



Kimberly R. Silas

Of Counsel

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New Orleans, LA – 504.702.1719
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Kimberly Silas practices in the areas of commercial litigation, insurance defense, premises liability, transportation, and insurance coverage and bad faith.

Immediately prior to joining Wilson Elser, Kimberly worked as Senior Counsel in the Regulatory Litigation Department at a public utility holding company that provides energy services in Arkansas, Louisiana, Mississippi and Texas. Before that, Kimberly served in the Louisiana Supreme Court as Special Counsel – Language Access Coordinator responsible for developing and managing a language access program for Louisiana. She also served as the Title VI Coordinator for the Court.

Prior to her role on the court, Kimberly was an associate at a New Orleans litigation firm for nearly six years. She also served as law clerk to the Honorable Fredericka Homborg Wicker, Louisiana Fifth Circuit Court of Appeal, 2010–2012.

Premises Liability

In the area of premises liability, Kimberly provides defense against claims of negligence, failure to warn and failure to anticipate reasonable danger, as well as security guard negligence.

Transportation

Kimberly understands the unique issues facing companies that transport cargo and people, first- and third-party liability, subrogation issues, and the interplay of legislation surrounding vehicle operation and ownership responsibility.

Insurance Bad Faith

Kimberly helps public and private-sector clients identify and prevent exposures and capably manage reaction and recovery should they occur. The attorneys of Wilson Elser have the depth and breadth of experience to handle virtually every type of case – from a

Services

- Commercial Litigation
- Complex Tort & General Casualty
- Insurance Regulatory & Compliance
- Appellate
- Alternative Dispute Resolution

small claim to the most complex legal matter and all the transactional and jurisdictional issues between.

Education

- Southern University Law Center (J.D., 2010)
 - magna cum laude; Editor, Southern University Law Review; Vice Chair, Southern University Moot Court Board
- Southeastern Louisiana University (M.B.A., 2004)
 - summa cum laude
- Delta State University (B.B.A. Finance, 2001)
 - summa cum laude

Bar Admissions

- Louisiana
- Mississippi

Court Admissions

- U.S. Court of Appeals, Fifth Circuit
- U.S. District Court, Eastern District of Louisiana
- U.S. District Court, Middle District of Louisiana
- U.S. District Court, Western District of Louisiana

Professional Affiliations

- American Bar Association
- Louisiana State Bar Association
- Mississippi Bar Association
- New Orleans Bar Association, Board Member, 2017–2020; Chair, Young Lawyers Section, 2019–2020
- Greater New Orleans Louis A. Martinet Legal Society, President, 2020

Awards & Honors

- Selected for inclusion in Louisiana Super Lawyers® Rising Stars™, 2018

Client Wins

Silas and Fickes Secure Dismissal for Insurer Under Amended Louisiana Direct Action Statute

Kimberly Silas (Of Counsel-New Orleans) and Zachary Fickes (Associate-New Orleans)

secured dismissal in the Nineteenth Judicial District Court, East Baton Rouge Parish, Louisiana, on behalf of an insurance company. The case turned on Louisiana's recently amended Direct Action statute; the bill prohibits a plaintiff from asserting a direct claim against a defendant's insurer absent certain circumstances. The amended law took effect on August 1, 2024, but it failed to specify whether it applied retroactively. The plaintiffs named our client in a lawsuit filed on July 25, 2024, six days before the amended statute went into effect, providing the plaintiffs an arguable basis to assert that the insurer was properly named. Despite Kimberly and Zack's arguments for retroactive application, the plaintiffs refused numerous requests to dismiss the insurer. However, upon their filing of an exception of no cause of action based on the amended statute, the plaintiffs promptly agreed to the dismissal, executing a partial motion to dismiss Wilson Elser's client without prejudice.

Silas, Simmons and Hamilton Secure Summary Judgment for Restaurant Franchisor

Kimberly Silas (Of Counsel-New Orleans, LA), Matthew Simmons and Matthew Hamilton (Associates-New Orleans, LA) obtained a summary judgment on behalf of a restaurant franchisor in the 15th Judicial District Court Acadia Parish, Louisiana. The plaintiff sued the restaurant's franchisor for personal injuries after allegedly slipping and falling inside the franchised premises. The franchisor had no operational control over the premises but plaintiff's counsel refused to dismiss the franchisor from the lawsuit. After Kimberly and her team filed their motion for summary judgment, the hearing was set for seven months later. A week before the hearing, plaintiff's counsel moved for a continuance stating the need to conduct additional discovery, and the court granted her motion. After taking the restaurant manager's deposition, the plaintiff's counsel still was not able to uncover any evidence to create a genuine issue of material fact. The court granted our motion and dismissed the franchisor with prejudice.

Silas and Lee Limit Plaintiff to Cross-Examination Only with Strategic Motions Granted

Kimberly Silas (Of Counsel-New Orleans) and Elise Madere Lee (Associate-New Orleans) successfully argued a motion in limine and a motion to strike the plaintiff's witness and exhibit list on behalf of a condominium association, in a case pending in Orleans Parish Civil District Court. The plaintiff's claims include property damage and a breach of contract. The court issued a scheduling order in July 2023 and specified pre-trial deadlines. The plaintiff's counsel failed to comply with any of the deadlines. Kimberly and Elise filed motions to compel discovery, but the plaintiff failed to appear for the scheduled hearing. The ongoing lack of cooperation exhibited throughout the case includes the plaintiff's failure to file a witness or exhibit list. In response, Kimberly and Elise filed a motion in limine to prevent the plaintiff from presenting any evidence or witnesses at trial. The opposition to the motion was due on June 20, 2024, but no filing occurred until June 26, 2024. Accordingly, Wilson Elser moved to strike the opposition and the plaintiff's witness and exhibit list. At the June 28, 2024, hearing, the court granted Kimberly and Elise's motion in limine and the motion to strike the witness and exhibit list, informing the plaintiff that he is only permitted to cross-examine witnesses at trial.