



Andrew P. Walsh

Of Counsel

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Birmingham, AL – 205.709.8982

Andy Walsh has more than 20 years of broad-based civil litigation experience, including transportation law, insurance defense, class actions, employment law, motor vehicle warranty/Lemon Law, consumer fraud/fraudulent sales practices, and business disputes. In addition, Andy has extensive experience at the appellate level, having successfully handled appeals before the Supreme Court of Alabama, the Alabama Court of Civil Appeals and the Eleventh Circuit Court of Appeals. An accomplished writer and researcher, Andy is a “lawyer’s lawyer” from whom other litigators regularly solicit strategic advice and creative solutions in complex legal matters.

Andy has a breadth of real estate E&O defense experience managing and resolving claims on behalf of large national property management and brokerage firms as well as litigating disputes throughout the United States on behalf of real estate brokers, appraisers, title abstractors, home inspectors, insurance brokers, managing agents and broker-dealers. In addition to efficiently managing claims, he assists our real estate professionals in licensing and regulatory matters as well as navigating complex contractual issues, leases and agency agreements; performing due diligence related to acquisitions; helping to ensure fair housing and other applicable statutory and/or local code and regulatory compliance. Andy’s experience in the insurance and real estate industries results in spot-on analysis of liability and exposure and results in effective resolution strategies.

Transportation & Emergency Response

Having joined Wilson Elser’s Birmingham, Alabama, office in 2019 after more than 12 years with a large local firm, Andy’s current practice focuses on the defense of registered motor carriers and their commercial drivers in relation to heavy truck accidents, including at the pre-suit stage as part of rapid post-accident intervention and investigation, at the trial court level and on appeal.

Services

- Appellate
- Class Action
- Commercial Litigation
- Complex Tort & General Casualty
- Employment & Labor
- Insurance & Reinsurance Coverage
- Insurance & Reinsurance Defense
- Specialty Professional Risks
- Transportation

Education

- Western New England University School of Law (J.D., 1997)
 - magna cum laude; Western New England Law Review, staff editor, 1995-1996, note editor, 1996-1997
- Tulane University (B.A., 1992)

Bar Admissions

- Alabama
- Massachusetts

Court Admissions

- U.S. Court of Appeals, Eleventh Circuit
- U.S. District Court, Northern District of Alabama
- U.S. District Court, Middle District of Alabama
- U.S. District Court, Southern District of Alabama
- U.S. District Court, District of Massachusetts

Professional Affiliations

- American Bar Association
- Birmingham Bar Association
- DRI: The Voice of the Defense Bar
- Transportation Lawyers Association

Representative Matters

Obtained summary judgment for a regional surface transportation company in a multimillion-dollar case arising out of a rear-end collision between commercial tractor trailers. The plaintiff alleged a neck injury that resulted in permanent paralysis, alleged that our client was vicariously liable for its driver's negligence/ wantonness, and asserted negligent entrustment claims against our client.

Obtained Rule 12(b)(6) dismissal of direct negligent/wanton entrustment, hiring, training, supervision and retention claims against registered motor carrier in commercial motor vehicle accident case based on a failure to meet *Twombly/Iqbal* "plausibility."

Obtained a favorable walk-away settlement in a commercial business dispute after defeating a venue challenge based on a forum selection clause.

Obtained reversal of preliminary injunction enjoining small Alabama technology start-up

from competing against a larger aerospace defense contractor.

Obtained reversal of preliminary injunction enjoining small business from maintaining prior parallel lawsuit in separate jurisdiction.

Obtained interlocutory Rule 23(f) reversal of federal district court's certification of a statutory wagering recoupment class action for failure to meet the "rigorous analysis" test.