

## Nearing a Resolution on Resolution

*International regulators continue their work on resolution strategies for large and small companies*

**T**he **NOLHGA Journal** recently caught up with Sara Powell and Scott Kosnoff (Partners with the Faegre Baker Daniels law firm), who represent the guaranty system on public policy matters in Washington and internationally. They were kind enough to update us on recent developments on the international regulatory scene.

**NOLHGA JOURNAL:** Thank you for sitting down with us again. Can you bring us up to speed on what's happened internationally with respect to resolution since we last spoke?

**Powell:** Thank you for the opportunity! Actually, a lot has happened since we last spoke. We knew that the International Association of Insurance Supervisors

(IAIS) was doing a great deal of resolution-related work for the past 18 months or so, but until this past fall, much of that was behind the scenes.

On August 18, 2016, the IAIS Resolution Working Group (ReWG) sent to interested parties an informal request for feedback on preliminary drafts of Insurance Core Principle (ICP) 12 and the resolution-related elements of ComFrame.

**Kosnoff:** As a reminder, the ICPs are supervisory standards that apply to all insurers, regardless of size or international activity. ICP 12 relates to voluntary market exits and resolution. ComFrame is the framework that the IAIS is developing to guide supervisors of internationally active insurance groups (IAIGs). Most of ComFrame had previously been released for public comment, but not the resolution component.

**NOLHGA JOURNAL:** Did NOLHGA provide feedback?

**Powell:** Of course! Even though ReWG provided only a two-week comment period, NOLHGA and the NCIGF submitted joint comments that highlighted the following themes:

- NOLHGA and the NCIGF support the goal of maintaining financial stability in a resolution but believe it will not be an issue in the vast majority of insurance

*[“Resolution” continues on page 1]*



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# The Power of Critical Thinking

The smartest young man I know, Bob Ewald, engages in an ongoing correspondence with a number of his friends aimed at identifying ways in which we can think more clearly and express ourselves more precisely.

You might not expect that a guy who has accomplished as much as Bob, and who is now well into his tenth decade of youthful activity, would work so hard at such goals. Bob's dedication to self-improvement is admirable, but by no means unique. He reminds me in one respect of Pablo Casals, the greatest cellist who ever lived.

When he was in his eighties, Casals was asked, "Why do you still practice so many hours each day?" Casals replied, "Because I think I am making progress!"

Not having accomplished nearly as much as either Bob or Maestro Casals, I'm always seeking ways to make progress. That's one reason I always look forward to the annual NOLHGA Legal Seminar, discussed elsewhere in this issue. We are blessed once again to have a lineup of great thinkers and distinguished subject matter experts, and I'm confident that the experience will benefit all of us who participate.

Learning and self-improvement are the work of a lifetime. I was reminded of that a couple of weeks ago when I received an invitation to a retirement celebration at nearby George Mason University honoring a man named Paul D'Andrea. It caught my attention because Professor D'Andrea was the instructor in the very first college classroom I entered, now nearly 46 years ago.

I was traveling on business on the day of the celebration and so had to miss it, but I used the notice of the event as a reason to contact my former professor. We got together for lunch at a local Irish pub, and I finally had the chance—after not having seen this man in over four decades—to thank him for the important contribution he made to my education.

Many lawyers of a certain age recall the film *The Paper Chase*, in which John Houseman's Professor Kingsfield character tells students on the first day of class that his aim is to instruct each of them to "think like a lawyer." That may be important, but a more fundamental objective—for students of the law and any other subject—is learning the art of critical problem solving, or more simply, critical thinking. Teaching critical thinking has been the life's work of Professor D'Andrea.

What I took away from D'Andrea's classes—and I'm sure this was also true for thousands of his students at GMU—was that a disciplined approach to solving a problem always bears fruit. The subject-matter nature of the problem is almost irrelevant; D'Andrea himself has worked in a number of fields—literature, drama, mathematics, physics, art, music, and more. His approach to a subject, at least as I internalized it, seems to work in all those fields and in the law as well.

It involves three major steps: defining and understanding the problem to be solved, analyzing the important component considerations, and synthesizing and articulating an effective solution.

