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PRACTICE AREAS

- Bad Faith and Extra-Contractual Liability
- Breach of Contract
- Builder's Risk
- Commercial Litigation
- Construction
- General Liability Coverage and Defense
- Insurance
- Pandemic Claims and Litigation
- Products Liability
- Professional Liability
- Property Insurance
- Reinsurance

BAR AND COURT ADMISSIONS

- State Court: Texas
- U.S. Court of Appeals: Fifth and Federal Circuits
- U.S. District Court: Northern, Southern, Eastern and Western Districts of Texas

Brett handles complex coverage and extracontractual matters for several major insurance companies. He represents clients throughout the United States on some of their most important matters including the World Trade Center disaster and Hurricanes Katrina and Rita. His insurance coverage practice covers a wide range of topics including complex business interruption, contingent time element and commercial general liability issues.

REPRESENTATIVE MATTERS

Successfully resolved claims in excess of \$450 million following the World Trade Center disaster.

Currently defending property insurance company against claims in excess of \$250 million by a major university arising out of Hurricane Katrina.

Obtained favorable resolution of claims in excess of \$500 million from a Fortune 500 company arising out of Hurricane Katrina.

Obtained a judgment overturning an arbitration award in a reinsurance arbitration with over \$4 million in dispute.

Successfully defended bad faith claims against a liability insurance company following a drunk driving accident that resulted in the death of a minor child.

ARTICLES & PRESENTATIONS

"The Southern District of Texas Reaffirms That an Insured has the Burden to Identify a Covered Loss During the Policy Period and Segregate Its Damages," *The Zelle Lonestar Lowdown*, January 16, 2025, author

"Is a Tornado a Named Storm in the Context of a Property Insurance Policy?" *The Zelle Lonestar Lowdown*, August 13, 2024, author

"Losses Reportedly Arising From the Presence of the COVID 19 Virus at a Property Are Excluded by a Contamination and Pollution Exclusion According to the Houston 14th Court of Appeals!" *The Zelle Lonestar Lowdown*, February 16, 2024

"Timing is Key for Texas Insurers Accepting Agents' Liability," *Texas Law360*,

EDUCATION

- Southern Methodist University School of Law, J.D., 1996
- University of California at Los Angeles, B. A. Economics, 1993

April 16, 2019, co-author

"Why Texas Contractors Should Watch *Lon Smith v. Key*," *Texas Law360*, April 13, 2018, author

"A Worrying Insurance Trend: Litigation, No Cooperation," *Insurance Law360*, August 3, 2016, author

"Texas Legislature Reins in Public Adjuster Conduct," *Texas Law360*, July 20, 2015, co-author

"District Court Figures Out What The Hail™ Is Going On," *Texas Law360*, July 17, 2014, author

PROFESSIONAL AFFILIATIONS

State Bar of Texas

Dallas Bar Association, Intellectual Property Section

American Bar Association

NOTEWORTHY

Selected for inclusion in *The Best Lawyers in America*®, 2024, 2025.

PAST PROFESSIONAL EXPERIENCE

Touchstone, Bernays, Johnston, Beall & Smith, Dallas, TX 1996-2000