

KENNETH S. KLEIN
11925 Handrich Ct.
San Diego, CA 92131
kklein@cwsf.edu

**SPECIFIC
BACKGROUND IN
INSURANCE**

In 2003, I lost my home to wildfire. While I was not personally underinsured, many of my neighbors were. At that time, I was a working attorney and so many of them came to me for advice. I became somewhat of an involuntary expert on underinsurance. Since that time, I have become an academic, teaching the topic, and have published scholarly work on the topic. I have counseled hundreds of fire survivors; I have trained other attorneys who counsel fire survivors; I have given multiple lectures; I have provided written legislative testimony; I have consulted with current, former, and aspiring insurance commissioners; I currently consult with multiple insurance commissioners; and I have been interviewed by multiple local and national media outlets (newspaper, radio, and television). I am a selected, unfunded consumer representative to the National Association of Insurance Commissioners and have presented to them several times at National Meetings. I have (by invitation) presented to the National Conference of Insurance Legislators. I have presented (by invitation) to Hope Now, a trade group affiliated with the mortgage banking industry, and to the Society of Insurance Research. I have (by invitation) both consulted with and presented to the Federal Home Finance Agency and the Federal Reserve Bank (Philadelphia). I am a senior advisor to United Policyholders within its Team UP. I received the 2008 California State Bar Award for Pro Bono Services for my work on the Witch Creek Fires. I occasionally am retained as a consulting/testifying expert in underinsurance litigation.

**CURRENT
EMPLOYMENT**

California Western School of Law – San Diego, California, June 2008 – present.

Louis & Hermione Brown Professor of Law.

Associate Dean for Assessment and Teaching, October 2019 – August 2022.

I teach Civil Procedure I and II, Evidence, an occasional section of the Clinical Internship Program, and course in the legal, policy, and regulatory landscape surrounding preparing for, responding to, and recovering from natural disasters. I twice have taught a seminar studying the comparative and normative aspects of lay involvement in civil and criminal adjudication.

**PRIOR LEGAL
TEACHING
EMPLOYMENT**

New England School of Law – Boston, Massachusetts

Assistant Professor, August 1994 – June 1996 (as well as a visiting professor

teaching Evidence at University of San Diego School of Law in the Summer term in 1996).

**PRIOR OTHER
LEGAL
EMPLOYMENT**

Foley & Lardner LLP – San Diego, California

Partner, February 2003 – May 2008; Senior Counsel, March 2001 – January 2003

I was a Partner in the General Commercial Litigation Group of Foley, with sub-focus within the Appellate Practice Group, the Consumer Finance Litigation Group, and the Intellectual Property Litigation Group. I also was the Professional Responsibility Partner for my office.

Hayes, Simpson, Greene – San Diego, California

Partner, May 1999 – March 2001

At Hayes, Simpson, I was a civil trial attorney in partnership with some of my former colleagues from when I was an associate at Gray, Cary. It was a small law office (fewer than 15 attorneys). My work primarily was defending an insurer in coverage and third-party disputes.

Brobeck, Phleger & Harrison – San Diego, California

Of Counsel, February 1994 – July 1994, July 1996 – May 1999

With Brobeck, I was the second most senior civil trial lawyer in the San Diego office's Business Litigation group. I had additional responsibility for training junior litigation associates.

Gray, Cary, Ames & Frye (also known as Gray, Cary, Ware & Freidenrich, now DLA Piper) – San Diego, California

Litigation Associate, January 1987 – January 1994

My practice was in civil litigation, with an emphasis on civil writs and appeals. I tried or arbitrated a variety of cases. I handled approximately thirty appellate matters in both state and federal court. I also had extensive experience in all other phases in civil litigation.

Haynes & Boone – Dallas, Texas

Litigation Associate, October 1984 – December 1986

I was the 42nd attorney to join Haynes & Boone. My practice was as a

business litigator and included trials (including my first “first-chair” jury trial) and appeals in state and federal courts. Each involved the full range of litigation responsibilities.

LEGAL SCHOLARSHIP

Book Chapters:

Kenneth S. Klein, “Is fire insurable? Insights from bushfires in Australia and wildfires in the United States”, in *Climate, Society and Elemental Insurance*, Kate Booth, Chloe Lucas and Shaun French, editors (Routledge 2021).

Kenneth S. Klein, “The Male Lawyer Spouse as Smoke Damaged House,” in *Sharing the Pants: Essays About Work-Life Balance by Men Married to Lawyer*, Jacqueline Slotkin & Samantha Goodman, editors, (Vandeplaf 2009).

Scholarly Articles:

Kenneth S. Klein, *Truth and Consequences: What Catastrophe Teaches Us About Homeownership and Underinsurance*, 30 LEWIS & CLARK L. REV. 95 (2026). Available at SSRN: <https://ssrn.com/abstract=5139315> or <http://dx.doi.org/10.2139/ssrn.5139315>.