Defining and understanding clearly the problem to be solved may be the most important (and the most underrated) step in the process. Pursuit of a solution depends entirely on grasping the nature of the problem to be solved.

If we're being asked to answer a question, do we fully understand the question and why it's being asked? If we're trying to explain a phenomenon or a text (e.g., a novel, a legal decision, or a statute), do we have a full grasp of the phenomenon or text at issue? If we're constructing an argument, do we comprehend the subject being debated, and why and how it matters to the audience? Do we know whether a phenomenon is the cause of a problem or merely a symptom? Does the problem involve one or multiple elements? Can we describe it clearly, without vagueness or ambiguity? Are we certain that, in our description of the problem, we're including all that needs to be addressed, and nothing that doesn't?

Analysis is the process of identifying, researching, and understanding the facts related to the problem, and also identifying the rules or principles that pertain. The basic journalistic questions, "Who, what, when, where, and why?" are often a good start to this stage of the process. Depending on the subject, analysis may require factual or historical research; scientific experimentation; or deep and critical dissection of a key text. What are the important component parts of the situation, and how do they fit together?

Practical problems often involve either evaluating a set of facts according to some standard or bringing about a change to the current set of facts. With the facts understood, the

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other key part of problem analysis is to identify what rules or principles apply to the problem. Lawyers engage in this process constantly, whether engaged in an evaluation of civil liability or writing a brief. More broadly, roughly similar processes apply in literature, history, and science.

Synthesis of the solution involves developing, testing, and articulating a hypothesis or rhetorical structure that applies the pertinent rules or principles to the understood component facts in a way that addresses the initial question or problem.

D'Andrea did not, of course, invent that approach to problem-solving; indeed, it goes back at least to Aristotle. His accomplishment was to teach it superbly in a way that armed thousands of students to go into the world and make it a better place by the application of critical thinking. Many human successes, great and small, are the products of such an approach to problem solving.

That's not to say, of course, that any of us can find success as critical thinkers all the time and on every issue. We're all human. But we are most likely to reach the right outcomes when we do think critically—when we take the time carefully to define the problem at hand; analyze the pertinent facts and applicable principles and rules; and synthesize an effective response tailored to the specific problem and the results of effective analysis.

We see the use (and the failure to use) critical thinking in many circumstances of public life. Just as one example, I'll cite the subject matter of an engaging book that I'm now reading, the new history by Thomas Ricks, *Churchill and Orwell: The Fight for Freedom*.

Broadly defined, the mission shared by Churchill and Orwell (who appear never to have met) in the era from the early 1930s until their deaths was to understand and help the world respond appropriately to the rise of fascist and totalitarian movements epitomized by (and centrally involving) Hitler's Nazi Germany and Stalin's Soviet empire. A broad problem to solve, to be sure, but slightly less so when viewed as the lifetime missions of two highly productive intellects.

Churchill was not born an anti-fascist, and his Conservative Party colleagues in Parliament strongly opposed his proposals to confront Hitler. Orwell was a socialist his entire life and had been sympathetic to the Soviet regime as a young man. But both, throughout their adult lives, were critical thinkers. They devoted their time and energy to understanding facts, understanding principles, and creating paths to better outcomes.

In Orwell's case, his focus on the problem of totalitarianism grew from his personal encounters with objective reality. He

learned the difference between socialist theory and Soviet behavior first as a correspondent and combatant on the front lines of the Spanish Civil War (and an intended victim of NKVD treachery), and later as a witness to the 1939 decision by the Nazis and Soviets to cooperate in carving up Eastern Europe.

Churchill by the early 1930s was largely an outsider in British politics, but he studied closely the objective reality of Nazi aggregation of power in Germany and the German military buildup of the 1930s. He opposed the strategies of Hitler appeasement endorsed by (among others) the British government, crown, and aristocracy. When France fell in 1940, Churchill was returned to the British cabinet, and soon there-

after moved to 10 Downing Street. As Prime Minister for the duration of the war, Churchill never flagged in his commitment to understand the facts of the Allies' strategic situation and apply the principles of war and statecraft in support of victory.

