

# Kirk D. Willis

CEO

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## Biography

Kirk D. Willis is a respected trial attorney and has a breadth of experience in products, construction, professional malpractice, and officer and director liability defense, having represented boat manufacturers, crane and hoist companies, construction contractors, brokers, and financial and non-profit institutions in litigation nationwide. He is board certified in Personal Injury Trial Law by the Texas Board of Legal Specialization.

Kirk has tried more than 100 jury trials to verdict and established himself as a premier trial lawyer in his defense practice, which includes construction litigation, commercial disputes, medical malpractice, employment litigation and environmental litigation. Kirk's experiences have led him to author two books "Corporate Justice: Fight Back In the Court Room and Save Your Company" and "Intellectual Property Law in the Sports and Entertainment Industry." He has also utilized his knowledge to conduct numerous seminars on topics such as Wrongful Death, Survival Claims, Ethical Considerations for Adjusters, Construction: Contract Termination and Subcontractors, Bad Faith, What Juries Really Think, Appropriate Use of Expert Witnesses, and many more.

Kirk is a Martindale Hubbell AV Preeminent-rated attorney and has been selected as a Texas Super Lawyer by Thomson Reuters (2003-2010, 2014-2015). This list is published in Texas Monthly, as well as the stand-alone Texas Super Lawyers magazine. Under Kirk's leadership as Managing Partner, his former firm was recognized as the "Construction Law Firm of the Year in Texas" in 2010 and "Insurance & Reinsurance Law Firm of the Year in Texas" in 2011 by Corporate INTL magazine. His experience leading a firm includes serving as Section Head of the Civil Defense section of a major Texas litigation firm. Kirk also was on the Executive Committee of a 250-man statewide litigation firm.

## Representative Clients

- ACE USA
- Arch Insurance Group
- Archon Group
- Aspen Specialty Insurance Management
- Atlas Van Lines, Inc.
- BioMed Realty
- Brown Foundation Repair
- California Guaranty
- Chubb
- Collier Investments, Inc./Manpower
- Goldman Sachs

- NCMIC Insurance Company
- Northeast Texas Power, Ltd.
- North Texas Tollway Authority
- Oklahoma Property and Casualty
- Old Republic Construction Program Group
- On the Border
- Pennsylvania Guaranty
- Pillar Commercial
- SafeAuto Insurance
- Safelite Group
- Stanley Steamer International
- Starr Indemnity & Liability Company
- State Auto Insurance
- Texas Guaranty Association
- Texas Motor Speedway
- Universal North America Insurance
- Western Litigation
- XL Insurance Company

## **Representative Experience**

### **Construction:**

Lead Counsel in the defense of owners Huber, Hunt and Nichols's dispute over construction of the Amphitheatre wall

Successfully defended Brown Foundation Repair and Consulting, Inc. against Plaintiff's allegations that Brown Foundation failed to act reasonably in the foundation repair of the Plaintiff's home

### **Products Liability:**

Currently defending Fortune 500 company against product liability allegations

Successfully drafted and argued numerous summary judgments for Baxter Healthcare

### **Commercial Litigation:**

Successfully prosecuted, on behalf of group of engineers, an oil company that failed to fulfill contractual compensation agreement for high-earning mid-level managers within the start-up company that offered stock options as substantial form of payment for talented engineers to join their company in exchange for their inability to pay actual dollars for talent and services

Successfully defended breach of contract claims against Presbyterian Hospital, in which Plaintiff operated a free-standing cardiac catheterization laboratory and alleged it went bankrupt as a result of unfair competition by Presbyterian Hospital; the jury trial continued for one month and concluded that Presbyterian Hospital had not breached the contract

### **Employment Litigation:**

Successfully mediated an amicable settlement regarding allegations lodged against The Family Place Institute by current and prior employees of The Family Place Institute

### **Insurance Defense:**

Successfully defended allegations against Chubb Insurance Company by demonstrating to the Jury that the questioned property (a \$2.5 million home) had pre-existing mold damage prior to Chubb Insurance Company assuming the risk

Lead counsel in the defense of numerous claims against major insurance companies resulting in favorable (many at zero dollar) verdicts for the defendant

Successfully defended a chiropractor in a medical malpractice claim that alleged misdiagnosis and treatment with a controversial technique, known as manipulation that was performed under anesthesia, by arguing that the treatment plan did not breach the acceptable standard of care

### **Environmental Litigation:**

Defended companies against claims involving hazardous waste and dumping allegations.

