

FormanWatkins

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Byron D. Kitchens

Partner

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Hired out of high school as a clerk, Byron had early legal mentors that showed him the value of being an advocate of the law and of the people. Today, as a partner at FormanWatkins with over 20 years of experience, Byron is driven to work hard for his clients to find them the right solutions, because, simply, that is what the client deserves. To Byron, corporate clients aren't just bricks and mortar, they are people who need sincere representation and individualized solutions to help navigate the legal process. That is why Byron takes effective communication seriously, and works to develop a genuine, lasting relationship with his clients through which they are listened to and given the proper attention. Byron is also driven by the opportunity to problem-solve every day in the office. He understands that complex situations require pre-planning and critical thinking, two skills Byron enjoys practicing and constantly perfecting in his professional career. Ultimately, clients can expect from Byron diligent work, efficient communication, sincerity, and big enthusiasm for New Orleans restaurants.

Byron maintains a trial-based practice, which includes a broad spectrum of litigation areas including commercial disputes, including intellectual property matters, contractual disputes, building defect litigation, as well as class actions, and other mass tort actions, including medical device claims, hearing loss claims, and environmental matters. Mr. Kitchens has represented his clients in federal and state jurisdictions, and has done so in local and foreign jurisdictions.

In addition, he has served as a docket manager for commercial litigation matters pending in jurisdictions throughout the United States.

Byron's focus is on understanding his clients' businesses, the businesses' relationships, and his clients' goals in ensuring that all planning is individually tailored. Complex matters require thorough planning before action with a deliberate partnering with each client.

Education

- University of Louisiana at Monroe, B.A., Legal Studies, 1994
- Paul M. Hebert Law Center at Louisiana State University, J.D., 1997

Bar Admissions

- Louisiana
- U.S. District Courts for the Eastern, Middle, & Western Districts of Louisiana
- U.S. Court of Appeals for the Fifth Circuit

Important Litigation Involvement

- Putative Class Certification: Denial of putative class certification in the Civil District Court for the Parish of Orleans on the basis of lack of typicality and certain other factors after extensive briefing and a lengthy evidentiary hearing, and affirmed by the Louisiana Fourth Circuit Court of Appeal.
- *Bufkin v. Felipe's Louisiana, LLC*, 2014-0288: Filing his Motion for Summary Judgment on behalf of a regional construction firm arguing the lack of a legal duty against Plaintiff's claims, the Motion was denied in the Civil District Court for the Parish of Orleans, a decision upheld by the Louisiana Fourth Circuit Court of Appeal. Believing that the basis for sought dismissal was sound, Byron sought a Supervisory Writ to the Louisiana Supreme Court. In a 6 to 1 vote, and now an often cited case in Louisiana courts, the Louisiana Supreme Court reversed and ruled in favor of Byron's client, noting that its prior jurisprudence "should not be construed as precluding summary judgment when no legal duty is owed because the condition encountered is obvious and apparent to all and not unreasonably dangerous."
- Regional Engineering Firm's Dismissal Based upon Preemption: A metro-New Orleans based engineering Firm, faced with a claim of millions of dollars in losses allegedly resulting from design deficiencies in certain levee systems, was dismissed with prejudice in federal litigation upon Byron's initial motion. Quickly assessing the claims presented, the dismissal premised upon an engineering protective statute, insulating engineers from stale claims, was granted by the United States District Court for the Eastern District of Louisiana, terminating the Plaintiffs' claims against the engineering firm.
- Regional Roofing Contractor Dismissed with Prejudice: Byron's client, a regional roofing contractor, was faced with a significant injury claim. A Motion for Summary Judgment was initially filed on the client's behalf, which was unsuccessful at the district court level and supervisory relief was not afforded. The case was subsequently re-assigned to Byron. After months of strategic investigation, discovery, and preparation, a second Motion for Summary Judgment was filed. After extensive arguments and objections, the motion was granted, and the roofing contractor was dismissed, with prejudice. With a sound trial court record, no appeal followed.

Organization/Committee Memberships

- Louisiana State Bar Association
- DRI: The Voice of the Defense Bar

Speaking Engagements

- "How to Use Technology for Defense Win in a Tough Venue," Presented to DRI Regional Meeting in Perdido Beach Resort, Orange Beach, Alabama (May 29, 2009)

Practice Areas

- Appellate
- Class Actions
- Commercial Litigation
- Construction
- Environmental Litigation
- Hearing Loss
- Insurance Coverage & Bad Faith Defense
- Personal Injury
- Premises Liability
- Product Liability