



Kirk Watkins

Partner | Chicago

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Areas of Practice

Litigation/Trial Practice

Kirk Watkins is a Partner in the Litigation Practice of Smith, Gambrell & Russell, LLP. Mr. Watkins was a Partner at Freeborn & Peters, which combined with SGR in 2023.

Mr. Watkins has a broad range of experience in all phases of complex commercial litigation, from pre-suit investigation and discovery management to dispositive motion and trial practice all the way up to appeals. In recent years, Mr. Watkins has represented clients at multi-week bench and jury trials in both state and federal court in disputes ranging from commercial sales and online taxation to director and officer liability. He generally represents businesses and individuals in litigation and arbitration relating to contract and franchise disputes, real estate and construction disputes, the Uniform Commercial Code, complex class actions, trade secrets, non-compete and non-solicitation agreements, pharmaceutical patents, administrative law, and post-closing, shareholder, and fiduciary liability matters.

In addition to his trial and dispute resolution experience, Mr. Watkins has conducted internal corporate investigations and advised clients facing investigations before the Securities and Exchange Commission (SEC) and other governmental bodies.

Prior to joining the Firm, Mr. Watkins was an Associate in the Chicago office of McDermott Will & Emery LLP in both the Trial and White-Collar & Securities Defense Groups. While in law school, he served as a judicial extern to Magistrate Judge Morton Denlow in the U.S. District Court for the Northern District of Illinois.

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Mr. Watkins also maintains an active pro bono practice and, in 2017, received an Award for Excellence in Pro Bono and Public Interest Service from the U.S. District Court for the Northern District of Illinois and the Chicago Chapter of the Federal Bar Association in connection with his representation of a Stateville inmate in a federal civil rights case.

Mr. Watkins earned his B.A. from Northwestern University, and his J.D. from Northwestern University School of Law, *cum laude*, where he was an Executive Articles Editor for the Journal of Criminal Law and Criminology.

Representative Experience

- Obtained multi-million dollar verdict for national steel processor following three-week jury trial in a dispute with a customer over a long-term supply agreement.
- Successfully defended e-commerce company at two-week bench trial and subsequent appeal to state supreme court regarding applicability of state and local taxes to online transactions.
- Represented a corporate director and shareholder in a three-month federal court bench trial in a breach of contract and fiduciary duty matter brought by the corporation's bankruptcy trustee and seeking over \$500 million in damages.
- Represents numerous multinational medical device and pharmaceutical companies in defending claims regarding alleged trade secret and patent infringement.
- Conducted an internal investigation of a real estate investment company in connection with shareholder derivative demands alleging accounting fraud and conflict-of-interest issues.
- Defended an independent bank trustee of various company pension and "top hat" plans in multiple ERISA class actions, each alleging over \$200 million in damages.
- Represented an investment advisory firm and associated broker-dealer in an SEC investigation and series of related lawsuits arising from the alleged theft of \$15 million by a former associated person.
- Defended several manufacturing companies in separate class actions brought by former union employees seeking to enjoin the companies from making changes to post-retirement healthcare benefits.

Admissions

Illinois

United States District Court for the Northern and Central Districts of Illinois

United States District Court for the Eastern District of Michigan

United States District Court for the Eastern District of Wisconsin

United States Court of Appeals for the Fifth, Sixth and Seventh Circuits

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Publications

- "The Mandatory Initial Discovery Pilot (MIDP) in the Northern District of Illinois," *Freeborn's Powerhouse Points* (Spring 2019)
- Co-Author, "U.S. Supreme Court Will Review the Sixth Circuit's Yard-Man Inference that Retiree Health Insurance Benefits are Vested," *Bender's Labor and Employment Bulletin* (July 2014).
- Co-Author, "A Dramatic Change in Multiple Damage Calculations Under the False Claims Act," *BNA Federal Contracts Report* (June 25, 2013).