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Biographical Information

Mark Hart specializes in insurance coverage claims and litigation. He has developed a set of strategies for fair and prompt resolution of insurance coverage disputes for policyholders and carriers. His practice includes advising clients on converge matters, preparation of written opinion letters, filing interventions and declaratory judgment actions. Mark's practice spans a broad area of tort and insurance suits, including property and casualty, life and health, directors and officers, and professional responsibility. His client base includes major insurance carriers throughout the United States and local businesses and corporations. He also has an active appellate practice and has participated in close to one hundred appeals.

Mark has published two novels: "Fielder's Choice" and "The Timepiece Protocols." For more information see www.markhartnovels.com.

Mark has served as an adult leader in Scouts BSA for nineteen years holding positions of Cub Scout den leader, assistant scoutmaster, patrol mentor, Eagle Coach, merit badge teacher, and Chairman of Troop 63's Eagle Board for the Greater Alabama Council.

Admissions

- Alabama State Bar, 1978

Education

- J.D., Cumberland School of Law, *cum laude*, 1978
- B.S., Auburn University, with high honor, 1975

Additional Information

Civic and Professional Affiliations

- American Bar Association
- Alabama State Bar
- Birmingham Bar Association
- Alabama Defense Lawyers Association
- Fellow, Litigation Counsel of America (Co-Chair, Insurance Coverage Committee) EMERITUS STATUS
- ABA Insurance Coverage Litigation Committee

Publications and Presentations

- "Is There Coverage When Punitive Damages Are Excluded?" *For the Defense* May 2011
- "Verdicts Within Policy Limits: Is the Carrier Still Liable for Failure to Settle?" July/August "Coverage" ABA Insurance Coverage Litigation Committee
- PART II ERISA, Eleventh Circuit, "Misrepresentation in the Life, Health, and Disability Insurance Application Process: A National Survey", ABA Tort Trial and Insurance Practice Section (2009)
- "When a Policyholder is Sued for Fraud", Vol.22, Issue 1, The Risk Management Newsletter 5 (2001)
- "Wrongful Supervision: New Attention on an Old Tort," *Alabama Law Review* (March 1994)
- "The Constitutionality of Punitive Damages: *Pacific Mutual Life Insurance Company v. Haslip*, 21 *Cumberland Law Review*, 585 (1990–91)
- "The Constitutionality of Punitive Damages," 32 *DRI For the Defense* 12 (1990)
- "Fraud in Insurance Contract Litigation – A Defense Viewpoint," 16 *Cumberland Law Review* 447 (1985–86)

Presentations

- "Professional Liability Insurance Issues" (Alabama Society of Certified Public Accountants, November 2008)
- "Professional Engineers Liability Insurance Issues" (Half Moon, Inc., August 2006)
- "What Triggers Coverage? Nuances of Occurrence in Alabama" (Cumberland CLE, April 2005)
- "Insurance Coverage for Fraud Actions" (ABICLE, November 1999)
- "When there is No Appeal of Right: Mandamus, Certiorari, Etc." (October 1997)
- "What Constitutes Arguable Basis for Refusal: Defendant's Perspective (1993)
- "Recent Developments in Bad Faith and Fraud Claims" (Cumberland CLE February 12, 1988)

- “Bad Faith and Fraud – Alabama Update” (Cumberland CLE, February 16, 1988)
- “Developments in the Law of Bad Faith and Fraud Claims Against Insurance Companies” (Insurance Law Seminar, November 1988)
- “Recent Developments and Tactics in Defense of Bad Faith Actions” (Birmingham Bar Association Annual Seminar, December 1987)
- “Liability of Insurance Companies for Acts of Agents” (ABICLE, October 1986)
- “Bad Faith Seminar” (Moderator, April 1989)

Representative Cases

Supreme Court of the United States

- *Chemical Waste Management, Inc. v. Hunt*, 504 U.S. 334 (1992)
- *Pacific Mut. Life Ins. Co. v. Haslip*, 499 U.S. 1 (1991)
- *Lloyd v. Professional Realty Services, Inc.* 519 U.S. 1150 (1997), *opposed petition and cert. denied*

