

Practice Areas

- Litigation
- Insurance Law
- Construction Law

Education

- Southern Methodist University, Finance, BBA, magna cum laude, 1988
- Northwestern University School of Law, J.D., 1991

Honors

- John Henry Wigmore Scholar, Northwestern University School of Law
- President's Scholar, Southern Methodist University
- A-V Rated Martindale Hubble Law Directory based on peer rating review.
- Texas Bar Foundation-Life Fellow
- Member of the College of the State Bar of Texas
- Texas Annotated Insurance Code 2008, Lexis Nexis; Contributing Editor

Bar Admissions

- Illinois
- Texas

Christine Kirchner

Shareholder
Houston

1200 Smith Street
14th Floor
Houston, TX 77002-4310
Tel: 713.654.9691
Fax: 713.658.2553
c.kirchner@chamberlainlaw.com
www.chamberlainlaw.com



With nearly 20 years of experience in the courtroom and before arbitration tribunals, Christine Kirchner has successfully represented her clients in a variety of complex civil matters. Her representation of clients focuses on pre-litigation solutions such as risk management, a comprehensive review of the client's insurance programs, as well as successfully and efficiently navigating clients through the active phase of the dispute, whether that be in litigation or arbitration. Ms. Kirchner has represented clients in all forum, including state and federal courts, as well as binding arbitration before the AAA (American Arbitration Association), NASD (National Association of Security Dealers), and other private alternate dispute resolution forums. Ms. Kirchner's civil litigation practice focuses on both complex commercial and tort matters.

Ms. Kirchner has handled a variety of commercial matters ranging from complex construction, securities litigation, minority and derivative shareholder claims; disputes related to ownership succession of closely held corporation, to wrongful competition and breach of contract actions. She has developed a specialty in the context of construction and insurance law, including the representation of the policyholder and carriers in contractual disputes related to insurance coverage, as well as extra-contractual actions related to deceptive trade practice, statutory Insurance Code violations, the alleged mishandling of claims coverage, and opportunities to settle and protect the policyholder within policy limits. Ms. Kirchner has represented contractors and owners in a variety of construction and engineering litigation and arbitrations through final award phase with a particular emphasis on indemnity and additional insured issues.

Ms. Kirchner is a frequent author and speaker at construction and insurance-related seminars and conferences. Her clients range from individuals and closely held entrepreneurial companies to large national insurance carriers and public companies with large self-insured retentions. Ms. Kirchner prides herself in understanding each individual client's business and operations, the unique challenges that client may face with regard to risk management and resolving disputes. In doing so, she achieves an efficient and business-oriented outcome on behalf of her clients, regardless of the

Court Admissions

- Court of Appeals for Fifth Federal Circuit
- U.S. District Court, All Districts of Texas
- Northern District of Illinois

Christine Kirchner, Continued

size or nature of the dispute or relative size of the client.

Significant Cases

- Successful defense of major hospital client in connection with wrongful death premises liability claim involving third party criminal activity on premises. (2007).
- Arbitration award in favor of maritime client in connection with sale of assets in the Houston port and successful defense against commercial fraud allegations. Arbitration No. 50 T 132 00282 03; *Roland Malins-Smith, Jose Perez and Seafreight Agencies, Inc. v. J. Barry Snyder, Signet Maritime Corp. and Signet Seafreight Shipping Co.* (2005).
- Judgment as a matter of law during federal bench trial concerning product liability claims in maritime context as well as breach of contract issues. Civil Action No. H-00-0157; *Condux S.A. de C.V. v. Ships Machinery International, Inc.*; In the United States District Court for the Southern District of Texas, Houston Division. (2003).
- Prevailed in multi-million dollar extra-contractual bad faith and coverage lawsuit seeking in excess of \$39 million dollars for coverage due to alleged "Stowers" violation by carrier in handling of defense and failure to settle case within policy limits. Case was significant in developing late notice defense in Texas with no prejudice requirement under advertising injury coverage in liability policies. *New Era of Networks, Inc. v. Great Northern Insurance Company, et al.*, 2003 WL 23573645 (S.D. Texas). (2003)
- Successful defense of premises liability case involving catastrophic injuries/quadriplegic on behalf of premises owner on basis of third party crime and successfully developed concept of proportionate responsibility on "John Doe" Defendant. *James Bravo Palacio, et al. v. Greystar Management Services, L.P., et al.*, 110 S.W.3d 493 (Tex. App. – Waco 2003, no pet.)
- Houston 14th Court of Appeals case clarifying non-recourse instruments under Texas law; *Steven Fein v. R.P.H., Inc., Trustee*, 68 S.W.2d 3 (Tex. App.--Houston [14th Dist.] 2002).
- Fifth Circuit case of first impression concerning Federal Arbitration Act preemption of state arbitration laws; *OPE International L.P. v. Chet Morrison Constructors, Inc.*, 258 F.3d 443 (5th Cir. 2001).

Presentations

- Texas Prompt Payment Statute: Answering Unanswerable Questions When the Clock is Ticking; Winter 2009
- Texas Annotated Insurance Code; LexisNexis 2008 Edition, Contributing Editor

Christine Kirchner, Continued

- Texas Annotated Insurance Code; LexisNexis 2007 Edition, Contributing Editor
- The Unintended, Unworkable and Counterintuitive Application of Article 21.55 of the Texas Insurance Code in the Context of Third Party Insurance Claims, Winter 2006.
- *Strategies for Avoiding Traps and Pitfalls in Time-limit and Policy Limit Demands: An Overview of the Stowers Doctrine Under Current Texas Law*, Spring 2005.
- *Common Insurance Coverage Battles in the Construction Defect Arena: Unresolved Disputes Between Insureds, Additional Insureds and Their Carriers*, South Texas College of Law Insurance Law Summit, January 2005.
- *Hype or Reality? The Moldy Situation in Texas*, Spring 2002; In-house training to Everest National Insurance Company.

Other Information

- Proficient in German language.
- Culturally diverse, extensive travel, post-graduate work and overseas residency.

News

- The Struggle To Achieve Equity Partner Status

Professional Affiliations

- American Bar Association (Tort Insurance Practice Section; Insurance Coverage Section)
 - Federal Bar Association
 - Texas Bar Association
 - TADC (Texas Association Defense Counsel)
 - DRI (Defense Research Institute)
 - Garland Walker Inns of Court
 - CEB (Counsel on Ethical Billing)
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