

Bart Wulff

ATTORNEY, PARTNER

Bart Wulff is an experienced trial and appellate attorney who devotes his practice to the representation of clients in business litigation matters which for many years emphasized professional liability and errors and omissions claims in the insurance industry, representing policyholders in claims against insurance companies and defending large international insurance agencies against professional liability claims made against them, but in recent years, has increasingly consisted of oil and gas litigation and agriculture-related litigation.

A seasoned trial lawyer, Bart is admitted in Texas state courts, all U.S. District Courts in Texas, the U.S. Courts of Appeals for the Fifth and the Eleventh Circuits, as well as the U.S. District Court for the Northern District of Oklahoma. He has handled complex litigation matters for major national and international insurance agencies, policyholders, insurance companies, hedge funds, technology distribution companies, transportation companies, financial institutions, agribusiness, commodity trading, and motion picture distributing firms, among others.

Bart advises clients on all aspects of risk management. He represented the Marsh & McLennan Companies in a range of E&O and commercial disputes, and acted as personal counsel for policyholders whose claims are being defended by their insurance carrier, but who face exposure to potential excess or otherwise uninsured risks. Over his years of practice, he has represented clients ranging from Fortune 100 companies with a large and sophisticated in-house legal staff to individuals with substantial business interests to assert or protect. Notably, he represented a policyholder in defending against its D&O insurance company's assertion of a late notice defense, resulting in a landmark Texas Supreme Court decision requiring prejudice as a prerequisite for a late notice defense in claims made policies.

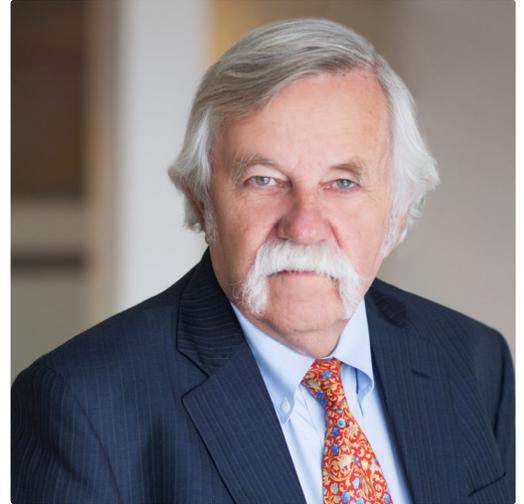
Bart also advised and represented attorneys who have been joined as parties in litigation, defended insurance intermediaries in the three-month trial of a reverse bad faith and insurance agent malpractice case, and represented Alexis, Inc. in the case of *Natividad v. Alexis*, in which he secured a landmark Texas Supreme Court decision that his client owed no duty of good faith and fair dealing under Texas law. He represented Southwest Airlines in a range of litigated matters over a period of more than 20 years.

Judicial Clerkship

Law Clerk to Judge Newell Edenfield, Chief Judge, USDC for the Northern District of Georgia 1973-1975

Bar Admissions

- Georgia
- Texas



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CORE SERVICES

- Oil and Gas
- Agriculture
- Business Litigation
- Insurance Recovery
- Appeals

Court Admissions

- U.S. Court of Appeals, 11th Circuit
- U.S. Court of Appeals, 5th Circuit
- U.S. District Court, Eastern District of Texas
- U.S. District Court, Northern District of Oklahoma
- U.S. District Court, Northern District of Texas
- U.S. District Court, Southern District of Texas
- U.S. District Court, Western District of Texas

Education

- University of Texas School of Law (JD, 1973)
 - Note and Comment Editor, Texas Law Review
- Yale University (BA, 1968)
 - History
- St. Stephen's Episcopal School (1964)

Associations

- Dallas Bar Association, Business Litigation, Chair, 2005
- Dallas Bar Association, Courthouse Committee, Chair, 1997
- Dallas Bar Association, Eisenberg Report Action Committee, Chair
- Dallas Bar Foundation, Sustaining Life Fellow
- Texas Bar Foundation, Sustaining Life Fellow
- William Wayne Justice Center of Public Interest Law, University of Texas Law School, Advisory Board
- University of Texas System, Chancellor's Council
- American Management Association, Insurance & Risk Management Council, 2006-Present
- Texas Coalition for Excellence in Higher Education, Founding Member
- Committee for Qualified Judiciary, Member, 1992-Present
- Texas and Southwestern Cattle Raisers Association, Director, 1991-Present
- Texas and Southwestern Cattle Raisers Foundation, Trustee
- St. Stephen's Episcopal School, Austin, Texas
 - 2022 Founders Alumni Award for Distinguished Service
 - Board of Trustees 1995-2001, 2005-2011
- North Dallas Chamber of Commerce, Former Member, Board of Directors
- Leadership Dallas, Class of 1996

Representative Experience

- Successful representation of a policyholder in reversing its directors and officers insurance carrier's denial of coverage for securities claims based on late notice and policy exclusions. *XL Specialty Insurance Company v. Financial Industries Corporation*, No. 06-51683, 2009 U.S. App. LEXIS 11836 (5th Cir. June 1, 2009) and *Financial Industries Corporation v. XL Specialty Ins. Company*, 285 S.W.3d 877 (Tex. 2009). View oral argument.