Author Ricks is clear in his belief that critical thinking by Churchill and Orwell was the key to success in their life's goals, as indeed it has been throughout the advance of civilization:

*The struggle to see things as they are is perhaps the funda-*

*mental driver of Western civilization.... It is the agreement that objective reality exists, that people of good will can perceive it, and that other people will change their views when presented with the facts of the matter.*

As it is for the exalted and celebrated, so it is for all of us in more mundane life. We all confront problems, and we can best solve them when we come at them through the exercise of critical thinking.

It isn't always easy. In fact, in today's installment of the Ewald correspondence that I mentioned at the beginning of this essay, Bob quotes a letter of Lenin in which Lenin said, "Most of the people aren't capable of thinking." Bob disputes that and contends that our problems rather arise when people don't make the effort to think.

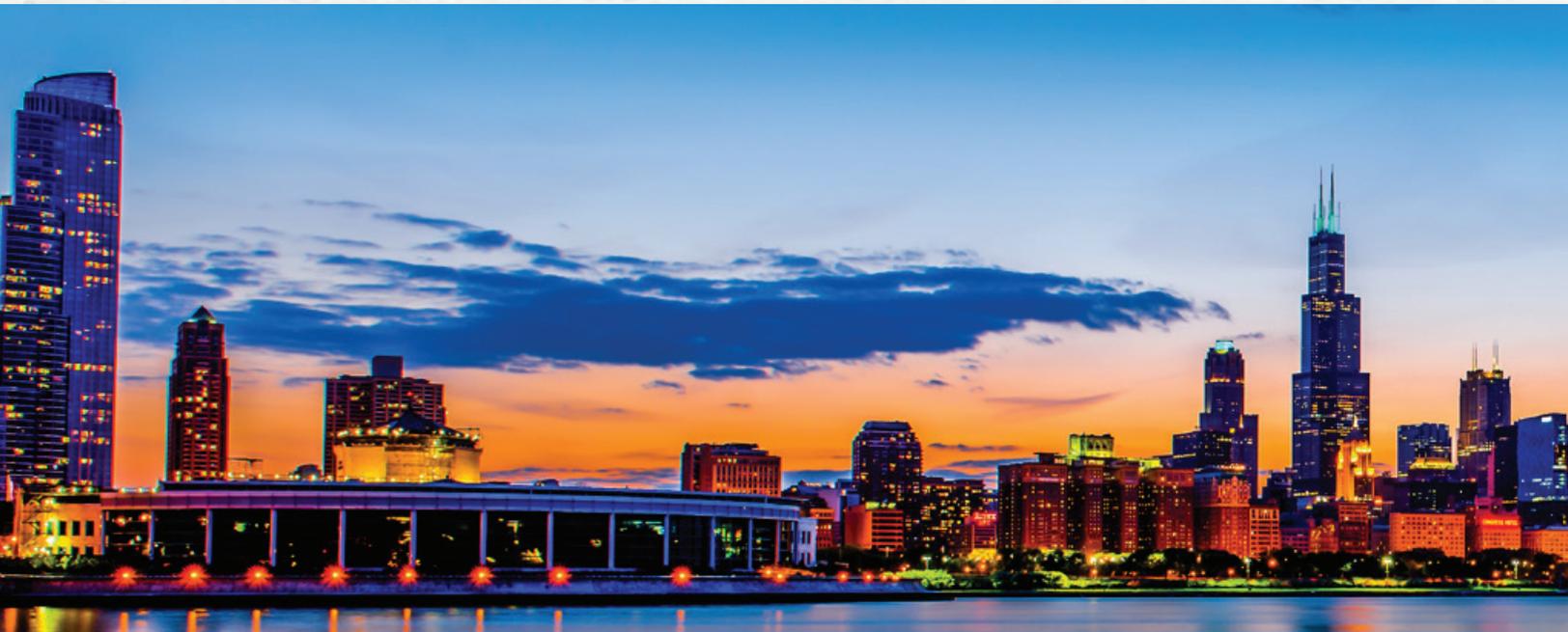
In my nearly 20 years of experience with the NOLHGA family, I've seen a lot of people employ the technique of critical problem solving, whether or not they called it that. We'll need even more of it in the years to come.

