

## Jill A. Schaar

Partner

Houston

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Jill has more than 30 years of insurance and litigation experience in the construction, commercial, energy, maritime, and real estate industries. Her unique talent is transforming complex business and legal issues into practical, value-based solutions that align with client objectives.

### OVERVIEW

Jill's clients range from insurers and energy majors to construction contractors and real estate developers. She offers comprehensive legal representation in domestic and international litigation, covering first-party property and business interruption risks, third-party liability risks, professional and D&O risks, marine and energy risks, and reinsurance disputes. Jill's extensive experience includes working with Lloyd's and the London market, European markets, offshore and captive risk management groups, and domestic markets.

Jill helps clients navigate complex legal landscapes to achieve business-oriented outcomes, whether that means trying a case or resolving it without trial. Her notable work includes representing insurers in "bad faith" lawsuits, performing coverage reviews for insurers and business clients in diverse industry sectors, and handling litigation arising from policyholder disputes, mass torts, catastrophic weather events, and environmental incidents.

### REPRESENTATIVE MATTERS

- Represents insurers in first- and third-party "bad faith" lawsuits, including claims under multistate "prompt pay" and unfair claim settlement practices statutes.
- Represented an insurer in a bankrupt energy company's \$200 million securities class action reimbursement claim under multiple towers of directors' and officers' liability insurance and obtained summary judgment in the client's favor.
- Obtained summary judgment, affirmed on appeal, for an excess insurer finding no duty to defend the insured in a trucking fatality incident after exhaustion of underlying layers.
- Represented an insurer in a multi-insurer coverage dispute over the construction of a Texas state highway involving national and international insureds.
- Represented an onshore and offshore oil and gas operator in preparing master service agreements for more than a dozen jurisdictions, focusing on risk management under state anti-indemnity statutes and the OCSLA.
- Represents insurers in various property damage and business interruption claims brought by multiple insureds due to tropical storms, hurricanes, windstorms, and catastrophic weather events.

- Represented an insurer in construction defect coverage litigation arising from a homebuilder's use of synthetic stucco (EIFS) on thousands of homes, resulting in multiparty, consensual policy buyback arrangements.
- Represented an insurer in a coverage action arising out of thousands of asbestos-exposure personal injury claims against an insured product manufacturer, resulting in multi-insurer, coverage-in-place agreements, and the resolution of retrospective premium disputes.
- Represented an international product manufacturer in litigation with oyster growers due to a U.S. government offshore dredging and environmental mitigation project.
- Obtained a reversal on appeal of an adverse liability verdict against a tugboat owner in a multiple death/personal injury case through the application of the Shipowners' Limitation of Liability Act.
- Represented an international hotel's interests in premises liability lawsuits, including asserting personal jurisdictional objections in state and federal courts.

## Reported Decisions

- *Texas Disposal Systems, Inc. v. FCCI Insurance Co., et al.*; No. 20-50274 (5 Cir., May 5, 2021).
- *NES Rentals vs. Arch Specialty Insurance Co.*, 2020 WL 5500235 (N.D. Tex., September 11, 2020).
- *Environmental Packaging Technologies, Ltd. vs. Arch Insurance Co.*, 2020 WL 3964038 (S.D. Tex., July 13, 2020).
- *Denison Custom Homes, Inc. vs. Assurance Company of America*, 2006 WL 1517495 (S.D. Tex., May 31, 2006).
- *Fishermen's Harvest, Inc. vs. Weeks Marine, Inc.*, 401 F.Supp.2d 745 (S.D. Tex. 2005).
- *Dal-Tile Corp. vs. Zurich American Insurance Co.*, 2004 WL 414900 (N.D. Tex., February 2, 2004).
- *Levesque vs. Wilkens*, 57 S.W.3d 499 (Tex. App. — Houston [14th Dist.] 2001, no pet.).
- *In re Kristie Leigh Enterprises, Inc.*, 72 F.3d 479 (5th Cir. 1996), appeal after remand, 168 F. 3d 206 (5th Cir. 1999).
- *American Guarantee & Liability Insurance Co. vs. Shel-Ray Underwriters, Inc.*, 844 F.Supp. 325 (S.D. Tex. 1993).
- *Young vs. Jones Lumber Co.*, 784 S.W.2d 949 (Tex. App. — Houston [14th Dist.] 1990, writ denied).

## TOP AREAS OF FOCUS

- Construction
- Environmental + Natural Resources
- Health Care Litigation
- Insurance + Reinsurance
- Maritime, Shipping + Logistics

## ALL AREAS OF FOCUS

- Construction
- Directors + Officers Insurance
- Employment Practices Liability
- Environmental + Natural Resources
- Health Care + Life Sciences
- Health Care Litigation
- Insurance + Reinsurance
- Litigation + Trial

- Maritime, Shipping + Logistics
- Mass Torts Claims + Litigation
- Product Liability

## **PROFESSIONAL/COMMUNITY INVOLVEMENT**

- Member, State Bar of Texas
- Member, Bar Association, Fifth Federal Circuit, U.S. Court of Federal Claims, U.S. Court of Appeals for the Federal Circuit, U.S. Supreme Court
- Member, Houston and Federal Bar Associations
- Past committee member, Insurance Coverage, ABA Tort and Insurance Practice
- Proctor, Maritime Law Association
- Board of trustees and former board of directors member, Houston Grand Opera
- Board member, pARTnerschools
- Houston Bar Association Night Court
- Member, St. John the Divine Episcopal Church
- Certified yoga instructor and meditation instructor, CYT-500
- Houston Masterworks Chorus
- Houston Saengerbund
- Backspace Bandmember (charity concerts)

## **EDUCATION AND CERTIFICATIONS**

### **EDUCATION**

- University of Houston Law Center, J.D., *research editor, Houston Law Review*, 1986
- DePauw University, B.A., *magna cum laude*, 1983

### **BAR ADMISSIONS**

- Texas

### **COURT ADMISSIONS**

- Supreme Court of the United States
- U.S. Court of Federal Claims
- U.S. Court of Appeals, Fifth Circuit
- U.S. Court of Appeals, Federal Circuit
- U.S. District Court, Eastern District of Texas
- U.S. District Court, Southern District of Texas
- U.S. District Court, Western District of Texas
- U.S. District Court, Northern District of Texas