Eleventh Circuit Court of Appeals

- *Fire Ins. Exch. v. Braxton*, 656 Fed. Appx. 656 (11th Cir. 2003) (memorandum opinion)
- *Samford v. Dolgen Corp.*, 33 Fed. Appx. 984 (11th Cir. 2001) (table)
- *Gorove/Slade Assoc., Inc. v. ITT Hartford Group*, 174 F.3d 202 (11th Cir. 1999) (table)
- *Piazza v. Prudential Ins. Co.*, 103 F.3d 148 (11th Cir. 1996) (table)
- *Simmons v. Safeco Ins. Co.*, 99 F.3d 1157 (11th Cir. 1996) (table – reh’g en banc denied)
- *Weathers v. State Farm Ins. Co.*, 992 F.2d 328 (11th Cir. 1992)
- *Wolff v. Allstate Life Ins. Co.*, 996 F.2d 316 (11th Cir. 1992)
- *Caudle v. Life of Georgia*, 966 F.2d 680 (11th Cir. 1992)
- *Farlow v. Union Cent. Life Ins. Co.*, 874 F.2d 791 (11th Cir. 1989)
- *Billingsley v. Travelers Ins. Co.*, 824 F.2d 974 (11th Cir. 1987)
- *Vanzant v. Allstate Life Ins. Co.*, 795 F.2d 87 (11th Cir. 1986)
- *Bojorge v. Madison*, 760 F.2d 279 (11th Cir. 1985)
- *Lloyd v. Professional Realty Services, Inc.*, 734 F.2d 1428 (11th Cir. 1984)

Alabama Appellate Courts

- *Safeway Insurance Company of Ala., Inc. v. Thomas*, 264 So. 3d 98 (Ala. Civ. App. 2018)
- *Robertson v. Gaddy Electric Co.*, 53 So. 3d 75 (Ala. 2010)
- *Lawson v. McDaniel*, 65 So. 3d 1048 (Ala. Civ. App. 2009)
- *Ex parte Progressive Specialty Ins. Co.*, 31 So. 3d 661 (Ala. 2009)
- *Howard v. Allstate Ins. Co.*, 9 So.3d 1213 (Ala. 2008)

- *Ex parte Safeway Ins. Co. of Ala. Inc.*, 990 So. 2d 344 (Ala. 2008)
- *Ex parte Barnett*, 978 So. 2d 729 (Ala. 2007)
- *Pinigis v. Regions Bank*, 942 So. 2d 841 (Ala. 2006)
- *Empire Fire & Marine Ins. Co. v. Martin*, (Ala. 2005) (petition mandamus)
- *Safeway Ins. Co. of Ala., Inc. v. Herrera*, 912 So. 2d 1140 (Ala. 2005)
- *Allstate Ins. Co. v. Beck*, 889 So. 2d 314 (Ala. 2004) (table)
- *Helton v. Brown*, 916 So. 2d 633 (Ala. 2004) (table)
- *Miller v. Allstate Ins. Companies*, 896 So. 2d 499 (Ala. Civ. App. 2004), *cert. denied*, September 17, 2004.
- *Ex parte Auto Investigators of Georgia, Inc.* (Ala. 2003) (petition for mandamus)
- *Wilemon v. Alfa Ins. Co.*, 863 So. 2d 1162 (Ala. civ. App. 2001) (table)
- *Grimes v. Dodge*, 816 So. 2d 53 (Ala. Civ. App. 2001)
- *Harris v. Murray & Safeway Ins. Co. of Ala., Inc.*, 823 So. 2d 63 (Ala. Civ. App. 2001) (table)
- *Ex parte Pepper*, 794 So. 2d 340 (Ala. 2001)
- *Flagstar, Inc. v. Foster*, 779 So. 2d 1220 (Ala. 2001)
- *Kirkland v. Mitchell*, 790 So. 2d 370 (Ala. Civ. App. 2000) (table)
- *Hathcock v. Wood*, 815 So. 2d 502 (Ala. 2000)
- *Colafrancesco v. Lett*, 790 So. 2d 366 (Ala. Civ. App. 2000), *cert. denied*, 806 So. 2d 416 (Ala. 2000) (table)
- *Life Ins. Co. of Georgia v. Johnson*, 725 So. 2d 934 (Ala. 1998)
- *Green v. Life Insurance Co. of Georgia*, 720 So. 2d 1064 (Ala. Civ. App. 1997), *cert. denied*, 717 So. 2d 889 (Ala. 1997) (table)
- *Medical Center East v. Allstate Ins. Co.*, 686 So. 2d 1218 (Ala. Civ. App. 1996)
- *American Legion Number 57 v. Leahey*, 681 So. 2d 1337 (Ala. 1996) (Amicus Brief, ADLA)
- *Ex parte Stephens (Stephens v. Life of Georgia)*, 676 So. 2d 1307 (Ala. 1996)
- *Commons v. Drake*, 682 So. 2d 1364 (Ala. Civ. App. 1996) (table)
- *Nash v. Segars*, 682 So. 2d 1364 (Ala. Civ. App. 1996)
- *Hacker v. Witt*, 861 So. 2d 655 (Ala. Civ. App. 1995)
- *Turnipseed v. Snow*, 674 So. 2d 604 (Ala. Civ. App. 1995)
- *Ex parte Pate*, 673 So. 2d 427 (Ala. 1995)
- *Ex parte Chrysler Corp.*, 659 So. 2d 113 (Ala. 1995) (Amicus brief, Ala. Retail Ass'n)
- *Howell v. Hall*, 667 So. 2d 746 (Ala. 1995) (table)
- *Wilson v. Nissan Motor Co.*, Amicus Brief, ADLA (appeal dismissed)
- *Robertson v. Gulf Life Ins. Co.*, 655 So. 2d 953 (Ala. 1995)
- *Campbell v. Orsini*, 668 So. 2d 547 (Ala. 1995) (table)
- *Peek v. State Auto Mut. Ins. Co.*, 661 So. 2d 737 (Ala. 1995) (Amicus Brief, ADLA)

