Ernest Martin, Emily Buchanan in Law360: 5th Circ. Says Insurer Must Rep McCathern In Malpractice Row

By Ernest Martin, Jr., Emily Buchanan | February 28, 2020

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Haynes Boone Partner Ernest Martin and Associate Emily Buchanan were featured in a *Law360* article about a recent 5th Circuit win on behalf of firm client McCathern PLLC.

Here is an excerpt:

An insurance company has a duty to represent attorney Levi McCathern and his namesake firm over a $6.25 million malpractice claim, as the Fifth Circuit determined Wednesday that some of the alleged wrongful acts likely occurred during the policy period.

The malpractice claims against McCathern PLLC and the attorney are not limited to his allegedly failing to timely act on a $250,000 settlement offer that former client West Star Transportation Inc. had instructed him to accept, but also on his purportedly failing to "work the file" in the underlying personal injury case, according to the three-judge appellate panel's opinion.

"This case is a big win for policyholders because it underscores how the insurer's broad duty to defend as interpreted by Texas law trumps the 'prior knowledge' condition often relied upon by insurers to deny coverage to policyholders," said Ernest Martin Jr., an attorney representing McCathern, to *Law360* on Wednesday.

McCathern is represented by Ernest Martin Jr. and Emily Buchanan of Haynes Boone.

To read the full article, click here. (Subscription required)

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