

# Insurance

## Overview

Munsch Hardt's Insurance Recovery practice is driven by experienced and respected Insurance lawyers who are committed to solving problems for clients and maximizing their insurance investments. This group is called on before, during and after insurance-triggering events to assess risk, facilitate prompt claims resolution, address coverage issues that may arise, and, if necessary, litigate insurance coverage and bad faith issues.

Whether handling company-critical coverage disputes, drafting indemnity and insurance procurement provisions (particularly involving additional insured requirements), conducting due diligence for a merger or acquisition, or providing support to your risk management department, our attorneys possess the knowledge, experience and insight to guide you skillfully and cost-effectively through the challenging insurance minefield.

We actively assist clients recover their insurance policy benefits, whether as a named insured or additional insured under a policy. Our group has worked with a broad range of insurance products and industries providing a depth of knowledge and experience that leads to creative solutions and recovery victories. We realize that litigation is a critical skill set, but it is not always the most effective tool. Strategy, scholarship, negotiation, familiarity with the language of claims and an ability to identify the shortest distance between two points can achieve results that are more effective for most businesses. To that end, we endeavor to continue to help clients with their insurance needs involving:

- Additional insured overages
- Builder's risk insurance
- Business interruption insurance
- Commercial automobile insurance
- Commercial general liability insurance
- Commercial property insurance
- Crime + Fidelity insurance
- Cyber insurance
- Directors & Officers (D&O) insurance
- Employer's liability insurance (EPLI)
- Errors & Omissions (E&O) insurance
- Fiduciary liability
- Indemnity agreements
- Insured contract coverages
- Intellectual property coverages
- Life insurance
- Medical malpractice insurance
- Non-subscriber plans
- Pollution coverages
- Professional liability insurance
- Risk-retention group policies
- Self-insured retentions
- Surplus lines insurance + Lloyd's plans
- Technology errors + omissions insurance
- Trade-credit insurance
- Worker's compensation insurance

In addition to our pure insurance attorneys, our Firm offers a fully integrated team dedicated to developing specialized solutions for specific industries and policy types. These areas include:

## APPELLATE

Munsch Hardt has a skilled Appellate Section that is actually experienced in insurance matters, something many firms cannot claim. With experience briefing and arguing before the Texas Supreme Court, the various state appellate courts and the Fifth Circuit Court of Appeals, the Munsch Hardt Appellate Section adds value not only to the appeal of the insurance case, but also to the technically challenging job of properly charging and instructing the jury in these challenging cases.

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## **BANKRUPTCY, RESTRUCTURING & INSOLVENCY**

Recognized by *Chambers USA* since 2005, our Bankruptcy, Restructuring & Insolvency group routinely works with our Insurance Recovery attorneys to navigate coverage issues related to claims against Directors and Officers and the pursuit of first-party insurance benefits in the bankruptcy context.

## **CONSTRUCTION**

Our Construction Section regularly must navigate the numerous insurance challenges presented in almost all construction litigation. Thus, our clients have the benefit of a team of Construction and Insurance Recovery lawyers knowledgeable about what claims or parts of claims are most likely to be covered and how they should be pursued to maximize recovery. In addition, these teams work closely together on risk management issues presented in complex construction contracts and related agreements, including consideration and implementation of owner-controlled insurance programs, contractor controlled insurance programs. Our Insurance Recovery attorneys are also called on to advise and assist with the drafting of insurance and indemnity provisions to maintain an enforceable risk management plan.

## **ENERGY**

Our clients benefit from a team of Energy and Insurance Recovery lawyers knowledgeable about what claims or parts of claims are most likely to be covered and how they should be pursued to maximize recovery. In addition, these teams work closely together on risk management issues presented in the energy context and their related agreements. In the contract process, our Insurance Recovery attorneys help revise insurance and indemnity provisions of Master Services Agreements (MSA) to avoid the pitfalls posed by the plethora of anti-indemnity statutes. After an incident, our Insurance Recovery attorneys provide experienced guidance in pursuit of liability insurance benefits, additional insured benefits and matters involving indemnity obligations.

## **ENVIRONMENTAL**

Our experience encompasses coverage archaeology and reconstruction, claims notification, negotiation, claims management, litigation, policy procurement and negotiations, due diligence, insurance evaluations and alternative dispute resolution. The Firm provides expeditious and cost-effective resolution of environmental insurance coverage claims and litigation, even when faced with exclusions and lost policies. Our Superfund (CERCLA) experience provides valuable knowledge of technical issues necessary to prove coverage during applicable policy periods.

## **HEALTH CARE**

The Health Care group works in tandem with the Insurance Recovery Group in seeking to obtain coverage for a number of vexing claims, including subpoenas, Medicare fraud, FLSA claims, medical malpractice claims and even intellectual property litigation in the health care environment. Through the joint efforts of these groups, litigation of these claims is either directly handled or monitored by counsel the health care professional can trust and the vexing coverage issues raised by some carriers can be expeditiously handled.

