

Fee, Smith & Sharp LLP



Thomas W. Fee

FOUNDING PARTNER



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Tom Fee, Board Certified in Personal Injury Trial Law by the Texas Board of Legal Specialization, is recognized by Martindale Hubbell as an AV preeminent rated attorney.

Practice Areas & Education

PRACTICE AREAS

- Catastrophic Injury & Wrongful Death
- Transportation Liability (Trucks & Buses)
- Construction Liability & Defects
- Premises Liability/Retail
- Products Liability
- Commercial Business Litigation
- Professional Liability

EDUCATION

- Paul M. Hebert Law Center, Louisiana State University, J.D., 1991
- Louisiana State University, B.S., 1987

About Thomas

EXPERIENCE

When companies and individuals face high-risk, high-stakes, high-profile litigation in Texas, they call Tom Fee. A fearless, aggressive advocate, Tom knows what it takes to win and how to negotiate even amidst media noise and political pressure.

For more than three decades, Tom has represented clients in Texas federal and state courts and in venues throughout the United States. At the forefront of trial strategy and the evolution of catastrophic injury law in Texas, Tom understands the risks and rewards of the new hundred-million-dollar verdicts facing litigants in Texas and throughout the United States.

Tom is one of a select few lawyers who get hired when everything is on the line, and he's just fine with that. He understands the difference between a trial lawyer and a litigator. Clients choose Tom because of the magnitude of the trials he has won, the high-profile/high-exposure nature of the cases he routinely handles, and the notable resolutions he earns on behalf of his clients.

As lead trial counsel in more than 75 jury trials in multiple state and federal venues, Tom's trial experience allows him to accurately evaluate outcomes and recommend alternative dispute mechanisms when warranted. He routinely litigates matters arising from major commercial transportation accidents involving allegations of Federal

BAR ADMISSIONS

- Texas

COURT ADMISSIONS

- Fifth Circuit Court of Appeals
- U.S. District Court for the Southern District of Texas
- U.S. District Court for the Western District of Texas
- U.S. District Court for the Eastern District of Texas
- U.S. District Court for the Northern District of Texas

PROFESSIONAL RECOGNITION

- AV Preeminent Rated by Martindale-Hubbell
- Board Certified Personal Injury Trial Law since 1998
- American Board of Trial Advocates (ABOTA)
- Selected Texas Super Lawyer by Texas Monthly Magazine – Personal Injury Defense – 2005 to present
- Voted Best Lawyer by D Magazine 2013, 2014 and 2023
- Fellow of the Texas Bar Foundation
- Multi-Million Dollar Advocates Forum
- Past chair of USLAW's Complex Tort and Products Liability Practice Group

Motor Carriers Safety Regulations violations, construction accidents involving allegations of OSHA violations, road construction accidents concerning the Manual on Uniform Traffic Control Devices, and accidents arising from the installation and operation of various private and public utilities, including electric, gas, and water. Tom has litigated numerous large exposure cases across Texas involving product defects, professional liability, and premise liability matters. He is board certified in Personal Injury Trial Law by the Texas Board of Legal Specialization.

Tom represents national and international transportation companies, major highway and building construction contractors and subcontractors, professional services companies, commercial hospitality business entities as well as high-net-worth individuals and small business owners. He is regularly retained by clients who are either self-insured or maintain high self-insured retention to protect their interests in high-profile and high-stakes litigation. Due to his courtroom experience, Tom is regularly retained as lead trial counsel for several of Fee Smith's corporate clients, representing them in various commercial business disputes. He is known for his ability to accurately assess the value of a case in the early stages, implement efficient and incisive litigation strategies, and force settlement when warranted.

A strong leader who knows how to read a room and relate to any juror, Tom also knows how to get the best out of his team. Tom built Fee Smith's three-office Texas presence with an eye toward efficiency and aggressive representation. Whether your matter is in a major metropolitan area or in a rural Texas county, Fee Smith's team of attorneys knows the players and how to navigate the field deftly, bringing subject matter expertise and geographic-specific experience to every engagement.

Tom likes to say he's never met a stranger. It's not surprising that numerous professional peers and colleagues have recognized Tom's work. In 2013, Tom was elected a Fellow of the Texas Bar Foundation, a distinction reserved for 1/3 of 1% of all Texas attorneys, one of the highest honors that can be bestowed upon a member of the State Bar of Texas. He is rated an AV Preeminent attorney by Martindale-Hubbell, and for the past 18 years, he has been designated a "Texas Super Lawyer" by Thomson Reuters. He was voted "Best Lawyer" by D Magazine in 2013, 2014, and 2023. Tom is a member of the American Board of Trial Advocates (ABOTA) and the Multi-Million Dollar Advocates Forum. Tom is a recent past chair of USLAW'S Complex Tort and Products Liability Practice Group.

