

MARK L. KINCAID
KINCAID & HORTON, L.L.P.

106 E. 6th Street, Suite 500
Austin, Texas 78701
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EDUCATION

- B.B.A. with honors, University of Texas (1980)
- J. D. with honors, University of Texas School of Law (1983)

EMPLOYMENT

- Kincaid & Horton, L.L.P. (2007-present)
- Kincaid, Horton & Smith (2004-2007)
- Kincaid & Horton (1997-2004)
- Adjunct Professor, University of Texas School of Law (1995-present) (Insurance Litigation)
- Law Office of Mark L. Kincaid (1991-1994, 1995-1997)
- Public Counsel, Office of Public Insurance Counsel, State of Texas (1994-1995) (appointed by Gov. Ann Richards to head agency advocating for the interests of Texas insurance consumers)
- Longley & Maxwell (1984-1991)
- Managing Editor, *Texas Consumer Law Reporter* (1985-1992)
- Briefing Attorney, Supreme Court of Texas, Justice Franklin S. Spears (1983-1984)

BAR ADMISSIONS

- State Bar of Texas (1983)
- United States Supreme Court (1990)
- United States Court of Appeals, Fifth Circuit (1985)
- United States District Courts, Western District of Texas (1985), Southern District of Texas (1986), Eastern District of Texas (1988), Northern District of Texas (1998)

AWARDS & CERTIFICATIONS

- Board Certified in Consumer & Commercial Law (1993), Civil Trial Law (1993), and Civil Appellate Law (1991), Texas Board of Legal Specialization
- Fellow, American Bar Foundation
- Fellow, Texas Bar Foundation
- Named as *Super Lawyer* by Law & Politics Media and the publishers of Texas Monthly (2003, 2004, 2005, 2006, 2007)
- Pro Bono Award for Contribution and Commitment to the Principle of Access to Justice for All People Regardless of Income, Volunteer Legal Services of Central Texas (1993)
- Award of Special Merit for Outstanding Achievement in Continuing Legal Education, College of the State Bar of Texas (1992)
- Achievement Award in Complex Litigation, University of Texas School of Law (1983)

PROFESSIONAL ASSOCIATIONS & ACTIVITIES

- Texas Trial Lawyers Association
- Texas State Employees Union, CWA/AFL-CIO, Local 6186
- State Bar of Texas Pattern Jury Charges Committee – Business, Consumer, Insurance & Employment; Chair, Subcommittee on DTPA/Insurance Code; Member (1995-2006); Vice Chair (2006-2007)
- Texas Board of Legal Specialization, Consumer & Commercial Law Advisory Commission (2001-present)
- Consumer Law Council, State Bar of Texas Consumer Law Section: Chair (1994-1995); Co-chair, Continuing Legal Education Committee (1992-1995); Member (1988-2002)

- Participating Attorney, Volunteer Legal Services of Central Texas
- Co-Moderator, Lexis Counsel Connect, Texas Insurance Law Discussion Group (1994-1996)
- Arbitrator, American Arbitration Association – Austin Area Voluntary Arbitration Program for Insurance Claims (1994-1996)
- Supreme Court of Texas Discovery Task Force (1991-1994)
- Course Director, 2nd Annual Ultimate Insurance Sem., State Bar of Texas – Consumer Law Section (1993)
- Course Director, State Bar of Texas, 5th Annual Advanced DTPA/Insurance/Consumer Law Course (1992)
- Capitol Area Trial Lawyers Association; Executive Committee (1991-1994)
- Travis County Bar Association; Local Rules Committee (1993); Co-chair, Judicial Affairs Committee (1992-93); Co-chair, Bench/Bar Civil Advisory Committee (1992-1993)
- Frequent Lecturer and Author at Continuing Legal Education courses for the State Bar of Texas, University of Texas School of Law, St. Mary’s University School of Law, Texas Tech University School of Law, and South Texas College of Law

BOOKS

Mark L. Kincaid & Christopher W. Martin, *Texas Practice Guide: Insurance Litigation* (West 2000)

Co-author, *Pattern Jury Charges, Business, Consumer, Insurance & Employment* (State Bar of Texas 1996, 1998, 2000, 2003, 2006)

ARTICLES & PAPERS

Mark L. Kincaid & Suzette E. Selden, *Nuts & Bolts of A First Party Insurance Suit*, Austin Bar Association, Bankruptcy Section, Austin Bankruptcy Law Presentation (2007)

