

Kenneth D. Rhodes

Partner

Ken Rhodes is a seasoned trial lawyer with more than 30 years of experience resolving high-exposure personal injury and commercial litigation through numerous favorable jury verdicts, arbitration awards, summary judgments and settlements. His practice is primarily focused on defending clients in cases involving product liability, premises liability, contractor liability, wrongful death, car and truck accidents, asbestos and other toxic torts, insurance disputes and various other negligence matters involving significant injuries and/or property damage. Ken works with clients of all sizes across a wide variety of industries, including global, national and regional business institutions, insurers and individuals.

Few lawyers can match Ken's experience in resolving challenging disputes in several jurisdictions from coast to coast, whether it involves serving as hands-on lead counsel managing every detail from case inception through trial or supervising a local litigation team through each aspect of case development. He currently serves as National Coordinating Counsel for a product manufacturer, Regional National Trial Counsel for a premise owner/product manufacturer and National Trial Team Counsel for a Fortune 500 insurance provider. These leadership roles have given Ken the unique opportunity to represent clients in 16 states to date, including Texas, Arkansas, California, Delaware, Florida, Illinois, Louisiana, Maryland, Massachusetts, Minnesota, Missouri, New Jersey, New York, Pennsylvania, West Virginia and Wisconsin.

Although Ken's practice is largely focused on high-stakes personal injury cases, he also has deep experience in handling complex business litigation involving a variety of issues, including contract disputes, business interruption losses, business torts, wrongful discharge, trade secret theft, breach of non-compete agreements plus much more. Ken is also in high demand to provide expert witness testimony in cases involving many issues, including insurance coverage, reasonableness of settlements, attorney fees, contractor liability and employer liability.

Experience



Kenneth D. Rhodes
1300 Post Oak Blvd.
Suite 2000
Houston, TX 77056
krhodes@grayreed.com

D: 713.986.7146
C: 281.642.5459
T: 713.986.7000
F: 713.730.5846

Practices

Wrongful Death & Personal Injury
Litigation
Product Liability Litigation
Toxic Tort - Asbestos Litigation
Commercial Litigation
Property Damage - Business Interruption
Litigation

Education

J.D., *cum laude*, South Texas College of
Law Houston (1987)
B.S., Louisiana State University (1983)

Bar Admissions

Illinois (2013)
Texas (1988)

Court Admissions

United States District Court, Southern
District of Texas
United States District Court, Northern
District of Texas
United States District Court, Eastern
District of Texas
United States District Court, Western
District of Texas

Wrongful Death

- Obtained no liability jury verdicts for product manufacturer-contractor in two wrongful death cases in Hopkins County, Texas.
- Obtained defense jury verdict for product distributor in Dallas County, Texas.
- Obtained defense jury verdict for product installer-distributor in two cases in Milam County, Texas.
- Obtained summary judgments for product manufacturer in two wrongful death cases in Harris County, Texas.
- Obtained favorable settlements in numerous cases due to proper case development.

Supreme Court of Texas
Appellate, District and County Courts of
Texas
Supreme Court of Illinois
Appellate and Circuit Courts of Illinois

Personal Injury

- Handled many personal injury cases based on multiple legal theories including negligence, negligence per se, strict liability, intentional tort, conspiracy, breach of warranty and gross negligence.
- Obtained favorable jury verdict for product seller-rebrander in nine cases in Milam County, Texas.
- Obtained summary judgment for product manufacturer in multi-million dollar case pending in Tarrant County, Texas.
- Obtained favorable settlements in numerous cases due to proper case development.

Toxic Torts

- Successfully represented product manufacturers, contractors, premise owners and researchers in toxic tort cases pending in multiple jurisdictions throughout the United States based on asbestos related-

injuries.

- Obtained favorable jury verdicts in multiple cases including deceased and living mesothelioma claims, deceased and living cancer claims and non-malignant disease claims.
- Obtained summary judgments and favorable settlements in multiple cases due to proper case development.

Commercial

- Represented product manufacturer in breach of contract case pertaining to the construction of a public water intake facility involving a premise owner, general contractor and component part manufacturer.

Construction

- Obtained voluntary dismissal of subcontractor in residential foundation defect case.

Employment

- Successfully defended employee in a case by former employer asserting claims for breach of non-compete agreement and theft of trade secrets in bench trial in Harris County, Texas.
- Obtained summary judgments for three employers asserting the “exclusive remedy defense” under of the Texas Workers Compensation Act in cases pending in Dallas, Tarrant and Harris Counties, Texas.

