



## J. Richard Harmon

Insurance Litigation & Coverage Section Chair

[rharmon@thompsoncoe.com](mailto:rharmon@thompsoncoe.com) | 214-871-8227

Rick Harmon devotes much of his practice to the representation of insurance carriers in all aspects of contractual and extra-contractual litigation. He represents insurers in matters involving both commercial and personal lines policies, third-party disputes involving coverage, bad faith, and Stowers issues. He has also represented numerous insurers in large commercial property insurance cases involving hurricanes Rita, Katrina, Dolly and Ike.

Rick represents insurers at both the state and national levels, and has advised insurers on international claims involving master and local policies. He also has experience representing insurers in class action suits and corporate and commercial matters. A significant part of his practice is devoted to advising excess insurers in cases involving multi-million dollar exposures.

While the majority of Rick's practice is devoted to representing insurers directly, he also represents policyholders in third-party litigation involving products liability, premises liability, construction defect and insurance agent errors and omissions.

### Representative Experience

- Lead trial counsel in first-party property suit resulting in unanimous defense verdict.
- Lead trial counsel in suit brought against insurer in Hidalgo County resulting in defense verdict.
- Obtained favorable decision from U.S. Court of Appeals for Tenth Circuit in coverage dispute involving number of occurrences based on largest E.Coli outbreak in U.S. history.
- Lead trial counsel in suit to recover proceeds paid by insurance client from another insurer resulting in favorable unanimous verdict and full recovery for client.
- Favorable resolution of several large property insurance lawsuits for clients involving hurricanes Dolly and Ike.
- Recently negotiated favorable multi-million dollar settlements in several high-

### Services & Industries

- Insurance Litigation
- Insurance Coverage
- Products Liability
- Mass Torts
- Weather-Related  
Catastrophe Litigation
- London Market  
Practice

profile products liability and premises cases in South Texas on behalf of excess insurers.

- Negotiated settlement for excess insurer in bus fire case involving multiple deaths.
- Obtained summary judgment on behalf of insurer on contractual indemnity claim involving seven-figure damages.
- Obtained summary judgment on behalf of insurer in class action involving thousands of potential claims relating to overhead/profit issues.
- Served as lead counsel on numerous commercial and personal lines cases involving Hurricanes Rita, Dolly and Ike.
- Represented insurer in complex commercial property dispute involving nine apartment complexes damaged by Hurricane Katrina.
- Obtained favorable opinion from Texas Supreme Court in large commercial dispute in which client sought to compel arbitration under an agency contract.
- Counseled insurance client regarding a multitude of coverage issues and assisted insurer in resolving several national pharmaceutical and medical device cases involving global insurance programs.

## **Education**

- Texas Tech University School of Law (J.D., 1991)
  - *cum laude*
  - Order of the Coif
  - Phi Kappa Honor Fraternity
- The University of Texas at Arlington (B.S., 1987)

## **Bar Admissions**

- Texas, 1991

## **Court Admissions**

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

## **Professional and Community Activities**

- Property Loss Research Bureau
- Defense Research Institute
- Tort and Insurance Section of Texas State Bar
- Claims & Litigation Management Alliance
- Member, Federation of Defense & Corporate Counsel, August 2013
- Member, American College of Coverage & Extracontractual Counsel, March 2014

## **Speeches and Presentations**

- Presented "'Texas Sized' Verdicts in 2018 - Outliers or Paradigmatic Shift?" on April 2, 2019 for Thompson Coe's Monthly Webinar.
- Presented "Stowers Update: New Issues Surrounding the Stowers Doctrine" on

- June 28, 2016 for Thompson Coe's Monthly Webinar.
- Presented "Texas Property Update:Recent Important Decisions and the Impact of Appraisal on Litigation" on November 13, 2015 for Lloyd's of London
- Presented "Is My Settled Claim Really Settled?" on January 13, 2015 for Thompson Coe's Monthly Webinar.
- Presented "Stowers Demand" on May 11-12, 2015 for RSUI West Coast Claims Seminar 2015.
- Presented "Conditions, Trigger and Rights Against Other Carriers—Where Have We Been and Where Are We Now? *Lennar Corporation v. Markel American Insurance Company*" on October 9, 2014 for Thompson Coe's Texas Litigation Update 2014.
- Presented "Texas Coverage Update and an Insurance Code Primer" on April 16, 2014 for RSUI Claims Seminar 2014.
- Presented "How Better to Handle Your Role in the Claims Management Process" for Claims & Litigation Management Alliance Texas Event (Arlington, TX), May 16, 2013
- Presented "Reservation of Rights and Using Consent Judgments: Assigning Rights to the Plaintiff and Determining Whether the Settlement Could Result in a Bad Faith Suit" for American Conference Institute's 24th National Advanced Forum on Bad Faith Litigation (Philadelphia, PA), April 29-30, 2013
- Presented "Litigating Questionable Coverage: Strategies for Avoiding Bad Faith when Dealing with Reservations of Rights, Declaratory Judgment Actions, Partially Covered Claims and Rescission" for American Conference Institute's 21st National Advanced Forum on Bad Faith Litigation (Orlando, FL), November 30-December 1, 2010
- "What is the Status of Contractual Indemnity and Additional Insured Coverage in Claims Involving Construction?" Thompson Coe's 11th Seminar on Texas Insurance Law Developments, October 25, 2012
- "Shifting Risk in Complex Claims Through Contractual Indemnity and Additional Insured Coverage" for PLRB/LIRB Large Loss Conference November 15-17, 2010 (New Orleans, LA)
- "Eight-Corners and Use of Extrinsic Evidence" for Thompson Coe's 9th Seminar on Texas Insurance Law Developments, May 6, 2010
- "Additional Insured and Contractual Liability Coverage", Chapter 6 of "Thirteen Things Every Insurance Agent & Broker Should Know," AgentsofAmerica.org eBook- Co-author, February 25, 2010
- "Are Eight Corners Enough? The Use of Extrinsic Evidence in Determining An Insurer's Duty to Defend" for PLRB Regional Claims Conferences 2009 (Providence RI, Chicago IL, Austin TX)
- Presented *Doing It Right The First Time* on 11/6/08 for Thompson Coe's 8th Annual Coverage Seminar
- Presented *Doing It Right The First Time: Reserving Rights and Declining Coverage* on 6/3/08, 9/9/08 and 10/28/08 for the PLRB Regional Adjusters Conference
- Presented *Recent Texas Supreme Court Decisions* on 4/22/08 for Republic Claims Seminar

