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insurance
coverage
advocates

AMY ELIZABETH STEWART

Managing Principal

Amy Stewart's enthusiasm for insurance can only be described as infectious.

For most people, insurance is a necessary evil – a buffer against a rising tide of risk. For Amy, the insurance disputes that inevitably arise present an opportunity to position clients for success against insurance companies.

Amy represents policyholders at every step of the insurance process: from buying and renewing coverage to filing claims and handling disputes against insurers when they won't pay. Although many policies are filled with complex insurance terminology seemingly designed to confuse and obscure, Amy is fluent in insurance-speak. She provides clients with plain-English translations and ensures they understand every nuance of their policies.

Having spent many years representing insurance companies, Amy has unique insight that makes her an invaluable resource for clients facing an insurance dispute or negotiating a new policy. A tenacious advocate, Amy has achieved outstanding results for clients in complicated, high-stakes cases through diligent preparation and a meticulous attention to detail.

Amy's experience includes, but isn't limited to, these areas:

- Executive and professional liability policies, including director and officer liability
- Cyber liability
- Fiduciary liability
- Errors and omissions
- Securities broker/dealer liability
- Employment practices liability
- Other professional liability policies
- Commercial general liability
- Commercial property
- Excess and umbrella policies

REPRESENTATIVE CASES

Results matter. As demonstrated by the outcomes she has achieved for her clients, Amy is an effective advocate. She is able to master the facts, sort through the complexities, streamline the evidence, and leverage the strengths of the case to achieve the best possible outcome. Here are a few of the results Amy has obtained for her clients:

- Secured payment of all defense costs, indemnity for a significant settlement and 18% interest for late payment of claim on behalf an architect sued for copyright infringement; insurer denied coverage based on copyright infringement exclusion in a professional liability policy, but an endorsement confused the issue and created coverage for the lawsuit; matter fully resolved without litigation
- Won summary judgment on behalf of a college sued for tortious interference with business opportunities, breach of contract and defamation (*inter alia*) by establishing that the lawsuit against the insured alleged an "advertising injury" covered by its commercial general liability policy—*KD Studio, Inc. v. Maryland Casualty*, Civil Action No. 3:10-cv-01110-L, in the US District Court, Northern District of Texas, Dallas Division (under seal)
- In connection with litigation against insured directors and officers alleging a Ponzi scheme and related SEC and DOJ investigations, negotiated a creative settlement on behalf of insureds where D&O policy proceeds were insufficient to cover anticipated liability exposure and expected defense costs

- Obtained settlement for 100% of unpaid claim for theft on high-net-worth homeowners policy; filed lawsuit against insurance company and settled before an answer was filed
- Before limiting her practice to representation of policyholders exclusively, won summary judgment on behalf of fiduciary liability insurer in a case involving alleged damages in excess of \$30 million—*Mary Kay v. Federal*, 2007 U.S. Dist. LEXIS 88583 (N.D. Tex., August 14, 2007); preserved district court’s judgment on appeal in the Fifth Circuit
- Won summary judgment on behalf of excess D&O insurer; underlying plaintiff sought to recover from nonprofit D&Os more than \$150 million in alleged damages (\$20 million in combined policy limits)—*In re Fort Worth Osteopathic Hospital, Inc.*, 387 B.R. 706 (Bankr. N.D. Tex. 2008)
- Won jury trial on behalf of plaintiff in breach of contract case alleging that defendant overstaffed nursing home facilities with unnecessary temporary workers and billed for unnecessary services that were not reimbursable under applicable guidelines
- Represented CIGNA in federal district court and before the Fifth Circuit in the landmark ERISA preemption case decided by the United States Supreme Court in 2004, *CIGNA Healthcare of Texas, Inc. v. Ruby Calad*, 542 U.S. 200 (2004)
- Won construction arbitration representing specialty concrete contractor who was alleged to have performed faulty work, involving breach of contract and deceptive trade practice claims; arbitrator denied plaintiff’s claim in its entirety
- Represented property insurer in large, multi-party lawsuit against city transit authority and its construction contractors, asserting claims for breach of contract, violations of the Texas Water Code, and inverse condemnation arising from flooding of downtown streets and a high-rise office building and damages caused by an electrical fire that ensued; case settled after being called to trial
- Defeated opposing party’s petition for review in Texas Supreme Court by handling briefing on the merits in case presenting the issue of whether the fortuity doctrine (no insurance coverage for known or in-progress losses) precludes the duty to defend in Texas—*Warrantech Corp. v. Steadfast Ins. Co.*, 210 S.W.3d 760 (Tex. App. —Fort Worth 2006, pet. denied)
- Substantially reduced client’s liability based on careful analysis of coverage issues and close monitoring of defense costs when governmental investigations commenced against a major international supermarket and foodservice operator in connection with alleged securities fraud and the impact of the alleged fraud on employer stock held by employee benefit plans
- Represented leading accounting firm in litigation initiated by professional golfer, who alleged errors and omissions in provision of tax planning services; reduced both potential exposure and defense costs through voluntary discovery and an early mediation facilitated by experts, which resulted in an advantageous settlement

