



## Kelli M. Hinson

### Partner

### General Counsel; Executive Committee

khinson@ccsb.com

P 214.855.3110

**I know how to craft innovative solutions to problems and plot strategies that win cases for my clients. When I present an argument, the adverse lawyers tend to see aspects of the case they hadn't considered and often must rethink their position. That's the kind of advocacy it takes to overturn \$88 million verdicts and win major summary judgments and dismissals.**

As head of the firm's Professional Liability group, Kelli Hinson helps navigate cases for major law firms, healthcare institutions, corporations, and the professionals who run them. She has handled claims against lawyers and law firms from almost every angle — representing other lawyers and major law firms around the country, serving as general counsel of her firm, and sitting on the Dallas Grievance Committee and the Texas Board of Disciplinary Appeals.

Kelli's practice is both broad and deep, and she applies her highly informed legal acumen to shareholder disputes, derivative claims, and employment cases, including non-competition, discrimination, and FLSA matters. Her broad range of experience makes her a "go-to" attorney for high-stakes business litigation. As an amazingly quick study, she has yet to meet a legal problem she couldn't eventually master. Kelli's meticulous dissection of cases against her clients can leave the other side wondering what hit them.

When cases or issues get taken up on appeal, Kelli is armed and ready. Plaintiffs' attorneys seek out her briefing skills when multi-million-dollar personal injury cases are on the line. Kelli's stellar writing talent serves

as a natural fit with her appellate practice, and she enjoys the intellectual challenge of distilling complex legal concepts into winning arguments.

Kelli knows how to take ownership of matters and get things done. She engenders a great deal of confidence, and clients trust her to guide them wisely through difficult circumstances. It turns out that the high school teacher who told Kelli during a debate project that she'd make a good lawyer was spot on.

## **Significant Matters**

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### **LEGAL MALPRACTICE/ATTORNEY MISCONDUCT DEFENSE**

Served as an expert witness in attorney malpractice and breach-of-fiduciary-duty cases, testifying on behalf of both plaintiffs and defendants.

Obtained a summary judgment dismissing claims against a large international law firm brought by the firm's former client. The client alleged the firm breached its fiduciary duty by assisting the former client's business partners in transactions adverse to the former client.

Represented a large regional firm against claims brought by the bankruptcy trustee of a former client alleging the firm aided and abetted the client's allegedly fraudulent business practices. The plaintiff sought over \$129 million in damages. Kelli negotiated a resolution prior to any ruling on the firm's motion to dismiss.

Obtained dismissal under the TCPA of breach-of-fiduciary-duty claims against a large international law firm based on the firm's representation of parties in litigation adverse to a former client.

Represented a law firm accused of failing to appropriately advise the client's board of directors that the client was involved in allegedly abusive tax shelters and fraud. The lawyer in charge served as outside counsel and was an investor in the company. Kelli was able to negotiate a confidential settlement.

Won a motion to dismiss the claims against a prominent Dallas attorney who served as outside counsel and on the board of directors for a privately-traded company that ultimately filed bankruptcy. The plaintiff's bankruptcy trustee claimed, among other things, that the lawyer breached his fiduciary duty and had a conflict of interest. Plaintiff sought over \$27 million.

Obtained summary judgment in bankruptcy court on a legal malpractice claim against a large international law firm arising out of alleged malpractice in connection with out-of-court restructuring negotiations and bankruptcy. The court found that plaintiff's fraud claims were an impermissible attempt to fracture its malpractice claims and held

that the rest of plaintiff's claims were barred by the doctrines of res judicata and judicial estoppel. The summary judgment was affirmed on appeal to the district court.

Represented two attorneys in federal court in a case alleging RICO violations, fraud, and other causes of action arising out of an alleged conspiracy between certain lawyers and chiropractors to defraud the plaintiff insurance company in connection with personal injury claims. Plaintiff dismissed our clients before it was required to respond to the attorneys' motion to dismiss.

