Litigation
Practice Area

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Insurance Defense Litigation

Defending insurance companies has been a significant part of our practice from the time our firm was formed more than 100 years ago. Most of our litigation partners regularly represent insurance companies in both first party suits directly against the companies and in lawsuits where we are hired by insurance companies to defend those they insure. The following is a representative listing of the types of cases we defend.

Motor Vehicle – Our attorneys serve as trial counsel for parties involved in motor vehicle accidents. We are well-known in the law enforcement and medical communities, which can be helpful in the resolution of lawsuits involving motor vehicle accidents. The attorneys who handle these matters are compassionate when appropriate, but tough when necessary to advance a client's case. Our firm achieves excellent results, as measured either by jury outcomes or favorable out-of-court settlements.

Medical Malpractice – We regularly represent physicians, hospitals, nursing homes, ambulatory surgery centers, psychologists, advanced practice nurses, pharmacists, physical therapists, dentists, laser centers, and cancer centers in matters involving health care services. In client satisfaction surveys, the firm has received only the highest ratings from our health care clients. Moreover, most of the medical malpractice cases handled by our firm are resolved in favor of our client without any payment to the plaintiff. Our attorneys become educated about the relevant medical issues in each case, in an effort to achieve the best goal for our client.

Premises Liability – Retail, industrial, health care, manufacturing, and municipal groups are among the types of property owners we represent in premises liability lawsuits. These matters have been defended successfully on liability and causation issues. Death, loss of limbs, and lesser injuries have been the subject of some of the cases the firm has successfully handled. We utilize engineers, architects, accident reconstruction, and human factors experts when warranted by the facts of the case.

Products Liability – We defend manufacturers in personal injury and property damage claims arising from the use of a wide variety of products, including automobiles, construction equipment, surgical and other medical devices, farm equipment, pharmaceuticals, toys, industrial equipment, ladders, and lawn equipment. Many of these matters were successfully tried to a jury decision. The firm works closely with manufacturers to gain an in-depth understanding of the product to prepare a successful defense.

Arson and Fraud – We represent insurance companies in arson and fraud cases for the regional area spanning from Nashville, Tennessee, to Roanoke, Virginia. The attorneys handling these cases maintain excellent relationships with state fire marshals and other local law enforcement officers who provide valuable assistance in case investigations and presentation of the defense at trial.

Coverage Issues – Insurance companies often hire Hunter, Smith & Davis, LLP to provide coverage opinions. Coverage issues may arise from personal or commercial policies. Disputes often involve potential misrepresentation in the application or procurement of the policy, questions as to whether the

"loss" falls within the coverage provisions of the policy, or a determination that the loss is excluded by the policy language.

Commercial Litigation

Anti-trust – Our firm has been involved in the majority of anti-trust litigation filed in the state and federal courts in Northeast Tennessee. These cases have been predicated on the Sherman Act, the Robinson-Patman Act, the Tennessee Fair Trade Practices Act, and the Tennessee Consumer Protection Act. Many of these suits have been class actions. For the most part, our firm has been involved in defending anti-trust actions; however, in a few instances we have represented companies that have been the victim of illegal restraint of trade actions by others. Our firm has been chosen by some of the nation's largest law firms to serve as local counsel in multi-district litigation.

Contract Disputes – We regularly represent large corporations, small companies, and individuals in lawsuits wherein the terms of a contract are in dispute. Our firm utilizes various forums of dispute resolution to achieve the best result for the client dependent upon the specific priorities of the client. If there is a business solution to a contract dispute, then we work diligently to reach that solution. If a decision by a court or a jury is required, then our firm vigorously tries the case.

Environmental – Our firm represents property owners, developers, and interested entities to resolve environmental disputes. We work with state and federal regulators to address issues that arise in lawsuits. When necessary, environmental experts and appraisers are frequently utilized to better prepare cases for trial. Frequently, our corporate and litigation practice groups work together to deliver desired results for clients faced with environmental issues.

Healthcare – Healthcare litigation often arises in context of the separation of a physician from a group practice, the revocation or suspension of the hospital staff privileges, and privileges of a physician or other health care provider, disputes with payer sources. Our firm's representation of hospitals and physician practice groups provides an excellent background for the handling of these issues. We have represented physicians, nurses, psychologists, pharmacists, and other providers before the Tennessee and Virginia Boards of Health where action against their licensure is at issue.

Insurance Coverage Disputes – We are regularly engaged in coverage disputes arising under Comprehensive General Liability Policies, Medical Insurance Policies, Bank Liability Policies, and Fire Insurance Policies. The Firm has represented individuals and companies on both sides of the disputes, i.e. the insurers, the insured's, and sometimes third-party beneficiaries of the policies. These disputes are often handled through an active motion practice to attempt to resolve or narrow the issues that actually are litigated in court. Our experienced litigation attorneys have a favorable impact for clients.

Intellectual Property – Our firm has been involved in significant intellectual property litigation, particularly in the area of patent infringement cases. We have represented clients both in the prosecution of patent infringement cases and in the defense of such claims. Our substantial courtroom experience is a valuable asset in protecting the interests of our clients in the cases which are often the subject of highly technical information and evidence.

Public Utilities – For most of its history, our firm has represented the providers of public utilities located in our geographical area. Currently, we regularly appear before the Tennessee Regulatory Authority in Nashville, Tennessee, on all types of utility related administrative matters. In addition, we continue to represent various utilities in court cases and other proceedings, and render legal advice on a continuing basis.