



Wade C. Crosnoe

Partner, Appellate Chair

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Wade Crosnoe specializes in civil appeals and mandamus proceedings in Texas state and federal appellate courts. He also collaborates with trial counsel in preserving error for appeal and briefing critical legal issues in all phases of trial court proceedings, including at the jury charge conference and in pretrial, trial, and post-trial motions.

After serving as a briefing attorney for Justice Sue Lagarde on the Fifth Court of Appeals at Dallas, Texas, Wade has devoted his practice to appeals for more than 20 years. During that time he has given over 60 oral arguments in state and federal appellate courts. Wade is Board Certified in Civil Appellate Law by the Texas Board of Legal Specialization and has been repeatedly named a “Super Lawyer” by *Texas Super Lawyer* magazine.

Wade’s appellate practice focuses primarily on insurance, professional liability, personal injury, and product liability cases.

Representative Experience

- Represented a general contractor in an appeal in which the Supreme Court of Texas reversed and rendered judgment for the contractor, concluding that it owed no duty to the plaintiff for an allegedly dangerous condition created by work that complied with the construction contract.
- Represented an insurance company in a mandamus proceeding in which the Supreme Court of Texas vacated the district court’s order denying the insurer’s motion to compel arbitration and ordered the case to arbitration.
- Represented a property management company in an appeal in which the Supreme Court of Texas reversed a \$1.2 million default judgment against the company and rendered judgment that the plaintiffs take nothing.
- Represented a large, national insurance company in an appeal in which the Supreme Court of Texas reversed an award of attorney’s fees to the plaintiff under the Prompt Payment of Claims statute.
- Represented national insurance company in appeal to U.S. Court of Appeals

Services & Industries

- Appellate
- Insurance Coverage
- Insurance Litigation
- Professional Liability
- Products Liability

for the Fifth Circuit in which the court affirmed summary judgment for the insurer on contractual and extracontractual claims based on insurer's timely payment of appraisal award

- Represented group of large national insurers in appeal to the U.S. Court of Appeals for the Fifth Circuit in which the court affirmed a civil RICO judgment for the insurers of approximately \$4 million.
- Represented reinsurer in appeal to the U.S. Court of Appeals for the Fifth Circuit in which the court affirmed a judgment of \$16.5 million for reinsurer based on tortious interference claim, and reversed and remanded district court's grant of summary judgment against reinsurer on other claims.
- Represented a Fortune 500 company in a mandamus proceeding in which the U.S. Court of Appeals for the Fifth Circuit ordered the district court to dismiss a group of product liability cases based on forum non *conveniens*.
- Represented a national insurance company in an appeal where the U.S. Court of Appeals for the Tenth Circuit reversed the district court's ruling that a food-poisoning incident resulted from multiple occurrences, resulting in a \$1 million reduction in the judgment.
- Represented a large, multinational insurance company in an appeal in which the U.S. Court of Appeals for the Ninth Circuit affirmed the district court's judgment declaring that the company had no duty to indemnify its insured for a settlement of over \$6 million.
- Represented manufacturing company in mandamus proceeding in which Texas court of appeals clarified the discoverability of settlement agreements

Education

- Southern Methodist University Dedman School of Law (J.D., 1992)
 - Phi Delta Phi
- University of Texas at Austin (B.A., 1989)
 - English

Bar Admissions

- Texas, 1992

Court Admissions

- United States District Court, Northern, Southern, Western and Eastern Districts of Texas
- United States Supreme Court
- United States Court of Appeals, Fifth, Seventh, Ninth and Tenth Circuits

Professional and Community Activities

- Chair, Austin Bar Association Civil Appellate Section, May 2010 – May 2011
- Presiding Officer at the UT State and Federal Appeals Seminar in Austin, June 4th, 2010
- Austin Bar Association Civil Appellate Section, Secretary-Treasurer, May 2008 – May 2009
- Austin Bar Association Civil Appellate Section, Council Member, May 2006 – May 2008
- Texas Bar Foundation, Fellow

