



James N. Isbell

Partner

jisbell@thompsoncoe.com | 713-403-8387

Jim Isbell represents corporations, insurance companies, contractors and manufacturers in litigation relating to: toxic and environmental issues, insurance questions, commercial disputes, construction/construction defect, and, additionally, claims relating to both the maritime and energy fields.

He has handled cases involving complex contract disputes, insurance issues, construction and operation of chemical plants, and other oil and gas related facilities, both onshore and offshore. He also is responsible for cases arising from activities related to the construction of various plants, facilities, and buildings; product failure and design deficiencies; explosions/fire related investigation and litigation, including the massive administrative actions, legislative investigations, and tort claims arising from the chemical release and explosion at the Phillips Petroleum plant in October 1989.

Representative Experience

- Obtained summary judgment for a property owner/hotel in a lawsuit asserting claims for sexual assault and negligence claims involving an employee and a minor.
- Obtained judgment and recovery in a contract dispute and fraud case between two corporations.
- Obtained summary judgment for an insurance agent/broker of a national insurance carrier involving alleged negligence, forgery and misrepresentation claims, including claims for bad faith and breach of contract, relating to the issuance and denial of payments pursuant to a life insurance policy.
- Obtained summary judgment on behalf of a Fortune 500 tire company in a personal injury lawsuit brought by railroad employees, asserting negligence and other claims associated with a collision between a train and a truck at a crossing.
- Obtained judgment/ruling in an arbitration between two Fortune 500 companies relating to interpretation of and responsibilities under their separate contracts.
- Defended a Fortune 50 company for insurance coverage and bad faith claims

Services & Industries

- Insurance Litigation
- Insurance Coverage
- Products Liability
- Construction
- Mass Torts
- Commercial Litigation
- Admiralty & Marine
- Subrogation & Loss Recovery

associated with policies alleged to provide coverage for multiple class action and multi-district suits across the United States.

- Defended and obtained dismissal for Fortune 500 defendant sued for personal injuries resulting from an assault involving employees of its subcontractors.
- Defended and obtained a judgment of no liability or bad faith for a Fortune 50 company with respect to insurance coverage for an alleged product liability case involving property damage claims associated with the failure of the equipment to perform as marketed.
- Represented a Fortune 50 insurance company with respect to a coverage dispute with another insurance company over duty to defend and duty to pay for a multi-million dollar settlement involving multiple deaths.
- Defended a Fortune 50 company sued for insurance coverage and bad faith claims arising from policies issued to an international pharmaceutical company with respect to suits relating to thousands of product liability claims across the United States.
- Defended large construction company with respect to explosions/fire litigation, including the over 2500 claims relating to tort, toxic and environmental injuries and damages arising from the chemical release and explosion at the Phillips Petroleum plant.
- Represented a Fortune 50 company relating to intellectual property claims against a national airline, including those associated with trademark and copyright issues.
- Defended property owner which was also acting as the general contractor for a large warehouse and office project. Employee of rigging sub-contractor fell from structure when a support column partially gave way, suffered substantial injuries in the fall (over 20 surgeries with in excess of \$250,000.00 in past medical).
- Defended large manufacturer/supplier of excavation equipment for deaths resulting from cave-in at construction project.
- Defended a national steel testing company in suits involving numerous death, injury and property damage claims filed in Texas and Louisiana resulting from the rupture of a steel tank releasing molten chemical and paper waste which engulfed several bystanders and burned others in the area.
- Defended large construction company in a property damage case involving a multi-million claim, when the rigging failed and a large (several ton) screen, used in a chemical reactor involved in the production of chemicals, was dropped.