Mark L. Kincaid, Anthony G. Read, & Suzette E. Selden, “A Practical Guide to Expert Witnesses In Insurance Cases,” State Bar of Tex., 11th Annual Insurance Law Institute (2006)

Mark L. Kincaid, Russell H. McMains, & James W. Walker, *The Stowers Standard – The Reasonable Carrier Standard and The Other Oxymorons*, State Bar of Tex., 3rd Annual Advanced Insurance Law Course (2006)

Mark L. Kincaid & Zach Wolfe, *Insurance Issues for Trial Lawyers*, Texas Trial Lawyers Association, Commercial Litigation Seminar (2006)

Mark L. Kincaid, *Insurance Roundtable*, Texas Lawyer (2006)

Mark L. Kincaid, *Opening Statement Plaintiff’s Perspective*, Austin Bar Association, Austin’s Ultimate Trial Notebook (2006)

Mark L. Kincaid, *Annual Survey of Texas Insurance Law “Insurance Issues Every Trial Lawyer Needs to Know”*, State Bar of Tex., 22nd Ann. Litig. Update Inst. 15 (2006)

Mark L. Kincaid, *Agents, Agency, and Vicarious Liability*, Univ. of Texas, 10th Annual Insurance Law Institute (2005)

Mark L. Kincaid, *How to Plead the Case for Coverage – Coverage: What It Is and What It Should Be*, State Bar of Tex., Insurance Law Sec., 2nd Annual Advanced Insurance Law Course (2005)

Mark L. Kincaid & Trevor A. Taylor, *Annual Survey of Texas Insurance Law*, State Bar of Tex., Insurance Law Update (2005)

Mark L. Kincaid & Trevor A. Taylor, *Opening Statement: The Plaintiff’s Perspective*, Austin Bar Association Litigation Council, Austin’s Ultimate Trial Notebook Seminar (2005)

Mark L. Kincaid & Trevor A. Taylor, *Annual Survey of Texas Insurance Law*, State Bar of Tex., 21st Ann. Litig. Update Inst. 15 (2005)

Mark L. Kincaid, *Nuts and Bolts of a First Party Insurance Suit*, State Bar of Tex., Consumer Law Sec., Consumer Law: Doing Well by Doing Good (2004)

Mark L. Kincaid & Trevor A. Taylor, *Annual Survey of Texas Insurance Law*, 7 J. Tex. Consumer L. 86 (2004) (reprinted in State Bar of Tex. 20th Ann. Litig. Update Inst. 19 (2004) (and 26 The Advocate 96 (Spring 2004))

Claudia W. Frost, J. Brett Busby, Mark L. Kincaid & Robert H. Pemberton, *The Impact of HB 4 on the Court's Charge to the Jury*, Univ. of Tex., Law Practice After HB4: What Every Practitioner Needs to Know (2003)

Mark L. Kincaid, *Insurance Issues for the Personal Injury Lawyer*, Univ. Tex., 26th Annual Page Keeton Products Liab. & Personal Injury Conf. (2002)

Mark L. Kincaid & Trevor A. Taylor, *Annual Survey of Insurance Law*, 6 J. Tex. Consumer L. 2 (2002) (reprinted in State Bar of Tex. 19th Ann. Litig. Update Inst. 19 (2003)

Mark L. Kincaid & Trevor A. Taylor, *Annual Survey of Insurance Law*, 5 J. Tex. Consumer L. 14 (2001)

Mark L. Kincaid & Trevor A. Taylor, *Deceptive Trade Practices Act Overview*, Volunteer Legal Serv. of Central Tex., Consumer Law & Landlord/Tenant Law Seminar (2001))

Mark L. Kincaid & Trevor A. Taylor, *Annual Survey of Insurance Law*, 4 J. Tex. Consumer L. 186 (2000) (reprinted in State Bar of Tex. 17th Ann. Litig. Update Inst. (2001), and State Bar of Tex., Ultimate Ins. Sem. 22 (2001))

Mark L. Kincaid, *Prompt Payment of Claims – Article 21.55 of the Texas Insurance Code*, State Bar of Tex., Consumer Law Sec., 9th Annual Ultimate Ins. Sem. K (2000)

Mark L. Kincaid, *Insurance Litigation*, State Bar of Tex., 15th Annual Litig. Update Inst. (1999)

Mark L. Kincaid, *Annual Survey of Insurance Law*, 3 J. Tex. Consumer L. 2 (1999)

Mark L. Kincaid, *Annual Survey of Insurance Law*, Univ. of Tex., 22nd Annual Page Keeton Products Liab. & Personal Injury Conf. (1998); and Univ. Tex., 10th Annual Conf. on the Tex. Deceptive Trade Practices Act (1998)