## **LITIGATION**

Our Litigation group provides a depth of experience that few Insurance Recovery Groups possess. When litigation is the best approach to solving the coverage dispute, our insurance lawyers – backed by the deep bench of our renowned litigation practice—operate from a position of strength. The combined talents of the Litigation group and the Insurance Recovery group also have been often called upon to provide litigation management of complex, bet-the-company litigation, which has the additional wrinkle of insurance conflicts as well.

## MERGERS & ACQUISITIONS

Our team of Mergers & Acquisitions attorneys regularly represents buyers, sellers and investors in connection with domestic and international mergers and acquisitions, asset and closed block transactions, joint ventures, mutual holding companies, spin-offs and recapitalizations. We also have experience with bulk reinsurance, loss portfolio transfers and renewal rights transactions, as well as broker/agency roll-ups and other acquisitions for insurance intermediaries and insurance industry service providers. The Insurance Recovery group is also often called on to assist with due diligence regarding liability exposures and existing insurance. The group has also aided with the use of representations and warranties coverage as a tool in the merger and acquisition field. The use of such coverage involves extensive knowledge of insurance and the interrelationship of the sale documents with the coverages.

## REAL ESTATE

Munsch Hardt has extensive experience in representing building owners, developers and contractors. The Insurance Recovery group works with the Real Estate Group lawyers in the drafting of insurance procurement, indemnity and other risk management devices, such as disclaimers and prospective releases. Real estate clients of the Firm have the benefit of also having the Insurance group available to assist in the making and handling of commercial property and general liability claims related to their businesses. Our attorneys are experienced in knowing where the risk allocation dollars are located and in prosecuting indemnity and insurance claims in order to capture those dollars for the benefit of the real estate client. Our insurance lawyers also provide advice to real estate clients regarding the selection of coverage for particular projects, including advice regarding OCIP's and CCIP's, and analysis of areas where there are insurance gaps, such as with professional liability, requiring the consideration of OPPI's and project specific professional liability coverage.

## Experience

### Commercial Property + First-Party Insurance

Represented a motel in a lawsuit against its carrier to recover damages caused by the collapse of its flooring throughout the property.

### Energy + Indemnity Dispute

Represented a Fortune 500 energy infrastructure company in a commercial indemnity dispute with a global energy company related to two Louisiana based personal injury cases. Our team obtained summary judgment securing our clients' ability to recover its defense costs and settlement funds.

### Freeze Damages + Commercial Property + First-Party Insurance

Represented an auto dealership in a lawsuit against its carrier and the insurance agency to recover fire and water damages caused by a severe freeze.

## Health Care + Employer's Liability Insurance + D&O Insurance

Represented an emergency medical care provider in the recovery of defense costs and settlement funds under Directors and Officers and Employee Liability insurance to resolve three contentious lawsuits by former owners, officers, directors and employees of our client.

## Health Care + Insurance Coverage + Intellectual Property

Represented a medical treatment company in obtaining defense costs for a complicated and contentious intellectual property dispute under a novel coverage theory.

## Industrial Company + Commercial Property + Equipment-Breakdown Coverage

Represented an international industrial equipment maintenance and sales company in obtaining replacement costs to replace vital operational equipment that was damaged during a catastrophic event.

## Insurance + Bad Faith Litigation

Represented numerous insurers, policyholders, third-party administrators, loss-adjusting firms and adjusters in high-exposure insurance coverage, bad faith and contract litigation.

## Insurance + Duty to Defend + Multi-District Litigation

Represented a defendant in high-exposure multi-district litigation involving claims by thousands of people for personal injuries and wrongful death and secured funding for its defense.

## Insurance Agent + Commercial Property + First-Party Insurance

Represented an auto dealership in a lawsuit against its carrier and the insurance agency to recover hail damage to its roofs.

## Insurance Coverage + Industrial Litigation

Represented a multinational industrial company in the successful resolution of a contentious multi-million dollar insurance coverage case.

## Manufacturing + Duty to Defend + Insurance Coverage + Indemnity

Represented an international equipment manufacturer and supplier in three lawsuits involving its customers, the installation contractors, a general contractor and the insurers under multiple policies. Our team secured funding to defend and settle the suits brought against our client.

## Products Liability Litigation + Indemnity

Represented a multinational oxygen production company in the successful resolution of a products liability suit involving more than \$100 MM in alleged damages resulting from the explosion of a chemical plant.

## Real Estate Finance + Insurance Coverage

Represented a real estate finance company in obtaining funds to restore a real estate investment asset damaged by the negligent installation of water piping.

## Trustee Representation

Represented a trustee in a case filed by an insurance company in Kansas. Obtained dismissal of insurer's out-of-state declaratory judgment action against our Texas client's interest under the Brillhart/Mhoon abstention doctrines.