Kenneth S. Klein, *What Do You Mean I Don't Have Enough Homeowner Insurance to Rebuild my Home?*, 55:3 THE BRIEF 16, ABA Tort Trial and Insurance Section (Spring 2026).

Kenneth S. Klein, *The First Thing We Do Is Kill All the Lawsuits*, 44:1 REV. LITIG. 47 (2024).

Kenneth S. Klein, *The Unnatural Disaster of Insurance, Underinsurance, and Natural Disasters*, 25 CONN. INS. L.J. 34 (2023-2024).

Kenneth S. Klein, *The Case for Pausing Any Immediate Embrace of the Social Inflation Argument for Legal System Reforms*, 42 J. INS. REG. 160 (2023).

Kenneth S. Klein, *Ashes to Ashes: A Way Home for Climate Change Survivors*, 63 ARIZ. L. REV. 679 (2021).

Kenneth S. Klein, *Minding the Protection Gap: Resolving Pervasive, Profound, Unintended Homeowner Underinsurance*, 25 CONN. INS. L.J. 34 (2019).

Kenneth S. Klein. *Weighing Democracy and Judicial Legitimacy in Judicial Selection*, 23 TEX. REV. L. & POL. 269 (2018).

Kenneth Klein, *Truth and Legitimacy (in Courts)*, 48 LOY. U. CHI. L.J. 1 (2016).

Kenneth S. Klein, *Comparative Jury Procedures: What A Small Island Nation Teaches the United States About Jury Reform*, 76 LA. L. REV. 447

(2015).

Kenneth S. Klein, *The Enduring Quality of an Alluring Mistake: Why One Person's Intentions Cannot – And Never Could – Be Evidence of Another Person's Conduct*, 37 AM. J. TRIAL ADV. 339 (2013).

Kenneth S. Klein, *Why Federal Rule of Evidence 403 is Unconstitutional, and Why That Matters*, 47 U. RICH. L.R. 1077 (2013).

Kenneth S. Klein, *When Enough Is Not Enough: Correcting Market Inefficiencies in The Purchase and Sale Of Residential Property Insurance*, 18 VA. J. SOC. POL'Y & LAW 345 (2011).

Kenneth S. Klein, *Removing the Blindfold and Tipping the Scales: The Unintended Lesson of Ashcroft v. Iqbal is that Frivolous Lawsuits May be Important to Our Nation*, 41 RUTGERS L. J. 593 (2010).

Kenneth S. Klein, *Following the Money – the Chaotic Kerfuffle Over Residential Insurance Proceeds that Simultaneously are the Only Rebuild Funds and the Only Mortgage Collateral*, 46 CAL. W. L. REV. 305 (2010).

Kenneth S. Klein, *Is Ashcroft v. Iqbal the Death (Finally) of the "Historical Test" for Interpreting the Seventh Amendment?*, 88 NEBR. L. REV. 467 (2010).

Kenneth S. Klein, *Ashcroft v. Iqbal Crashes Rule 8 Pleading Standards on to Unconstitutional Shores*, 88 NEBR. L. REV. 261 (2009).

Kenneth S. Klein & Theodore Klasterin, *Do Diverse Juries Aid Or Impede Justice*, 1999 WISC. L. REV. 553 (1999).

Kenneth S. Klein, *Unpacking the Jury Box*, 47 HASTINGS L.J. 1325 (1996).

Kenneth S. Klein, *The Validity of Public Rights Doctrine in Light of the Historical Rational of the Seventh Amendment*, 21 HAST. CONST. L. Q. 1013 (1994).

Kenneth S. Klein, *The Myth of How to Interpret the Seventh Amendment Right to a Civil Jury Trial*, 53 OHIO ST. L.J. 1005 (1992).

Other Publications:

Kenneth S. Klein, *Another Lesson from Montecito—Even in Semi-Arid Southern California, We Need Flood Insurance*, L.A. TIMES (Jan. 15, 2018).

Kenneth S. Klein, *Sure as The Sun Rises, One Day Your California Town Will Be on Fire. Get Insurance—Lots of It*, L.A. TIMES (Oct. 20, 2017).

Kenneth S. Klein, *"Enough" Insurance is Often Not Enough*, THE BLOG HUFF POST COLLEGE (2012), <http://www.huffingtonpost.com/kenneth-s-klein/>.

Kenneth S. Klein, *In Discretion: The consequences of Twombly and Iqbal*, 19 PRETRIAL PRAC. & DISCOVERY 1 (Fall 2010) (published by the Litigation Section of the ABA).

Kenneth S. Klein, *Reducing Frivolous Litigation Is Not Worth the Cost*, Daily Journal (Feb. 26, 2010).

