

People



David Clark

Partner, Litigation

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For over thirty years, David has represented insurers and their insureds in a variety of third-party and first-party claims. In years past, he represented insureds in professional liability, general liability, commercial auto liability, and products liability cases. Gradually, his practice evolved into primarily representing insurers in both third-party and first-party claims and cases, although he also represents insurance agents and brokers on occasion in claims alleging negligent procurement or placement of coverage. David has extensive experience in representing insurers in connection with Errors & Omissions, Directors & Officers, Commercial General Liability, Excess and Umbrella, Commercial Auto and Truckers Liability, UM/UIM, Garagekeepers, Commercial Property, and Fidelity claims. His past experience as a CPA helps with analyzing damages, particularly in the Fidelity and business interruption claims.

David has represented insurers in state and federal trial and appellate courts throughout Texas and he has been admitted Pro Hac Vice in at least ten other states. He has received an AV Preeminent rating from Martindale-Hubbell. He is a member of the Defense Research Institute and the Texas Association of Defense Counsel and has co-edited TADC's Insurance Newsletter for over a decade.

Notable Work

Nnaka v. Mejia: David Clark acted as lead counsel at trial and on appeal. At the trial level, he tried the case at the judge's request without prior notice and placed the opposing counsel on the witness stand for cross examination in connection with improper billing practices directed toward an insurance carrier. The lawyer had claimed tortious interference and fraud against an insurance carrier, and a take nothing award was entered on the plaintiff's claims, and further, sanctions were entered against the attorney. The appellate court upheld the judgment.

Royal Hospitality Corp. v. Underwriters at Lloyds, et al.: Obtained judgment as a matter of law against plaintiff Royal Hospitality, a

Areas of Experience

Litigation
Insurance Litigation

Education

J.D., University of Texas School of Law, *with honors*
B.A., North Central College, Accounting, *magna cum laude*

Admissions

Bars

Texas

Courts

U.S. District Court, Northern District of Texas
U.S. District Court, Southern District of Texas
U.S. District Court, Western District of Texas
U.S. District Court, Eastern District of Texas
U.S. Court of Appeals, Fifth Circuit

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restaurant operator seeking contractual and extracontractual damages from insurance carriers due to alleged damages to scheduled properties due to Hurricane Harvey.

Allied World National Assurance Co. v. The Howard Hughes Corp. et. al.: Represented Plaintiff Allied World in declaratory judgment suit against The Howard Hughes Corporation and The Woodlands Land Development Company, LP. Upon receipt of the dec action petition, purported insureds voluntarily dropped request for coverage in connection with related underlying Hurricane Harvey lawsuit, resulting in dismissal of insurance coverage declaratory judgment action as now moot.

Randy Durham v. Hallmark County Mutual Ins. Co.: Appellate court upheld district court's dismissal of matter for lack of subject matter jurisdiction in an attempted direct action lawsuit against insurance carrier.

Southwest Risk L.P. v. Ironshore Specialty Insurance Company. Summary judgment for insurance carrier on coverage under an E&O policy.

American Int'l Specialty Lines Insurance Company v. Res-Care Inc.: Tried an allocation trial on covered vs. uncovered damages. Upheld on appeal. Collected uncovered portion of settlement from insured, which was more than half the settlement. First Texas case post-*Stevens Martin Paving* holding that exemplary damages were uninsurable as a matter of public policy based on the facts of the case.

Chapman v. National Union Fire Insurance Company. Summary judgment for insurance carrier on D&O policy upheld on appeal.

Lexington Insurance Company v. Educare Community Living Corp.
– ***Gulf Coast***: Summary judgment for insurer on E&O policy upheld on appeal.

National Union Fire Insurance Company v. Willis. Summary judgment for insurer on D&O policy upheld on appeal.

Affiliations

- State Bar of Texas
- Houston Bar Association
- Texas Association of Defense Counsel
- Defense Research Institute