## Practice Leaders



**Justin Ratley**

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## Related People

Ron Burnovski  
Julie Christensen  
Andres Contreras  
Maddison Craig  
Jared Greathouse  
W. Garrett Hicks  
Anne-Alise "Ali" Hinckley  
Peter Hogue

James McGee  
Austin Moorman  
Laura Murray  
Ryan Newman  
Frank Patsouras  
Justin Ratley  
Adam Richie  
Connor Rose  
Nathan Vrazel  
Kelly Wise

## Related Practices

Bankruptcy, Restructuring & Insolvency  
Finance  
Labor & Employment  
Real Estate  
Litigation  
Environmental

## Related Industries

Admiralty & Maritime  
Financial Services  
Construction  
Energy  
Health Care  
Hospitality  
Manufacturing  
Retail  
Technology & Telecommunications  
Transportation

## Achievements

*Chambers USA – Texas* (2019)

*Best Lawyers®* “Best Law Firms” – Insurance Law, Metropolitan Tier Ranking (2020-2025)

*Best Lawyers®* “Best Law Firms” – Litigation – Insurance, Metropolitan Tier Ranking (2023-2025)

## Newsroom

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**Article:** Don't Set Sail In A Leaky Ship — D&O Insurance: How To Negotiate Your Policy To Plug The Holes In Coverage

**In The News:** How Calif.'s Wildfire Insurance Crisis Might Affect Texas

**Press Release:** Best Lawyers® Ranks Munsch Hardt in 2025 “Best Law Firms” in America Listing

**Speech:** Managing Liability and Risk in Texas

**Speech:** A Practical Guide to Indemnity and Additional Insured Coverage

**Speech:** Enforcing Additional Insured Coverages in the Energy Industry

**Article:** Tips For Advising CRE Owners Affected By Houston Storms

**Speech:** Behind the Lines: The Houston Lawyer Podcast

**Press Release:** Best Lawyers® Names Munsch Hardt to 2024 “Best Law Firms” in America List

**Press Release:** Munsch Hardt Ranks Among Nation’s Top Firms in 2023 “Best Law Firms” List by U.S. News - Best Lawyers®

**Press Release:** Munsch Hardt Named to 2022 “Best Law Firms” List by U.S. News – Best Lawyers®

**Article:** 2021 Freeze Relief: Tips for Commercial Property Owners/Interests/Managers and Homeowners

**Speech:** Hotel Owners + The Novel Coronavirus Webinars

**In The News:** Texas Justices Refuse To Weaken Insurance Defense Rule

**Speech:** Richie Speaks at Engineering Law & Ethics Seminar

**In The News:** Texas Justices Wary Of Exception To Insurance Defense Rule

**Oral Argument:** State Farm Lloyds v. Janet Richards, et al.; Case No. 19-0802

**In The News:** Exceptions To '8 Corners Rule' Are Invalid, Texas Justices Told

**Press Release:** Chambers USA 2019 Ranks Five Munsch Hardt Practice Groups and Seven Lawyers

**Oral Argument:** Life Partners Creditors' Trust v. Cowley; Case Nos. 17-11477, 17-11480, 17-11488, 18-10051, and 18-10056

**Press Release:** Munsch Hardt Ranks Among Nation’s Top Firms in 2019 Best Law Firms List

**In The News:** Legal Malpractice Insurers Looking Earlier To Sue Their Attys

**Speech:** Michael Huddleston and Nolan Knight Present at Advanced Insurance Law Conference

**Press Release:** Munsch Hardt Launches Blog, Brings Attention to the Latest in Immigration Law

**Article:** Who's Liable For A Crash When It's The Car Driving?

**Press Release:** Munsch Hardt Recognized as Industry Leader in 2016 Chambers USA

**Press Release:** Twelve Munsch Hardt Attorneys Recognized as 2015 Texas Super Lawyers

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

**Press Release:** Munsch Hardt Practice Groups, Lawyers Recognized as Industry Leaders in 2015 Chambers USA

**Press Release:** 6 Munsch Hardt Attorneys Recognized as 2015 Best Lawyers in Dallas by D Magazine

**In The News:** SEC Cites 'Misleading' Life Partners Release In Trustee Bid

**Press Release:** Munsch Hardt Earns 2015 Top-Rankings from U.S. News-Best Lawyers® Best Law Firms

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

**Press Release:** Munsch Hardt Expands Energy and Maritime Practice Through Addition of Attorney in Houston Office

**In The News:** Dallas Law Firm Moves Into New Houston Digs

**Press Release:** Munsch Hardt Ranks Among U.S. News – Best Lawyers 2014 “Best Law Firms”

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

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

**Press Release:** U.S. News - Best Lawyers Recognizes Munsch Hardt Attorneys

**Press Release:** D Magazine Names One Munsch Hardt Best Lawyers in Dallas