



### **Katherine Elrich**

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*“My appellate practice enables me to make an everyday transaction come alive through persuasive writing and oral advocacy.”*

### **Practice Areas**

Appellate • Litigation Support

Katherine Elrich's practice is devoted primarily to handling post-trial and appellate matters in both state and federal court, as well as providing related support at all stages of litigation.

### **Representative Experience**

- Successfully prosecuted and defended commercial litigation disputes in both state and federal courts involving general contracts, misuse of trade secrets, non-compete agreements, shareholder oppression, franchise agreements, landlord-tenant agreements, indemnification agreements, forum-selection clauses, fiduciary duties, and allegations of Fraud and misrepresentations.
- Successfully defended products liability and personal injury claims in both state and federal courts for various corporate entities.
- Successfully defended non-resident clients' jurisdictional claims in Texas courts.
- Successfully defended appeal of an order granting our client's motion to dismiss under the Medical Liability Insurance Improvement Act in *Raines v. Stephens*, No. 10-04-00137-CV, 2005 WL 428478 (Tex. App.—Waco Feb. 23, 2005, no pet.).
- Successfully appealed an order denying our client's special appearance contesting jurisdiction in the State of Texas resulting in a complete dismissal of all the claims brought against our client in *Nagle v. Oppedisano*, No. 05-05-01246-CV, 2006 WL 2348975 (Tex. App.—Dallas Aug. 15, 2006, no pet.).
- Successfully appealed an order denying our client's motion to dismiss under the Medical Liability Insurance Improvement Act in *Oak Park, Inc. v. Harrison*, 206 S.W.3d 133 (Tex. App.—Eastland 2006, no pet.).
- Successfully resolved through a favorable settlement the appeal of a summary judgment in a lawsuit to enforce a guaranty agreement; acted as lead counsel on appeal in *Chado v. PNL Blackacre, L.P.*, No. 05-05-00738-CV, 2007 WL 642573 (Tex. App.—Dallas, Mar. 5, 2007, no pet.).
- Successfully resolved through a favorable settlement the appeal of a special appearance in a legal malpractice claim against a non-resident attorney; acted as lead counsel on appeal in *Clark v. Mike*, No. 05-07-00846-CV, 2007 WL 4341108 (Tex. App.—Dallas Dec. 15, 2007, no pet.).
- Successfully represented in federal district court a premier international apparel company in defense of age, gender, and religious discrimination claims, as well as claims under the Fair Credit Reporting Act; authored successful motion for summary judgment resulting in a complete

dismissal of all claims brought against our client. *Kretchmer v. Eveden, Inc.*, No. 3:07-CV-1068-D, 2009 WL 854719 (N.D. Tex., Mar. 31, 2009); successfully defended the district court's judgment on appeal to the U.S. Court of Appeals for the Fifth Circuit in *Kretchmer v. Eveden, Inc.*, No. 09-10556, 374 Fed. Appx. 493 (5th Cir. Mar. 12, 2010).

- Successfully defended summary judgments and award of attorney's fees as sanctions in favor of client involving various tort and contractual theories and violations of the Tex. Rev. Civ. Stat. Ann. Art. 1396-2.23, which requires nonprofit corporations to provide a right to inspect its books and records to its members in *Price v. Schroeder et al.*, No. 03-07-00364-CV, 2010 WL 2010792 (Tex. App.—Austin May 20, 2010, no. pet.).
- Successfully represented in federal district court a hospital in an ERISA wrongful denial of benefits claim; authored successful motion for summary judgment. *LifeCare Management Services, LLC v. Insurance Management Administrators, Inc.*, No. 3:08-cv-1641-M, 2011 WL 192520 (N.D. Tex. Jan. 19, 2011); lead counsel on appeal to the U.S. Court of Appeals for the Fifth Circuit.
- Successfully defended on appeal the district court's order granting our client's motion to dismiss in a lawsuit brought by an employer's estate against an insurer and an insurance broker that had procured an accident insurance policy naming the employer as the policy beneficiary in *Lewis v. AIG Life Ins. Co.*, 423 Fed. Appx. 394 (5th Cir. 2011).
- Successfully defended on appeal an order granting our client's special appearance contesting jurisdiction in the State of Texas resulting in a complete dismissal of all claims brought against our client in a legal malpractice lawsuit in *Katz v. Winston & Cashett*, No. 05-10-01535-CV, 2011 WL 3435789 (Tex. App.—Dallas Aug. 5, 2011, no pet.).
- Successfully appealed an order denying our client's motion to compel arbitration in *Ascendant Anesthesia PLLC v. Abazi*, No. 05-11-00115-CV, 2011 WL 3278565 (Tex. App.—Dallas, Aug. 2, 2011, no pet.).
- Successfully defended on appeal an order granting our client's motion to dismiss and awarding attorneys' fees under the Medical Liability Insurance Improvement Act in *Martinez v. Coronado Nursing Center, LP*, No. 11-10-00088-CV, 2012 WL 760801 (Tex. App.—Eastland Mar. 8, 2012, no pet.).
- Argued before the 1st Court of Appeals in Houston, Texas
- Argued before the 2nd Court of Appeals in Fort Worth, Texas.
- Argued before the 3rd Court of Appeals in Austin, Texas.
- Argued before the 5th Court of Appeals in Dallas, Texas.
- Argued before the 10th Court of Appeals in Waco, Texas.
- Argued before the 11th Court of Appeals in Eastland, Texas.
- Argued before the United States Court of Appeals for the Fifth Circuit.
- Argued before various federal and state district and trial courts throughout the State of Texas.

### **Bar Admissions**

- State Bar of Texas, 1998
- All Texas state and federal courts
- United States Court of Appeals for the Fifth Circuit

## **Education**

- Bachelor of Business Administration Degree, *cum laude*, from the University of Texas at Arlington, 1995
- Juris Doctor Degree, *magna cum laude*, from Texas Tech University School of Law; served as Business Manager of Executive Board of the Law Review, 1998

## **Awards & Recognitions**

- "Texas Rising Star" - *Texas Monthly* and *Law & Politics Magazine*, 2005 - 2012
- Won First Place in the Advanced Moot Court Competition, 1998
- Order of the Coif

## **Publications & Presentations**

- Panelist, "Achieving Work/Life Balance in a Law Firm Environment," sponsored by the Texas Tech School of Law Career Services Center and the Women's Caucus, Spring of 2006
- Author, *Equal Justice Under the Law (if you can afford it): Fifth Circuit Threatens Texas' IOLTA Program, Washington Legal Foundation v. Texas Equal Access to Justice Foundation*, 94 F.3d 996 (5th Cir. 1996), 28 TEX. TECH L. REV. 887 (1997)

## **Memberships**

- State Bar of Texas
- Dallas Bar Association
- Dallas Association of Young Lawyers
- Attorneys Serving the Community

## **Community Service**

- St. Thomas Aquinas Catholic Church, Active Parishioner, Dallas, Texas
- St. Thomas Aquinas Mothers Association Board, Fourth Vice President 2006 – 2008
- St. Thomas Aquinas Mothers Association Board, Executive Board Secretary 2008 – 2010
- St. Thomas Aquinas Catholic School, Silent Auction Committee 2010 – 2012
- St. Thomas Aquinas Catholic School, Carnival Committee 2010 and 2011

## **Pro Bono**

- Represented pro bono clients through the Dallas Volunteer Attorney Program.