Education

- South Texas College of Law (J.D., 1983)
 - magna cum laude
- The University of Texas at Austin (B.B.A., 1977)

Bar Admissions

- Texas, 1983

Court Admissions

- United States Court of Appeals, Fifth Eleventh Circuits

- United States District Court, Northern, Southern, Western and Eastern Districts of Texas

Professional and Community Activities

- Houston Bar Association
- American Bar Association
- Texas Association of Defense Counsel
- Defense Research Institute
- Board of Directors, South Texas College of Law, Alumni Association, 1993 - 1999

Speeches and Presentations

- Co-Presenter, "Wave of the Future: Three Emerging Coverage Questions", TC Monthly Webinar, December 8, 2016
- "Stowers Update and The Duty to Settle", Advanced Insurance Presentation, New York, NY, October 27, 2015
- Presenter, "Legal Perspective for Defending Weather-Related Property Claims", Advanced Insurance Presentation, New York, NY, October 27, 2015
- Presenter, "The Top Ten Myths, Misunderstandings, and Mishaps Encountered in Insurance Litigation", 8th Annual Texas Insurance and Tort Law Update, April 9, 2015
- Co-Author and Presenter, "*Evaluation and Defense of Commercial Roof Claims*", Advanced Insurance Presentation, New York, NY, May 30, 2014
- Co-Author and Presenter, "*Landowner Liability (Premises Liability) Under Texas Law*", Advanced Insurance Presentation, New York, NY, May 30, 2014
- Author and Presenter, "*What You Don't Know CAN Hurt You: Contractual Liability & Additional Insured Provisions*", 7th Annual Texas Insurance And Tort Law Update, April 10, 2014
- Co-Author and Presenter, "*Stepping into the Unknown: Additional Insured and Insured Contracts*", 2013 Contracts & Insurance Interpretation Seminar, New York, NY, December 2013
- Co-Author and Presenter, "*The Conference Room v. The Courtroom: The Best Place To Resolve Your Case -- Jury Trials in Texas: An Overview*", 6th Texas Insurance and Tort Law Update, Houston, TX March 2013
- Author and Presenter, "Decision Time: Electing Between Reserving Rights and Denying Coverage", Texas Insurance and Tort Law Update 2011, Thompson Coe Houston Seminar, April 2011
- Author and Presenter, "Duty to Settle (Stowerized?) - Settlement Demands and Settlement Responses", Texas Insurance and Tort Law Update 2010, Thompson Coe Houston Seminar, April 2010
- Author and Presenter, "Significant Insurance Decisions From the Supreme Court of Texas (2008-2009)", Advanced Insurance Presentation, New York,

NY, September 2009

- Panelist, Discussion on Handling Hurricane Ike Claims, Texas Insurance and Tort Law Update 2009, Texas Insurance and Tort Law Update Seminar 2009, Houston, TX, September 2009
- Co-Author, "The Duty to Defend, Including Reservation of Rights, Denial of Coverage, and Declaratory Judgments", Advanced Insurance and Tort Claims Seminar, University of Houston Law Foundation, August 2009
- Co-Author and Presenter, "Stowers Today, Settlement Demands and Settlement Responses", University Of Houston Law Foundation, Advanced Insurance and Tort Claims, April 2009
- Co-Author and Presenter, "*Not So Easy A "Caveman" Can Do It: An Insurer's Duty Under Stowers and Related Statutes*", Eighth Annual Seminar on Texas Insurance Law Developments Seminar, Dallas, TX, November 2008
- Presenter, "*Developments in Insurance Coverage and Claims Handling*", Insurance Seminar, Jersey City, NJ, October 2008
- Co-Author and Presenter, "*Stowers Today, Settlement Demands, and Settlement Responses - Multiple Layers, Crossovers, Etc.*", Advanced Personal Injury Seminar, University of Houston, October 2008
- Co-Author and Presenter, "*Not So Easy A "Caveman" Can Do It: An Insurer's Duty Under Stowers and Related Statutes*", Texas Insurance and Tort Law Update 2008 Seminar, Houston, TX, September 2008
- Author and Presenter, "*Stowers Today, Settlement Demands, and Settlement Responses*", Advanced Insurance and Tort Claims Seminar, University of Houston, April 2008
- Co-Author and Presenter, "*Misrepresentations and the Effects on Insurance Coverage*", Seventh Annual Seminar on Texas Insurance Law Developments, Dallas, TX, November 2007
- Co-Author, "Carriers Argue Excess "Follow Form" Coverages Are not Bound by Primary Insurer's Policy Interpretation", Thompson Coe Insurance Coverage Law Newsletter, Spring 2007
- Author and Presenter, "*Stowers Today, Settlement Demands, and Settlement Responses, Including the Impact of Frank's Casing*", Advanced Insurance and Tort Claims Seminar, University of Houston, March 2007
- Presenter, "*Construction Defect Update: What's Building Up in Texas?*", Texas Insurance Law Update 2007 Seminar, Morristown, NJ, January 2007
- Presenter, "*Construction Defect Coverage: What's Covered, What's Not*", Texas Insurance Law Update 2007 Seminar, Morristown, NJ, January 2007
- Panelist, "*20/20 Hindsight: Bad Faith and Claims Handling -- the 11 Commandments of Insurance Adjusting*", Texas Insurance Law Update 2007 Seminar, Morristown, NJ, January 2007
- Author & Presenter, "*Not So Easy A "Caveman" Can Do It: An Insurer's Duty Under Stowers and Related Statutes*", Texas Insurance Law Update 2007 Seminar, Morristown, NJ, January 2007

