

Local litigation firms

Highly recommended

Hite Fanning & Honeyman

Stinson Morrison Hecker

Spencer Fane Britt & Browne

Recommended

Foulston Siefkin

Lathrop & Gage

Martin Pringle Oliver Wallace & Bauer

Rebein Bangerter

Shughart Thomson & Kilroy

Kansas

Firms are generally based in the largest city Wichita, with ample presence in Overland Park, adjacent to Kansas City. A rise in coverage is noted in capital city Topeka as well. Many top local firms in the state are based out of neighboring Missouri.

Highly recommended firms

Competitors agree that Wichita-based boutique **Hite Fanning & Honeyman**, takes its litigation practice seriously. The largest component of the firm's overall practice, Hite's litigation group embraces a variety of matters, includes intellectual property and trade secret work, toxic torts and securities fraud. While the firm may be best known for its insurance defense and automotive liability work, lawyers see a recent surge in contract work from small businesses and machine shops.

"Preeminent litigator" **Richard Hite** focuses his practice on civil litigation and products liability. He has recently taken on more matters involving environmental law, in addition to his thriving liability and insurance workload. Fellow partner **Richard Honeyman** is known in the area for his insurance defense work and medical malpractice cases. Both clients and peers note his expertise in mediation efforts as well.

The Kansas offices of **Stinson Morrison Hecker** boast 22 litigators in the Overland Park and Wichita locations. Partners are able to take on a variety of litigation matters, with special expertise in employment, environmental and intellectual property issues. In Overland Park, most litigators focus on general commercial matters, while a few handle products liability in the aviation and agricultural equipment areas specifically. "They've done a really good job and have been very successful for us in matters," one client says. The firm recently represented Westar Energy in an employment matter in which the plaintiff's claimed retaliation under Title VII. Summary judgment was granted by the US District Court in favor of Westar, after the court found the company's reorganization decision causing the plaintiff to lose his position was not grounds for unlawful retaliation. Stinson is also currently representing a major producer of coal bed methane gas in a class action consisting of all royalty and overriding royalty owners in the Cherokee Basin in Kansas. Plaintiffs claim the producer underpaid royalties by basing costs

on reduced volumes instead of volumes measured at wellheads. Other firm clients include Garmin International, Sprint Nextel, Cessna Aircraft Company and Quest Resource Corporation.

Overland Park Managing Partner **Mark Hinderks** is referred to as "Mr Kansas" by one client, who notes his involvement with the Kansas Bar and overall knowledge of the state's laws and ethics. He is also recommended by peers and clients alike as a superb generalist litigator and one of the "top litigators in Kansas." Clients say he is the "one we call for litigation." Hinderks focuses his practice on securities litigation, communication and telecommunication and class action defense. He recently assisted in representing the owner and operator of an oil refinery and its affiliates in two putative class actions in state and federal courts seeking damages after a major flood in Coffeyville in 2007. The plaintiff's motion to certify a class after briefing and a two-day class certification was ultimately defeated. Hinderks is also involved in insurance matters related to the same flooding. Hinderks is currently working on defending a major manufacturer and distributor of voting machine and tabulation equipment in a broad patent infringement suit brought against the top three companies in the voting equipment industry. The case is currently pending in The Federal Court of St Louis. In addition, he is defending the City of Overland Park in a putative class action and two construction-related claims.

Stinson partner **Daniel Crabtree** is singled out as a go-to litigator. Also situated in the Overland Park office, Crabtree focuses his practice on consumer litigation and class actions, employment litigation and telecommunication matters. He recently handled a high-stakes antitrust case for an Oklahoma utility company, in which he obtained a favorable settlement after heavy litigation proceedings. Crabtree is also the practice group leader for the complex litigation practice group. David Bengston, of the firm's Wichita office, is noted for his

"'Preeminent litigator' Richard Hite focuses his practice on civil litigation and products liability. He has recently taken on more matters involving environmental law, in addition to his thriving liability and insurance workload."

-Hite Fanning & Honeyman

Local litigation stars

J Nick Badgerow
Spencer Fane Britt & Browne

Daniel Crabtree
Stinson Morrison Hecker

Mark Hinderks
Stinson Morrison Hecker

Richard Hite
Hite Fanning & Honeyman

Richard Honeyman
Hite Fanning & Honeyman

David Rebein
Rebein Bangerter

product liability work. He was involved in several recent matters for Quest Cherokee. Lynn Preheim's general litigation expertise is also recognized. Preheim recently represented a medical center on fraud, misrepresentation and breach of representation claims and was part of a team that favorably settled a case for its client, Hustler Lawn Mowers.

With a decidedly strong grasp in the fields of employment and construction litigation, **Spencer Fane Britt & Browne** has a strong hold on Kansas law, even though only one of the firm's offices rest in the state. With a litigation practice consisting of more than one-third of the firm's 130-plus attorney count, Spencer Fane's expertise lays in labor and employment matters. Litigators have proven strength in discrimination class action defense and disputes against the Fair Labor Standards Act. The firm recently successfully

insurance defense practice specializing in personal injury defense work. The team's commercial litigation group is able to handle any type of business matter, from class action employment disputes to breach of contract suits.