Mark L. Kincaid, *Consumer, Fiduciary Duties, and the New Pattern Jury Charge*, Univ. Tex., 10th Annual Conf. on the Tex. Deceptive Trade Practices Act (1998)

Mark L. Kincaid, *Fiduciary Duty*, in State Bar of Tex., Adv. DTPA/Consumer/Ins. Law (1998)

Mark L. Kincaid, *Recent Developments – Best of the Rest*, State Bar of Tex., 7th Annual Ultimate Ins. Sem. (1998)

Mark L. Kincaid, *Insurance Law Update*, State Bar of Tex., 7th Annual Ultimate Ins. Sem. (1998)

Mark L. Kincaid, *Insurance Law Update*, State Bar of Tex., 14th Annual Litig. Update Inst. (1998)

Mark L. Kincaid, *Annual Survey of Insurance Law*, 2 J. Tex. Consumer L. 2 (1998)

Mark L. Kincaid & David J. Schubert, *Hot Topics in Insurance: From Plaintiff's & Defendant's Perspective*, Tex. Deceptive Trade Practices Act (1997)

Mark L. Kincaid, *Insurance Update*, Univ. of Tex., 21st Annual Page Keeton Products Liab. & Personal Injury Law Conf. (1997)

Mark L. Kincaid, *Insurance Law Update*, Univ. of Tex., 9th Annual Conf. on the Tex. Deceptive Trade Practices Act (1997)

Mark L. Kincaid, *Recent Developments in Insurance Law*, State Bar of Tex., 10th Adv. DTPA/Consumer/Ins. Law Course (1997)

Mark L. Kincaid, *Annual Survey of Insurance Law*, 1 J. Tex. Consumer L. 6 (1997)

Mark L. Kincaid, *Nuts & Bolts of an Insurance Case*, Univ. Tex., 8th Annual Conf. on the Tex. Deceptive Trade Practices Act 14 (1996)

Tim R. Labadie & Mark L. Kincaid, *Insurance Update*, Univ. Tex., 20th Annual Page Keeton Products Liab. & Personal Injury Law Conf. 4 (1996)

Mark L. Kincaid, *DTPA & Insurance Code Submission – A Guided Tour of Recent Developments Affecting the Court's Charge*, State Bar of Tex., 9th Adv. DTPA/Consumer/Ins. Law Course L (1996)

Mark L. Kincaid, *Unfair Insurance Practices – The Law Under Vail, Watson & the 1995 Amendments*, State Bar of Tex., 8th Adv. DTPA/Consumer/Ins. Law Course U (1995) (reprinted in State Bar of Tex., Comprehensive Consumer Law Course O (1995), Univ. Tex. 7th Annual Conf. on the Tex. Deceptive Trade Practices Act 12 (1995), State Bar of Tex.-Consumer Law Sec., 5th Annual Ultimate Ins. Sem. 9 (1996), and S. Tex. College of Law, 9th Adv. Personal Injury Law Conf., O (1996))

Mark L. Kincaid, *Mental Anguish Damages in Insurance Cases*, State Bar of Tex.-Consumer Law Sec., 4th Annual Ultimate Ins. Sem. 13 (1995)

Mark L. Kincaid, *Preparation & Trial of an Insurance Case – the Interrelationship Between the Insurance Code, DTPA, & Common Law*, State Bar of Tex.-Consumer Law Sec., Comprehensive Consumer Law Course (1994)

Mark L. Kincaid, *Spotting Unfair Insurance Practices*, Univ. Tex., 5th Annual DTPA Conf. 13 (1993)

Mark L. Kincaid, *Recent Developments – Insurance & “Bad Faith,”* State Bar of Tex., 6th Adv. DTPA/Ins./Consumer Law Course Q (1993)

Mark L. Kincaid, *Preparation & Trial of an Insurance Code Case – the Interrelationship Between the Insurance Code & the Deceptive Trade Practices Act*, Univ. Tex., 4th Annual DTPA Conf. 13 (1992)

Mark L. Kincaid, *Rules of Judicial Construction – Making & Arguing the Law in Deceptive Trade Practices Act Cases*, 23 Tex. Tech L. Rev. 687 (1992) (originally published in State Bar of Tex., 4th Annual Adv. DTPA/Consumer Law Course, Q-1 (1991) (Award of Special Merit for Outstanding Achievement in Continuing Legal Education, College of the State Bar of Texas, 1992)