Successfully represented a prominent Dallas law firm against a sanctions motion seeking, among other things, to void the clients' settlement agreement based on alleged misrepresentations at mediation.

## **COMMERCIAL LITIGATION**

Obtained a take-nothing judgment for a tech company client after a 6-day arbitration. The plaintiff alleged the client had violated the earn-out provision in the agreement to buy his company and sought over \$5 million.

Represented attorney who was a member of a company specializing in the consignment and sale of jet engine parts against claims that he breached his fiduciary duties to his former employer in connection with setting up the business and that he defrauded another member in the business. Plaintiffs sought over \$180 million. The parties reached a confidential settlement.

Obtained summary judgment based on limitations in case alleging fraud in connection with the procurement of government contracts. Affirmed on appeal.

Obtained reversal of an \$88 million judgment in a case brought by a minority shareholder alleging shareholder oppression, malicious suppression of dividends, breach of contract, and derivative claims against the majority shareholder. The Dallas Court of Appeals reversed and rendered, ordering that plaintiff take nothing.

Represented a major airline in a construction dispute in which the contractor alleged over \$17 million in damages. The parties reached a confidential settlement after the airline prevailed on numerous pretrial motions.

Represented officers and directors against claims for breach of fiduciary duty, negligence, fraud, fraudulent transfers, and other claims arising out of the bankruptcy of a large food distribution company. The plaintiff sued 26 defendants, asserted 27 causes of action, and sought in excess of \$300 million in alleged damages. The parties reached a confidential settlement.

Represented a publicly-traded oil and gas company in an oil pollution case filed by a land-owner seeking over \$38 million in alleged clean up costs under the federal Oil Pollution Act. The district court granted summary judgment,

which was affirmed on appeal to the Fifth Circuit, on the basis that the discharges of oil and salt water about which the plaintiff complained were not discharges into “navigable waters” and, therefore, were not covered by the Oil Pollution Act.

### **MEDICAL MALPRACTICE DEFENSE AND HEALTHCARE LITIGATION**

Obtained summary judgment for a hospital in a medical malpractice case by knocking out the plaintiff’s expert on causation. The case was affirmed on appeal, and the Texas Supreme Court denied the petition for review.

Represented a Dallas-area hospital in prosecuting fraud claims against several individuals involved in a scheme to sell the hospital substandard MRI and Cath Lab equipment. The hospital was able to negotiate a settlement with the defendants, and the individual defendants either pleaded guilty to or were convicted of federal crimes in connection with the scheme.

Represented a physician in litigation against her former practice group over the value of her equity in the company. The parties reached a confidential settlement.

Represented hospitals and doctors throughout Texas in medical malpractice cases involving, among other types of injuries, anoxic brain injuries, spinal cord injuries, shoulder dystocia, endocarditis, sepsis, broken hips, and bed sores.

Obtained dismissal for the chairman of the board of a national hospital organization in a medical malpractice case. The jury later awarded over \$22 million against the remaining defendant.

In a case alleging sexual assault by a healthcare provider, obtained a partial summary judgment for the hospital on the basis that the sexual assault, if it occurred, was not within the course and scope of the healthcare provider’s employment with the hospital.

### **NON-COMPETE AND TRADE SECRET LITIGATION**

Obtained multiple injunctions in favor of an insurance brokerage company against former employees who went to work for competitors and violated their non-competition agreements.

Obtained summary judgment on the enforceability of a non-competition agreement that prohibited “acceptance” of business from former customers as well as “solicitation.”

Obtained injunction against a former employee of a large national home health company who went to work for a competitor and began soliciting the former employer’s employees, patients, and referral sources.

Successfully defended a medical device rep against claim that he was violating his non-competition agreement with his former employer. Negotiated a resolution prior to any discovery or significant activity in the case.