- Secured and sustained on appeal summary judgment dismissing \$66 million professional liability claim against Marsh USA Inc. for 9/11 business interruption damages. *Wyndham Intern. v. Ace American Insurance Co.*, 186 S.W.3d 682 (Tex. App. – Dallas 2006, no pet.)
- Secured and sustained on appeal summary judgment for Mercer Human Resource Consulting, Incorporated dismissing multi-million dollar claim for unfair trade practices and tortious interference. *Richardson-Eagle, Inc. v. William M. Mercer Inc.*, 213 S.W.3d 469 (Tex. App. – Houston [1st Dist.] 2006, pet. denied)
- Secured and sustained on appeal summary judgment in a multi-million dollar insurance agent professional liability claim against Marsh USA Inc. *Estate of Geneva Caraway Hunt v. St. Paul Guardian Ins. Co.*, 2006 Tex. App. LEXIS 3087 (Tex. App. – San Antonio April 19, 2006) (pet. denied)
- Secured complete victory for client in litigation between insurance companies concerning responsibility for aviation collision claim. *Insurance Company of Pennsylvania v. Ranger Insurance Company*, 2004 TX App. LEXIS 4406 (Tex. App – Dallas May 17, 2004, pet. denied)
- Secured multi-million dollar settlement for policyholder clients in coverage case against D&O carrier. *Active Power, Inc. v. Greenwich Ins. Co.*, No. GN 402225 (53rd Dist. Ct., Travis County, Tex.)
- Represented insurance agency in dispute over application of co-insurance provisions to business interruption claims arising from Ft. Worth tornado
- Represented the Marsh & McLennan Companies in a range of E&O and commercial disputes
- Represented Marsh & McLennan Companies Inc. and subsidiaries in all Texas litigation involving contingent commissions
- Represented policyholders in coverage disputes with carriers
- Acts as personal counsel for policyholders whose claims are being defended by their insurance carrier subject to a reservation of rights and exposure to excess or uninsured claims
- Defended insurance agency from claims brought by receiver of insurance company seeking to rescind placement of insurance programs for agent's client
- Represented insurance agency in litigation arising from unsuccessful attempt to create new risk transfer mechanism
- Represented insurance agent in litigation alleging failure to properly advise client on adequacy of insurance program to cover sexual harassment exposure
- Assisted insurance agent and independent school district in reversing cancellation of wrap-up insurance program for ongoing school construction program
- Defended multiple insurance agents in litigation by clients asserting failure to properly advise and place coverage for computer errors and omissions coverage
- Represented Alexander & Alexander Inc. in a three-month trial of an reverse bad faith and insurance agent malpractice case
- Represented Alexis Inc. in the case of *Natividad vs. Alexis*, in which he secured a Texas Supreme Court decision that client owed no duty of good faith and fair dealing under Texas law. *Rosa Natividad v. Alexis, Inc.*, 875 S.W.2d 695 (Tex. 1994)
- Represented insurance agent in litigation alleging failure to properly advise client on adequacy of insurance program to cover sexual harassment exposure
- Represented seller of painting in claims against purchaser and its agent based on claims for breach of contract and fraudulent inducement. Trial resulted in favorable jury verdict on all liability issues and two of three damage theories. VerdictSearch classified resulting judgment as sixth largest Texas Plaintiff's judgment in a contract case for 2013. *Hoffman v. L&M Arts*, No. 3:10-CV-0953-D (N.D. Tex.) reversed and remanded on appeal *Hoffman v. L&M Arts*, 838 F.3d 568 (5th Cir. 2016)
- Represented individual investors seeking to recover assets from Stanford Financial receivership and defended against claims made by receiver
- Represented hedge funds in defending against claims by investors arising from winddown of funds
- Represented attorneys who have been joined as parties in litigation
- Represented Ingram Micro in range of business disputes arising from its computer product distribution business
- Represented Southwest Airlines in a range of litigated matters over a period of more than 20 years