Mark L. Kincaid, *Attorneys’ Fees & Court Costs in Consumer Cases*, State Bar of Tex., 5th Annual Adv. DTPA/Consumer Law Course L-1 (1992)

Mark L. Kincaid, *Discovering the Insurer’s Files – A Practical Guide to Insurance Discovery*, State Bar of Tex.-Consumer Law Sec., Ultimate Ins. Sem. L-1 (1992)

Mark L. Kincaid & Joe Chumlea, *Anatomy of An Unfair Insurance Practices Suit – Plaintiff’s Perspective*, State Bar of Tex., Practice Skills Course I (1991)

Mark L. Kincaid, *The Problem of Lack of DTPA Notice*, 16 Caveat Vendor 33 (1991)

Maxwell & Mark L. Kincaid, *Insurance Litigation: Common Law Remedies*, Tex. Tech 3rd Annual El Paso DTPA Inst. (1990)

Mark L. Kincaid, *Actionable Conduct Under Insurance Board Regulations*, State Bar of Tex., 3rd Annual Adv. DTPA/Consumer Law Course, S-1 (1990)

Philip K. Maxwell & Mark L. Kincaid, *Vicarious Liability of Insurers for Acts of Agents*, 15 Caveat Vendor 1 (1990)

Mark L. Kincaid, *Recognizing an Implied Warranty that “Professional” Services Will Be Performed In A Good & Workmanlike Manner*, 21 St. Mary’s L.J. 685 (1990)

Mark L. Kincaid, *End of the Line for Bad Faith Insurance Practices: Vail v. Texas Farm Bureau Mutual Insurance Co.*, 52 Tex. B. J. 1134 (1989) (also published in 8 Advocate 11 (1989), and 7 Tex. Consumer L. Rep. 206 (1988))

Philip K. Maxwell & Mark L. Kincaid, *Statutory & Common Law Remedies for Denial of Insurance Claims*, in Univ. Tex., DTPA: From the Basics to Bad Faith Litig. Conf. (1989)

Joe K. Longley & Mark L. Kincaid, *Plaintiff’s Strategies*, Univ. Tex., DTPA: From the Basics to Bad Faith Litig. Conf. (1989)

Mark L. Kincaid, *ERISA – Federal Preemption of Claims Under Common Law, Tex. Ins. Code Art. 21.21, and the Deceptive Trade Practices Act*, State Bar of Tex., 2nd Annual Adv. DTPA/Consumer Law Course O-1 (1989)

Mark L. Kincaid & Longley, *Discovery in Bad Faith Cases – Plaintiff’s Perspective*, State Bar of Tex., Inst. – The Tort of Bad Faith: Commercial, Ins., & Beyond (1989)

Joe K. Longley & Mark L. Kincaid, *Discovery & Sanctions for Discovery Abuse*, State Bar of Tex., Practice Skills Course – Business & Consumer Litig. (1988)

Joe K. Longley & Mark L. Kincaid, *Litigation Under the Deceptive Trade Practices – Consumer Protection Act & Article 21.21 of the Texas Insurance Code*, in 8th Biennial Inst. on Tex. Law for Military Attorneys (1988)

Joe K. Longley & Mark L. Kincaid, *Discovery & Sanctions for Discovery Abuse*, 18 St. Mary's L.J. 163 (1986) (also published in State Bar of Tex., Consumer Law & Debtor/Creditor Issues (1986), and Reynaldo G. Garza School of Law Inst. for Cont. Legal Ed. Practical Applications of the Tex. Deceptive Trade Practices Act (1985))

Mark L. Kincaid, *The Equal Access to Justice Act: Attorneys' Fees When the Position of the United States is Not Substantially Justified*, 3 Rev. Litig. 415 (1983)

OTHER

Interviewed in Sam Kinch, Jr. & Susan B. Brewer, *Crapshoot Justice: Politics, Money, and the Texas Judiciary* (Eakin Press 2003)

Julie Bassett, *What To Do With the Insurance Company that Plays Hardball*, 1 Ins. Settlements J. 3 (1990) (interview)

CONTINUING LEGAL EDUCATION SPEECHES

May 4, 2007: Nuts & Bolts of A First Party Insurance Suit, Austin Bar Association, Bankruptcy Section, Austin Bankruptcy Law Presentation

December 8, 2006: "A Practical Guide to Expert Witnesses In Insurance Cases," State Bar of Tex., 11th Annual Insurance Law Institute

October 13, 2006: *Insurance Issues for Trial Lawyers*, Texas Trial Lawyers Association, Commercial Litigation Seminar (2006)

