



## Jay A. Thompson

Partner

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I have considerable experience in both regulatory and legislative issues involving the business of insurance. I regularly participate in regulatory proceedings involving contested case hearings, contested rate hearings, policy form approvals, rulemaking, licensing, mergers, acquisition and dissolution of insurance companies and other regulatory matters before the Texas Department of Insurance.

As a registered lobbyist, I have represented the property/casualty and life, accident and health insurance industry on legislative issues impacting those insurers. I have worked closely with leadership in Texas to find constructive solutions to legislative issues. I have written numerous bills and amendments to the Texas Insurance Code and has been recognized as a leading expert on insurance regulation.

I have also represented insurers in litigation involving insurance bad faith, tax disputes against the state of Texas, appeals from administrative actions at the Texas Department of Insurance, disputes involving reinsurance, and disputes between companies and agents.

I am recognized as a leading attorney in *Chambers and Partner's as a Leading Lawyer in America* for Insurance.

### Representative Experience

Representative Matter:

- Insurance
- Government & Public Entities
- Administrative and Regulatory Compliance
- Fraud and Abuse
- Medical Liability Defense
- Health Care Litigation

### Services & Industries

- Insurance Regulatory & Transactions
- Governmental & Legislative Advocacy
- Health Care

- Health Care Transactions
- Lobbying and Policy-Making

Drafted legislation or amendments on various issues including:

- Legislation on non-insurance benefits in life/health insurance
- Legislation on the use of private placement offerings in variable products
- Legislation on funding for the Texas Windstorm Insurance Association
- Legislation on unfair discrimination
- Legislation permitting conversion of a mutual life company to a mutual holding company
- Legislation on reports to employers by health insurers
- Legislation on rate and form regulation for property/casualty insurers
- Legislation on prompt payment of claims

Regulatory issues included:

- Conversion of a reciprocal to a stock company
- Represented medical malpractice insurance rate case
- Representation of various insurers and agents in disciplinary actions brought by the TDI
- Creation of new companies
- Representation of various insurers in filing and approval of withdrawal plans
- Representation of various insurers in filing and approval of surplus debentures, reinsurance agreements, and other holding company transactions
- Co-counsel in a leading Texas Supreme Court bad faith case often cited in insurance seminars, *American Physicians v. Garcia*.

### **Professional Recognition**

- Nominated by peers to *The Best Lawyers in America*® 2020 as a *Lawyer of the Year 2020* in the field of Insurance Law.
- Nominated by peers to *The Best Lawyers in America*® 2012-2021 in the field of Insurance Law and Administrative/Regulatory Law.
- [Chambers USA, Top Insurance Attorneys in Texas 2005-2020](#)
- *Chambers USA, Leader in their Field for Insurance and Insurance: Regulation* in Texas 2003-2016
- “AV” Peer Review Rated by Martindale-Hubbell.

### **Education**

- The University of Texas School of Law (J.D., 1972)
- Texas Tech University (B.A., 1970)
  - Accounting
  - Student Body President 1969

### **Bar Admissions**

- Texas, 1972

## **Court Admissions**

- United States Court of Military Appeals
- United States District Court, Northern and Western Districts of Texas
- United States Supreme Court

## **Professional and Community Activities**

- Federation of Regulatory Counsel

## **Speeches and Presentations**

- Insurance Issues Being Considered by the Texas Legislature, Texas Lawyer Magazine Article, 2001
- Privacy Presentation for the ICT Symposium, 2001
- Summary of Life & Health Insurance Bills, Life and Health Seminar, 2001
- Legislative Update, Presentation for UT Seminar, 2001
- Legislative Update: Insurance Issues in the 77th Texas Legislature Presentation for the 31st Annual, I-Day CPCU Society, 2001
- Insurance Rate Regulation in Texas: Homeowners Marketplace, Presented to the Senate Business & Commerce Committee, 2002
- 2003 Legislative Update, Texas Insurance Law Symposium, South Texas College of Law  
Basic Information on Property & Casualty Pricing and Ratemaking, Paper presented to Texas Legislature, 2003
- The Perfect Texas Insurance Storm Emergency Orders & Ad Hoc Rulemaking, FORC Journal Article for Summer Quarter 2003
- Illusions of Insurance Reform: Inside the 78th Texas Legislative Session, Presentation at ICT/AFACT 11th Annual Mid-Year Property & Casualty Insurance Symposium, 2003
- Texas Insurance Reform 2003: A Potpourri From Mold to Credit Scoring, University of Houston Law Foundation
- Tort Reform & Insurance Law, 2003 Legislative Update
- 2003 Legislative Update: Insurance Law Reform, Ethics in Public Office & Lobbying, State Bar of Texas – Military Law Section
- Information on Ratemaking – Medical Professional Liability Insurance, Presentation at UT School of Business, 2004
- TALHI – Seattle Conference, 2004
- Reform & Insurance Law Update: Illusions of Insurance Reform, Presented at UT/LAMP, 2004
- Reform & Insurance Law Update: Illusions of Insurance Reform, Presented to Baylor Business School; Waco, Texas, 2004
- Information on Property/Casualty Insurance Pricing and Rate Making, White Paper for the Texas Legislators and Staff, 2005
- Pending Workers' Compensation Legislation: Insurance Industry Perspective, Legislative Seminar For Workers' Comp Publications, 2005
- Competition & Rate Regulation, Presentation to Senate State Affairs Committee, April 2005 on behalf of Medical Protective Company
- 2005 Texas Legislative Briefing, TCCI Presentation in Dallas

