Fields Howell LLP

Ann T. Kirk

PARTNER / ATLANTA HEADQUARTERS

404.214.1737

akirk@fieldshowell.com



Biography

Ann Kirk's practice focuses primarily on providing insurance coverage advice and representing domestic and international insurers in litigation. She regularly analyzes coverage for a variety of first-party property claims and third-party liability claims, addressing numerous states' laws. Additionally, she has litigated declaratory judgment actions in state and federal court, and she has defended insurers and their business partners in breach of contract and bad faith actions.

Ann has litigated coverage actions involving quantum disputes, the application and enforceability of policy provisions and exclusions, misrepresentations in the underwriting process, fraudulent claims, and numerous other issues.

Ann serves as appointed defense counsel, representing insureds in litigation alleging personal injury or wrongful death, construction defect, and premises liability. She also assists a self-insured entity by analyzing and providing advice regarding its defense and indemnity obligations to its business partners.

In addition to her core practice areas, Ann brings experience across a wide range of insurance and litigation disciplines, including Aviation, Casualty & Excess Casualty, Commercial Litigation, Construction Law & Litigation, Financial Risks, Insurance Defense, Marine & Energy, Motor Carrier, Products Liability, and Subrogation. Her versatility in both coverage and defense matters allows her to offer clients strategic, business-focused solutions in high-stakes and technically complex claims.

Earlier in her career, Ann spent four months on secondment in the Lloyd's, London Insurance Market. There, she worked with the legal team of a leading Lloyd's insurer on a broad range of worldwide claims at all phases of the claims process, including claims investigation and adjustment, coverage

analysis, litigation, and resolution. Ann also worked with underwriters to draft U.S. policy wordings. Drawing on this experience, her practice includes counseling insurers concerning underwriting and risk management issues.

Ann received her Juris Doctor from Northwestern University in 2003, where she served as Managing Editor & Comment Editor of the *Journal of Criminal Law & Criminology*.

Education

- Northwestern University, J.D., 2003
  - *Journal of Criminal Law & Criminology,* Managing Editor & Comment Editor
- Emory University, B.A., 2000
  - Omicron Delta Kappa honor society
  - Mortar Board honor society

Memberships

- Atlanta Bar Association
- Georgia Association of Women Lawyers
- Defense Research Institute
- Georgia Super Lawyers Rising Star List, 2012 – 2016

Presentations and Publications

"Litigating in the United States.," presented virtually to various insurance professionals by Ann T. Kirk and Kamber S. Burke (January 2021)

"Diversity Jurisdiction" presented to clients in by Ann T. Kirk and Kamber S. Burke in London, England (January 2020)

"Overview of Bad Faith" presented to client by Ann T. Kirk, Gregory L. Mast, and Taryn M. Kadar in London, England (April 2019)

"Deposition Training" presented to client by Ann T. Kirk and Paul L. Fields, Jr. in London, England (May 2018)

"Reservation of Rights" presented to client by Ann T. Kirk and Paul L. Fields, Jr. in London, England (May 2018)

"Underwriting Issues" presented to client by Ann T. Kirk, Paul L. Fields, Jr., and Gregory L. Mast in Atlanta, Georgia (February 2017)

"Litigating in the United States" presented to client by Ann T. Kirk in London, England (December 2016)

"Deposition Training" presented to client by Ann T. Kirk and Robert E. McLaughlin in London,

England (October 2015)

“Deposition Training” presented to client by Ann T. Kirk and Paul L. Fields, Jr. in London, England (2009)

City of Indianapolis v. Edmond: The Constitutionality of Drug Interdiction Checkpoints, 93 J. Crim. L. & Criminology 277, 2002

Experience / Results

Representing insurers in coverage litigation with respect to numerous property damage claims at residential and commercial properties, arising from a variety of perils including hail, theft, fire, vandalism, windstorm, and flood.

Representing insurers in rescission actions based on material misrepresentations in policy applications and in claims where arson or other types of fraud are suspected.

Representing London and domestic insurers in coverage litigation stemming from cult leader’s alleged sexual abuse of minors.

Obtained summary judgment, upheld by the 11th Circuit, for a London insurer facing a claim for a second fire to a property previously deemed a total loss.

On behalf of London and foreign insurers, successfully resolved large property damage claim, including time element components, stemming from collapsed barge slip.

On behalf of London, Bermuda, and domestic insurers, successfully resolved fire claim at battery manufacturing plant, including complex issues related to insured’s bankruptcy and landlord’s effort to recover under the insured’s policy.

Represented foreign insurer in coverage litigation related to class action arising from general contractor’s construction of hundreds of homes.

Represented London insurers in arbitration of coverage issues in relation to a Fortune 100 retail chain’s $75 million Hurricane Katrina claim for property damage and extra expense.

Admissions

STATE BARS

State Bar of Georgia

State Bar of Illinois

SUPREME COURTS

United States Supreme Court

Georgia Supreme Court

Illinois Supreme Court

APPELLATE COURTS

U.S. Court of Appeals for the 11th Circuit

DISTRICT COURTS

United States District Court for the Northern District of Georgia

United States District Court for the Middle District of Georgia

United States District Court for the Eastern District of Arkansas

United States District Court for the Western District of Arkansas

Practice Areas

- Appellate Litigation
- Bad Faith
- Commercial General Liability
- Catastrophic Loss Litigation
- Premises Liability
- Property