## Professional Recognition

- Nominated by peers to *The Best Lawyers in America*® 2019-2021 in the field

of Insurance Law

- Texas *Super Lawyers*® - *Super Lawyer* for Insurance Coverage – 2006, 2007, 2009-2019
- *Super Lawyers*® - *Corporate Counsel Edition* for Insurance Coverage– 2010
- “AV” Peer Review Rated by *Martindale Hubbell*

## Weather-Related Catastrophe Litigation

### Overview

Rick Harmon devotes much of his practice to the representation of insurance carriers in all aspects of contractual and extra-contractual litigation. He represents insurers in matters involving first-party and third-party coverage disputes. He has advised and represented carriers in responding to natural disasters and catastrophes. Rick has defended insurers in large commercial property insurance disputes involving hurricanes Katrina, Rita, Dolly and Ike and represented a personal lines insurer in multi-district litigation involving more than 350 lawsuits.

### Representative Experience

- Favorable resolution of several large property insurance lawsuits for clients involving hurricanes Dolly and Ike.
- Obtained summary judgment on behalf of insurer in class action involving thousands of potential claims relating to overhead/profit issues.
- Served as lead counsel on numerous commercial and personal lines cases involving hurricanes Rita, Dolly and Ike.
- Rpresented insurer in complex commercial property dispute involving nine apartment complexes damaged by Hurricane Katrina.
- Obtained favorable opinion from Texas Supreme Court in large commercial dispute in which client sought to compel arbitration under an agency contract.
- Counseled insurance client regarding a multitude of coverage issues and assisted insurer in resolving several national pharmaceutical and medical device cases involving global insurance programs.

## Publications

March 17, 2021

**“Forces of Nature” Encompasses Weather Events**

May 1, 2020

**Texas Supreme Court Recognizes Exception to Eight Corners Rule**

January 28, 2019

**Looking Forward to 2019 - "Texas-Sized" Verdicts in 2018**

January 2, 2019

**Fifth Circuit Holds that Texas Law Immunizes Law Firm from Liability for Alleged Misrepresentations Made to Excess Insurer**

February 13, 2015

**Texas Supreme Court Reaffirms Incorporation of Other Documents By Additional Insured Clauses**

October 31, 2014

**Texas Supreme Court Disallows Discovery of Unrelated Claim Files**

September 2, 2014

**Texas Supreme Court Upholds Denial of Coverage Based on Vacancy Provision**

September 2, 2014

**Houston Court of Appeals Finds Punitive Damages Are Covered by Commercial Policies, but Remands the Case for Determination of the Public Policy Issue**

July 1, 2014

**Fourteenth Court of Appeals Muddies Waters on Policy Benefits and Extra-Contractual Benefits**

September 18, 2013

**Fifth Circuit Reinstates Appraisal Award Set Aside by Trial Court**

August 26, 2013

**Texas Supreme Court Expands Liability for "Property Damage" and Limits Enforceability of Consent-To-Settlement Requirements**

March 1, 2013

**Superstorm Sandy: Lessons Insurers Can Learn From Gulf Coast Hurricanes**

*Declarations, International Association of Claim Professionals, Winter 2013*

June 18, 2012

**Fifth Circuit Holds Coverage for Faulty Workmanship Barred by the Contractual Liability Exclusion**

July 5, 2011

**Texas Supreme Court Limits Evidence on Medical Expenses**

June 22, 2011

**New Legislation Affects Risk Shifting In Certain Construction Contracts**

May 6, 2011

**Texas Supreme Court's Decision on Waiver of Appraisal - In re Universal Underwriters**

December 6, 2001

**King v. Dallas Fire Insurance Company: Is There Coverage for Intentional Acts?**

