



## James M. Burd

Partner

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James Burd, regional managing partner of Wilson Elser's Nashville, Tennessee, and Louisville, Kentucky, offices, represents health care organizations, health care providers and long-term care facilities in complex litigation as well as regulatory, operational, transactional and general business matters. Jim regularly litigates general civil and insurance-related matters for insurance companies and their insureds at both the federal and state level. He has litigated cases in approximately 100 of the 120 counties in Kentucky.

Jim is frequently tapped to support national practice teams in defense of insurance companies and their insureds in a variety of claims, such as ERISA, products liability, business law, transportation and trucking, construction and employment matters. His clients appreciate his composure and confidence in the courtroom, where he has broad experience and well-honed talents. Jim has been recognized by his peers in local and national publications in the area of civil defense litigation. He is a Senior Fellow, Litigation Counsel of America, an honorary society for trial lawyers composed of less than one-half of one percent of American lawyers.

### Health Care

Jim routinely counsels business entities and health care providers on various risk management, employment and management issues. He is often engaged to draft contracts, policies, handbooks and other materials for institutional clients. Jim counsels and represents health care entities contemplating merger or integration with other health care entities. Throughout his career, Jim has delivered lectures and provided courses to health care-related groups on liability, operational and medical issues. In addition, he frequently represents health care entities and conducts litigation, including the defense of medical malpractice claims, board of licensure actions and administrative proceedings regarding Medicare/Medicaid reimbursement.

### Services

- Accountants
- Complex Tort & General Casualty
- Construction
- e-Discovery
- Germany
- Insurance & Reinsurance Coverage
- Medical Malpractice & Health Care
- National Trial Team
- Product Liability, Prevention & Government Compliance
- Transportation
- Life Sciences

### **Insurance Defense**

Jim has successfully represented clients in the areas of bad faith, personal injury, civil rights and employment law, automobile, transportation and premises liability, and various commercial matters. Jim has been involved in training claims personnel for several insurance companies on Kentucky insurance law relating to coverage and claims practices.

### **Recreational Defense**

In addition to general tort defense, Jim regularly defends entertainment and hospitality companies in connection with injuries to patrons, including but not limited to suits involving injuries that have occurred during sporting events and concerts.

### **Product Liability**

Product liability matters frequently extend beyond legal defense to the business effects on risk management, insurance coverage, brand image, financing, financial reporting, corporate governance, future corporate transactions and communications to shareholders. Jim supports the national practice team in defense of insurance companies and their insureds in a variety of such claims.

### **Education**

- University of Louisville, Brandeis School of Law (J.D., 1992)
  - cum laude; Phi Kappa Phi, Journal of Family Law; managing editor, Journal of Law and Education
- Auburn University (B.S., 1989)
  - with honors

### **Bar Admissions**

- Kentucky
- Ohio
- Tennessee

### **Court Admissions**

- Supreme Court of Tennessee
- U.S. Court of Appeals, Sixth Circuit
- U.S. District Court, Eastern District of Kentucky
- U.S. District Court, Western District of Kentucky
- U.S. District Court, Eastern District of Tennessee
- U.S. District Court, Middle District of Tennessee
- U.S. District Court, Western District of Tennessee
- U.S. District Court, Southern District of Ohio

## Professional Affiliations

- Member, Trial Law Institute
- Member, Diversity Law Institute
- Kentucky Bar Association
- Louisville Bar Association
- Council on Litigation Management
- Kentucky Society for Healthcare Risk Management

## Awards & Honors

- Selected for inclusion in *The Best Lawyers in America*®, 2024-2026
- Senior Fellow, Litigation Counsel of America
- Commissioned to The Honorable Order of Kentucky Colonels, 2024
- Selected for inclusion in *Kentucky Super Lawyers*, 2007-2011, 2013-2014, 2019-2024
- Selected as one of *The Best Lawyers in America*® in the Insurance, Personal Injury Litigation and Medical Malpractice areas, 2016-2023
- Legal Counsel of America, Senior Fellow

## Client Wins

### **O'Brien and Burd Prevail for Defrauded Client Securing \$3.3 Million Judgment Affirmed on Appeal**

Louisville, Kentucky partners Edward O'Brien and James Burd prevailed in a bench trial in the United States District Court, Western District of Kentucky, for Wilson Elser's client, an investor who was a victim of fraud. Eddie and Jim served as local counsel in this complex case arising from the fraudulent schemes to evade creditors perpetrated by a convicted con man and those working alongside him. These individuals were involved in a natural gas drilling operation in West Virginia. Our client fell victim to the fraud scheme, investing most of his life's savings in oil and gas wells owned by the defendants and receiving returns representing a fraction of his original investment. Following a bench trial, the court awarded the client \$1.65 million in compensatory damages and \$1.65 million in punitive damages, with post-judgment interest of 5.35 percent. On appeal to the U.S. Court of Appeals for the Sixth Circuit, the judgment was affirmed in all respects, and efforts to collect on the judgment are underway.

### **Burd and Jones Granted Motion for Summary Judgment – Case Dismissed with Prejudice**

James M. Burd (Partner-Louisville, KY) and Samuel Jones (Associate-Louisville, KY) secured summary judgment on behalf of a real estate company in a case in which the plaintiff alleged that after moving into an apartment complex that was still under construction, she became ill with sepsis due to water contamination stemming from poor workmanship and maintenance on the property. The plaintiff moved for summary

judgment on her claims of negligence, negligent maintenance, false advertising of rent, fees, and utilities; and unjust enrichment. The plaintiff also filed a motion to disqualify defense counsel for a concurrent conflict of interest. Samuel then moved for summary judgment based on the plaintiff's failure to present any affirmative evidence to establish the requisite elements of negligence. In an Order addressing the competing motions for summary judgment and the motion to disqualify, the court found that the plaintiff failed to adequately demonstrate a causal connection between her illness and her tenancy at the complex in question. Further, the court found that the plaintiff's motion to disqualify failed to state an actual conflict and fundamentally misunderstood the nature of the attorney-client relationship. As such, the court denied the plaintiff's motion for summary and motion to disqualify, while simultaneously granting Jim and Samuel's motion for summary judgment, and dismissing the case with prejudice.

### **Burd and Dutton Obtain Dismissal of Premises / Workers' Comp Case**

James M. Burd (Partner-Louisville, KY) and Cyrus G. Dutton IV (Associate-Louisville, KY) succeeded in obtaining dismissal on behalf of a client in a case in which the plaintiff, an employee of a fuel company, delivered fuel to our client's campus. While offloading the fuel into the appropriate tanks, the plaintiff slipped and fell off a ladder and was injured. Jim and Cyrus moved for Summary Judgment under the Workers' Compensation Act, arguing our client was entitled to up-the-ladder immunity. Specifically, they argued that the delivery of fuel was a regular and recurrent part of our client's business. Cyrus argued the motion, which was granted.

## **Publications**

December 3, 2025

**CLM Features Article by Burd and Brown on Algorithm Bias in Medicine**

*CLM Magazine*