BOOKS

TEXAS INSURANCE COVERAGE LITIGATION, THE LITIGATOR’S PRACTICE GUIDE (Amy Elizabeth Stewart, ed. 2013, 2014, 2015, and 2016), a desk reference published by *Texas Lawyer*, an ALM Publication

PUBLICATIONS | PRESENTATIONS

- January 2016 “Insurance Law Update” presentation at *Law Stuff You Need to Know*, Dallas Bar Association, Dallas, Texas
- December 2015 “D&O Insurance Considerations” panel moderator for a presentation to the Society of Corporate Secretaries, Dallas, Texas
- November 2015 “Summary Judgment Practice” presentation at *Trial Skills :: Nuts and Bolts Seminar*, Dallas Bar Association, Dallas, Texas
- November 2015 “Cyber Risks :: Tips, Trends, and Pitfalls” panel participant at *IMA University Presentation*, Dallas, Texas
- November 2015 “Coming to America :: Ebola & Potential Pandemics” panel participant at *PLUS Annual Conference*, Dallas, Texas
- October 2015 “The Open Port :: Insuring Third-Party Cyber Risk” co-authored article in *Coverage*, American Bar Association’s journal on insurance coverage litigation
- July 2015 “Cyber Insurance :: The Future is Now” webcast presented by West LegalEdcenter

