



## 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

Represented appellant in complex insurance coverage case involving dispute between primary insurer and excess insurer concerning exhaustion of policy limits.

*United States Fire Ins. Co. v. Scottsdale Ins. Co.*, 264 S.W.3d 160 (Tex. App. – Dallas 2008)

Obtained favorable order defeating a Motion to Dismiss in the Northern District of Texas holding that injured parties are appropriate defendants in federal declaratory judgment actions brought by insurers even if they have not yet obtained a judgment against the insured.

*Crum & Forster Specialty Insurance Company v. Smallwood et al.*, No. 4:23-CV-01079-P, 2024 WL 3049850 (N.D. Tex. 6/18/24)

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.

## Awards & Recognition

### BEST LAWYERS IN AMERICA

Listed for Insurance Law

2010-2025

### CHAMBERS AND PARTNER

Leading Lawyers in America for Insurance in Texas list

2003-2013

### TEXAS BOARD OF LEGAL SPECIALIZATION

Board Certified in Insurance Law

## Related Services

### Insurance

## Publications & Speaking Engagements

“Oh You’re So Reserved”: Trends and Topics in Reservation of Rights Letters

ABA Insurance Coverage Litigation Committee CLE Seminar

March 2022

Reserving Rights: Best Practices, and an Update on the Use of Extrinsic Evidence

Thompson Coe Webinar

November 2019

Proving Exhaustion: How Yesterday’s Payments Can be Shown With Today’s Technology

ABA Insurance Coverage Litigation Committee CLE Seminar

March 2017

Emerging Issues in Fracking Claims

Texas Insurance and Tort Law Update

April 2015

Give and Take: The Battle Over Defense and Settlement Dollars

ABA Insurance Coverage Litigation Committee CLE Seminar

March 2015

Who Cares About Policy Conditions?

ABA Insurance Coverage Litigation Committee CLE Seminar

March 2014

CGL Contractual Liability Exclusion in Flux: Insurer and Policyholder Perspectives

Strafford CE and CLE webinar program

October 2013

Independent Counsel Issues

State Bar of Texas 7th Annual Advanced Insurance Law Course

April 2010

Independent Defense Counsel: When Can the Policyholder Select Its Own Defense Lawyer and How Much Does the Insurer Have to Pay?

ABA Insurance Coverage Litigation Committee CLE Seminar

March 2010

Coverage News: 2009, Issue 1

Dec 30, 2009

The Insured is Under Investigation: What Should I Do

ABA Insurance Coverage Litigation Committee CLE Seminar

March 2009

Expert Witnesses in Complex Environmental Coverage Litigation: Airports, Aquifers and Algorithms

ABA Insurance Coverage Litigation Committee CLE Seminar

March 2007

Coverage News: Volume 7, Issue 1

Jan 2, 2007

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

Jul 1, 2003

Where the Math Meets the Law: The Sequel

Tucson for the ABA Section of Litigation Insurance Coverage Litigation Committee CLE Seminar

March 3, 2023

## **Education, Admissions & Activities**

### **EDUCATION**

University of Texas School of Law

J.D., with honors, 1995

University of Houston

B.A. , 1992  
Political Science  
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 of Texas  
Northern, Southern, Eastern, Western

United States Court of Appeals  
Fifth Circuit

#### PROFESSIONAL AND COMMUNITY ACTIVITIES

Claims and Litigation Management Alliance (CLM)

American Bar Association

Litigation Insurance Coverage Litigation Section; Website co-editor; Asbestos Insurance Subcommittee co-chair

State Bar of Texas

Insurance Section; Council member, 2009-2015

Houston Bar Association