

## Bobby M. Rubarts

ATTORNEY, PARTNER

With more than 30 years of relevant experience resolving complex business disputes and insurance recovery claims, Bobby Rubarts is on the short list for policyholders that planned ahead by purchasing insurance coverage, but are now forced to compel their insurers to honor the policy after sustaining covered losses. Bobby has enforced the rights of policyholders in insurance coverage litigation before state and federal courts and arbitrators throughout Texas involving a broad spectrum of claim types, including multi-million-dollar commercial property losses, professional liability, directors and officers liability, and recovery of legal costs associated with litigation defense and government investigations.

Several factors have made the insurance recovery process challenging for policyholders in Texas – including insurers' increased focus on maximizing profits in the underwriting process, statutory changes stripping insured of rights they have had for more than a generation, and insurer-friendly court decisions, plus more – but Bobby's rare breadth and depth of experience and effectiveness both in and out of the courtroom enable him to manage these obstacles and obtain the financial recovery his clients deserve in times of crisis. He never takes on more cases than he can personally handle at any given time, allowing him to manage the numerous details and big-picture strategy for each case. Never wasting a client's time or money, he oversees a lean, cost-efficient team and identifies the relevant issues that will drive a case to the right settlement or a just result at trial.

Most insurance recovery lawyers aren't trial lawyers – they don't have deep experience actually proving a case to a jury, judge, or arbitrator, and often overestimate how an insurer's defenses will ultimately be received in court. Insurers, which are masters at evaluating risk, take advantage of this dynamic, and achieve settlements with their underrepresented insureds at less than full compensation. While Bobby always explores every opportunity to settle cases, he's also fully prepared to enforce policyholders' rights in the courtroom. His lean approach to dispute resolution also enables him to handle cases with lower amounts in controversy that other lawyers of his caliber are unable or refuse to pursue.

In addition to his insurance recovery practice, Bobby has represented businesses and individuals in a broad range of complex business litigation matters, including partnership disputes, business divorces, breach of fiduciary duty claims, and commercial real estate litigation.

## Bar Admissions

- Texas



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(214) 949-3905 (cell)  
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1700 Pacific Avenue  
Suite 4500  
Dallas, Texas 75201  
(214) 751-7900 (main)

### CORE SERVICES

- Insurance Coverage & Bad Faith Litigation
- Commercial Property Damage Claims
- Business Interruption
- Professional Liability/Malpractice Claims
- Directors and Officers Liability
- Commercial General Liability
- Fidelity Bond and Commercial Crime Insurance
- Unfair Claims Handling and Stowers Liability
- Business Litigation
- Fiduciary Duty Litigation
- Arbitration and Mediation
- Appeals

## Court Admissions

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

## Education

- Baylor University, School of Law (JD, *with highest honors*, 1985)
  - Member, *Baylor Law Review*
  - Member of Harvey M. Ritchey Moot Court Society
  - Member of State, National, and International Moot Court Teams
- Oral Roberts University (BA, *with highest honors*, 1982)

## Honors and Awards

- AV Preeminent, Martindale Hubbell
- Texas Board of Legal Specialization, Civil Trial Law, 1995
- Best Lawyers in Dallas, D Magazine, Insurance Law, 2013-2017
- Best Lawyers in America, Woodward/White, Commercial Litigation, 2013-Present
- Texas Super Lawyers, Thomson Reuters, Business Litigation, 2004, 2008-2017

## Associations

- Dallas Bar Association, Business Litigation Section, Council Member, 2012-2017
- Dallas Bar Association, Business Litigation Section, Vice Chair, 2017
- Dallas Bar Association, Business Litigation Section, Treasurer, 2015
- Dallas Bar Association, Business Litigation Section, Secretary, 2014-2016
- Dallas Bar Association, Ethics Committee, Co-Chair, 2007
- Dallas Bar Association, Ethics Committee, Co-Vice Chair, 2006
- Dallas Bar Association, Judiciary Committee, Member, 2003
- Texas Bar Foundation, Fellow
- Dallas Bar Foundation, Fellow
- U.S. Magistrate Judge Position, Dallas, Merit Selection Panel, 2012

## Pro Bono/Community Service

- Represented several State District Judges in trial and through appeals to the U.S. Supreme Court in *MABA v. State of Texas*

, in which the Department of Justice sought to enjoin operation of certain Texas courts.

- Represented a State District Judge in trial and through appeals to the U. S. Supreme Court in *LULAC v. Mattox*, in which LULAC sought to mandate the election of State District Judges through single member districts;
- Represented the 160th Judicial District Court of Dallas County as an appointed special prosecutor in a contempt trial against a local lawyer.
- Handled numerous family law cases through the East Dallas Legal clinic.