May 25, 2006, Dallas: *Insurance Roundtable*, Texas Lawyer

May 19, 2006, Austin: *Opening Statement Plaintiff's Perspective*, Austin Bar Association, Austin's Ultimate Trial Notebook

March 30, 2006, Dallas: *The Stowers Standard – the Reasonable Carrier Standard and the Other Oxymorons*, State Bar of Tex., Insurance Law Sec., 3rd Ann. Advanced Insurance Law Course

January 20, 2006, Austin: "Insurance Issues Every Trial Lawyer Needs to Know", State Bar of Texas, Annual Survey of Texas Insurance Law

December 8, 2005, Austin: *Agents, Agency, and Vicarious Liability*, Univ. of Texas, 10th Annual Insurance Law Institute

March 31, 2005, Dallas: *How to Plead the Case for Coverage – What it is and What it Should Be*, State Bar of Tex. 2nd Ann. Advanced Insurance Law Course

February 25, 2005, Austin: *Opening Statement Plaintiff's Perspective*, Austin Bar Association, Austin's Ultimate Trial Notebook Seminar

February 9, 2005, San Antonio: *Insurance Law Update*, SABA Consumer Law Section Seminar

January 15, 2005, San Antonio: *Insurance Law Update*, State Bar of Tex. 21st Ann. Litig. Update Inst.

November 12, 2004, Dallas: *Nuts and Bolts of a First Party Insurance Suit*, State Bar of Tex., Consumer Law Sec., Consumer Law: Doing Well by Doing Good

November 11, 2004, Houston: *Gandy – What Practitioners Would Really Like to Tell the Supreme Court About This Decision, Its Reasoning and Its Future*, Univ. Texas, 9th Annual Law Inst.

June 11, 2004, Dallas: *Motion for Summary Judgment*, State Bar of Tex.-Insurance Law Sec., Insurance, Litigation and You: The Impact of Insurance in Litigation

March 25, 2004, Dallas: *Getting the Case Settled: The Insurer's and Insured's Roles in Settling the Underlying Suit* (Moderator), State Bar of Tex. 1st Ann. Advanced Insurance Law Course

January 10, 2004, Austin: *Insurance Litigation Update*, State Bar of Tex. 20th Ann. Litig. Update Inst.

October 17, 2003, San Antonio: *The Impact of HB 4 on the Court's Charge to the Jury*, Univ. of Tex., Law Practice After HB4: What Every Practitioner Needs to Know

August 22, 2003, Austin: *The Impact of HB 4 on the Court's Charge to the Jury*, Univ. of Tex., Law Practice After HB4: What Every Practitioner Needs to Know

January 11, 2003: *Annual Survey of Insurance Law*, State Bar of Tex. 19th Ann. Litig. Update Inst.

October 4, 2002: *Insurance Issues for the Personal Injury Lawyer*, Univ. Tex., 26th Annual Page Keeton Products Liab. & Personal Injury Conf.

September 5, 2002: *Extracontractual Liability of Third Party Carriers*, Univ. Texas, 7th Annual Insurance Law Inst.

September 28, 2001: *Deceptive Trade Practices Act Overview*, Volunteer Legal Serv. of Central Tex., Consumer Law & Landlord/Tenant Law Seminar

March 30, 2001: *New and Important Cases: The Best of the Rest*, State Bar of Tex., Ultimate Ins. Sem.

February 24, 2001: *Consumer Law*, Univ. Tex. People's Law School

January 19, 2001: *Insurance Litigation Update*, State Bar of Tex., 17th Annual Litig. Update Inst.

May 26, 2000: *Article 21.55 of the Texas Insurance Code*, State Bar of Tex., Adv. Comm'l & Consumer Law Course

March 30, 2000: *Prompt Payment of Claims – Article 21.55 of the Texas Insurance Code*, State Bar of Tex.- Consumer Law Sec. 9th Annual Ultimate Ins. Sem.

May 26, 1999: *Insurance Law Update*, State Bar of Tex. 8th Annual Ultimate Ins. Sem.

January 15, 1999: *Insurance Litigation*, State Bar of Tex. 15th Annual Litig. Update Inst.

December 18, 1998: *Consumer, Fiduciary Duties, & the New Pattern Jury Charge*, Univ. Tex. 10th Annual Conf. on the Tex. Deceptive Trade Practices Act

October 29 & 30, 1998: *Annual Survey of Texas Insurance Law*, Univ. Tex. 22nd Page Keeton Products Liab. & Personal Injury Conf.

