



## Rodrigo (Diego) Garcia, Jr.

Partner

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Diego Garcia has advised and represented insurers in numerous types of coverage disputes, including litigation involving environmental pollution, construction defects, product liability, directors and officers insurance coverage, property insurance, and coverage issues involving asbestos and silica personal injury claims.

He led the pre-litigation investigation involving a massive environmental coverage claim by a major oil refiner and distributor. As a result of the investigation, the case settled on favorable terms for insurer client. Diego assisted in the briefing of the insurance coverage issues for the Phase II trial in *Exxon Corp. v. INA, et al.*, one of the largest environmental coverage cases in U.S. The case settled on favorable terms for insurer client.

Diego is recognized as a leading attorney in *Chambers and Partner's* as a *Leading Lawyer in America for Insurance*.

### Representative Experience

- *United States Fire Ins. Co. v. Scottsdale Ins. Co.*, 264 S.W.3d 160 (Tex. App. – Dallas 2008) – Represented appellant in complex insurance coverage case involving dispute between primary insurer and excess insurer concerning exhaustion of policy limits.
- Assisted insurance carriers in coverage opinions for insurer client involving construction defect litigation, environmental pollution litigation, toxic tort litigation, product liability litigation, personal injury litigation, employment wrongful act claims, and director and officer wrongful acts claims arising in numerous jurisdictions across the United States.

### Education

- University of Texas School of Law (J.D., 1995)
  - with honors

### Services & Industries

- Insurance Coverage
- Insurance Litigation
- Specialty Lines

- University of Houston (B.A. Political Science, 1992)
  - Honors Program
  - College of Social Sciences Scholar of the Year
  - National Merit Scholar

### **Bar Admissions**

- Texas, 1995
- District of Columbia

### **Court Admissions**

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

### **Professional and Community Activities**

- Member, CLM
- Co-Editor, ABA Section of Litigation Insurance Coverage Litigation Committee website
- Subcommittee co-chair, Asbestos Insurance Subcommittee of the ABA Section of Litigation Insurance Coverage Litigation Committee
- Council Member, State Bar of Texas Insurance Section (2009 – 2015)
- Member, State Bar of Texas Insurance Section
- Member, State Bar of Texas
- Member, Houston Bar Association

### **Speeches and Presentations**

- *"Reserving Rights: Best Practices, and an Update on the Use of Extrinsic Evidence,"* Thompson Coe Webinar, November 19, 2019
- Co-Presenter on "Proving Exhaustion: How Yesterday's Payments Can be Shown With Today's Technology," on March 4, 2017 for the ABA Section of Litigation Insurance Coverage Litigation Committee's CLE Seminar in Tucson, Arizona
- Presenter, "Emerging Issues in Fracking Claims" on April 9, 2015 for the Texas Insurance and Tort Law Update 2015
- Co-Presenter on "Give and Take: The Battle Over Defense and Settlement Dollars" on March 5, 2015 for the ABA Section of Litigation Insurance Coverage Litigation Committee's CLE Seminar in Tucson, Arizona
- Moderator on "Who Cares About Policy Conditions?" on March 7, 2014 for the ABA Section of Litigation Insurance Coverage Litigation Committee's CLE Seminar in Tucson, Arizona
- Co-Presenter on "CGL Contractual Liability Exclusion in Flux: Insurer and Policyholder Perspectives" on October 23, 2013 for Strafford CE and CLE webinar program.
- Co-Presenter on "Independent Counsel Issues" on April 8, 2010 for the State Bar of Texas 7th Annual Advanced Insurance Law Course 2010 in Dallas, Texas
- Co-Presenter on "Independent Defense Counsel: When Can the Policyholder Select Its Own Defense Lawyer and How Much Does the Insurer Have to Pay?" on March 5, 2010 for the ABA Section of Litigation Insurance Coverage

Litigation Committee's CLE Seminar in Tucson, Arizona

- Co-Presenter on "The Insured is Under Investigation: What Should I Do?" on March 7, 2009 for the ABA Section of Litigation Insurance Coverage Litigation Committee's CLE Seminar in Tucson, Arizona
- Co-Presenter on "Expert Witnesses in Complex Environmental Coverage Litigation: Airports, Aquifers and Algorithms" on March 3, 2007 for the ABA Section of Litigation Insurance Coverage Litigation Committee's CLE Seminar in Tucson, Arizona

### **Professional Recognition**

- Nominated by peers to *The Best Lawyers in America*® for 2010-2021 in the field of Insurance Law.
- *Chambers and Partner's Leading Lawyers in America* for Insurance in Texas (2003-2013)
- *Chambers USA, Top Insurance Firm*, Texas (2005-2014)

## **Publications**

December 30, 2009

**Coverage News: 2009, Issue 1**

January 2, 2007

**Coverage News: Volume 7, Issue 1**

July 1, 2003

**Does an Insurer Have a Duty to Prosecute an Appeal on Behalf of its Insured?**