



## Thomas A. Culpepper

Partner, Management Committee

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Tom Culpepper devotes his practice to professional liability defense, commercial disputes, and insurance coverage disputes. He has resolved hundreds of cases outside of trial, and he has tried over 20 cases to verdict. He is committed to helping clients reach the best possible resolution to their disputes whether it be through trial, arbitration or settlement.

Tom represents attorneys, insurance agents, insurers, real estate brokers, commercial property owners, accountants, third party administrators, officers and directors, and other professionals throughout Texas. He also guides professionals through grievance proceedings.

Tom served as Chairman of the Firm's Professional Liability Section from 2001-2011 and in 2012, the Firm selected Tom to serve on its Management Committee.

Finally, Tom has testified before the Texas House and Senate in support of legislation addressing the inequities insurance professionals face when confronted with a professional liability lawsuit.

### Representative Experience

- Won Fifth Circuit appeal in which the court upheld arbitration award for law firm client over unpaid legal fees
- After a one-week arbitration, the arbitration panel completely exonerated Tom's client, a prominent Plaintiff's attorney on a legal malpractice claim. The Plaintiff claimed Defendant failed to put on sufficient evidence to sustain a multimillion dollar judgment on appeal.
- Obtained a defense verdict for an insurance agency on misrepresentation and negligence claims.
- Obtained defense verdict for an insurance agency in a two-week trial on a homeowner's million dollar claim involving a substantially underinsured historic home.
- Obtained summary judgment for a Dallas law firm on a malpractice claim in

### Services & Industries

- Professional Liability
- Community Associations

- which the plaintiffs claimed the law firm mishandled a child custody case.
- Obtained summary judgment on behalf of large independent insurance agency on a multi-million dollar misrepresentation and fraud claim involving business interruption insurance.
- Obtained summary judgment on behalf of a bonding agent on a school construction project in which the Plaintiff claimed the bonding agent misrepresented it would obtain performance bonds.
- Obtained defense verdict in a multi-million dollar legal malpractice case in which the Plaintiff contended the law firm pursued frivolous claims. In the same case, Tom obtained a judgment in favor of his client on its fee claim.

## **Education**

- St. Mary's University (J.D., 1991)
- Southern Methodist University (B.A. Political Science, 1986)
- Southern Methodist University (B.B.A., 1986)
  - Business

## **Bar Admissions**

- Texas, 1991

## **Court Admissions**

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

## **Professional and Community Activities**

- Member of the Claims and Litigation Management Alliance
- Member of the Professional Liability Underwriters Society
- Member of Dallas Bar Association

## **Speeches and Presentations**

- "What Could Go Wrong? Procuring a Policy and Tendering a Claim from the Policy Holder's and Broker's Viewpoint", 13th Annual Advanced Insurance Law, San Antonio, Texas, June 9-10, 2016.
- "Texas Broker Liability and Where It Is Expanding", 20th Annual Insurance Law Institute, Dallas, TX, November 12-13, 2015.
- "LAE Cost Control", Swiss Re Americas Claims Conference, Chicago, IL, 2014.
- "Whose Agent is it Anyway?", Insurance Law Institute, Dallas, TX, November 14, 2014.
- "Agent Liability Issues", Thompson Coe's 11th Seminar on Texas Insurance Law Developments, October 25, 2012.
- "Advanced Strategies for Success in Mediation", presented in October 2011 to Claims and Litigation Management Alliance.
- "Conflicts Between Insurer and Insured in Professional Liability Cases", presented in March 2011 to Claims and Litigation Management Alliance.

- “Additional Insured and Contractual Liability Coverage”, Chapter 6 of “Thirteen Things Every Insurance Agent & Broker Should Know”, AgentsofAmerica.org eBook – Co-author (February 2010).

### **Professional Recognition**

- *The Best Lawyers in America* "Lawyer of the Year"
  - Professional Liability - Defendants, 2021
- *The Best Lawyers in America*
  - Professional Liability, 2012-2022
- *Texas Super Lawyers* list
  - Professional Liability: Defense, General Litigation, Personal Injury - General: Defense; 2005-2007, 2020-2021
- *D Magazine*: Best Lawyers in Dallas
  - Professional Liability Litigation; 2014-2015, 2017
- "AV" Rated by *Martindale Hubbell*