May 21, 1998: *Fiduciary Duty*, State Bar of Tex. 11th Annual Adv. DTPA/Consumer/Ins. Law Course

March 27, 1998: *Insurance Law Update*, State Bar of Tex. 7th Annual Ultimate Ins. Sem

October 9 & 10, 1997: *Bad Faith Litigation in a Post-Gandy World: Where Does the Plaintiff Pitch His Tent?*, Univ. Tex. 2nd Annual Ins. Law Inst.

May 29, 1997, San Antonio: *Insurance Update*, State Bar of Tex. 10th Adv. DTPA/Consumer/Ins. Law Course

March 14, 1997, Houston: *Gandy v. State Farm Round Table*, State Bar of Tex. Consumer Law Sec., 6th Annual Ultimate Ins. Sem.

February 28, 1997, Dallas: *Gandy v. State Farm Round Table*, State Bar of Tex. Consumer Law Sec., 6th Annual Ultimate Ins. Sem.

February 18, 1997, Austin: *Hot Tips in Recent Insurance Developments*, Capital Area Trial Lawyers Ass'n

January 10, 1997, Austin: *Insurance Code Update*, Travis Co. Bar Ass'n, Consumer Law Sem.

December 12 & 13, 1996, San Antonio: *Nuts & Bolts of an Insurance Code Case*, Univ. Tex., 8th Annual Conf. on the Tex. Deceptive Trade Practices Act

October 10, 1996, Austin: *Insurance Update*, Univ. Tex., 20th Annual Page Keeton Products Liab. & Personal Injury Law Conf.

August 8, 1996, Dallas: *DTPA*, State Bar of Tex., 12th Adv. Personal Injury Law Course (paper by David Bragg)

July 19, 1996, Houston: *DTPA Issues: Practical Applications from the Litigator's Perspective*, State Bar of Tex., Adv. Real Estate Law Course (paper by Deborah Bullion)

July 12, 1996, Austin: *DTPA*, State Bar of Tex., 12th Adv. Personal Injury Law Course (paper by David Bragg)

May 30, 1996: *DTPA & Insurance Code Submission – A Guided Tour of Recent Developments Affecting the Court’s Charge*, State Bar of Tex., 9th Adv. DTPA/Consumer/Ins. Law Course

May 17, 1996, Houston: *Vail, Watson, & the 1995 Amendments to Article 21.21*, S. Tex. College of Law, 9th Annual Adv. Personal Injury Law Conf.

March 8, 1996, Houston: *Vail, Watson, & the 1995 Amendments to Article 21.21*, State Bar of Tex.-Consumer Law Sec., 5th Annual Ultimate Ins. Sem.

March 1, 1996, Dallas: *Vail, Watson, & the 1995 Amendments to Article 21.21*, State Bar of Tex.-Consumer Law Sec., 5th Annual Ultimate Ins. Sem.

January 19, 1996, Austin: *Insurance Update*, State Bar of Tex., 12th Annual Litig. Update Inst.

December 8, 1995, San Antonio: *Remedies for Unfair Insurance Practices Before & After 1995*, Univ. Tex., 7th Annual Conf. on the Tex. Deceptive Trade Practice Act

September 2, 1995, Dallas: *Unfair Insurance Practices – the Law Under Vail, Watson & the 1995 Amendments*, State Bar of Tex., Comprehensive Consumer Law Course

August 4, 1995, Houston: *DTPA & Insurance Code*, Tex. Trial Lawyers Ass’n, Legislative Update

July 28, 1995, Dallas: *DTPA & Insurance Code*, Tex. Trial Lawyers Ass’n, Legislative Update

June 8, 1995, San Antonio: *DTPA & the Insurance Code – How the Legislature Affected Future Consumer & Bad Faith Claims*, San Antonio Trial Lawyers Ass’n

May 28, 1995, Austin: *The Insurance Industry & the Texas Legislature*, ACLU-Central Tex. Chapter, Annual Meeting

May 25, 1995, San Antonio: *Unfair Insurance Practices – the Law Under Vail, Watson & the 1995 Amendments*, State Bar of Tex., 8th Adv. DTPA/Consumer/Ins. Law Course

April 7, 1995, Houston: *Insurance Bad Faith & DTPA Update*, Tex. Trial Lawyers Ass’n, Adv. Personal Injury Sem.

February 17 & 24, 1995, Houston & Dallas: *Mental Anguish Damages in Insurance Cases*, State Bar of Tex.-Consumer Law Sec., 4th Annual Ultimate Ins. Sem.