- July 2015 “Tips for Navigating the New Realm of Cyber Insurance” article in *Texas Lawyer*, an ALM Publication
- June 2015 “D&O Insurance 101 :: Policy Basics and Current Trends and Implications” presentation to Dallas Area Paralegal Association, Dallas, Texas
- May 2015 “Feeling Exposed? Insurance Coverage for Employer Risks” webcast presented by West LegalEdcenter
- May 2015 “Cyber Insurance :: The Future is Now” presentation at the In-House Counsel Summit hosted by *Texas Lawyer*, Dallas, Texas
- February 2015 “Insurance for Business Litigation Risks :: Managing Multiple Policies” article in Consultant’s Corner for *InsideCounsel.com*
- January 2015 “Primer on Employment Practices Liability Insurance” article in Consultant’s Corner for *InsideCounsel.com*
- January 2015 “Insurance Law Update :: It’s Not Just for the Other Guy” presentation at *State Bar of Texas, Litigation Update Institute 2015*, San Antonio, Texas
- December 2014 “Evolution of D&O Insurance after the Economic Crisis” article in Consultant’s Corner for *InsideCounsel.com*
- December 2014 “Taking Inventory :: An Overview of Corporate Liability Insurance” article in Consultant’s Corner for *InsideCounsel.com*
- December 2014 “2014 Year in Review :: Insurance Law” article in *Texas Lawyer*
- October 2014 “Q&A with Texas Supreme Court Justice John Willett” article for *Coverage*
- September 2014 “Insurance Coverage for Business Claims” presentation at *State Bar of Texas, Business Disputes 2014*, Houston, Texas
- April 2014 “A Practical Guide to Common Ethical Dilemmas for Coverage Lawyers and Defense Counsel” presentation at *State Bar of Texas, Advanced Insurance Law Course*, Houston, Texas
- April 2014 “How to Launch a Successful Boutique Firm” article in *Texas Lawyer*
- September 2013 “Insurance Coverage for Business Disputes” presentation at *State Bar of Texas, Business Disputes 2013*, Dallas, Texas
- July/Aug 2013 “Insurance 101 :: Recent Cases Resolving Ambiguities in Insurance Contracts” article for *Coverage*
- May 2013 “Insurance 101 :: Fundamentals for In-House Counsel” presentation to Collin County Bar Association, Frisco, Texas
- April 2013 “Insurance 101 :: Fundamentals for In-House Counsel” presentation at *CSI & Counsel On Call’s Spring CLE*, Irving, Texas
- March 2013 “A Breach is a Breach—Or Is It? Perspectives on National Union v. Seagate Technology” article for *Coverage*
- November 2012 “Downhole Navigator | The Right to Independent Counsel” article in *Headnotes*, a publication of the Dallas Bar Association
- November 2012 “Insurance 101 :: Fundamentals of Liability Insurance for In-House Counsel” presentation to the Corporate Counsel section of the Dallas Bar Association, Dallas, Texas
- October 2012 “Jury Speak :: What Matters to Jurors in Insurance Cases,” co-presenter with Kacy Miller of CourtroomLogic at *University of Texas 2012 Insurance Law Institute*, Austin, Texas
- Sept/Oct 2012 “Fiduciary Liability Policies May Not Cover All Your Liability under ERISA” article for *Coverage*
- September 2012 “Insurance Coverage Issues” presentation at *State Bar of Texas, Business Torts Institute 2012*, Dallas, Texas
- July 2012 “Understanding General Liability and Professional Liability Insurance Coverage” presentation *Minimizing Engineering Liability Exposure*, Arlington, Texas
- June 2012 “Jumpstart Your Law Practice,” co-presenter at *LawReviewCle*, Las Vegas, Nevada

- June 2012 “Ethical Issues in the Tripartite Relationship” presentation at *Counsel On Call Summer CLE*, Dallas, Texas
- Spring 2012 “Dodd-Frank, Revisited :: Analyzing the Act’s Impact on the Insurance Industry” article in *Texas Insurance Law Journal*, a publication of the State Bar of Texas
- January 2012 “Effective Mediation Strategies to Save Capital and Keep Projects Moving Forward,” moderated panel discussion for *Insurance and Construction Mediations*, Dallas, Texas
- December 2011 “Navigating Insurance Coverage Issues :: What Business Litigators Need to Know” article in *Headnotes*
- November 2011 “Unintended Consequences :: An Update on the Impact of the Financial Crisis on Your Coverage Practice” presentation at *University of Texas 2011 Insurance Law Institute*, Austin, Texas
- October 2011 “What Every Business Tort Lawyer Should Know About Insurance” (moderator), *State Bar of Texas, Business Torts 2011*, Houston, Texas
- June 2011 “Social Media 2011” presentation to *North Texas Association of Insurance Counsel*, Dallas Texas
- June 2011 “Insurance Coverage for Litigators :: The Nuts & Bolts” presentation to the Dallas Bar Association, Dallas, Texas
- March 2011 “Insurance for Lawyers and Law Firms” presentation to the Collin County Bar Association for the *Annual Making Your Practice Work* seminar, Plano, Texas
- February 2011 “Does Social Media Demand Legal Ethics?” (moderator), *Texas Forum XXVIII*, Dallas, Texas
- December 2010 “Reservation of Rights” presentation to Swingle Collins and Associates, Dallas, Texas
- Sept/Oct 2010 “Insurance 101: Insights for Young Lawyers :: Ponzi Schemes, and Money Laundering, and Defense Costs! Oh My!” co-authored article for *Coverage*
- July 2010 “Judicial Profile: Honorable Staci G.C. Jernigan” article in *Headnotes*
- July 2010 “Navigating the Ethical Current :: The Tripartite Relationship” presentation to the Dallas Bar Association, Dallas, Texas
- Summer 2010 “Finding Your Passion in the Profession” article in *The Woman Advocate*, a publication of the American Bar Association
- March 2010 “Arbitration in the Insurance Context :: Trends, Strategies & Appellate Review” panel roundtable discussion at the *American Bar Association Section of Litigation, Annual Insurance Coverage Litigation Committee Conference*, Tucson, Arizona

