



Amy L. Mitchell Examines Texas Supreme Court Indemnity Ruling in Texas Lawyer

Spencer Fane attorney [Amy L. Mitchell](#) wrote the article [Settle Now, Indemnify Later: Texas Supreme Court Reinforces Risk Allocation](#) recently published by *Texas Lawyer*.

In Amy's article, she analyzes the Texas Supreme Court's decision affirming that contractual rights to proportional indemnity can survive settlement, even when the indemnifying party does not participate. She highlights the court's distinction between contractual indemnity and tort-based contribution, emphasizing that negotiated risk-allocation provisions will be enforced according to their terms. She also notes that while settling parties may pursue indemnity afterward, they must prove the settlement was reasonable, was made in good faith, and properly allocates fault.

"The Texas Supreme Court's decision sends a clear message: Settlement does not cancel contractual indemnity rights. Parties who carefully draft indemnity provisions can rely on them – even when disputes are resolved before trial – so long as they are willing to carry the evidentiary burdens that follow," Amy wrote.

At the firm, Amy represents clients through a wide range of litigation matters, including personal injury, construction defect, oil and gas, commercial litigation, shareholder disputes, class actions, multiparty death cases, and appeals. During nearly four decades as an attorney, she has handled more than 3,000 litigation cases and successfully tried over 80 trials by utilizing her multifaceted skills as a powerful trial advocate and certified arbitrator to achieve favorable outcomes both in and out of the courtroom.

Read Amy's full article [here](#). Please note, a subscription may be required.