August 27, 1994, Houston: *Preparation & Trial of an Insurance Case – the Interrelationship Between the Insurance Code, DTPA, & Common Law*, State Bar of Tex.-Consumer Law Sec., Comprehensive Consumer Law Course

May 26, 1994, San Antonio: *Discovery Update*, State Bar of Tex., 7th Annual Adv. DTPA/Ins./Consumer Law Course (paper by David Keltner)

May 20, 1994, El Paso: *Deceptive Trade Practices Act Overview*, Tex. Trial Lawyers Ass’n, Multiple Causes of Action Sem. (paper by Michael Curry)

December 3, 1993, Houston: *Spotting Unfair Insurance Practices*, Univ. Tex., 5th Annual DTPA Conf.

June 15, 1993, Austin: *Extension of Bad Faith to Non-Insureds & Recent Developments Under Article 21.21 of the Insurance Code & the Texas Deceptive Trade Practices Act*, Lorman Educ. Serv., Recent Dev. in Ins. Law

May 28, 1993, San Antonio: *Recent Developments – Insurance & “Bad Faith,”* State Bar of Tex., 6th Annual Adv. DTPA/Ins./Consumer Law Course

February 26, 1993, Dallas: State Bar of Tex.-Consumer Law Sec., 2nd Annual Ultimate Ins. Sem. (Course Director/Moderator)

December 4, 1992, San Antonio: *Preparation & Trial of an Insurance Code Case – the Interrelationship Between the Insurance Code & the Deceptive Trade Practices Act*, Univ. Tex., 4th Annual DTPA Conf.

September 28, 1992, Dallas: *The Continuing Vitality of the Deceptive Trade Practices Act: An Update*, State Bar of Tex., Texas Torts in the 90's Sem. (paper by Michael Curry)

May 21, 1992, Austin: *Attorneys' Fees & Court Costs in Consumer Cases*, State Bar of Tex., 5th Annual Adv. DTPA/Consumer Law Course (Course Director)

April 28, 1992, Austin: *Appellate Advocacy – Appellee's Perspective*, Austin Inns of Court

March 26, 1992, San Antonio: *Statutory Causes of Action*, San Antonio Bar Ass'n, Insurance Litig. Prog.

February 28, 1992, Dallas: *Discovering the Insurer's Files – A Practical Guide to Insurance Discovery*, State Bar of Tex.-Consumer Law Sec., Ultimate Ins. Sem.

December 6, 1991, San Antonio: *Minefields in the Notice Letter*, Univ. Tex., 3rd Annual DTPA Conf. (1991) (paper by David Bragg)

November, 22, 1991, Houston: *Anatomy of An Unfair Insurance Practices Suit – Plaintiff's Perspective*, State Bar of Tex., Practice Skills Course-Business & Consumer Litig.

May 11, 1991, San Antonio: *Rules of Judicial Construction – Making & Arguing the Law in Deceptive Trade Practices Act Cases*, State Bar of Tex., 4th Annual Adv. DTPA/Consumer Law Course

April 5, 1991, Dallas: *Discovery & Sanctions for Discovery Abuse*, State Bar of Tex., Practice Skills Course-Business & Consumer Litig.

November 30, 1990, Houston: *Discovery & Sanctions for Discovery Abuse*, State Bar of Tex., Practice Skills Course-Business & Consumer Litig.

May 5, 1990, San Antonio: *Actionable Conduct Under Insurance Board Regulations*, State Bar of Tex., 3rd Annual Adv. DTPA/Consumer Law Course

March 9, 1990, San Antonio: *Recognizing an Implied Warranty that “Professional” Services Will Be Performed in a Good & Workmanlike Manner*, St. Mary's Law J. 2nd Annual Conf. on Consumer Protection & the Tex. Deceptive Trade Practices Act

March 2, 1990, Austin: *Deceptive Trade Practices Act Update*, State Bar of Tex., Intellectual Property Law-1990 (paper by Philip K. Maxwell)

March 2, 1990, Dallas: *Multiple Litigation Theories in the Arm's-Length Transaction Context*, S. Tex. College of Law, 3rd Annual Adv. Business Litig. Ins. Inst. (paper by Joseph Chumlea)

September 8, 1989, San Antonio: *Article 21.21 Insurance Code Litigation*, State Bar of Tex., Practice Skills Course-Business & Consumer Litig.

September 8, 1989, San Antonio: *Discovery & Sanctions for Discovery Abuse*, State Bar of Tex., Practice Skills Course-Business & Consumer Litig.