I look forward to seeing you in Chicago in July. ★

*Peter G. Gallanis is President of NOLHGA.*



# Our Kind of *Town*



## *Conversation with a Native Son*

NOLHGA's 2017 Legal Seminar will kick off with an interview with Chicago native Michael McRaith, former Director of the Federal Insurance Office and also former Director of Insurance for the state of Illinois. With NOLHGA President Peter Gallanis, McRaith will discuss the main issues facing the insurance industry and regulatory community, bringing to bear his experience in both state and federal regulation.



The city of Chicago is on quite a run. In 2016, the Cubs celebrated their first World Series title since 1908. Not to be outdone, in 2017 NOLHGA's Legal Seminar revisits the Second City after a slightly shorter wait (four years). This one will be hard to top.

Last year's Seminar was held in Washington, D.C., with a focus on the upcoming presidential election and political issues likely to impact the insurance industry and the guaranty system. This year's seminar, with its theme of *The Path Forward in a Change Environment*, will focus on



The 2017 Legal Seminar speaker line-up will also include the following:

- Douglas Baird: University of Chicago Law School
- Deborah Bello: Prudential Financial
- Vince Bodnar: LTCG
- Patrick H. Cantilo: Cantilo & Bennett
- Michael F. Consedine: NAIC
- Prof. David Meltzer: University of Chicago
- Commissioner Ted Nickel: Wisconsin Office of the Commissioner of Insurance and NAIC President
- Keith Passwater: Anthem
- Neil B. Posner: Much, Shelist, Denenberg, Ament & Rebenstein, P.C.
- Eric Shiffman: FBI Supervisory Special Agent
- James H.M. Sprayregen: Kirkland & Ellis
- JoAnn C. Volk: Georgetown University Center on Health Insurance Reforms

what the industry and the system should expect in the new political world brought about by the 2016 elections. The program will feature the Seminar's traditional panel discussions on a wide range of topics, including:

- Regulatory reform
- The ever-changing health insurance marketplace
- International issues
- Long-term care
- Public policy in the new political environment

- Taxes
- Cybersecurity
- Ethics

The Seminar will also feature an interview—the latest in the “NOLHGA Conversations” series—with former Federal Insurance Office Director and Illinois Insurance Director Michael McRaith, as well as a long list of distinguished speakers (see “Conversation with a Native Son”).

But that's not all this year's Seminar has to offer. In addition

# Join Us in Chicago!

*Chicago is the place to be this summer!*

I expect all readers of the *NOLHGA Journal* already know that the preeminent legal education program on insurance receivership and guaranty association matters is the annual NOLHGA Legal Seminar. This year the seminar will be held on July 20 and 21 in the fabulous city of Chicago on the banks of beautiful Lake Michigan.

As Chair of this year's NOLHGA Legal Seminar Planning Committee, I would like to personally invite you to join us in Chicago for the Seminar, which promises to be our best yet. Among the topics we are planning to address during this year's program are:

- Financial services regulatory reform at the federal level
- State insurance regulatory issues being addressed at the NAIC and in various state legislatures
- Healthcare and health insurance (which is in the news every day and is on the top of everyone's list)
- Retirement security
- Long-term-care insurance
- Health insurer insolvencies
- Cybersecurity
- Legal ethics

That's a lot to cover in a day and a half, but the lineup of extraordinary speakers we are assembling intends to cover all this and more.

While you're in Chicago, you may want to stay a little longer to enjoy this fabulous city. There's so much to

do—visiting the Navy Pier, shopping on Michigan Avenue's Magnificent Mile, taking a Chicago River tour, spending some time at the Field Museum or one of the other museums in Chicago, or taking in a

show at one of the many theatrical venues, large and small, throughout the city.

This year's host hotel is the Ritz-Carlton, Chicago, one of the most accommodating hotels you will find anywhere. The Ritz is set atop Water Tower Place in the historic Gold Coast district of Chicago, with easy access to all of the sights and sounds that make Chicago such a fascinating and desirable place to visit.

Take the time now, while you're thinking of it, to register for this year's NOLHGA Legal Seminar. You'll not only enhance your knowledge of all things insurance—and get those CLE credits you need. You'll have a great time while doing it.

