SpencerFane®

Kevin Powers

Partner

Contact

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Overview

Kevin Powers represents individuals and businesses across construction, real estate, oil and gas, financial services, manufacturing, and other diverse industries in complex commercial litigation, working quickly and efficiently to attain beneficial outcomes using the full range of dispute resolution methods. With more than two decades of experience as a trial attorney, he takes a comprehensive approach to litigation, vigorously advocating for clients' key business interests and objectives while maintaining a big-picture perspective.

With vast experience representing both plaintiffs and defendants, Kevin quickly anticipates and counters opposing counsel's arguments, tapping into a practiced ability to examine all variables in a case and create clear and compelling narratives tailored to each client he serves. Using strategic negotiation skills, he adeptly handles matters involving breaches of contract, fraud, property damages, and partnership disagreements, among others.

Notably, Kevin spent 12 years managing his own law firm, gaining in-depth entrepreneurial insight and high-caliber client service skills to complement his honed legal acumen. He applies this diverse experience and knowledge to his current practice, achieving a curated track record of success both in and out of the courtroom.

Education

- Emory University School of Law, 2003 (J.D.)
- University of Houston Law Center, 2002-2003, *visiting student*
- Southern Methodist University, 2000 (B.A., B.B.A.)

Bar Admissions

- Texas, 2003
- California, 2019

Court Admissions

- U.S. District Court for the Northern District of Texas, 2008
- U.S. District Court for the Eastern District of Texas, 2017
- U.S. District Court for the Southern District of Texas, 2003
- U.S. District Court for the Western District of Texas, 2022

Distinctions

- *Texas Super Lawyers*, 2022-2026
  - Rising Stars, 2007, 2016
- Texas Board of Legal Specialization, Board Certified in Civil Trial Law, 2021

Presentations and Publications

- Quoted. "Spencer Fane Adds Litigator From Houston Boutique," *Law360*, October 2024

Related Experience

- Served as lead trial counsel for purchaser of commercial real estate in a breach of contract and fraud lawsuit. Obtained a $2.9 million jury verdict in favor of client including an affirmative fraud finding against defendants.
- Served as lead trial counsel for Houston area-real estate developer defending fraud claims asserted by local bank in which the bank accused the client of forging bank documents. Obtained a take-nothing jury verdict after an eight-day jury trial.
- Successfully defended scrap-trading company against claims for misappropriation of trade secrets and enforcement of non-competition agreement asserted by former employer, which included successfully defeating the plaintiff's claim for a temporary injunction after a full evidentiary hearing.
- Served as lead trial counsel for Chinese manufacturer of oilfield pipe and equipment in dispute with Louisiana based pipe storage company claiming partnership and joint venture status with client. Defendants capitulated to client's demands after cross-examination of defendant's president on third day of jury trial in federal court.
- Served as lead counsel for major Chinese manufacturer of oilfield pipe and equipment in breach of contract claim against U.S. based pipe distributor. Obtained favorable seven figure settlement for client.
- Served as lead trial counsel in wrongful death/premises liability claim for family of a young man stabbed to death at an apartment complex in Bexar County, Texas. Obtained a successful settlement for plaintiffs after the first week of a jury trial.
- Served as lead counsel for a plaintiff in a jury trial for breach of contract claim related to the sale of publicly traded securities. Obtained unanimous jury verdict and judgment in favor of client.
- Defended the president of a Houston-area real estate developer in a week-long arbitration seeking $4 million Obtained a take-nothing award in favor of client.
- Served as lead counsel for the owner of commercial property in claim for construction defects against builder. Obtained settlement including rescission, complete refund of purchase price, as well as additional damages.
- Served as lead trial counsel for Houston based plumbing company in claims for non-payment for services rendered. Obtained favorable jury verdict after three-day trial.
- Represented plaintiff in multi-million dollar claims for fraud and breach of fiduciary duty against attorneys and investment advisors relating to investment of client's fortune. Obtained favorable settlement for client.
- Represented plaintiff physician in lawsuit for declaratory relief and breach of contract against Houston-area, physician-owned hospital. Matter included seeking and obtaining a temporary injunction as well as obtaining

summary judgment on issue of first impression under Texas law. Judgment obtained for client ultimately allowed client to obtain $2 million in unpaid partnership distributions.

- Represented two clients in $4.5 million civil enforcement action by the United States Securities Exchange Commission relating to an alleged Rule 10b violation. Handled all discovery, pleadings, and settlement negotiations with the SEC. Assisted in responding to investigation demands of the U.S. Attorney's Office and New York Attorney General's Office in parallel criminal proceedings.
- Represented plaintiff in breach of fiduciary duty claim against oil-rig manufacturer's former director and the director's wholly owned corporation where defendants artificially prolonged the life of the corporation at the expense of its creditors. Handled all pleadings and discovery in case. Obtained favorable seven figure settlement for client.
- Defended client in $250,000 breach of contract, conversion, and breach of fiduciary duty claims involving the misappropriation of the plaintiff's intellectual property. Handled all matters in litigation including removing case to federal court, composed all pleadings, prepared all discovery including obtaining Rule 37 sanctions against plaintiff. Obtained summary judgment for client on all claims as well as obtaining an award for client's attorneys' fees.
- Represented plaintiff in pursuing $1 million breach of contract action for defendant's failure to pay for the re-fabrication of a high-speed oil and gas rig. Obtained settlement in client's favor for 90% of claim value.