



Jennifer Martin

Partner

jennifer.martin@wilsonelser.com

Dallas, TX – 214.698.8045

Jennifer Martin focuses her practice primarily on first-party property and casualty insurance litigation and appellate work. She advises insurance carriers regarding a broad range of matters, including complex coverage questions, claims handling issues, and allegations of statutory violations and bad faith. Jennifer has decades of experience litigating and negotiating commercial and personal lines insurance coverage and bad faith disputes, and has tried numerous cases to verdict in state and federal court. A great deal of her work has centered on the large volume of claims stemming from the violent weather events in Texas, New Mexico, Oklahoma and Colorado. Jennifer's clients comprise a number of major national carriers. She leverages Wilson Elser's experience in this tightly regulated, cost-conscious industry to deliver demonstrable value to clients. Jennifer has successfully litigated numerous cases in state and federal trial and appellate courts throughout Texas and surrounding areas.

Property & Casualty Bad Faith Litigation

As leader of a litigation team that focuses on defending insurers and adjusters against bad faith claims, Jennifer has the experience and skill necessary to try bad faith cases with multimillion-dollar exposures. However, she considers the strength of her practice to be identifying cost-effective paths to favorable resolution, via either negotiation or dispositive motion practice.

Appeals

Jennifer has represented clients on a wide variety of civil appellate matters and has argued before the Fifth Circuit Court of Appeals, the Texas Supreme Court, and numerous intermediate courts of appeal.

Education

- Baylor Law School (J.D., 1995)

Services

- Appellate
- Commercial Litigation
- Insurance & Reinsurance Defense
- Contractual/Extra-Contractual Liability Litigation
- National Trial Team

- Senior Notes & Comments Editor, Baylor Law Review; Patton, Haltom, Roberts, McWilliams & Greer Law Review Award

Bar Admissions

- Texas

Court Admissions

- U.S. Court of Appeals, Fifth Circuit
- U.S. Court of Appeals, Tenth Circuit
- U.S. District Court, Northern District of Texas
- U.S. District Court, Eastern District of Texas
- U.S. District Court, Western District of Texas
- U.S. District Court, Southern District of Texas
- U.S. District Court, District of Colorado
- U.S. District Court, District of New Mexico
- U.S. District Court, Western District of Tennessee

Professional Affiliations

- Dallas Bar Association

Awards & Honors

Selected for inclusion in *The Best Lawyers in America*®, 2026

Publications

December 2023

CLM Publishes Part II of Bad Faith Article by White and Martin

CLM Magazine

November 2023

CLM Features Part 1 of White and Martin's 2-part Series on Avoiding Charges of Unfair Claim Settlement Practices

CLM Magazine

August 3, 2023

Law360 Features Article by Martin and Delabar on Notice Letters Designed to Discourage Settlement

Law360 Expert Analysis

October 31, 2022

Fifth Circuit Widens Availability of Federal Jurisdiction in Property Insurance

Disputes

January 19, 2022

Fifth Circuit Affirms Denial of Coverage for COVID-19 Loss of Use: Policy Requires Tangible Alteration or Deprivation of Property

Client Wins

Moran & Neff Deliver One-Two Punch for Homeowner

Jennifer Moran (Partner-Madison, NJ) was successful in a motion for summary judgment in June 2020. The firm's client owned a home in Ocean County and his son (the plaintiff) fell off an extension ladder while helping his father (the firm's client) with exterior house painting. The plaintiff suffered a severely broken ankle requiring multiple surgeries and resulting in permanent gait issues. The remaining claims in the case languished during COVID-19 before a trial, which resulted in a "no cause." The plaintiff appealed the Order granting our client's Summary Judgment win from 2020 and the no cause for the other defendant. Enter Robert Neff (Of Counsel-Madison, NJ), one of our office's Appellate gurus, to handle the de novo review! The Appellate Division issued an Order affirming Summary Judgment and the no cause judgment.

