  
Risk and Insurance Management Society, 1989 National Conference, Atlanta

"The Role of the Independent Consultant"  
Public Agency Risk Managers' Assoc., 1988 Statewide Conference, San Diego

"The Safety Manager's Role in Risk Management"  
Public Agency Safety Mgt. Assoc., 1988 Statewide Conference, San Diego

"How to Survive a Risk Management Audit"  
Public Risk and Insurance Mgt. Assoc., 1987 National Conference, Orlando

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"Understanding the Key Elements of Insurance"

Public Agency Risk Managers' Assoc., 1987 Statewide Conference, Monterey

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