

## Stephen Gibson



### Overview

Senior Attorney [Dallas](#)  
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#### Education

J.D. from Baylor University School of Law  
B.A. from Baylor University

#### Bar Admissions

Texas  
United States Court of Appeals for the Fifth Circuit  
United States District Court for the Eastern, Northern,  
Southern and Western Districts of Texas

#### Related Practices

Environmental  
Environmental Litigation  
Litigation  
Appellate  
Director & Officer Litigation  
Insurance Litigation  
Products Liability

#### Related Industries

Construction  
Health Care  
Insurance  
Transportation

Stephen's practice primarily focuses on insurance and appeals. His appellate advocacy begins in the trial courts by assisting trial counsel with the preparation of critical motions and the documents that frame the findings. His representation continues after trial in post-trial motions and on appeal with the preparation of briefs and presentation of oral argument.

He began his appellate experience by serving as a briefing and research attorney at the Court of Appeals for the Fifth District of Texas at Dallas. He has since continued in private practice representing clients on appeal in matters such as aviation, construction defect, eminent domain, insurance and other contract disputes, products liability, professional liability, and premises liability cases. In addition to post-verdict and appellate representation, Stephen works closely with trial counsel in the formulation of strategic legal analysis that shapes the issues presented to the trier of fact.

In the insurance field, he provides guidance and analysis in contractual and extra-contractual liability insurance disputes. Stephen's experience in insurance matters includes advise and analysis of a wide spectrum of liability insurance policies, including commercial liability, professional liability and director's and officer's liability insurance. He also has extensive experience in environmental liability coverage disputes.

Stephen believes there are two essential elements to effective representation. The first is an appreciation of the need to question conventional wisdom and assumptions and use that sense of inquisitiveness to formulate novel approaches and solutions. His experience has taught him the willingness to challenge conventional thinking often leads to the best arguments. The second essential

## Achievements

*American Lawyer Media* – Top-Rated Lawyers in Appellate Law (2013)

*Woodward/White, Inc.* – Best Lawyers in America, Texas' Best Lawyers, Insurance Law (2013-2020)

element is a commitment to communicating those solutions clearly and supporting them with a thorough, accurate, and concise analysis. Practical skepticism, clear communication, and a strong work ethic means that Stephen is willing and ready to take on challenging causes.

Stephen's interest in innovative problem solving and clear communication stem from his pre-law interests in political science and journalism. Before attending law school, it was his good fortune to work as an assistant to the Hon. W.R. Poage during the 95<sup>th</sup> Congress. He continued these interests after obtaining his law degree by teaching courses on legal writing and civil procedure. He maintains a strong interest in legal education and speaks for bar and professional groups on topics related to insurance, appeals and civil litigation. He is also active in his community and serves as an officer on the board of his homeowner's association.

## Experience

### Products Liability/Wrongful Death

Assisted in representing a drilling contractor against a commercial and personal property insurance company. The drilling contractor was sued in a multiple fatality car crash involving an employee who was intoxicated while driving. Potential exposure included punitive damages to potentially exceed the client's \$11 MM in coverage. The Firm successfully overcame last minute coverage defenses regarding primarily punitive damages raised by the carrier to get the multiple claims settled within limits.

### Products Liability/Wrongful Death

Assisted in representing a trucking company in claims involving four fatalities, one with significant conscious pain and suffering before death, as well as more than 15 additional serious personal injury claims. The potential exposure exceeded the company's coverage by more than \$45 MM. The Munsch Hardt team initiated a strategy to (a) prevent the insurance carriers from throwing all of the money at the death claims, and (b) to resolve all claims within the limits. We were able to gather all claimants at one mediation, and convinced the carriers that only one of the three death claims was worth the amount of their offer. Once this case was settled along with the most serious injury cases, insufficient limits were left to satisfy the other wrongful death offers, thus killing the legal effectiveness of those demands. Our complex strategy, which included research and analysis of other possible sources of insurance coverage under commercial automobile liability policies, worked very well, resulting in settlement of all claims but one claim for less than the policy limits.

## Products Liability Coverage

Assisted in representing a tire manufacturer and distributor in a trial regarding recalled tire defect/rollover that involved serious personal injuries, including the loss of the plaintiff's right arm. On the evening of trial, the primary and excess carriers raised numerous policy defenses, including a rollover exclusion, as bars to coverage. The Munsch Hardt team was able to convince the primary carrier to tender its \$1 MM policy limits and settled the underlying suit for under \$3 MM. The Firm is continuing to pursue reimbursement of approximately \$2.25 MM in indemnity and attorneys' fees related to statutory, common law and/or contractual indemnity claims.

## Construction Defect Arbitration

In response to briefing in an interlocutory appeal from the denial of a motion to refer a matter to arbitration, the opposing party agreed to resolve the underlying dispute in the arbitration. The dispute was over alleged construction deficiencies in a commercial facility in which Stephen represented the general contractor.

## Services + Consultancy Agreement

Prepared and presented arguments at the mediation of a dispute arising from the termination of services and consultancy agreement. The case was referred to mediation pending an appeal by our client from an adverse judgment. The matter was resolved by agreement at the mediation.

## Products Liability/Wrongful Death

Prepared briefing and presented arguments at the mediation of a premises liability dispute arising from the death of a minor child who was struck by a car in the premises owner's parking lot. The case was tried to a verdict that resulted in a substantial judgment against the property owner. The mediation after the preparation and filing of appellate briefs for the property owner resulted in the parent's decision to compromise their claim instead of allowing the appeal to proceed.

## Newsroom

**Press Release:** Twenty-Seven Munsch Hardt Attorneys Honored as '2020 Best Lawyers in America'

**Newsletter:** Texas Supreme Court Update

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**Press Release:** Twenty-One Munsch Hardt Attorneys Recognized as 2019 “Best Lawyers in America

**Newsletter:** Texas Supreme Court Update

**Newsletter:** Texas Supreme Court Update

**Newsletter:** Texas Supreme Court Update

**Newsletter:** Texas Supreme Court Updates

**Press Release:** Twenty Munsch Hardt Attorneys Honored as ‘2018 Best Lawyers in America’

**Press Release:** Twenty-Two Munsch Hardt Attorneys Recognized as 2017 Best Lawyers in America

**Press Release:** Seventeen Munsch Hardt Attorneys Recognized as ‘Best Lawyers in America 2016’

**Press Release:** Nineteen Munsch Hardt Attorneys Recognized as ‘Best Lawyers in America 2015’

**Press Release:** Best Lawyers 2014 Recognizes Munsch Hardt Attorneys

**Press Release:** Munsch Hardt Welcomes Dallas Additions