*Jack Falkenbach*

*NOLHGA Legal Seminar Planning Committee Chair*



to the outstanding program—and CLE credit—the Seminar will feature a welcome reception on July 19, a luncheon (with guest speaker Anthony Ponce, another Chicago native) on July 20, and an MPC meeting for guaranty association members on July 19. See “Seminar Snapshot” for registration and guest registration fees (there is no fee to attend the MPC meeting).

All this, and it’s in Chicago! For baseball fans, the Cubs have a series against the Cardinals beginning on Friday the 21<sup>st</sup>; the White Sox (who won three World Series titles between 1908 and 2016, though no one seems to talk about them) are in town on July 18 and 19, taking on the Dodgers. The Ritz-Carlton, Chicago—host hotel for the Seminar—is

located in the heart of the city, right on the Magnificent Mile and close by the Michigan Avenue shopping district.

When you add up the setting, the outstanding speaker program, and the chance to see some good baseball (or bad—Chicago offers both!), it’s clear that NOLHGA’s 2017 Legal Seminar is a must for anyone interested in where the industry and the guaranty system are headed. If you haven’t registered yet, please visit the Seminar website ([www.nolhga.com/LegalSeminar.cfm](http://www.nolhga.com/LegalSeminar.cfm)), where you can also book your hotel room and obtain more information about the meeting. If you have any questions about the Legal Seminar, please contact Meg Melusen at [mmelusen@nolhga.com](mailto:mmelusen@nolhga.com). ★



## Preliminary Agenda\*

### Wednesday, July 19

Welcome Reception

### Thursday, July 20

- Welcoming Remarks
- NOLHGA Conversations: Michael McRaith
- The State Regulatory System on the Move: 2017 and Beyond
- Dodd-Frank & Insurance Regulatory Modernization: Resolution Today
- Dodd-Frank & Insurance Regulatory Modernization: Recovery, Resolution Planning & Beyond
- Lunch with Guest Speaker: Anthony Ponce (*Backseat Rider*)
- DC Politics & Public Policy in the New Political Environment: The Moving Pieces & Why They Matter
- Long-Term Care: Developing Issues
- Litigation Panel: Risk Corridor Litigation/Class-Action Decisions/Potential Sale of Risk Corridor Receivables

### Friday, July 21

- Breakfast
- Tax Issues
- Healthcare & Insurance in a Trump World
- Cybersecurity
- Ethics

## Seminar Snapshot

### NOLHGA’s 25<sup>th</sup> Legal Seminar

Where: The Ritz-Carlton, Chicago

When: July 20–21 (MPC meeting on July 19)

Program: The Seminar will run all day on Thursday, July 20, and will end at noon on Friday the 21<sup>st</sup>.

Website: [www.nolhga.com/LegalSeminar.cfm](http://www.nolhga.com/LegalSeminar.cfm)

Registration: \$895

Guest Registration: \$50 for July 19 Welcome Reception

\$75 for July 20 Luncheon

\* Subject to Change

["Resolution" continues from page 1]

insolvencies covered by ICP 12 and ComFrame.

- Some of the resolution powers contemplated by ICP 12 and ComFrame should be exercised only in those rare insolvencies in which financial stability may truly be an issue.
- Policyholder protection schemes (PPSs) can and should play an important role in developing or assessing resolution strategies, and therefore they should be part of or otherwise support crisis management groups (CMGs) and other coordination efforts.
- When a supervisor initiates a resolution that is not a liquidation, the supervisor should engage in some level of planning for a potential liquidation in the event that the plan does not work as expected. In the course of that planning, the supervisor should consult and collaborate with any relevant PPSs.

**NOLHGA JOURNAL:** *Is it typical to have a chance to comment on IAIS documents before a formal consultation?*

**Kosnoff:** No, but ReWG demonstrated real interest in getting feedback from stakeholders. In fact, after the informal comment period ended, ReWG held a stakeholder meeting in Basel on September 27, 2016, to discuss the draft

versions of ICP 12 and the resolution elements of ComFrame.