- Free Enterprise & Insurance Regulation –Texas Style; 79th Legislature
- ICT/AFACT Symposium, 2005
- 2005 Texas Insurance Legislation & Unfinished Business for the Future, Presentation before the Austin Insurance Professionals
- Competition & Insurance Rate Regulation – Texas Style, FORC Journal Article for Spring Quarter 2006
- Illusions of Insurance Reform, ICT/AFACT Symposium 2006
- Legal Storm Clouds Brewing? What's Next for Property/Casualty Insurers in Texas?, The 2007 Texas Legislative Session, TCCI Seminar in Dallas
- 2007 Texas Legislature: Legal Storm Clouds on the Horizon?, Presentation for the AFACT Annual Meeting; Dallas
- The Perils of Insurance Legislation: Inside the Eye of the 2007 Texas Legislative Session, ICT/AFACT 2007 Annual Symposium Presentation
- Legislative Update: Insurance Law, State Bar of Texas Webcast 2007
- Legislative Update: Insurance Law, 80th Legislative Update, New Insurance Laws Passed & Failed, 12th Annual Insurance Law Institute, University of Texas School of Law, 2007
- Paying for Catastrophes, Presentation for the UT Business School, 2008
- There's Life After the Sunset: The Future of Insurance Regulation in Texas, ICT/AFACT 2008 Annual Symposium Presentation
- Texas Department of Insurance, 2008/2009 Sunset Review, Presentation for the IASA [Insurance Accounting & Systems/Statistical Association]; San Antonio
- 2009 Texas Legislature: Important Issues on the Horizon for Risk Managers, Presentation for the Risk Insurance Management Society
- 2009 Texas Insurance Legislation Sunset or Sunrise: The Dawn of a New Day in Texas Insurance Regulation, Presentation for the North Texas Association of Insurance Counsel
- 2009 Texas Insurance Legislation Sunset or Sunrise: The Dawn of a New Day in Texas Insurance Regulation, Presentation for the Prudential Agents; Houston
- Legislative Update, South Texas College of Law Texas Law Symposium, 2009
- Overview, History & Recommendations Relating To The Texas Windstorm Insurance Association - 81st Legislature, AFACT Presentation 2009
- 2009 Legislative Update, TCCI Seminar in Dallas
- After the Sunrise & Before the Next Sunset: Insurance Changes of the 81st Texas Legislature, ICT/AFACT Mid-Year Property/Casualty Presentation, 2009
- 2009 Insurance Legislative Update, Presentation for the Central Texas Risk & Insurance Management
- Managing Employee Risks & Benefits, 2009 Federal & State Issues Impacting Employer Benefit Plans, Presentation for the UT Business School
- Perpetual Motion and the Illusion of Change: 2011 Texas Insurance & Sunset Issues, ICT/AFACT Mid-Year Property/Casualty Presentation, 2010
- 2011 Texas Insurance & Sunset Issues, Presentation for the TALHI Annual Round-Up, 2010

## Publications

**2013 Life & Health Insurance Legislation in Texas**

08.01.13

**2013 Property & Casualty Insurance Legislation in Texas**

July 15, 2011

**2011 Life & Health Insurance Legislation in Texas**

July 15, 2011

**2011 Property & Casualty Insurance Legislation in Texas**

June 2, 2011

**New Texas Supreme Court Opinion: Ojo v. Farmers Group, Inc., et al.**

July 23, 2009

**2009 Property & Casualty Insurance Legislation in Texas**

July 23, 2009

**2009 Life & Health Insurance Legislation in Texas**

August 31, 2007

**2007 Property & Casualty Insurance Legislation in Texas**

May 1, 2007

**2007 Life & Health Insurance Legislation in Texas**

October 12, 2006

**The 2007 Texas Legislature - Legal Storm Clouds on the Horizon?**

June 1, 2005

**2005 Property & Casualty Insurance Legislation in Texas**

January 3, 2005

**2005 Life & Health Insurance Legislation in Texas**

June 2, 2003

**The Perfect Texas Insurance Storm Emergency Orders and Ad Hoc Rulemaking**