



Mark D. Hess

Member

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Biographical Information

Mark Hess has a state-wide practice that focuses on insurance litigation, including the defense of insurers against extra-contractual claims, first-party and third-party insurance claims, coverage disputes and professional malpractice defense. He has tried to verdicts cases too numerous to count in the state and federal courts throughout Alabama, and he also maintains an extensive state and federal appellate practice.

Mr. Hess has substantial government and public law experience. From 1987–1988 he was a Law Clerk to Senior United States District Judge Robert E. Varner, Middle District of Alabama, and was invited to join the legal staff of the Governor of Alabama, where he served in various capacities from 1989–1992, culminating in his appointment as Legal Advisor/General Counsel and Interim Chief of Staff to the Governor. In those roles, he specialized in education and education finance, voter registration and redistricting, and was involved in state and federal constitutional litigation. He recently served for 8 years as an Administrative Law Judge/Fair Hearing Officer for the Alabama State Health Planning and Development Agency.

Mr. Hess is an active lecturer on civil litigation matters, including discovery, evidentiary and procedural issues in insurance fraud and bad faith defense, introductory and intermediate level courses in handling and litigating UM/UIM claims and trial strategy. He is a long-time member (and past Chair) of the Amicus Curiae Brief Committee of the Alabama Defense Lawyers Association, and is also active in civic affairs. Mr. Hess has been recognized for insurance and appellate law in the

Birmingham Business Journal's "Best of the Bar" and in *The Best Lawyers in America*.

Admissions

- Alabama State Bar

Education

- J.D., University of Alabama, Order of the Barristers, Bench and Bar, John A. Campbell National Moot Court Team, Associate Editor, Law and Psychology Review, Edward M. Friend, Jr., Award, 1987
- B.A., University of Alabama in Huntsville, with honors, 1984

Additional Information

Civic and Professional Affiliations

- American Bar Association
- Alabama State Bar (Board of Editors, The Alabama Lawyer, 1992–1993, Quality of Life Committee, 2008–2010)
- Birmingham Bar Association
- Alabama Defense Lawyers Association (Member, Amicus Curiae Brief Committee)
- Defense Research Institute
- Trucking Industry Defense Association
- Leadership Vestavia Hills
- Vestavia Hills Blue Ribbon Study Committee for Professional City Management (2008–2009)
- Birmingham Swim League (Board of Directors 2007–2008, President 2008–2009)
- Briarwood Presbyterian Church (PCA)

Publications and Presentations

- UM and UIM Coverage and Claims; The Basics, BLR 2013
- Bad Faith Claims Under Automobile Insurance Policies, National Business Institute, 2012
- "Spoliation of Evidence", Alabama Chapter, National Association of Subrogation Professionals, 2008
- "Gather Information Critical to Your Case", Bad Faith Insurance Claims in Alabama, National Business Institute, 2008
- "Understand What the Insurer Is – and Isn't – Responsible For", Settling Uninsured and Underinsured Motorist Claims, National Business Institute, 2008

Awards

- Martindale-Hubbell® AV Preeminent



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