## Publications

- Negotiations and Settlements with Insurers, *Aspatore Books--Inside the Minds Series--Insurance Law Settlements and Negotiations*, 2007
- "Texas Supreme Court Requires Insurers to Show Prejudice to Deny Coverage Under a Claims-Made Policy Based on Untimely Notice," *Insurance Coverage e-Alert*, April 7, 2009
- "Fifth Circuit Rules that an LLC May Not be a 'Subsidiary Corporation' for Insurance Purposes," *Insurance Coverage e-Alert*, March 23, 2009
- "Losses Caused by Hurricane Ike: Insurance Coverage Considerations," *Insurance Coverage e-Alert*, October 30, 2008
- "The Texas Supreme Court Rules in Favor of Policyholders on Late Notice Issue," *Insurance Coverage e-Alert*, February 12, 2008
- "Insurer Prevails Again as Law Continues to Drift in Insurer's Favor," *Insurance Recovery e-Alert*, November 26, 2006
- "Hurricane Katrina and Insurance Coverage for Losses," *White Paper*, September 12, 2005
- "Another Byproduct of House Bill 4," April 2, 2004
- "Procedural Pitfalls in Probate and Trust Litigation," *Texas Lawyer*

## Presentations

- "What Every Lawyer Needs to Know About Insurance Law," *State Bar of Texas 29th Annual Advanced Civil Trial Course*, August 20, 2006
- Author/Speaker for An Introduction to Federal Practice 1993 (Motion Practice)
- Author/Speaker for the Legal Assistant University 2001 - Class Actions, 1998
- Author/Speaker for the State Bar of Texas PDP 2004 Advanced Evidence & Discovery Law Course 2004 - Multiparty Cases
- Author/Speaker for the State Bar of Texas Advanced Civil Trial Course 2006-What Every Lawyer Needs to Know About Insurance Law: Recent Changes and Cases that Affect Every Civil Litigator's Practice
- Author/Speaker for the State Bar of Texas Annual Advanced Evidence and Discovery Course Seminar - "Privileges," May, 2007

## Representative Experience

- Represented an off-shore oil & gas company seeking to recover wreck removal costs against its excess insurer;
- Represented a convenience store and car care center company which experienced damage to approximately 70 of its locations from a catastrophic hail and wind storm;
- Represented a school district that suffered system-wide losses resulting from a major storm;
- Represented a Diocese and individuals seeking defense costs from their insurer related to litigation resulting from the Diocese's withdrawal from the Episcopal Church;
- Represented a major sporting goods business to recover defense costs incurred in defending against a government investigation;

- Represented a charitable organization to recover defense costs incurred in defending against a government investigation;
- Represented a leading trial lawyer whose insurer refused to pay all defense costs, claiming the fees related to the lawyer's affirmative claims;
- Represented a lender as an additional insured under a property policy for damages related to major theft and vandalism.
- Represented multiple individuals and organizations seeking defense and indemnity under directors and officers insurance policies;
- Represented multiple organizations seeking to recover under their commercial property policies for lost and damaged property and business interruption losses;
- Represented multiple professionals seeking defense and indemnity under their professional liability or errors and omissions policies;
- Represented multiple organizations seeking defense and indemnity under their commercial general liability policies;
- Represented multiple individuals in connection with disability insurance issues;
- Represented multiple policy holders who were improperly exposed to liability in excess of their insurance coverage when the insurance company delayed settling within policy limits.
- Presented an amicus brief to the Texas Supreme Court in *Lamar Homes, Inc. v. Mid-Continent Casualty Co.*, supporting policyholder's rights under Texas Insurance Code 21.55 if an insurer breaches its duty to defend.
- Represented multiple individuals in business divorce and valuation disputes.
- Defended corporate directors who were accused of breaching their fiduciary duties by taking more in severance and other payments than that to which they were entitled under their employment agreements.
- Defended a major oil and chemical company against claims involving patents, trade secrets, the validity of employee secrecy agreements, the right to royalties on patents, defamation of character, infliction of emotional distress, civil conspiracy and breach of fiduciary duty in which the plaintiff sought in excess of \$500 million.
- Defended a computer manufacturer in a \$100 million product liability/wrongful death suit involving the death of a young mother and serious burns to children.
- Defended a property owner and commercial real estate company in a multi-million dollar lease dispute involving zoning and other municipal laws.
- Defended a company in a class action in which the plaintiff class sought in excess of \$1.5 billion in damages. The case broke new ground by arranging for the entire settlement fund (as opposed to only the unclaimed or some other part of the funds) to be distributed *cy pres*.
- Defended a company against claims brought by a putative class of individuals and businesses who possessed the same claims as a certified class, but who had been excluded from the class definition.
- Defended a company in a class action against claims that its product - its only product - was defective.
- Defended a company in a class action whose business plan allegedly ran afoul of state law.