Kenneth Klein, *The Supreme Court Just Changed Everything You Think You Know About How To Plead Or Attack A Civil Complaint*, available at <http://www.abanet.org/litigation/committees/trialpractice> (2010).

Kenneth S. Klein, *You Ought to Be in Pictures: Video Cameras Come to Court*, 12 CEB CIVIL LITIG. REPORTER 240 (September 1990).

SELECTED

RECENT

PRESENTATIONS

2025 UConn Insurance Law Workshop series, “Truth and Consequences: What Catastrophe Teaches Us About Homeownership and Underinsurance” (September 11, 2025)

California Board of Equalization, “California Wildfire Disaster Relief, Issues Impacting Recovery, and the Impact of Insufficient Replacement Costs” (May 28, 2025).

National Association of Insurance Commissioners, Spring 2025 National Meeting, on “The Insurance Problems in LA and What We Should Learn From Them.”

Federal Reserve Bank, Philadelphia, on “Homeowner Insurance – How it works and why often it doesn’t work” (Dec. 19, 2024).

National Association of Insurance Commissioners, Fall 2024 National Meeting, on “Consumer Privacy Principles.”

Panelist on “Draft Model Act Addressing Third-Party Litigation Financers,” National Conference of Insurance Legislators (July 2024).

National Association of Insurance Commissioners, Summer 2023 National Meeting, on “How Bad is the Problem of Homeowner Underinsurance? New Data on the Question (and suggested solutions).”

Panelist on “Litigation Funding Webinar: The Good, The Bad and The Ugly,” Coalition Against Insurance Fraud (July 20, 2023).

Panelist on “The Comparative Classroom” (Co-sponsored by Comparative Law Section and East Asian Law & Society Section), 2023 National Meeting of the Association of American Law Schools.

Panelist on “The Judiciary—Making the Least Democratic Branch of Government More respected, Less Political” (Co-sponsored by Litigation

Section and Jurisprudence Section), 2023 National Meeting of the Association of American Law Schools.

National Association of Insurance Commissioners, Summer 2022 National Meeting, on “Unpacking ‘Social Inflation.’”

National Association of Insurance Commissioners, Fall 2021 National Meeting, on “Demand Surge.”

Federal Home Finance Association, on “Underinsurance and the Protection Gap.” (2021)

National Association of Insurance Commissioners, Winter 2020 National Meeting, on “Insurability of Natural Disasters.”

National Association of Insurance Commissioners, Orlando National Meeting (2019), jointly presented with Amy Bach on “Pervasive underinsurance in the aftermath of disasters, and regulatory approaches to prevent it.”

Three presentations in 2019 to Hope Now, two on natural disasters and how mortgage bankers could impact market structures to address underinsurance and one on catastrophe loss and mortgage issues encountered by consumers.

Lecturer in UCSD Osher Continuing Education Series, 2017, 2018, 2020, 2023, and 2025.

Presentation on Evidence and ESI to the California Offices of Gordon & Rees.

Panelist on Work-Life Balance to the Lawyers Club of San Diego (Fall 2015).

At the 2015 Annual Meeting of AALS, I was a panelist for the program -- Integrating Clinical Pedagogy Across the Curriculum: Making It Work -- presented by the Section on Clinical Legal Education, Co-Sponsored by Section on Teaching Methods.

LEGAL EDUCATION

University of Texas School of Law, J.D. May 1984 (conferred with highest honors)

Approximate Class Standing: top two percent

Order of the Coif

Chancellors Award (awarded to top ten students based on grade averages)

Carrington, Coleman, Sloman & Blumenthal Academic Excellence Award

Member, *Texas Law Review* (1982 – 84)

Member, Board of Advocates (Moot Court Board) (1983 – 84)

PREVIOUS EDUCATION

Rice University, B.A. 1981 (conferred cum laude)

Arthur M. Cohn Honorarium for Academic Excellence

Athenian Award of Outstanding Contributions to Rice University and Richardson College

Honor Roll, Every Semester
Associate Justice of University Supreme Court

**SELECTED
PROFESSIONAL
ASSOCIATIONS
AND
CERTIFICATIONS,
AWARDS**

Member, Society of Insurance Research.

Fellow of the American Bar Association Foundation.

Executive Board of Litigation Section of American Association of Law Schools (2020-2024).

Designated Consumer Representative to the National Association of Insurance Commissioners (2019-present).

Admitted to Practice by State Bar of California (June 1987) (active).

Previously admitted to Practice by State Bar of Texas (November 1984-Dec. 2020).

Admitted to Practice before Supreme Court of the United States of America (1991); the United States District Courts for the Northern District of Texas, the Southern and Central Districts of California, and the United States Court of Appeals for the Fifth Circuit and Ninth Circuit.

2018 State Bar of California Pro Bono Attorney of the Year (for an attorney working in a mid-size law office).