

Fanning Harper Law Firm Honored for Two High-Profile Appellate Victories

DALLAS – The editors of *Texas Lawyer* newspaper are recognizing attorneys from Dallas-based [Fanning Harper Martinson Brandt & Kutchin](#) for winning two “game-changing” court cases and are naming the attorneys to the paper’s list of “Impact Players” for 2011.

The Dec. 19, 2011, edition of *Texas Lawyer* singles out attorneys [Don Martinson](#) and [Tom Brandt](#), based on their separate victories in “highly watched, precedent-setting appellate cases that are game-changers for current and future Texas litigants.”

“I’ve been told that this is the first time in 25 years that the paper has named two Impact Players from the same law firm,” Mr. Brandt says. “It’s a very nice honor.”

In *In Re Universal Underwriters of Texas Insurance Co.*, Mr. Martinson won a unanimous Supreme Court of Texas opinion that will dramatically impact many Texas insurance cases, including hundreds of pending storm damage claims from Hurricane Ike in 2008. In the ruling, the Supreme Court held that the insurance company did not waive its right to compel an appraisal to settle a storm-damage claim even though a related lawsuit already had been filed.

Legal observers told *Texas Lawyer* that the ruling is likely to result in fewer insurance claim lawsuits and more resolutions through the appraisal process.

In *Doug Morgan, et al. v. Lynn Swanson, et al.*, widely known as the “Candy Cane Case,” Mr. Brandt secured a rare *en banc* reversal of an earlier 5th U.S. Circuit Court of Appeals panel ruling. Overturning the prior decision, the full 5th Circuit agreed that two school principals were immune from lawsuits for allegedly violating students’ First Amendment rights by preventing them from distributing religious gifts at school.

The victory was all the more impressive because of the defeats that preceded it. The district court suggested that the defendants were attempting to rewrite the Bill of Rights and the initial Fifth Circuit opinion referred to the defendant’s arguments as “borderline frivolous.” In addition, Mr. Brandt faced a “dream team” of lawyers on the opposing side, which included two former U.S. Solicitors General, Ken Starr and Paul Clement.

“Don and I both were simply doing the best for both of our clients,” Mr. Brandt told the newspaper. “We weren’t setting out to make headlines. We were both just setting about the humble task of zealously advocating our clients’ cause.”

Celebrating 50 years of service, [Fanning Harper Martinson Brandt & Kutchin](#), P.C. is a Dallas-based law firm serving clients inside and outside the insurance industry, with legal expertise in areas including contract disputes, labor and employment, governmental entities, construction, business and commercial disputes, professional liability, premises liability, motor vehicle and trucking accidents, products liability, toxic

tort, school issues, appellate law, arbitration, and estate planning. More information on the firm is available at <http://www.fhmbk.com>.

For more information on the firm's 2011 legal victories, please contact Mark Annick at 800-559-4534 or mark@androvett.com.