Defended companies against personal injury and property damage claims resulting in toxic exposure in the workplace

### **Professional Services Litigation:**

Lead counsel in the successful defense of numerous hospitals, clinics, attorneys, physicians, physician groups, nurses, chiropractors, dentists, health maintenance organizations, nursing homes, and medical schools resulting in favorable verdicts for the defendant, including several zero verdicts

### **Public Entity Defense:**

After several years of litigation, successfully and satisfactorily mediated a case involving the defense of the City of Flower Mound and one of its police officers against the allegations by plaintiffs of failure to operate an emergency code within the proper policies and procedures

Served as City Attorney for the City of Dallas from 1989-1991 and handled numerous personal injury and zoning litigation issues for the City of Dallas

## **Presentations and Publications**

- Corporate Justice: Fight Back In the Court Room and Save Your Company
- Reading a Jury: How to Prepare a Corporate Defense
- Frack You: A Cost-Benefit Analysis of the Fracking Controversy in Texas
- Why Smart Employers Opt Out from Texas Workers' Compensation Coverage
- Anticipating a Vioxx defense strategy: Will Corporate Honesty Be Enough?
- Wrongful Death, Survivorship and Bystander Claims
- The Big "D" in Construction Litigation
- Premises Liability
- Slip and Fall or Loitering
- Defending Cases with Imperfect Documentation
- Bad Faith, Unethical Settlement Practices and the DTPA
- Third Party Indemnity Obligations in a CGL Insurance Policy
- New Legislation-Creation of Rules for Offers of Settlement
- Ethical Considerations for Claims Adjusters
- What You Need to Know About the Dram Shop Act
- An Overview of Coverage Issues in Personal Injury Claims
- An Inside Look at New Tort and Insurance Legislation
- Settlement Hazards
- Claims Arising Under Texas Tort Claims Act
- Evaluating a Case Involving Texas Tort Claims Act
- Dealing with Probate Matters While Handling Tort Claims
- Potential Expert Witnesses and Application of Daubert
- Expert Witnesses and Daubert
- Damages Arising Out of an Automobile Accident
- Using Discovery Tools to Prove Damages from Auto Accidents
- Adjusting Auto Accidents from Simple to Catastrophic
- Dealing with Default Judgment
- Overview of New Tort and Insurance Legislation

- First Party Bad Faith
- Everything You Need to Know About Bad Faith

## **Admissions**

- State Courts of Texas
- State Courts of Arkansas
- U.S. Court of Appeals, 5th Circuit
- U.S. District Court for the Eastern District of Texas
- U.S. District Court for the Western District of Texas
- U.S. District Court for the Northern District of Texas
- U.S. District Court for the Southern District of Texas
- U.S. District Court for the Eastern District of Oklahoma
- U.S. District Court for the Western District of Oklahoma
- U.S. District Court for the Northern District of Oklahoma
- U.S. Supreme Court

## **Professional Affiliations**

- American Bar Association, Litigation Section
- American Board of Trial Advocates (ABOTA)
- State Bar of Texas
- State Bar of Arkansas
- Texas Association of Defense Counsel
- Claims Litigation Management (CLM)
- Dallas Claims Association (DCA)
- Dallas Builders Association (DBA)
- Dallas Black Chamber of Commerce
- Minority Business Enterprise (MBE)
- Minority Supplier Development Council (MSDC)
- Transportation Lawyers Association (TLA)
- National Bar Association (NBA)
- The Voice of the Defense Bar (DRI)
- The Risk Management Society (RIMS)

## **Community**

- Defense Research Institute, Law in Transition Committee Member 2015 to Present
- Board of Directors of the "I Have a Dream" Foundation, Dallas, 2002-2012
- Board of Trustees of Episcopal School of Dallas, 2004-2007
- Board of Directors of the Tower Clubs of Dallas, 2004-2007

## **Education**

- J.D., Thurgood Marshall School of Law, Houston, 1989
- B.A., Texas Southern University, Houston, 1986

## Honors and Awards

- Recognized as a Texas Super Lawyer by Thomson Reuters as published in *Texas Monthly* magazine (2003 - 2010, 2014-2015).
- Recognized as a Best Lawyer in Dallas by *D Magazine* (2014 - 2016) as published in the magazine's May 2014, 2015 and 2016 issues.
- Insurance & Reinsurance Law Firm of the Year in Texas, 2011, *Corporate INTL* magazine.
- Construction Law Firm of 2010, *Corporate INTL* magazine.
- AV rated Martindale-Hubbell
- Board Certified, Personal Injury Trial Law, Texas Board of Legal Specialization
- Personal Injury Law Advisory Commission of the State of Texas Board of Legal Specialization
- Personal Injury Trial Law Paralegal Commission (Feb. 2005 - Feb. 2011)
- Certified Continuing Education Provider- Texas Department of Insurance (Current)

## Practices

[Environmental Litigation](#)

[Medical Malpractice](#)

[Personal Injury](#)

[Professional Services](#)

