



In Memoriam

Mark Kincaid was a fabulous lawyer who gave his all to his clients and to his profession. Without a doubt, Mark was the foremost lawyer in Texas specializing in representing consumers and policyholders in insurance disputes. For example, Mark successfully argued landmark Texas cases establishing the rights of first party insureds to sue for unfair insurance settlement practices (*Vail v. Texas Farm Bureau*) and the rights of insureds under liability policies to sue for an insurer's unfair refusal to settle (*Rocor v. National Union*). He was frequently called upon by other lawyers to give them advice about insurance issues affecting their clients.

Mark was also a leader in his profession. At the time of his passing, he was President-Elect of the Texas Trial Lawyers Association. Also, he served on the State Bar of Texas Pattern Jury Charges Committee, and taught Insurance Litigation as an Adjunct Professor at The University of Texas School of Law.

During the course of his illustrious – but too-short career – Mark found time to co-author West's *Texas Practice Guide: Insurance Litigation*; for many years edited the *Texas Consumer Law Reporter*; wrote or co-authored dozens of scholarly articles; and presented more than thirty continuing legal education topics to lawyers.

What separated Mark from others is that he was widely recognized for both his ability *and* his civility. He was board-certified by the Texas Board of Legal Specialization in Civil Trial Law, Consumer & Business Law, and Civil Appellate Law; selected for inclusion in *Texas Super Lawyers®* each year from 2003-2015; listed in *The Best Lawyers in America®*; and admitted to the American Board of Trial Advocates.

Prior to entering private practice, Mark graduated from the University of Texas in 1980 and from the University of Texas School of Law in 1983. He served as a Briefing Attorney to Justice Franklin S. Spears of the Supreme Court of Texas. He was appointed by Gov. Ann Richards as Public Counsel, Office of Public Insurance Counsel, State of Texas to head the agency responsible for advocating for the interests of Texas insurance consumers.

Mark loved being a lawyer, and loved representing the underdog. Those of us who have had the privilege to cross paths with Mark will miss him tremendously as a colleague and as a friend.

Mark Lyndon Kincaid
August 14th, 1959 - January 19th, 2016