**NOLHGA JOURNAL:** Did you attend?  
**Powell:** We did. The meeting in Basel was the best IAIS session we've attended. It was exclusively focused on resolution matters, and the format was very interactive. We were active participants in the

IN TERMS OF THE BIG PICTURE,  
IT'S CLEAR THAT OUR ENGAGEMENT  
ON INTERNATIONAL MATTERS IS  
MAKING A DIFFERENCE.

## MARK YOUR CALENDARS NOW FOR NOLHGA'S LEGAL SEMINAR AND ANNUAL MEETING!



**NOLHGA'S 25<sup>TH</sup>  
LEGAL SEMINAR**  
JULY 20-21, 2017  
CHICAGO, ILLINOIS

**NOLHGA'S 34<sup>TH</sup>  
ANNUAL MEETING**  
OCTOBER 18-19, 2017  
CHARLESTON, SOUTH  
CAROLINA

discussion and were glad to have made the trip.

**NOLHGA JOURNAL:** *What made it so valuable?*

**Kosnoff:** Urs Halbeisen of Switzerland (who chairs ReWG) led the meeting and posed a series of questions to stakeholders. Unlike other IAIS sessions we've attended (where IAIS representatives received input from the audience but did not engage in a dialogue), Urs and other members of the working group frequently responded to points made and questions raised by stakeholders.

**Powell:** The U.S. delegation included Alex Hart (with the Federal Insurance Office, or FIO), James Kennedy (Texas Department of Insurance), and Kristine Maurer (New Jersey Department of Banking and Insurance). There were probably 30 (or so) stakeholders in attendance, with another 40 individuals calling in.

**NOLHGA JOURNAL:** *What were the substantive highlights?*

**Kosnoff:** First, Urs announced that the IAIS would not recommend imposition of a loss absorbing capacity requirement on global systemically important insurers (or G-SIIs). The working group may reassess its position, depending on how the international capital standard and resolution strategies develop.

**Powell:** There was the usual discussion of whether policyholder protection or financial stability should take priority in resolution. Some stakeholders argued that financial stability concerns should be irrelevant for any insurer that is not a



G-SII. We made the point that policyholder protection should be the primary objective when resolving non-G-SIIs, and that certain resolution powers (like writing down insurance liabilities and deviating from *pari passu*) should be authorized only when the failing entity is systemically important, if at all.

There was also discussion of group resolution: Is resolution at the group level appropriate? If so, under what circumstances? Would group resolution even be feasible? As you might guess, most of the U.S. stakeholders who spoke expressed skepticism or opposition to the concept.

**Kosnoff:** As we expected, stakeholders expressed significant concern about requiring IAIGs to submit recovery plans. A recovery plan is a plan developed and maintained by an insurer that identifies options to restore financial strength and

viability when the insurer comes under severe stress. Some stakeholders said recovery plans should never be required of IAIGs; others argued that any requirement should be proportional to the risk posed by the entity. Some urged the working group to consider whether there would be any benefit that could outweigh the substantial cost of preparing recovery plans. Others asked what the plans would entail. There were differing views expressed on whether recovery plans should cover non-regulated entities.

**NOLHGA JOURNAL:** *Was there any discussion of PPSs or the guaranty system?*

**Kosnoff:** There was. We explained how PPSs can further policyholder protection by paying claims and (on the life side) continuing coverage. We said that PPSs can and should play an important role in

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developing or assessing resolution strategies, and therefore they should be part of or otherwise support CMGs and other coordination efforts. We said that PPS involvement should occur early in the process, ideally before a determination that resolution is necessary. We pointed out that PPSs have unparalleled experience and can be helpful in avoiding the need for resolution.

**NOLHGA JOURNAL:** *Have you had any subsequent interaction with ReWG?*

**Powell:** Yes. On January 26, 2017, Peter Gallanis, Roger Schmelzer (NCIGF), and I, along with Josée Rheault from Assuris (the Canadian PPS), met with members of ReWG for the purpose of educating the members about PPSs and the benefits they can provide. It's important to note that some of the members of ReWG come from jurisdictions that do not have a PPS.