- Presenter, "*National and International Implications of Dram Shop Laws*", Transportation & Trucking Seminar, Toronto, Ontario, Canada, March 2006
- Author of Texas law section of "*UM/UIM Coverage: Analysis of Key States*", for the ACE Group Claims paper, August 2003
- Co-Author, "*Controlling Legal Costs*", *Business Week Magazine*, October 2003
- Speaker and author on "*Texas Law -- Issues on Construction Defects*" at the "Informational Meeting on Construction Defect Litigation", San Ramon, CA, April 2002
- Co-author of "*Legal Solutions To Real-Life Problems*", *Indoor Environment Connections* - IAQ Monthly Publication, June 2002
- Speaker, "*Mold and Texas Law*", National Mold Conference, New York, NY, September 2001

Professional Recognition

- Nominated by peers to *The Best Lawyers in America*® 2014-2021 in the field of Construction Law.
- Named a 2013 Top Rated Lawyer in Construction by American Lawyer Media and Martindale-Hubbell™
- "AV" Peer Review Rated by Martindale-Hubbell™.

Construction

Overview

Jim Isbell maintains an active litigation practice handling claims relating to the construction and construction defect fields. Having started practicing with a firm that was heavily involved in representing companies involved in the construction industry, one of the first cases he worked on involved a suit, in Texas, over the construction of the "Million Dollar Pier" in New Jersey.

He has acted as counsel in numerous lawsuits, arbitrations and meditations which have involved construction of plants, apartments, office buildings, hotels, nursing homes and other facilities. He has handled cases involving all types of associated claims, including product failure, design deficiencies, and explosions/fire related investigation and litigation.

Representative Experience

- Defended large construction company with respect to explosions/fire litigation, including the over 2500 claims relating to tort, toxic and environmental injuries and damages arising from the chemical release and explosion at the Phillips Petroleum plant.
- Represented large construction company in contract dispute over the manufacture and erection of storage tank farm.
- Defended property owner, who was also acting as the general contractor for a large warehouse and office project. Employee of rigging sub-contractor fell

from structure when a support column partially gave way, suffered substantial injuries in the fall (over 20 surgeries with in excess of \$250,000.00 in past medical).