Martin and Delabar Obtain Dismissal in Coverage and Bad Faith Action

Jennifer Martin (Partner-Dallas) and Tim Delabar (Associate-Dallas) obtained dismissal with prejudice of all claims in an insurance coverage and bad faith action arising from a first-party property claim. After the parties completed an appraisal and our client paid the appraisal award, the insureds and their contractor concluded the cost to repair the building was higher than anticipated. They filed suit against our client alleging that the appraisal should be set aside due to fraud or mistake and asserted causes of action for breach of contract, statutory bad faith under the Texas Insurance Code and DTPA, and violations of the prompt payment of claims statute, seeking more than \$2 million in contractual damages, treble damages for bad faith, prompt payment penalty interest and attorney's fees. The plaintiffs' theory of liability was that our client's appraiser was acting as its agent for purposes of the appraisal. Jennifer and Tim filed a motion to dismiss arguing to the federal court that, as a matter of law, an appraiser is not an agent and that the plaintiffs failed to plead any facts that would suggest the appraiser in this case was operating in a dual role. They successfully argued that the court could consider emails by the appraisal panel, even though the emails were not attached to the plaintiffs' complaint, because they were referenced in the complaint and central to the plaintiffs' claims. The district court's order relied heavily on these emails in granting judgment for our client. Ultimately, the federal court dismissed all claims with prejudice before the parties engaged in written discovery and before our client incurred significant defense costs. Plaintiffs did not appeal.

Representative Matters

Obtained a defense jury verdict in favor of insurance carrier client on a suit brought by a homeowner asserting breach of contract and bad faith arising out of a winter storm claim.

Obtained a defense jury verdict in favor of insurance carrier and adjuster clients on a suit brought by an apartment complex owner alleging contractual and extra-contractual causes of action arising from its multimillion-dollar commercial property fire loss.

Obtained summary judgment for carrier and adjuster client on all extra-contractual claims brought by a homeowner, positioning the matter for a very favorable resolution of the remaining contractual claim.

Obtained dismissal pursuant to Federal Rule 12(b)(6) of all of a homeowner's extra-contractual claims against carrier client arising out of a water damage and mold claim.

Obtained summary judgment for carrier client on the contractual and extra-contractual claims brought by the owner of three apartment complexes arising from its multimillion-dollar hail claims.

Obtained summary judgment for carrier client on a homeowner's contractual and extra-contractual claims arising out of a water damage loss.

Obtained summary judgment for carrier client on all contractual and extra-contractual claims brought by a hotel developer arising out of the carrier's denial of the insured's multimillion-dollar commercial property hail damage claim.

Obtained summary judgment for carrier client on contractual and extra-contractual claims brought by the owner of a commercial building claiming damage from Hurricane Harvey.

Obtained summary judgment for carrier client on a hotel owner's bad faith claims arising out of a Hurricane Harvey claim.

Obtained dismissal of all claims brought by car dealership against client pursuant to Federal Rule of Civil Procedure 12(b)(6).

Obtained summary judgment in favor of carrier client on a homeowner's breach of contract and extra-contractual claims arising out of a fire loss.

Obtained dismissal of all extra-contractual claims against carrier client arising out of a commercial property owner's Hurricane Harvey claim via a combination of a motion to dismiss and a motion for summary judgment.

Obtained dismissal of contractual and extra-contractual claims pursuant to Federal Rule of Civil Procedure 12(b)(6) against carrier client brought by a homeowner arising out of his storm damage claim.

Successfully defended appeal to the Fifth Circuit Court of Appeals, obtaining an opinion affirming judgment in the carrier's favor that has become a frequently cited authority on the concurrent cause doctrine. *Hamilton Props. v. Am. Ins. Co.*, 643 F. App'x 437 (5th Cir. 2016).

Successfully argued to the Fifth Circuit Court of Appeals for an expansion of the improper

joinder doctrine based on the proposition that diversity should be determined at the time the case is removed to federal court rather than at the time the suit is filed – resolving a deep split in the district courts regarding removal jurisdiction and giving insurers additional opportunities to remove cases to federal court. *Advanced Indicator & Mfg. v. Acadia Ins. Co.*, 50 F.4th 469 (5th Cir. 2022).

Successfully defended dismissal of case pursuant to Federal Rule of Civil Procedure 12(b)(6) at the Fifth Circuit Court of Appeals. *Howley v. Bankers Standard Ins. Co.*, No. 20-10940, 2022 U.S. App. LEXIS 5137 (5th Cir. Feb. 25, 2022).