- *Valley Steel v. Brasfield & Gorrie, Inc. & United States Fidelity & Guaranty Co.*, 646 So. 2d 106 (Ala. Civ. App. 1994)
- *Ingram v. Chambers Life Ins. Co.*, 643 So. 2d 575 (Ala. 1994) (Amicus, Alabama Defense Lawyers Association)
- *Benefield v. Liberty National Life Ins. Co.*, 632 So. 2d 1328 (Ala. 1994)
- *Gurganus v. Continental*, 603 So. 2d 903 (Ala. 1993)
- *Sears Roebuck & Co. v. Harris*, 630 So. 2d 1018 (Ala. 1994) (Amicus, Alabama Defense Lawyers Association)
- *Jones v. Brasfield & Gorrie, Inc.*, 629 So. 2d 815 (Ala. 1993)
- *Gurganus v. Continental American Life Ins. Co.*, 629 So. 2d 815 (Ala. 1993), *reh. denied*, 639 So. 2d 960 (Ala. 1993)
- *Stewart v. Grimes*, 628 So. 2d 467 (Ala. 1993) (Amicus, Alabama Defense Lawyers Association)
- *Hallmark v. Duke*, 624 So. 2d 1058 (Ala. 1993) (Amicus, Alabama Defense Lawyers Association)
- *Williams v. Delta International Business Machine Corp.*, 619 So. 2d 1330 (Ala. 1993) (Amicus, Ingersoll-Rand Company)
- *Delchamps, Inc. v. Larry*, 613 So. 2d 1235 (Ala. 1992)
- *Alfa Mut. Ins. Co. v. Northington*, 604 So. 2d 758 (Ala. 1992) (Amicus, State Farm Fire & Casualty Company)
- *Humphries v. Rice*, 600 So. 2d 975 (Ala. 1992)
- *Ex parte Blue Cross & Blue Shield of Ala.*, 590 So. 2d 270 (Ala. 1991)
- *Southern Life & Health Ins. Co. v. Turner*, 586 So. 2d 854 (Ala. 1991)
- *Hardy v. Blue Cross & Blue Shield of Alabama*, 585 So. 2d 29 (Ala. 1991)
- *Rice v. Hartman*, 582 So. 2d 464 (Ala. 1991)
- *Peck v. Dill*, So. 2d 800 (Ala. 1991)
- *Pacific Mut. Life Ins. Co. v. Haslip*, 553 so. 2d 537 (Ala. 1989)
- *Cooperman v. Bellamy*, 553 So. 2d 600 (Ala. Civ. App. 1989)
- *Liberty Nat. Life Ins. Co. v. Waite*, 551 So. 2d 1003 (Ala. 1989)
- *Garner v. Kent Excavation, Inc.*, 532 So. 2d 1033 (Ala. Civ. App. 1988)
- *Knight v. Seale*, 530 So. 2d 821 (Ala. 1988)
- *McMillan, Ltd. v. Warrior Drilling & Engineering Co.*, 512 So. 2d 14 (Ala. 1986)
- *McGee v. Guardian Life Ins. Co.*, 472 So. 2d 993 (Ala. 1985)
- *Shell v. Jefferson County*, 454 So. 2d 1331 (Ala. 1984) (Amicus, Birmingham Housing Authority)
- *Prudential Ins. Co. of America v. Watts*, 451 So. 2d 310 (Ala. Civ. App. 1984)
- *USF&G v. Warwick Development Co.*, 446 So. 2d 1021 (Ala. 1984)
- *Brown Mechanical Contractors, Inc. v. Centennial Ins. Co.*, 431 So. 2d 932 (Ala. 1983)

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