



**Amy S. Harris**  
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### Education and Professional Background

Texas Tech University, Juris Doctor, 1987

Texas Tech University, Bachelors Business Administration, 1984

Texas Tech Law Review

Briefing Attorney for the Honorable Annette Stewart, Court of Appeals for the Fifth District of Texas at Dallas, 1987 - 1988

### Admitted to Practice

Texas, 1987

U.S. District Court, Northern, Southern, Eastern, and Western Districts of Texas

U.S. Court of Appeals, Fifth Circuit



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### Amy S. Harris, Shareholder

Amy Harris joined Macdonald Devin in 1989 and represents clients in state and federal trial and appellate courts, primarily in insurance defense litigation and insurance coverage. She has served as state and national counsel for clients to ensure their interests are consistently protected, and is currently serving as national defense counsel for a client in pharmaceutical litigation. She also has experience in representing clients in class actions and mass tort litigation.

Amy has represented a myriad of businesses, including Fortune 500 companies, insurers, product manufacturers and distributors, major retailers, hotels, property owners and managers, and construction companies. Her areas of expertise include appellate, insurance, products liability, personal injury and tort litigation, employment and labor law, hospitality law, premises liability, and toxic tort.

Her practice also includes substantial experience in trial and litigation support, including providing guidance to trial counsel in the analysis and presentation of legal issues, trial strategy, concentration on procedural issues and motions, summary judgment and dispositive motions, preparation of jury charges, presentation of arguments throughout the litigation and at trial, and briefing of complex legal issues.

Amy frequently speaks and conducts presentations for clients on legal developments and trends, as well as other issues of significance to her clients.

### Representative Experience

- Successfully defeated a motion to certify a class of over 50,000 individuals alleging exposure to Hepatitis B and C in Las Vegas, Nevada
- Serves as national counsel for a component distributor in national vaccine litigation, including obtaining dismissals in favor of the client in numerous cases filed in Texas, Mississippi, Georgia, California and Maryland
- Successfully defended a national charitable organization in a dram shop liability action
- Represented national hotel in various contractual, personal injury and employment matters
- Summary judgment obtained for client in a premises liability case arising out of a shooting rendering the plaintiff a paraplegic
- Successfully set aside a default judgment in excess of \$750,000 entered against the client
- Defense verdict obtained in arbitration proceeding for homebuilder arising from death of homeowner who fell from attic in newly-constructed residential home
- Participated in defense of premises liability case brought by survivor of employee of an independent contractor retained to perform electrical work at retail store
- Participated in defense of personal injury cases arising out of trucking accidents
- Participated in defense of retail stores and companies in defense of various premises defect cases, personal injury and employment claims

- Participated in defense of personal injury case arising out of automobile accident allegedly caused by sprinkler system; settled prior to closing arguments for approximately ten percent of plaintiff's pretrial demand
- Served as state counsel for convenience store chain with 850 store locations, including coordination of the client's non-subscriber program and defense of personal injury lawsuits

Represented insurance companies in numerous coverage lawsuits and disputes, including pursuing or defending the insurance company's position in declaratory judgment actions, defending bad faith claims, analysis of coverage issues and disputes, preparation of coverage opinion letters, preparation of the carrier's reservation of rights and denial letters, and monitoring significant claims and lawsuits in order to protect the interests of primary and excess carriers. Coverage work has involved all types of insurance policies covering a broad array of issues. A representative example includes:

- Obtained summary judgment for commercial general liability carrier in declaratory judgment action for the recovery of defense and settlement costs in underlying construction defect case.
- Defended a commercial liability carrier in a declaratory judgment and bad faith action arising out of a default judgment against the insured and the insured's failure to provide timely notice of the loss.
- Defended a commercial general liability carrier in declaratory judgment action for the recovery of defense costs in underlying construction accident case.
- Defended a commercial general liability carrier in declaratory judgment action for the recovery of defense costs in underlying toxic tort lawsuit.
- Provided coverage analysis and evaluation to a commercial general liability carrier of property owners' claims against subcontractor for construction defects.
- Provided coverage analysis and evaluation to a commercial general liability carrier of property owner's claims against general contractor for claims arising from the construction defects of a school building.
- Provided coverage analysis and evaluation to a commercial general liability carrier regarding whether carrier had duty to defend general contractor in underlying construction defect case as an additional insured under subcontractor's general liability policy.
- Provided coverage analysis and evaluation to a commercial general liability carrier regarding the carrier's duty to defend paint subcontractor in underlying lawsuit arising out of property damage to exterior of commercial office building owned and managed by plaintiff.
- Provided coverage analysis and evaluation to a commercial general liability carrier in connection with plaintiff's demand for arbitration seeking recovery of repair and replacement costs arising from subcontractor's alleged faulty workmanship.
- Provided coverage analysis and evaluation to a commercial general liability carrier regarding coverage the carrier's duty to defend and indemnify residential home builder for construction defects, breach of contract, breach of warranties and Deceptive Trade Practices Act ("DTPA") claims.
- Provided coverage analysis and evaluation to a commercial general liability carrier in connection with claims against lumber company arising out of plaintiffs' exposure to toxic substances.