We highlighted the importance of communication and collaboration between PPSs and insurance supervisors in advance of an insolvency. The members of ReWG were interested and engaged, spending over an hour asking questions. They wanted to know about the structure, staffing, and legal authority of PPSs. They were also interested in the mechanics of previous collaboration among supervisors and PPSs, including the various types of

WE SAID THAT POLICYHOLDER PROTECTION SCHEMES CAN AND SHOULD PLAY AN IMPORTANT ROLE IN DEVELOPING OR ASSESSING RESOLUTION STRATEGIES, AND THEREFORE THEY SHOULD BE PART OF OR OTHERWISE SUPPORT CRISIS MANAGEMENT GROUPS AND OTHER COORDINATION EFFORTS.

pre-insolvency assistance a PPS could provide and methods for maintaining confidentiality.

**NOLHGA JOURNAL:** *Sounds like the meeting was worthwhile.*

**Powell:** We certainly thought so, and we heard from some of the U.S. members of

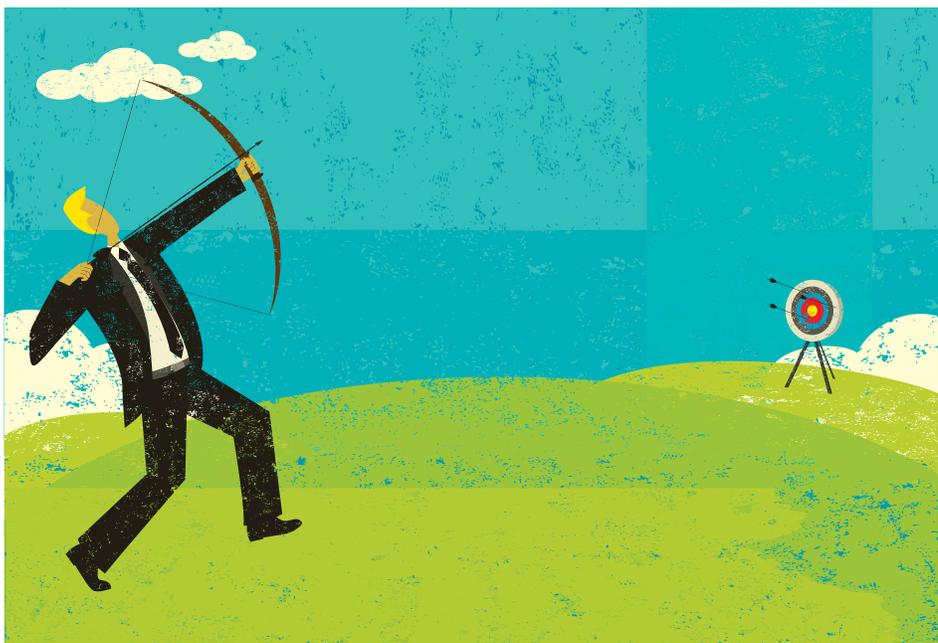
ReWG that the meeting was helpful and well received.

**NOLHGA JOURNAL:** *I understand that this spring, the IAIS issued the formal consultation on the documents that were previewed in the fall.*

**Kosnoff:** That's right. On March 3, the IAIS released for consultation several revised ICPs with integrated ComFrame materials, including materials relating specifically to resolution that were previewed in the fall. Comments were due on June 1, 2017.

**NOLHGA JOURNAL:** *What's your assessment?*

**Kosnoff:** In terms of the big picture, it's clear that our engagement on international matters is making a difference. NOLHGA and the NCIGF have submitted targeted, thoughtful, and substantive comments to prior policy documents released by the IAIS and the Financial Stability Board (FSB). We have collaborated with insurers, trade associations, the International Forum of Insurance Guarantee Schemes (IFIGS), and state and federal regulators



and policymakers to ensure our messages have been carried broadly and consistently. We have engaged directly with IAIS and FSB members to offer our experience and answer questions. Our efforts are definitely moving the needle.

