



Carol Y. Kennedy

Partner

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Houston, TX – 713.353.2043

Carol Kennedy focuses her practice on defending health care providers in professional liability, catastrophic injury and premises liability claims. She has represented hospitals, surgery centers, physicians, physician groups and other health care providers across Texas in health care liability lawsuits filed in both state and federal court. Carol also defends physicians and nurses before their respective licensing boards.

Carol has assisted hospitals and other health care entities in authoring and revising policies, procedures and other internal quality control documents, as well as protecting peer review and quality of care committee activities. She also has assisted hospital clients with investigations of adverse events and occurrences, and in interpreting and applying statutes involving ethics considerations, including consent to medical treatment and withdrawal of life-sustaining treatment.

Medical Malpractice

Carol has defended medical malpractice claims on behalf of physicians, hospitals, surgery centers and other health care providers. Experience helps her recognize when medical practice and facility operations can be modified to reduce the risk of professional liability claims. Carol recommends Wilson Elser's seminars on topics such as proper charting and effective communication among health care practitioners and with their patients to fortify her clients' resistance to malpractice claims.

Administrative Law

Carol has defended physicians and nurses in complaints made to their respective licensing boards. With specific regard to state and local disciplinary procedures, she is at her client's side during grievance investigations, responding to complaints and defending her clients at hearings before their licensing boards. She understands the substance of these types of proceedings as well as the heavy emotional toll they can take, and works to manage both.

Services

- Medical Malpractice & Health Care
- Health Care Law
- Professional Liability & Services
- Complex Tort & General Casualty

Health Law

Carol prides herself on being a resource for her clients' health care managers in the Quality and Risk Management departments by addressing ethics considerations as they arise, including consent to medical treatment, withdrawal of life-sustaining treatment, questions regarding the validity of advanced directives and medical powers of attorney, and concerns regarding competency of patients to make treatment decisions.

Education

- University of Oklahoma College of Law (J.D., 2013)
 - American Indian Law Review, Outstanding Note; Pro Bono Service Award
- Centenary College of Louisiana (B.A., 2010)

Bar Admissions

- Texas

Court Admissions

- U.S. Court of Appeals, Fifth Circuit
- U.S. District Court, Eastern District of Texas
- U.S. District Court, Southern District of Texas

Professional Affiliations

- State Bar of Texas, Health Law Section
- Greater Houston Society for Healthcare and Risk Management
- American Society for Healthcare and Risk Management

Awards & Honors

- Selected for inclusion in *The Best Lawyers in America® Ones to Watch™*, 2021-2025

Languages

- Dutch

Representative Matters

Defended case to plaintiff's verdict of 20 percent liability against hospital defendant in premises liability litigation; then successfully sought reversal and rendering of judgment for the defense by the Fourteenth Court of Appeals, Houston, Texas.

Defended medical malpractice actions brought against government employees acting in the course and scope of their employment in a wide assortment of medical malpractice claims brought in both state and federal court.

Obtained summary judgment and dismissal of a medical malpractice claim in plaintiff-friendly Jefferson County, in which the plaintiff alleged injuries due to burns caused by hot coffee.

Client Wins

Huston and Kennedy Prevail For Insurance Clients on Dual Summary Judgment Motions

Christina Huston (Of Counsel-Houston) and Carol Kennedy (Of Counsel-Houston) obtained summary judgment in the Harris County Court at Law No. 1 for Wilson Elser's client, an insurance agent and broker. The plaintiff brought a suit against its insurer and the local broker/agent, alleging a failure to procure sufficient insurance coverage before the historic winter storm, Uri. The trial court granted Christina and Carol's traditional motion for summary judgment and their no evidence motion for summary judgment, concurring that the plaintiff failed to produce evidence to support one or more elements of the claim and could not recover on the claim as a matter of law, dismissing the case.