- Provided coverage analysis and evaluation to a commercial general liability carrier in connection with insured's failure to comply with building specifications and claims for breach of contract, breach of warranties and fraud.
- Provided coverage analysis and evaluation to a commercial general liability carrier in connection with construction defect claims arising out of multi-family residences.
- Provided coverage analysis and evaluation related to ten lawsuits against the insured for faulty materials and construction defects.

Represented clients in numerous appeals in both state and federal courts in Texas, as national coordinating counsel in pharmaceutical litigation, participated in several appeals in other states. A representative sample of appellate experience follows:

- Defense verdict in favor of trucking company affirmed on appeal, United States Court of Appeals for the Fifth Circuit.
- Rule 13 sanctions and attorney's fees against plaintiff for groundless and frivolous lawsuit affirmed for client, Fifth District Court of Appeals at Dallas (published opinion).
- Dismissal of claims against nursing home affirmed on appeal, Texas Supreme Court.
- Insurer's denial of coverage as to damage to pool affirmed on appeal, Fifth District Court of Appeals at Dallas.
- Dismissal for lack of personal jurisdiction affirmed on appeal, Fifth District Court of Appeals at Dallas.
- Defense verdict in favor of exterminating company affirmed on appeal, Fifth District Court of Appeals at Dallas.
- Dismissal of claims against physical therapist affirmed in part and remanded in part, Second District Court of Appeals, Fort Worth.
- Appellate proceeding favorably dismissed for lack of jurisdiction, Fifth District Court of Appeals at Dallas.
- Writ obtained in an original mandamus proceeding before the Texas Supreme Court arising out of the parties' dispute concerning trial.
- Represented client in discovery dispute in an original mandamus proceeding before the Amarillo Court of Appeals.
- Representing clients in original mandamus proceeding before the Fort Worth Court of Appeals concerning dominant jurisdiction.
- Dismissals of component supplier in vaccine litigation affirmed on appeal, Court of Appeals, Philadelphia County, Pennsylvania.
- Dismissal of component supplier in vaccine litigation affirmed in part and remanded in part, United States Court of Appeals for the Fifth Circuit.
- Dismissal of component supplier in vaccine litigation affirmed in part and remanded in part, Court of Appeals, Phoenix, Arizona.

## Professional Affiliations

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State Bar of Texas  
Dallas Bar Association  
Collin County Bar Association  
Texas Association of Defense Counsel  
Defense Research Institute  
Texas Surplus Lines Association  
Council on Litigation Management  
Insurance Bad Faith and Fraud Committee  
Federation of Insurance Women of Texas  
National Association of Insurance Women of Texas

## Honors and Recognitions

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Named to the Civil Litigation Defense practice area of *Corporate Counsel, Super Lawyers*, 2008 and 2009  
Named *Texas Monthly* Super Lawyer 2005, 2006, 2007, 2008, 2009  
Named *Texas Monthly* Top 50 Female Lawyers in Texas 2006 and 2007  
Texas Tech Law Review

## Selected Publications and Presentations

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A representative sample of presentations include:

*Texas Insurance Law Update*, presented at Business and Insurance Litigation Update, October 2009

Macdonald Devin Construction Conference, Dallas Texas on *Update on Coverage Issues in Construction Defect Litigation*, September 21, 2007.

*Insurance Coverage for Construction Defects - A Look at the Conflict Among Texas Courts*, Macdonald Devin Construction Conference, Dallas, Texas, September 29, 2006

Guest Speaker at *Insurance Women of San Antonio (IWSA) July Meeting*, San Antonio, Texas, July 27, 2006

*Insurance Coverage for Construction Defects*, presented at Continuing Education Conference, Charlotte, North Carolina, June 23, 2006

Guest Speaker for *Federation of Insurance Women of Texas (FIWT) 2006*

Mid-Year Conference, Austin, Texas, April 29-30, 2006