For example, the current consultation includes the following points that are consistent with or responsive to comments provided by NOLHGA and the NCIGF to the IAIS and FSB:

- Legislation should support the objective of protecting policyholders.
- PPSs can play an important role in ensuring timely payments to policyholders and minimizing disruption.
- Policyholder information should be supplied to PPSs in a timely manner when an insurer enters resolution.
- Some resolution powers may be needed only for insurers that are of systemic importance in a jurisdiction.
- Policyholders should absorb losses only after all lower-ranking creditors have fully absorbed losses.

These points may seem self-evident, but it's taken a concerted effort to gain international acceptance.

**NOLHGA JOURNAL:** *That all sounds like good news. Are there challenges that still remain?*

**Powell:** Despite these successes, there is still progress to be made. We'll be submitting a comment that addresses a number of points we've made in the past, including that early PPS involvement in resolutions is a critical part of policyholder protection, and that PPSs should play an important role in developing or assessing resolution strategies.

**NOLHGA JOURNAL:** *What else should we know about the latest IAIS consultation?*

**Kosnoff:** We should all pay close attention to the requirements for recovery planning, which could be a big deal. Under the proposed standards, every IAIG would be required to develop a recovery plan, and supervisors would have discretion to require recovery plans from certain

## You Can't Tell the Players...

CMG	Crisis Management Group
ComFrame	Common Framework for the Supervision of Internationally Active Insurance Groups
FSB	Financial Stability Board
G-SII	Global Systemically Important Insurer
IAIG	Internationally Active Insurance Group
IAIS	International Association of Insurance Supervisors
ICPs	The IAIS's Insurance Core Principles
IFIGS	International Forum of Insurance Guarantee Schemes
PPS	Policyholder Protection Scheme
ReWG	The IAIS's Resolution Working Group

insurers that are not IAIGs. The standards describe in detail what an IAIG's recovery plan should include and lay out possible measures for returning the IAIG to financial health. There's a lot to consider.

In addition, the consultation contemplates the development of resolution plans for IAIGs, where the group-wide supervisor and/or resolution authority confers with the CMG if it's deemed necessary. It's worth noting that the group-wide supervisor and/or resolution authority would lead the development of the group resolution plan in coordination with members of the CMG. That said, the supervisor or resolution authority would have the authority to require that (i) relevant entities within the group submit necessary information for the resolution authority to be able to develop a resolution plan; and (ii) the IAIG take actions to improve its resolvability. In addition, the resolution authority would require the IAIG to develop and maintain management information systems that are able to produce information for purposes of resolution planning and implementation.

**NOLHGA JOURNAL:** *Any other developments worth mentioning?*

**Powell:** The IAIS is reviewing its approach to systemic risk assessment by developing an activities-based assessment approach, rather than an entity-based approach. In other words, instead of designating legal entities as systemically risky, the IAIS instead would identify systemically risky activities. Presumably any company engaging in such activities could be subject to heightened regulation, as least in connection with those activities. Although this is not directly related to resolution, we think the discussion will prove interesting. The industry will certainly be watching this closely. As of now, the IAIS expects to hold an interim public consultation on this topic in late 2017. ★

*Sara Powell and Scott Kosnoff are Partners with Faegre Baker Daniels.*



# NOLHGA Calendar of Events

## 2017

- July 19**      **MPC Meeting**  
**Chicago, Illinois**

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- July 20–21**    **NOLHGA’s 25<sup>th</sup> Legal Seminar**  
**Chicago, Illinois**

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- August 6–9      NAIC Summer National Meeting  
Philadelphia, Pennsylvania

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- October 8–10    ACLI Annual Conference  
Orlando, Florida

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- October 17**    **MPC Meeting**  
**Charleston, South Carolina**

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- October 18–19** **NOLHGA’s 34<sup>th</sup> Annual Meeting**  
**Charleston, South Carolina**

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- December 2–4    NAIC Fall National Meeting  
Honolulu, Hawaii

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## 2018

- January 25**    **MPC Meeting**  
**Newport Beach, California**

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- March 24–27    NAIC Spring National Meeting  
Milwaukee, Wisconsin

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- April 19–20**   **MPC Meeting**  
**Savannah, Georgia**

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- August 4–7      NAIC Summer National Meeting  
Boston, Massachusetts

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- November 15–18 NAIC Fall National Meeting  
San Francisco, California

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