

## Former Md. Insurance Head Reflects On Return To DLA Piper

By **Abraham Gross**

*Law360 (July 18, 2024, 5:38 PM EDT)* -- Kathleen Birrane returned to DLA Piper to lead the firm's U.S. insurance regulatory practice after four years as Maryland's insurance commissioner, resuming her role in private practice with years of experience working across state and international lines on emerging issues.

Birrane served as insurance commissioner under two governors from May 2020 to June 2024. During that time, she also served on the National Association of Insurance Commissioners' executive committee and chaired the association's Innovation, Cybersecurity and Technology committee, also known as the H committee.

Her work group within the NAIC produced model guidance for insurers' use of artificial intelligence that has been adopted by more than a dozen states, including Maryland.

Birrane's work frequently involved cross-collaboration among insurance regulators. She was a member of the EU-U.S. Insurance Dialogue Project and the International Association of Insurance Supervisors, and she led the Interstate Insurance Product Regulation Commission.

Before leading Maryland's insurance agency, Birrane was a partner at DLA Piper's insurance and reinsurance practices, with a focus on transactional and regulatory issues. She previously served as general counsel at MLF Financial Group Companies and principal counsel at the Maryland Insurance Administration.

In this interview, Law360 spoke with Birrane by email about her career and how her time in private practice and in public roles served each other, and her renewed focus on artificial intelligence issues.

This interview has been edited for length and clarity.

### **What are some of the major differences between your public roles and private practice?**

As a commissioner and in leadership roles at the NAIC, my focus was primarily on advancing national policy on the areas of greatest regulatory concern. As a partner at DLA Piper, my primary focus is to apply my knowledge and understanding of the insurance regulatory framework and its trajectory, to the concrete and specific issues facing entities that operate in the insurance sector. So, as the chair of the H committee, I spearheaded the development and issuance of the AI Bulletin. As a lawyer in private practice, I help clients apply the guidance within the bulletin and other state issued AI guidance to their businesses.



Kathleen Birrane

### **How did your private practice inform your public roles?**

My private practice has informed my public roles in three ways. The first is that I came into the commissioner's role with a strong foundation in insurance law and regulation. Over the course of my career, I had spent time doing tort defense work and complex coverage litigation, addressing reinsurance transactions and arbitration issues, advising on corporate structuring and organizational considerations etc. I understood the work, the concepts and the vocabulary from the outset. Second, I was able to contextualize and consider the operational impacts of regulatory proposals and actions, because I had spent significant time helping clients to operationalize regulatory requirements. Third, I understood from day one that the insurance industry consistently delivers for consumers and for communities. There are exceptions, but it has been and remains my experience that most insurers and serious industry players and the people that operate those businesses and key business units are very focused on getting it right.

### **How did your public roles inform your private practice?**

The primary benefit of my service at the MIA, the NAIC and the IAIS is that I can think like a regulator — I bring that curated perspective to every conversation. My four years as commissioner, building on five years in the early 2000s as principal counsel at the MIA, have given me unique insights into the regulatory issues that are of primary importance to the industry at both a very high, policy level and on a very granular, operational level. I have had the benefit of watching policy evolve and, in some cases, helped develop its trajectory. I have worked with state, national and international regulators on every type and level of insurance regulatory issue imaginable, from leading the AI collaboration forum at the NAIC, to deep dive discussions on where EU and US insurance regulatory approaches differ, to responding to national cyber incidents, to coordinating competency training among department staff — I carry that "muscle memory" and the relationships behind it into my work. That is what allows me to be a practical and efficient thought partner and problem solver for my clients.

### **What is it like to rejoin DLA Piper after serving as Maryland's insurance commissioner?**

It is equally wonderful, but in a different way. As commissioner, I ran a significant state agency, chaired some fairly important NAIC working groups, including setting up the H committee and serving as its inaugural chair, and chair the IAIS Supervisory Forum. Lots of administrative issues, lots of politics, lots of budget meetings! Here, I am able to focus on the work, the practice team, and the clients.

### **What are you looking forward to now that you've returned to the firm?**

First, it is reconnecting with my partners across the globe and with clients that I used to serve. I am also excited to leverage the firm's capabilities in AI — DLA Piper's well-developed AI bench and the ability to help lead our AI work in the insurance sector was a big part of what tempted me back to private practice. This is a pivotal moment on this issue for this sector and DLA Piper has the right team of experienced regulatory, compliance and litigation lawyers, as well as data scientists, data analysts, statisticians and Ph.D.s to provide the insurance industry with coordinated and comprehensive legal services in this area. From bias testing of complex models, to governance and risk management development, to "red teaming" LLM applications, to defending major regulatory investigation and class action litigation with people who have actually, really done it before — the talent is simply unparalleled — and I am so pleased to be part of it and to bring these capabilities to bear for my clients.

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