The firm's commercial litigation group, headed by Jeffrey Jordan in the Wichita office, has seen an increase in class action work. The firm defends an antitrust-related class action suit in Kansas in which its client is Legion Creative Leather. Another class action suit in Kansas finds the firm defending Legion in a dispute over the company manufacturer's pricing of products. The firm is also working on handling several matters for some of its major clients, which include Via Christi Health System and aircraft kings Boeing and Cessna. In the construction arena, Foulston Siefkin successfully defended a

“A strong team of litigators within the ‘immense’ Foulston Siefkin has kept the firm a viable presence in the Kansas legal marketplace. With three offices in the state, Wichita, Overland Park and Topeka, the firm’s 86 lawyers keep a strong grasp on the state’s important legal matters.”

defended a national bank in a civil lawsuit alleging the bank fraudulently required the plaintiff to provide \$1.6 million in collateral to secure a loan taken out by a plaintiff's relative. In recent matters, the firm represented a large international manufacturer of floating docks when former employees misappropriated the company's intellectual property and set up a competing business. After a substantial discovery and subsequent court hearing, the new business was shut down and a settlement required all former employees to turn over all intellectual property associated with it.

J Nick Badgerow is a “good lawyer” at the firm, says one competitor. Badgerow juggles serving as the Overland Park office's partner-in-charge and as the firmwide professional responsibility counsel. Peers comment on his leading work in employment and construction law issues, with an emphasis on employee discrimination, wrongful termination and professional responsibility and negligence work. In addition to his individual practice, Badgerow is known in the area as the “go-to guy” to act as an expert witness in attorney liability suits.

Recommended firms

A strong team of litigators within the “immense” **Foulston Siefkin** has kept the firm a viable presence in the Kansas legal marketplace. With three offices in the state, Wichita, Overland Park and Topeka, the firm's 86 lawyers keep a strong grasp on the state's important legal matters. The litigation team boasts a particularly strong employment group, with an impressive

design defect and construction administration claim against the architect for a medical office building as part of Newman Memorial Hospital. The firm is currently representing clients in numerous employment law cases and cases alleging violations of the Packers and Stockyards Act, as well as other class actions alleging gender discrimination, breach of contract, fraud and claims involving unfair competition and breach of fiduciary duty.

Although the firm boasts an undeniable presence in Missouri, with six offices throughout the state, the Kansas location of **Lathrop & Gage** is noted in the state with a strong litigation team. Although known for its preeminent healthcare and employment work, the firm is also strong in general commercial litigation. Clients say the litigation department “has the resources, depth and experience to handle the full range of diverse and complex legal matters that face corporations.” The firm boasts that if the Overland Park office was a standalone boutique, it would be the third-largest law firm in Kansas, with 44 attorneys housed there, including Kansas senator John Vratil. In a recent matter involving tort litigation, the firm successfully represented a group of 3,000 property owners in Kansas City, after a Native American tribe claimed original title to thousands of acres of land. The firm also serves as regional and national litigation counsel for numerous financial institutions, local and international media companies and a leading film exhibition company.

Peers have only good words for the litigation



Future stars

Holly Dyer
Foulston Siefkin

Jennifer Hannah
Lathrop & Gage

Scott Hill
Hite Fanning & Honeyman

Tucker Poling
Hite Fanning & Honeyman

team, paying special attention to up-and-coming star **Jennifer Hannah**, who focuses her litigation practice on complex construction, land use, real estate, commercial and business dispute cases. She also handles multi-party construction defect cases and has represented a number of businesses in breach of fiduciary duty matters.

When it comes to aviation litigation, the Kansas-based **Martin Pringle Oliver Wallace & Bauer** is the top firm in the Midwest, with offices in Wichita and Overland Park. With a longtime client relationship for Raytheon Aircraft Company, Martin Pringle has acquired a strong reputation in products liability litigation arising from aviation accidents. The firm emphasizes its practice in the areas of civil and commercial litigation, with other group strengths in complex tort cases, insurance defense and personal injury litigation. Attorneys are also proficient in handling construction, employment and environmental disputes. However, Martin Pringle's products liability group is the firm's most notable venture. The group defended cases domestic and foreign manufacturers and their insurance carriers in product areas ranging from industrial machinery and road equipment to aircrafts. In 2002, the firm was asked to serve as National Coordinating Counsel for all of Wal-Mart's products liability work nationwide.

With its Dodge City location, the three-person shop of **Rebein Bangerter** is considered by many to be western Kansas' top litigation firm. While other firm name-partner Shane Bangerter focuses his practice on workers compensation matters, **David Rebein** has become one of the most visible names in the Kansas legal marketplace. Rebein's experience in commercial litigation includes contract disputes, construction

litigation and agricultural and cattle litigation. His work in the civil sphere has grown to include national and individual state class action proceedings on behalf of individuals and major business clients. He is currently representing a group of ranchers in attempts to recover money lost in a cattle fraud scheme and also defends a trailer park owner in a Kansas Consumer Protection Act breach allegation. Rebein is also assisting in representing natural gas producers in a class action brought by royalty owners. The firm's client list includes Dodge City Sand, Dodge City Medical Center, Excel Corporation and Sunflower Bank.

The Overland Park office of **Shughart Thomson & Kilroy** opened in 1984 to extend the firm's presence in the Midwest, with two offices already in Missouri. In the Kansas office, much attention is placed on shareholder and trade secret disputes in both plaintiff and defense work. "Their results are superior and that's why we continue to use them," one client says.

Of the nine-person litigation team, Greg Musil is frequently mentioned by peers as a dependable force in the litigation arena. "Greg is a good, common sense trial lawyer who is coming into his own right as he's getting more experienced," says one source. Focusing his practice on business litigation, with an emphasis on contract disputes, commercial breach of warranty claims and fraud. Musil recently represented Learjet in a breach of contract, breach of warranty and fraud case where plaintiffs requested damages of approximately \$7 million. Following a three-week jury trial, a verdict was returned for the plaintiff for less than five percent of the amount originally sought. Meanwhile, Learjet received the full amount of its counterclaim.