May 27, 1989, San Antonio: *ERISA – Federal Preemption of Claims Under Common Law, Tex. Ins. Code Art. 21.21, & the Deceptive Trade Practices Act*, State Bar of Tex., 2nd Annual Adv. DTPA/Consumer Law Course

April 19, 1989, Fort Worth: *Discovery in Bad Faith Cases – Plaintiff's Perspective*, State Bar of Tex., Inst. – The Tort of Bad Faith: Commercial, Ins., & Beyond

April 6, 1989, Dallas: *Discovery in Bad Faith Cases – Plaintiff's Perspective*, State Bar of Tex., Inst. – The Tort of Bad Faith: Commercial, Ins., & Beyond

March 30, 1989, Amarillo: *Discovery in Bad Faith Cases – Plaintiff's Perspective*, State Bar of Tex., Inst. – The Tort of Bad Faith: Commercial, Ins., & Beyond

March 21, 1989, Austin: *Article 21.21 Insurance Code Litigation*, State Bar of Tex., Practice Skills Course-Business & Consumer Litig.

October 12, 1988, Fort Worth: *Discovery & Sanctions for Discovery Abuse*, State Bar of Tex., Practice Skills Course-Business & Consumer Litig.

April 21, 1988, San Antonio: *Litigation Under the Deceptive Trade Practices – Consumer Protection Act & Article 21.21 of the Texas Insurance Code*, 8th Biennial Inst. on Tex. Law for Military Attorneys

March 10, 1988, Houston: *Discovery & Sanctions for Discovery Abuse*, State Bar of Tex., Practice Skills Course – Bus. & Consumer Litig.

November 4, 1987, San Antonio: *Insurance Litigation: Including Article 21.21 & the Duty of Good Faith & Fair Dealing*, State Bar of Tex., 1987 Deceptive Trade Practices Inst.

October 29, 1987, McAllen: *Insurance Litigation: Including Article 21.21, Duty of Good Faith & Fair Dealing*, State Bar of Tex., 1987 Deceptive Trade Practices Inst.

November 8, 1985, South Padre Island: *Sanctions for Refusal of Discovery*, Reynaldo G. Garza School of Law Inst. for Cont. Legal Ed., Sem. on Practical Applications of the Tex. Deceptive Trade Practices Act

REPORTED APPELLATE DECISIONS

Supreme Court of Texas

Rocor Int'l, Inc. v. National Union Insurance Co., 77 S.W.3d 253 (Tex. 2002)

Beaston v. State Farm Life Insurance Co., 907 S.W.2d 430 (Tex. 1995)

Spencer v. Eagle Star Insurance Co., 860 S.W.2d 868 (Tex. 1993)

Cathey v. Metropolitan Life Insurance Co., 805 S.W.2d 387 (Tex. 1991)

Vail v. Texas Farm Bureau Mutual Insurance Co., 754 S.W.2d 129 (Tex. 1988)

Melody Home Mfg. Co. v. Barnes, 741 S.W.2d 349 (Tex. 1987)

Chitsey v. National Lloyds Insurance Co., 738 S.W.2d 641 (Tex. 1987)

Aetna Casualty & Surety Co. v. Marshall, 724 S.W.2d 770 (Tex. 1987)

Mayo v. John Hancock Mutual Life Insurance Co., 711 S.W.2d 5 (Tex. 1986)

International Armament Corp. v. King, 686 S.W.2d 595 (Tex. 1985)

McKinley v. Drozd, 685 S.W.2d 7 (Tex. 1985)

Hurst v. Sears, Roebuck & Co., 647 S.W.2d 249 (Tex. 1983)

Texas Courts of Appeals

Cater v. United Services Automobile Ass'n, 27 S.W.3d 81 (Tex. App.–San Antonio 2000, pet. denied)

Wallis v. United Services Automobile Ass'n, 2 S.W.3d 300 (Tex. App.–San Antonio 1999, pet. denied)

Rocor Int'l, Inc. v. National Union Insurance Co., 995 S.W.2d 804 (Tex. App.–San Antonio 1999) (en banc),
rev'd, 77 S.W.3d 253 (Tex. 2002)

Bailey v. City of Austin, 972 S.W.2d 180 (Tex. App.–Austin 1998, pet. denied)

National Ass'n of Independent Insurers v. Texas Dept. of Insurance, 888 S.W.2d 198 (Tex. App.–Austin 1994),
rev'd, 925 S.W.2d 667 (Tex. 1996)

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