

## Attorney Bio

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Kevin D. Smith is an active trial lawyer who has spent the majority of his professional life trying cases on behalf of Fortune 500 companies and major corporations. In his 30 years of practice, Kevin has defended commercial, professional liability, product liability, transportation and catastrophic matters in state and federal courts. Despite having to frequently, overcome difficult challenges on liability and damages in high exposure cases, Kevin has obtained victories on behalf of his clients in an impressive ninety four percent of the cases he has tried. This has resulted in Kevin being elected to the prestigious American Board of Trial Advocates and regularly honored as a Southern California "Super Lawyer."

## Education

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Pepperdine University School of Law (J.D., 1983)

Pepperdine University (B.A., 1980)

## Licensed to Practice in:

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California

## Practice Areas

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### ***Commercial and Business Litigation***

- Represents corporate and non-profit agencies in litigation involving contract and business tort claims, including unfair competition, interference with contractual relations, claims of malfeasance, and breach of fiduciary duty.
- Represents board members and boards of directors against claims of breach of fiduciary duty, professional liability, wrongful acts, and fraud.
- Negotiates and litigates intellectual property issues and rights.

### ***Construction***

- Represents owners, contractors and design professionals in complex litigation including construction defect, delay and disruption claims, mechanics lien and stop notice issues and construction accident litigation involving catastrophic injuries.
- Provides risk management training and counseling on numerous issues including: safety training, rapid response to accidents, risk transfer, and

## Kevin D. Smith

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### ***Founding Partner***



### **Los Angeles**

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### **San Diego**

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employment issues.

### **Product Liability**

- Defense of manufacturers, distributors, and retailers of numerous products, such as heavy equipment, pharmaceuticals, power tools, baby products, home appliances, and recreational equipment
- Represents in cases involving allegations of wrongful death and catastrophic injuries, including burns, brain damage, severed limbs and digits, and disfigurement.

### **Professional Liability**

- Defense of professional liability and malfeasance claims against lawyers, insurance agents and brokers, real estate agents, appraisers, architects and engineers and miscellaneous professionals.

### **Toxic Tort and Occupational Exposure**

- Successfully defended actions involving acute and chronic exposure to benzene, diesel fumes, hydrofluoric acid, and asbestos.
- Represented target defendant in living mesothelioma case in Alameda County and obtained defense verdict.
- Extensive experience defending mold actions, and has successfully tried to verdict several mold cases including the first mold case brought in California against a general contractor.

### **Transportation**

- Represents trucking companies in litigation involving catastrophic injuries.
- Provides risk management training and counseling on a variety of issues including driver qualifications, safe practices, rapid response to accidents, insurance coverage, risk transfer, and employment issues.

### **London Insurance Market**

## **Awards & Accomplishments**

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- AV Preeminent Lawyer by Martindale-Hubbell
- Named Top Attorney by Pasadena Magazine, 2015
- Named Southern California Super Lawyer, 2006 - 2012

## **Publications**

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- Author, *Recent Developments Affecting Self Insurers and Risk Managers*, (1999, 2000) Tort & Insurance Law Journal, Annual Survey of Tort and Insurance Law, ABA Section on Tort & Insurance Practice.

## Seminars, Events & Presentations

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- Speaker, Trucking Industry Defense Association (TIDA), (2008)
- Chair, American Bar Association Construction Conference, (2002)
- Speaker, American Bar Association Transportation MegaConference (2003, 2001, 1999)
- Speaker, Technology Resources For Trucking Litigation, (March 2001) American Bar, Association
- Speaker, The Internet, Opportunities & Concerns in Litigation & Trial (Sept. 1999) Conference on Highway Accident Litigation, American Trucking Association Litigation Center
- Speaker, Self Insured's in Today's Legal Climate, Continuing Loss Issues (1999) Insurance Coverage Litigation Committee Meeting, ABA Section on Tort & Insurance Practice, Monterey

## Memberships

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- American Board of Trial Advocates (ABOTA)
- The International Association of Defense Counsel (IADC)
- Professional Liability Underwriting Society (PLUS)
- Professional Liability Defense Federation
- Fellow, Litigation Counsel of America
- Trucking Industry Defense Association
- ABA (Professional Liability; Product Liability; Commercial Transportation)
- American Trucking Association
- National Association of Railroad Trial Counsel (NARTC)
- DRI (Commercial Litigation; Commercial Transportation; Professional Liability; Product Liability)
- Court Appointed Arbitrator & Mediator, Los Angeles County Superior Court