HONORS | ACHIEVEMENTS

- Selected to *Leadership Dallas Class of 2016* by the Dallas Regional Chamber
- Rated AV® Preeminent™ 5.0 out of 5 (Peer Review Rating) by Martindale-Hubbell® [AV® Preeminent™ and BV® Distinguished™ are certification marks of Reed Elsevier Properties Inc., used in accordance with the Martindale-Hubbell® certification procedures, standards and policies]
- Named one of the Best Lawyers in Dallas: Insurance Law (2012 – 2015) by *D Magazine*
- Selected by her peers for inclusion in *The Best Lawyers in America*® (2013 – 2016) listing in the field of insurance law
- Selected to the *Texas Super Lawyers*® (2009 – 2015) list; *Super Lawyers*® is a rating service of outstanding attorneys who have attained a high degree of peer recognition and professional achievement
- Selected for the *Super Lawyers*® list of the Top 50 Women Lawyers in Texas by Thomson Reuters, 2014
- Selected to the Top 100: Dallas/Fort Worth *Super Lawyers*® list, 2014
- Elected to the American College of Coverage and Extracontractual Counsel, 2013
- Selected for inclusion in Martindale-Hubbell®’s Bar Register of Preeminent Women Lawyers for 2012
- Selected for the *Super Lawyers*® list of the Top 50 Women Lawyers in Texas by Thomson Reuters, 2011
- Honored as one of Top 25 Women in Business 2011 by the *Dallas Business Journal*
- Texas Bar Foundation, Fellow

- Recognized as a *Texas Rising Star* by Thomson Reuters, 2007

PROFESSIONAL | COMMUNITY INVOLVEMENT

Outside the office and the courtroom, Amy is actively involved in both professional and community organizations. She recently began a three-year commitment to serve on the State Bar of Texas' Pattern Jury Charges Standing Committee. She is a member of the litigation and insurance sections of the State Bar, the American Bar Association, and the Dallas Bar Association. Amy is also a member of the Professional Liability Underwriting Society. For many years, Amy has been a sustaining member of Attorneys Serving the Community, frequently serving as co-chair of various committees. She was honored to serve as the luncheon co-chair for 2011-13 and has become a Leadership member with the group. She also serves on the board of directors of the nonprofit, Heart House Dallas. In 2008, Amy founded the Dallas women's networking group, ConnectHer.

EMPLOYMENT

Before forming Amy Stewart PC, Amy was a partner with the New York-based law firm, Wilson Elser Moskowitz Edelman & Dicker LLP, representing insurance companies in coverage and bad faith litigation. Amy began her legal career in 1992 with the Dallas firm now known as Gardere Wynne Sewell LLP, practicing commercial litigation.

EDUCATION

- J.D., University of Virginia School of Law, 1992
- B.S., Liberty University, Political Science, 1989, *magna cum laude*

BAR | COURT ADMISSIONS

- American Bar Association
- State Bar of Texas
- Dallas Bar Association
- U.S. Court of Appeals for the Fifth Circuit
- U.S. District Court of the Northern, Southern, Eastern, and Western Districts of Texas
- U.S. District Court of the Eastern District of Michigan