SpencerFane®

David H. Timmins

Partner

Contact

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Overview

David Timmins has decades of experience helping insurance companies obtain favorable results in insurance claims and coverage litigation nationwide. He represents insurers in all phases of the insurance claims process. Backed by his knowledge of evolving case law and shifting regulatory and legislative landscapes, David provides critical strategic judgment and advice to help insurers evaluate complex insurance disputes and implement creative strategies to mitigate exposure.

Keeping his clients' business goals a top priority, David has solidified his reputation as an effective, trusted advisor and advocate. His communicative and collaborative style helps ease clients' concerns, and he works closely with claims professionals and in-house counsel to develop optimal strategies for complicated claims that require individualized approaches. David frequently appears as co-counsel in already-pending matters in courts throughout the country to provide strategic oversight and guidance and to give clients confidence in the direction of litigation.

His extensive insurance experience spans every line of coverage and kind of loss, including general liability, professional liability, environmental liabilities, directors and officers liability, construction defects, reinsurance disputes, personal injury claims, property claims, and business interruption claims, including extensive experience with claims prompted by the COVID-19 pandemic. David also regularly advises clients on bad faith exposure, the *Stowers* duty in Texas and other states' versions of the duty to settle, allocation among multiple insurance policies, and ethical obligations in the tripartite relationship between insurance carriers, insureds, and defense counsel.

Education

- Washington and Lee University School of Law, 1992 (J.D.)
- The University of Texas at Austin, 1989 (B.A.)

Bar Admissions

- Texas

Court Admissions

- U.S. Court of Appeals for the Fifth Circuit
- U.S. District Court for the Northern District of Texas
- U.S. District Court for the Eastern District of Texas
- U.S. District Court for the Southern District of Texas
- U.S. District Court for the Western District of Texas

Distinctions

- American College of Coverage Counsel, Fellow, 2024
- *Best Lawyers in America*, Commercial Litigation, Insurance Law, Litigation – Insurance, 2016-2027
- *Chambers USA*, Insurance, 2020-2024
- *D Magazine Partners, Inc.*, Best Lawyers in Dallas, Insurance Law, 2011-2018, 2024-2026
- *Texas Super Lawyers*, Insurance Coverage, 2012-2019

Memberships

- Defense Research Institute
- American Bar Association, Insurance Coverage Litigation Committee

Presentations and Publications

- "Recent Notable Court Decisions and the New Restatement of the Law of Liability Insurance," AIRROC Regional Education Day, June 12, 2018
- "*Stowers* at 85: A Long and Winding Road," 19th Annual Insurance Law Institute, University of Texas School of Law CLE, November 13-14, 2014
- "A Practical Guide to Common Ethical Dilemmas for Coverage and Defense Counsel," 11th Annual Advance Insurance Law Course 2014, State Bar of Texas Insurance Law Section, April 24, 2014
- "The Tripartite Relationship and *Tilley* Obligations," 2011 Fundamentals of Insurance Seminar, University of Texas School of Law CLE, October 12, 2011; November 2, 2011
- "The Tripartite Relationship and *Tilley* Obligations," 2010 Fundamentals of Insurance Seminar, University of Texas School of Law CLE, July 29, 2010
- "Insurer's Duty to Settle: Understanding and Working with *Stowers* Issues," 2010 Fundamentals of Insurance Seminar, University of Texas School of Law CLE, July 29, 2010
- "Protective Orders in Products Liability Litigation: Striking the Proper Balance," 48 *Washington & Lee Law Rev.* 1503, 1991

Related Experience

- Defended insurers in multiple lawsuits across the country seeking coverage for business income losses due to the COVID-19 pandemic, obtaining dismissal of claims in all trial courts and all appeals to date.

- Obtained summary judgment on behalf of insurer in coverage and bad faith suit by oil refinery operator for environmental liabilities relating to California refinery. District court ruled that entity subject to the environmental liabilities was not insured and declined request to reform policy, and the Fifth Circuit affirmed.
- Obtained judgment for insurer in mass tort personal injury suit by 39 students and faculty of school who alleged insurer's negligent inspection of boiler caused release of carbon monoxide. The trial court granted a motion to exclude Plaintiff's expert, prompting the court to dismiss all claims based on lack of evidence of causation, and the judgment was affirmed by Fifth Circuit.
- Defended insurer in direct action arising from Alan Stanford Ponzi scheme, initially filed in Louisiana state court, which certified a class against the insured, and removed to federal court after insurers were added as defendants. All claims were eventually dismissed by summary judgment, which was affirmed by the Fifth Circuit.
- Negotiated settlement and insurance policy buyback in bankruptcy filed by insured chemical company after highly publicized chemical spill into public drinking water supply in West Virginia, successfully obtaining bankruptcy court approval of settlement over objections by various parties.
- Obtained dismissal on appeal of trial court order allowing jurisdiction over Mexican insurance company in Texas state court for claims arising from explosion at candy manufacturing facility in Juarez, Mexico.
- Represented insurer in long-term defense of class action against defunct insured, Chrysler, for contamination of residential and business properties from operation of auto parts facility in Dayton, Ohio, after bankruptcy court permitted continuation of suit against Chrysler for purpose of allowing class to pursue insurance proceeds, eventually settled with court approval.
- Obtained summary judgment, affirmed by Fifth Circuit, dismissing coverage, extracontractual, and *Stowers* claims arising from personal injury claims against trucking company and insured driver.
- Secured summary judgment dismissing claims against insurance company on a claim under a marine services liability policy for defense of a lawsuit alleging the insured negligently installed and repaired a vessel's engines.
- Represented insurance company in various insureds' claims for coverage for PFAS-related liabilities, including defense of direct action claims against insurer in pending PFAS MDL proceedings.