

INSIGHTS

## The Evolution of Insurance Law: R-E-S-P-E-C-T with Beth Bradley

September 29, 2021

By: [Vincent E. Morgan](#)

On this episode of Covered, hosts [Vince Morgan](#) and Claire Cahoon are joined by guest Beth Bradley discuss her career in insurance law.

### **What roles have you held in insurance law?**

I didn't know that I was a trailblazer in becoming a coverage lawyer. It was more like it was a confluence of events in the law around the time I got out of law school. The firm I was working at, Thompson Coe, discovered that I didn't mind researching 50 states' laws on the sue and labor clause. And there were very few people who would do that. So I fell into it a little bit. They gave me more because I did it. And I graduated in 1986 and then in 1987 **two significant things happened.**

One of them was that the *Ranger v. Wynn* case that came out and suggested not only was there a Stowers duty to settle placed upon insurers, but maybe they had a duty to handle the entire case in a way that was not negligent, and anything the insurers did could be second-guessed later on. In addition, a week later, the *Arnold* case came out and established bad faith or a breach of the duty of good faith and fair dealing. So with those two things, suddenly, there was a lot more focus and emphasis on coverage as an actual practice area and not a sideline for people who did insurance defense. And as a young lawyer, that was perfect for me because I saw an opportunity for job security.

### **What is the best way to earn and give a level of trust with folks on the other side?**

The insurance bar is still a pretty small, close-knit bar and the people who truly focus on that area are professionals. And they get along. And I think it's nice because if you watch too much TV, you can confuse aggression for skill.

If you came into a room and spoke in your softest voice imaginable, you still command respect because everyone knows you know what you're talking about. And if you do those things and you know what you're doing, you can figure out when you have a problem or when they have a problem you can talk about it and approach it in a way that doesn't require yelling at each other or slamming down the phone or having sanctions hearings, which I abhor even though I'm a 214 lawyer.

### **What is the one claim that stands out in your career that is just out of this world?**

As an insurance professional, I should answer that I was involved in the *Royal v. Quinn-L* litigation when I was a young lawyer. And it was absolutely crazy. But it was crazy from a

procedural level because there was federal litigation, there was state litigation. The team had the federal court enjoining the litigants; treble damage claims went into the billions of dollars in the state court. And it was just absolutely crazy. And the crazy thing is it all centered around the loss of investment because, at that time in Texas, it was not clear that that sort of pure economic loss was not property damage under CGL policy. So there were billions of dollars of litigation over whether an economic loss was property damage, which now is a no-brainer.

From a personal standpoint, I had some equine mortality cases when I was doing interesting fraud claims. They're really interesting because you could go online, and if you had a horse that was not a thoroughbred and wasn't a breeder or anything, you could just go online and fill out a form and insure it for five or ten grand. So there was a lot of fraud in Texas, with people killing horses and picking up five or ten grand for every horse. And TDI found broad rings doing this.

But in this one case, it was a single dead horse, and it belonged to a woman. And I kind of suspected the woman's boyfriend might be implicated because it showed up dead in the field for no good reason. And I took an examination of the woman under oath, and I asked her questions about her other animals because she also had cats and dogs, and I was asking her about her relationship with her horse. So the woman and I are having a conversation about how she felt about her pets and how her boyfriend got along with her cats and dogs. And it seemed to go fine, and the woman was nice, and we finished our examination. And a few days later, I got a very, very, very, very angry letter from the woman telling me that I had tried to take advantage of her and trick her by being nice to her and asking questions about her pets. But it was interesting, and having now and then made somebody angry, that was the oddest time I made someone angry and kind of the most unusual development in a claim.

For any questions you may have regarding insurance law, please contact [Vince Morgan](#) or [Claire Cahoon](#).

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