- Defended large manufacturer/supplier of excavation equipment for construction project where there was an cave-in trapping 3 men -- the last of whom died on the way to the hospital after being trapped underground for over 5 hours.
- Defended a national testing company in suits involving numerous death, injury and property damage claims filed in Texas and Louisiana resulting from the construction and subsequent rupture of a steel tank releasing molten chemical and paper waste which totally engulfed several bystanders and burned others in the area.
- Defended large construction company in a property damage case in excess of \$25 million when the rigging failed and a large (several ton) screen, used in a chemical reactor involved in the production of chemicals, was dropped.
- Represented a large, nation wide company, with respect to claims relating to the demolition activities, with respect to a municipal demolition and construction project of a major highway and bridge structure in Downtown Houston.
- Represented a large, national company doing highway work as respects claims arising from a multi-vehicle accident and the deaths.

Insurance Litigation & Coverage

Overview

Jim Isbell has extensive experience in civil litigation handling complex claims relating to insurance issues. As part of his practice, Jim regularly handles insurance coverage questions and disputes, providing opinions on issues relating to the policies; which includes addressing policies that provide primary, excess and umbrella coverages. While the types of policies are varied, they include: general liability, environmental pollution, builders risk, E&O, and involved personal lines policies, among others.

Jim has handled and tried both first-party and third-party claims, along with bad-faith suits. A number of the disputes and litigation have also included conflicts involving brokers, agents, managing general agents and premium finance companies. Recognizing the transient nature of claims, the reach of the activities of the insureds and issues involving the issuance of the policies, Jim has litigated claims all over the country. He is also a frequent speaker on insurance and bad faith issues, having spoken at presentations across the United States and also in other countries.

Representative Experience

- Obtained summary judgment for an insurance agent/broker of a national insurance carrier involving alleged negligence, forgery and misrepresentation claims, including claims for bad faith and breach of contract, relating to the issuance and denial of payments pursuant to a life insurance policy.
- Defended a Fortune 50 company for insurance coverage and bad faith claims

associated with policies alleged to provide coverage for multiple class action and multi-district suits across the United States.

- Defended and obtained a judgment of no liability or bad faith for a Fortune 50 company with respect to coverage for an alleged product liability case involving property damage claims associated with the failure of the equipment to perform as marketed.
- Represented a Fortune 50 insurance company with respect to a coverage dispute with another insurance company over duty to defend and duty to pay for a multi-million dollar settlement involving multiple deaths.
- Defended a Fortune 50 company sued for insurance coverage and bad faith claims arising from policies issued to an international pharmaceutical company with respect to suits relating to thousands of product liability claims across the United States.
- Represented a Fortune 50 company relating to insurance coverage for intellectual property claims against a national company, associated with trademark and copyright issues.
- Represented a large insurance company with respect to claims of misrepresentation in the application process and coverage disputes arising from a liability policy for a large engineering company, which had been sued for the wrongful death associated with an electrocution.
- Represented insurance company with respect to questions involving coverage, co-insurance, ranking of policies, and allocation, relating to a construction accident with claims being made against the general contractor and sub-contractors.
- Represented Fortune 50 insurance company with respect to questions involving coverage, co-insurance, and allocation, relating to a construction defect with claims being made against the owner, general contractor and sub-contractors.
- Represented a Fortune 100 company with respect to claims between national and international companies and insurance companies, involving a dispute over a large release of chemicals at a plant, injuring many of the owner's and sub-contractor's employees.
- Represented a Fortune 100 company with respect to coverage and bad faith claims and the associated dispute with the excess carrier.
- Represented excess carrier in dispute with primary carrier over coverage, claims handling and allocation disputes, arising from an assault at a convenience store in the Rio Grande Valley.

Publications

June 22, 2011

New Legislation Affects Risk Shifting In Certain Construction Contracts

April 2, 2007

Coverage News: Volume 7, Issue 2

January 20, 2007

Construction Defect Update: What's Building Up in Texas?

January 20, 2007

Construction Defect Coverage: What's Covered, What's Not?

August 1, 2006

Indemnifying Your Surety: What Have You Done?