

THOUGHT LEADERSHIP

News

HURRICANE HARVEY & MDJW

Newsbrief

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With much of the Houston business community reopening on Tuesday following the devastation to the nation's 4th largest city following the 5-day flooding from Hurricane Harvey, our law firm's main office has already been dealing with a multitude of legal issues arising out of what is being described as the largest rain event in US history. Although several of our lawyers and staff in Houston experienced flooding to property they own, many of our Houston lawyers worked throughout the storm last week and our Dallas and Austin offices were unaffected in any way. Our Houston Office reopened on Thursday of last week. Since Harvey's landfall near Rockport, our lawyers have already been handling a multitude of legal issues related to Harvey including:

- CAT team claims training;
- CAT claims guidelines for Harvey;
- Agent training;
- Agent liability (with 80% of losses lacking flood coverage, agent blame has already started);
- The new hail and wind statute, effective September 1st, and its impact on Harvey claims and future cases;
- Wind vs water Texas style (in contrast to Louisiana in Katrina);
- Insurance MDL's in Texas and the precedent for storm-wide MDLs for carriers in future cases;
- Flood coverage issues;
- Texas' Prompt Payment of Claims statute in CATs including unanswered questions;
- Business Interruption coverage issues in Texas;
- Anti-current causation case law and Texas' differences;
- Bad faith litigation avoidance including lessons learned from Rita, Ike and recent wind/hail wars in Texas; and
- Texas Public Adjuster statute and issues for hurricane claims and lawsuits.

Over the next few months, many more legal issues will arise in the claims and lawsuits following this epic storm event. In future issues of our firm's weekly publication, we will be looking at each of these issues in more detail and also addressing new issues of interest to those insurers impacted by Harvey claims and lawsuits. Our Insurance *Newsbrief* is in its 17th year of publication and will continue weekly as we keep those insurers doing business in Texas abreast of new claim issues, new case law, new trial results, new TDI announcements and other legal news of

interest to our readers. For help or insight on *any* of the legal issues arising out of Hurricane Harvey, contact any of our lawyers.