

Joshua D. Kipp

PARTNER

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I realize that my clients would often rather not need to hire me because they'd rather not be involved in litigation at all. Always keeping that in mind, I focus on making the process as smooth, painless, and efficient as possible. It's gratifying for me to take problems off their plates so they can concentrate on what they do best: running their businesses.

Providing an exceptional level of client service, litigator Joshua Kipp handles a broad range of issues for individuals and big and small businesses in a variety of industries. His significant experience encompasses the areas of real estate, securities, director and officer, business, and employment litigation and counseling.

Although Joshua's practice centers on the greater Dallas-Fort Worth area, its scope is national. He handles matters in both state and federal court, as well as private arbitration. No matter whether a case can be resolved out of court or proceeds through trial, Joshua prides himself on thoroughly understanding his client's objectives and preferences and maintaining clear communication at every stage.

With a naturally even-keeled and congenial personality, Joshua performs well under pressure and responds to each situation with an appropriately professional demeanor. Whether he's dealing with opposing counsel or judges or deposing witnesses, he stays calm, treats everyone with respect, and saves combativeness for when it's absolutely necessary.

Rejecting cookie-cutter approaches, Joshua recognizes the unique aspects of every issue and every case. He thinks strategically about end goals, and tailors approaches to fit each case's particular circumstances. Joshua's passion for helping his clients spurs him to treat his clients' needs, goals, and money as he would his own and to fight intelligently to procure the best possible outcomes for them.

OUTSIDE OF WORK

Joshua spends most of his time with his wife, Elizabeth, and their two children, Caleb and Betsy. He's an active member of his church, Providence Presbyterian, and enjoys following sports, particularly Ole Miss football.

AREAS OF PRACTICE

- Litigation, Disputes, Appeals

- Real Estate, Construction, Infrastructure
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REPRESENTATIVE MATTERS

Real Estate Litigation

- Won contract action for prominent Dallas real estate developer, resulting in access to funds necessary to ensure its property will not be landlocked and opening up future development in the area.
- Successfully resolved disputes regarding premises liability issues on behalf of property owners in state and federal court.
- Successfully resolved lease disputes on behalf of lessees.

Business Contract Disputes

- Won take-nothing arbitration rulings in defending corporations against claims for earn-out payments following sale of businesses in automotive technologies and telecommunications industries.
- Represented numerous clients in contractual disputes regarding meaning and interpretation and contracts and letters of intent in state and federal court.

Securities/Directors & Officers Litigation

- Won dismissal of shareholder derivative action against independent directors of life settlements business in federal court.
- Defends independent directors of pharmaceutical business against class action breach of fiduciary duty claims in Michigan state court following going-private transaction.
- Defended independent directors of life settlements business against breach of fiduciary duty claims in adversary proceeding brought by creditors' trustee.
- Represented independent directors of broker-dealer in connection with Securities and Exchange Commission investigation of company.

Employment Counseling and Litigation

- Advised clients regarding reductions in force and severance issues.
- Defended hospital in age discrimination suit.

Other Litigation

- Member of litigation team that successfully defended telecommunications company in private antitrust arbitrations.
- Member of litigation team representing the owner of a department store damaged by soil movement in a complex case involving claims against the geotechnical engineer, the civil engineers, and the general contractor.
- Member of litigation team in complex construction disputes involving water treatment plant and airport facilities.
- Participated in successful representation of an investment firm in a multi-billion dollar lawsuit defending against various allegations including racketeering, civil conspiracy, tortious interference, and defamation.

EDUCATION & ADMISSIONS

Education

- The University of Texas at Austin School of Law, J.D., with honors, 2011; Managing Editor, *The Review of Litigation*, 2010-2011, Member, 2009-2011
- University of Mississippi, B.B.A., *magna cum laude*, 2008

Bar + Court Admissions

- Licensed in Texas
- U.S. District Court, Eastern District, Texas
- U.S. District Court, Northern District, Texas
- U.S. District Court, Southern District, Texas
- U.S. District Court, Western District, Texas

HONORS & AWARDS

- Best Lawyers: Ones to Watch, Commercial Litigation, 2024-2025

PROFESSIONAL & COMMUNITY INVOLVEMENT

- Member, Dallas Bar Association
- Member, Texas Bar Association
- Member, Dallas Association of Young Lawyers

PUBLICATIONS & PRESENTATIONS

- Speaker, Who's Left Holding the Bag? A Closer Look at Indemnification Provisions, National Real Estate Client, May 9, 2024
- Speaker, Boilerplate Contract Provisions, National Real Estate Client, November, 9, 2023
- Co-Author, "Issues At Surrender Of Leases For Warehouse And Light Industrial Properties," *Carrington Coleman Capital Newsletter*, 2023 Industrial & Other Real Estate Issue, February 2023
- Co-Author, "SMU Annual Texas Survey: Professional Liability," 2 *SMU Ann. Tex. Surv.* 363, 2016
- Author, "Want to Avoid Medicare? Fat Chance!: MMSEA Reporting Requirements and Their Impact on the Resolution of the Claims of Medicare Beneficiaries," 30 *Rev. Litig.* 359, 2011