Ernest Martin in Texas Lawbook: 'Steeped in Conflict, Insurance Bar Works Together to Navigate Evolving Legal Landscape'

By Ernest Martin, Jr. | December 23, 2022

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Haynes Boone Partner **Ernest Martin** was quoted in *The Texas Lawbook* discussing the American College of Coverage Counsel's recent Insurance Law Symposium. Ernest is symposium co-chair and chair of the firm's Insurance Recovery Practice Group.

Below is an excerpt:

Practitioners who face off in litigation day in and day out converged on SMU for the American College of Coverage Counsel's annual Insurance Law Symposium to share insights on the latest legal developments in insurance law. The insurance industry has a long and storied history, and disagreements over coverages have been a close companion from the very beginning. It's easy to appreciate why. Even the most complicated disputes over property damage and monetary losses eventually boil down to the framing and interpretation of language in coverage policies.

This year's panels explored cutting-edge and emerging issues in insurance law, including ripped-from-the-headlines topics like disaster response for events ranging from the COVID-19 pandemic to wildfires and the Surfside, Florida, building collapse. Panels hashed out developments related to bad faith, trial science, policy formation, appeals, claims handling, and settlement trends.

The symposium included updates on two cases on this year's Supreme Court of Texas docket. Overstreet v. Allstate shines a light on the conflict between state legislation and case law over the concurrent causation doctrine in Texas regarding who has the burden of proof with coverage exclusions. Overstreet settled days before scheduled arguments, leaving practitioners to navigate problematic case law that is ripe for future conflict.

The same panel provided an update on *Stonewater Roofing v. TDI*, which centers on a recent Texas law requiring public insurance adjusters to be licensed by the state. A claimed conflict of interest arising from a roofer acting as both adjuster and contractor implicates federal constitutional law and state law.

"The wide range of topics covered at the symposium highlighted the fact that, while insurance disputes are frequent, insurance law continues to develop based on the evolving risks of our economy, politics and culture," said Ernest Martin, symposium co-chair and chair of the insurance recovery group at Haynes Boone.

Excerpted from *The Texas Lawbook*. To read the full article, click here.

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