- Third Court of Appeals Pro Bono Pilot Committee Member, 2008 – 2010

Speeches and Presentations

- Moderator, *Panel Discussion of Third Court of Appeals Justices*, Austin Bar Association Bench Bar Conference, April 4, 2014
- *Avoiding and Overcoming Post-Argument Remorse*, UT Conference on State and Federal Appeals, June 14, 2013
- *Appeal Basics: What Every Attorney Should Know*, Solo and Small Firm Section of the Austin Bar Association, August 25, 2005
- *Preserving Summary Judgment Error for Appeal*, Civil Appellate Section of the Austin Bar Association, September 16, 2004
- *Preserving Summary Judgment Error for Appeal*, Civil Appellate Section of the Dallas Bar Association, May 15, 2003

Professional Recognition

- Board Certified in Civil Appellate Law, Texas Board of Legal Specialization, 1999 - Present
- "Austin's Top Attorneys 2020" by *Austin Monthly Magazine*
- Texas Super Lawyers list
 - Appellate, Insurance Coverage; 2003-2004, 2006-2021
- "AV" Peer Review Rated by *Martindale-Hubbell*.

Insurance Litigation & Coverage Biography

Overview

Wade Crosnoe represents and counsels insurance companies in a wide range of coverage matters arising under general liability, property, excess, D&O, EPLI, professional liability, and automobile policies. He has tried cases involving coverage issues as well as a case in which a corporate policyholder sued its agent for fraud and professional negligence. He has also represented insurance companies in numerous appeals in cases involving coverage and other insurance-related issues.

Representative Experience

- Represented a company in a mandamus proceeding in which the Supreme Court of Texas vacated the district court's order denying the insurer's motion to compel arbitration and ordered the case to arbitration.
- Represented a large, national insurance company in an appeal in which the Supreme Court of Texas reversed an award of attorney's fees to the plaintiff under the Prompt Payment of Claims statute.
- Represented a large, multinational insurance company in an appeal in the United States Court of Appeals for the Ninth Circuit in which the court affirmed the district court's judgment declaring that the company had no duty to indemnify its insured for a settlement of over \$6 million.
- Represented an insurance company in an appeal in a bad faith case in which the Fort Worth Court of Appeals reversed a punitive-damages award of \$3.5

million against the insurer and rendered judgment that plaintiffs take nothing on their punitive-damages claim.

- Represented a national insurance company in an appeal in a coverage dispute with another liability insurer in which the Fort Worth Court of Appeals reversed a summary judgment for the other insurer and remanded for trial
- Represented the insurer in the jury trial on remand and obtained a judgment awarding the client reimbursement for its settlement payment on behalf of its insured as well as attorney's fees incurred in pursuing the reimbursement claim.
- Represented a Texas-based insurance company at trial of subrogation suit brought by co-primary insurer and then represented insurer in appeal from adverse verdict in which the San Antonio Court of Appeals reversed the trial court's judgment and remanded for a new trial.
- Represented insurance agent in trial involving claims of fraud, deceptive trade practices, and professional negligence and obtained a jury verdict and take-nothing judgment for agent.
- Represented large national insurance company in an appeal from an adverse verdict in an insurance coverage/bad faith case in which the Fort Worth Court of Appeals reversed and rendered a take-nothing judgment against the plaintiffs.
- Represented workers' compensation carrier in plaintiff's appeal from an adverse verdict in bad faith case in which the Dallas Court of Appeals affirmed the district court's take-nothing judgment for the carrier.
- Prepared and filed amicus briefs in Texas appellate courts on behalf of various insurance industry trade groups in cases of interest to those groups.

Publications

August 10, 2021

The Fifth Circuit Significantly Expands the Interpretation of "Publication"

April 27, 2018

Texas Supreme Court Adopts "Sham-Affidavit" Doctrine

4/27/2018

May 6, 2011

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

October 12, 2006

Protecting Your Insured from Enforcement of a Judgment During an Appeal

April 10, 2006

The Texas Supreme Court Hears Oral Arguments in the Lamar Homes Case

April 3, 2006

Coverage News: Volume 6, Issue 1

June 18, 2001

A Valid Insurance Claim is a Prerequisite to Liability Under Article 21.55

September 21, 2000

Preserving Summary Judgment Error for Appeal