## Areas of Focus

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### Industries

- Health Care
- Professional Services
- Software, Technology, and Telecommunications

### Services

- Noncompete and Trade Secrets
- Appeals and Analysis
- Employment
- Litigation and Disputes
- Professional Liability
- Health Care

## Education

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- SMU Dedman School of Law, J.D., 1995, magna cum laude
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  - SMU Law Review Association; Editor: 1995 Air Law Symposium
  - Hatton W. Sumners Scholar
- McMurry University, B.B.A., 1992, summa cum laude

## Admissions

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- Texas, 1995
- U.S. District Court Northern District Texas
- U.S. District Court Southern District Texas
- U.S. District Court Eastern District Texas
- U.S. District Court Western District Texas
- U.S. Court of Appeals Fifth Circuit

## Leadership

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- DBA Business Litigation Section, Leadership Council, 2023-Present
- The Board of Disciplinary Appeals (one of 12 members of the Board appointed by the Supreme Court of Texas), Board Member, 2018-2024; Vice-Chair, 2020-2021; Chair, 2021-2024
- Co-Chair, DBA Morris Harrell Professionalism Committee 2021-2023
- DBA STEER Mentoring Program, Co-Chair, 2021-2022
- DBA Morris Harrell Professionalism Committee, Vice-Chair, 2020
- Dallas Firm General Counsel Group, Member
- State Bar District 6 Grievance Committee, Member, 2017-2018
- Dallas Women Lawyers' Association, Former Advisory Board Member
- Patrick E. Higginbotham Inn of Court, Former Barrister, 2015-2018
- Attorneys Serving the Community Charity Selection Committee, Chair, 2015-2016
- Attorneys Serving the Community, Co-Chair 2013-2015, Member
- Dallas Bar Association's Legal Ethics Committee, Former Chair
- The City Club of Dallas, President of the Board, 2020-2021
- Midlothian Citizens Bond Advisory Committee, Member, 2020
- Leadership Midlothian, Class of 2017
- Boy Scouts of America, Troop 124, Former Advancement Chair
- Suicide and Crisis Center Board of Directors, Past President

## Recognition

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- *D Magazine*, Best Lawyers in Dallas, Appellate, 2024-2025
- *The Best Lawyers in America*, Commercial Litigation, Products Liability Litigation – Defendants, 2021-2025
- *Lawdragon 500*, Leading Litigators in America, Accounting & Other Professional Liability, 2023-2025
- Texas Super Lawyer, *Super Lawyers* by Thomson Reuters, 2012-2024
- Rated AV Preeminent by Martindale-Hubbell
- *D Magazine*, Best Lawyers in Dallas, Professional Nonmedical Liability Litigation, 2014-2017, 2022-2023
- *D Magazine*, Best Lawyers in Dallas, Business/Commercial Litigation, 2018-2021
- Named one of America's Top 100 High Stakes Litigators for North Texas, 2018-2022
- Dallas Bar Association, Jo Anna Moreland Outstanding Committee Chair Award, 2021
- National Diversity Council Award, Dallas Top Women in Legal, 2019
- Named to the Texas Rising Stars list, as published in *Texas Monthly* magazine, 2005-2011