Expert Witness

- Testified in deposition and trial as a retained expert witness on insurance coverage pertaining to products and non-products coverage in CPR Institute for Dispute Resolution; In the Matter of the Arbitration between ACandS, Inc. and Travelers Casualty and Surety

Co. pending in Philadelphia, Pennsylvania. Case involved hundreds of millions of dollars of available non-products coverage.

- Retained attorney fee expert in Cause No. 2008-74658; Multi-District Litigation Docket No. 08-0725; In Re: Deep South Crane & Rigging Company – Crane Collapse Litigation; Cause No. B182-113; Jacqueline Allen, et. al. (Intervenors) v. Deep South Crane & Rigging Investments, LLC, Lyondell Petro Chemical Corporation and Houston Refining LP, et al. (Defendants); In the 60th Judicial District Court of Jefferson County, Texas. Case involved crane collapse resulting in 4 wrongful death and 125 injury personal claims.
- Testified in deposition as a retained expert witness on employer liability and reasonableness of settlements under Texas and Louisiana law in Chicago Bridge & Iron Company v. Certain Underwriters at Lloyd’s London & Certain London Market Insurance Companies in the 284th District Court of Montgomery County, Texas; Cause No. 06-12-12485 - CV.
- Testified in desposition as a retained expert witness on contractor liability, reasonableness of settlements, and reasonableness of attorney fees under California, Illinois, and Indiana law in the 284th District Court of Montgomery County, Texas.

Arbitrations

- Obtained no liability finding in favor of product manufacturer in Cause No. P109-0036-10-00; *USAA Casualty Insurance Company v. Pentair Water Treatment*. Case involved property damages due to alleged product failure.
- Obtained no liability finding in favor of product manufacturer in Cause No. P109-00206-11-00: *Maryland Casualty v. Pentair Water Treatment*. Case involved property and business interruption damages due to alleged product failure.
- Obtained no liability finding in favor of product manufacturer in Cause No. P109-00177-13-00; *Chubb Group of Insurance Companies v.*

Pentair Filtration, Inc. Case involved property damages due to alleged product failure.

- Obtained defense finding due to spoliation of evidence in favor of product manufacturer in Cause No. P109-00308-14-00; *Sentinel Insurance v. Pentair Water Treatment* consolidated with *Hartford Lloyd's Insurance v. Pentair Water Treatment*. Cases involved proprietary damages due to alleged product defect.

Representative Clients

- Wilsonart, LLC
- Pentair Filtration, Inc.
- Metropolitan Life Insurance Company
- Akzo Nobel Paints, LLC
- International Paper Company
- Fisk Electric Company
- Southern Exchange Company

Press Releases

- “Gray Reed Named as a 2012 Go-To Law Firm for Fortune 500 Companies” (January 9, 2012)
- “Gray Reed & McGraw Announces New Members of Board” (August 26, 2009)
- “Five Attorneys Join Gray Reed & McGraw” (September 5, 2008)

Speeches and Presentations

- “Bostic Causation - Texas and Beyond”, Harris Martin’s Midwest Asbestos Litigation Conference - St. Louis, Missouri. (September 18,

2014)

- “Considerations in a Successful Personal Injury Case - Defense Perspective”, Houston Bar Association at South Texas College of Law (June 26, 1998)

Honors

- Selected by his peers for inclusion in Woodward/White, Inc.’s *The Best Lawyers in America* in the fields of Personal Injury Defense Litigation, Personal Injury Plaintiffs Litigation, and Product Liability Defense Litigation (2013 – 2020)
- Named a “Super Lawyer” by Texas Super Lawyers (a Thomson Reuters company) as published in *Texas Monthly* (2005 – 2019)
- Named a *Houstonia Magazine* Top Lawyer in Houston (2019)
- Life Fellow in the Texas Bar Foundation (2004 – 2017)
- Conferred full membership in the National Order of the Lytae (1987)

Organizational Involvement

- State Bar of Texas
 - Litigation Section
 - Consumer and Commercial Law Section
 - Insurance Law Sections
- State Bar of Illinois
- Defense Research Institute
 - Trial Tactics Committee
 - Product Liability Committee

- Toxic Torts and Environmental Law Committee
- Texas Association of Defense Counsel
- Brazos County Bar Association