RECENT TRIALS

- *Murphree v. Betty Monroe, Site Concrete, Austin Bridge & Road*, Decatur, Wise County, Texas. Defense verdict on behalf of client, Austin Bridge & Road, in a case involving a collision between two vehicles in a road construction zone, which resulted in a severe permanent brain injury to Plaintiff. Judgment awarded against Co-Defendants in excess of \$23 million.
- *Butler v. Chad Rehrig, Ben. E. Keith Co.* Fort Worth, Tarrant County, Texas. Defense verdict on fatality case arising from an auto-pedestrian accident in Denton, Texas.
- *Nichols, et al. v. Young Contractors, et al.*, Franklin, Robertson County, Texas. Defense verdict on quadruple fatality case allegedly arising due to negligent truck routing with respect to the Highway Widening Project.
- *McBride v. Aggregate Haulers, Juan Torres, et al.*, Decatur, Wise County, Texas. Lead trial counsel obtaining defense verdict on behalf of client, Dowdy Ferry Sand and Gravel, in a case involving a collision between three rock haulers that resulted in one death and significant injuries to two other drivers. Judgment awarded against Co-Defendants in excess of \$6 million. Defendant's Motion for Summary Judgment regarding "Statutory Employee" issue upheld on appeal. Defense verdict on behalf of Dowdy Ferry on remaining issues. See *Omega Contr., Inc. v. Torres*, 191 S.W.3d 828, 2006 Tex. App. LEXIS 2781 (Tex. App.– Fort Worth 2006, n.p.h.).
- *Bobby Davis v. Bamford, Inc. and the Estate of Michael L. Packer*. Obtained \$10.6 million dollar verdict in Federal District Court in Omaha, Nebraska, for Plaintiff Bobby Davis who sustained catastrophic injuries resulting from a trucking accident.
- *Jane Doe, Individually and as Next Friend of Minors v. Boys and Girls Club of Wichita Falls*, Wichita Falls, Wichita County, Texas. Rape of a 10-year-old girl at Defendant's facility by Defendant's part-time summer employee, who was convicted of aggravated sexual assault of a minor child and sentenced to life in prison in the preceding criminal trial; defense verdict on behalf of Boys and Girls Club.
- *Ford v. Southwest Sports Group/Texas Rangers Baseball*, Fort Worth, Tarrant County, Texas. Inadequate security case brought by major league umpire, total knee replacement; defense verdict on behalf of Southwest Sports Group.
- *McGowan v. Tractor Supply*. Forklift accident in Defendant's distribution center rendering Plaintiff a complete paraplegic. Jury awarded Plaintiff a \$12 million dollar verdict which the Waco Court of Appeals reversed and rendered a Take Nothing Judgment in favor of client Tractor Supply.

REPRESENTATIVE MATTERS AND SIGNIFICANT CASES

- *Behm/Decamillis v. Summit, Dallas Cowboys*. Architectural, design and building professional liability. This case involved the collapse of the Dallas Cowboys practice facility, causing significant personal injury damages.
- *Silva v. Rich*. Legal professional liability. This case involved an underlying serious personal injury case in which legal counsel missed the statute of limitations. (Resolved by settlement well below policy limits and significantly less than demand).
- *Robinson v. Paragon, Home State*. Insurance professional liability. This case involved allegations of the breach of the Texas Stowers/bad faith doctrine resulting in more than \$1 million in damages assessed against the insured after a trial on the merits.
- *Columbrito v. Medicus, Medeley & Associates*. Insurance broker professional liability. This case involved allegations that the type and scope of medical malpractice insurance requested was not provided due to alleged flaw in the overlapping of coverage. The underlying tort lawsuit resulted in a verdict in excess of \$22.5 million, and assignment was made to the underlying Plaintiffs to proceed against the brokers and carriers. (FSSV won summary judgment, and same is now pending appeal.)
- *Pawlik and Sanderson v. Atmos Energy Corp., Johnson County, Texas*. House explosion allegedly due to gas leak from Defendant's gas distribution line resulting in two deaths and three other serious burn injuries.
- *Stout, et al. v. Rockmore's Discovery Tours, Green's Transportation, et al., Dallas, Dallas County, Texas*. Tour bus accident resulting in the death of four minor children and significant injuries to 32 others. Total judgments entered against Co-Defendant in the case in excess of \$80 million.
- *Jackson v. Warren Equipment, et al., Lovington, Lea County, New Mexico*. Transportation accident resulting in three fatalities and allegations of numerous violations of the Federal Motor Carrier Safety Regulations.
- *Archev v. Shuttle King, Marshall, Harrison County, Texas*. Tour bus accident resulting in death of one passenger and major injuries to numerous others.
- *Burkhardt v. Spectrasite, Corpus Christi, Nueces County, Texas*. Collapse of a broadcast 1,000-foot communication tower resulting in the death of three tower technicians.
- *LeMaster v. ACE Cash Express, Dallas, Dallas County, Texas*. Shooting death of an employee by a third-party criminal and personal injury claim of mother who was also shot outside client's business establishment.

- *Alvarado v. Hester Properties, et al.*, Dallas, Dallas County, Texas. Electrocution death of 16-year-old female in an apartment complex swimming pool resulting in a confidential seven-figure settlement.
- *Henshaw v. Madison Bar & Grill, et al.*, Granbury, Hood County, Texas. Alleged Texas Dram Shop violation resulting in the death of Plaintiffs' mother in subsequent motor vehicle accident.
- *Figueroa v. R.J. Griffin and Cives Corporation*, Houston, Harris County, Texas. Construction accident involving sub-contractor's employee being rendered a quadriplegic as the result of a fall during erection phase of building.

PRESS RELEASE

- Attorney Thomas W Fee Named To Million Dollar Advocates Forum and Multi-Million Dollar Advocates Forum