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## Speeches/Publications

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- Moderator, *Tips for Dealing with Difficult Clients, Witnesses, and Opposing Counsel Zealously and Professionally*, Dallas Bar Association Business Litigation Section (November 2024)
- Speaker, *Generative Artificial Intelligence (GAI) in Action: Tools and Techniques for Lawyers*, Dallas Bar Association Artificial Intelligence Symposium (October 2024)
- Speaker, *Changes to the Texas Disciplinary Rules of Professional Conduct*, Dallas Bar Association Business Litigation Section (September 2024)
- Panelist, *The Ethics of Depositions: Practical Solutions to Real-Life Problems*, Dallas Association of Young Lawyers (May 2024)
- Speaker, *Engagement Letters and Retainers*, Dallas Bar Association Ethics Fest (May 2024)
- Panelist, *The Line Between Zealous Advocacy and Legal Ethics*, Dallas Bar Association Minority Participation Committee (September 2023)
- Moderator, *In-Firm General Counsel on Business Litigation Risks*, Dallas Bar Association Business Litigation Section (August 2023)
- Panelist, *Out-of-Network Claim Dispute Resolution and Private Right of Action Under the Texas Insurance Code*, Dallas Bar Association Health Law Section (August 2023)
- Panelist, *Communicating in Confidence - the Ethical Considerations of Mentorship*, Dallas Women's Mentoring Circle (July 2023)
- Panelist, *The Ethics of Practicing Law Remotely*, ABA TIPS Virtual Section Conference (April 2021)
- Panelist, *Can You Keep a Secret: Protecting the Privilege of In-House Counsel*, Texas General Counsel Forum Webinar (June 2020)
- Panelist, *Legal Ethics and Lawyering in a Pandemic and Post-Pandemic World*, TAMU Law Webinar, (June 2020)



- Faculty: Midlothian Small Business Institute at Tarlton State University, Midlothian Campus
- Speaker: *ALAS New Loss Prevention Partner Conference*, Chicago, IL (2016)
- Speaker: *Northern District of Texas Bankruptcy Bench Bar Conference*, presented with Judge Mark X. Mullin (2016)
- Speaker: *Texas Grievance Procedure*, presented at the Dallas Bar Association's "Ethics Fest" (2016)
- Speaker: *Privilege Pitfalls*, presented with Magistrate Judge David L. Horan at the Dallas Young Lawyer Association's "Dinner With The Judiciary" (2015)
- Speaker: *Practicing Civility and Constructive Ways to Deal With Those Who Don't*, ABA TIPS Section Webinar (2015)
- Author: *Attorneys Serving The Community: Mixing Good Works With Good Business*, ABA Section of Litigation, The Woman Advocate Newsletter (2015)
- Author: *Ethical Pitfalls in Mediation and Settlement*, Dallas Bar Association Headnotes, Vol. 40, No. 3, Pg. 16 (March 2015)
- Speaker and Author: *Remedies for Minority Shareholders in the Wake of Ritchie v. Rupe*, Texas Bar CLE, Damages in Civil Litigation Course Book (2015)
- Speaker: *Legal Malpractice Claims Arising in or Related to the Bankruptcy Context*, TCBA Bankruptcy Section Luncheon (November 2013)
- Author: *Majority Rules? Waiting for the Texas Supreme Court to Define (or Reject) Minority Shareholder Oppression*, State Bar of Texas Corporate Counsel Section Newsletter (Fall 2013)
- Speaker: *E-Mail Communications: It Doesn't End When You Hit Send*, Corporate Counsel Section CLE in Austin and Dallas (2013)
- Author and Speaker: *Can You Keep a Secret? How Internal Disputes and Corporate Restructuring Can Affect the In-House Privilege*, Texas State Bar Corporate Counsel Section Meeting (Dallas and San Antonio) (2011)
- Speaker: *DAYL Dinner with the Judiciary*, Member of ethics panel with Texas Supreme Court Chief Justice Wallace Jefferson and Randy Johnston (2008)
- Speaker: *Dancing with Your Ex's Ex – Contact with Your Adversary's Former Employees*, Member of speakers panel at DBA Ethics Committee CLE (2008)
- Author and Speaker: *Choosing, Using and Examining Expert Witnesses*, presented at the University of Houston Law Foundation CLE, The Jury Trial, 2006, 2007, and 2008
- Author and Speaker: *Five Things You May Not Know About Legal Malpractice Claims in Texas*, presented at the Solo and Small Firm Section Meeting, Legal Ethics Committee Meeting, and North Dallas Clinic (2006)

## Outside of Work

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Kelli enjoys spending time with her husband and two sons, particularly as they work towards their goal of visiting all 50 states. She is an avid reader of fiction and likes to attend Dallas Summer Musicals and Texas Rangers games.