



## Zandra E. Foley

Partner

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Zandra Foley is a trial attorney who represents clients in complex litigation matters related to products liability, mass torts, malpractice, and errors and omissions. She also defends clients who have been sued for various intentional torts including assault, battery, libel, slander and defamation. Zandra has served as national and regional trial counsel on medical device, product liability, and mass tort related matters and has extensive experience advising clients on a variety of complex disputes with an eye toward early and efficient resolution.

Zandra has been recognized by *Law & Politics* magazine's Texas Super Lawyers® as a Rising Star for 2007, 2008, 2011-2017.

### Representative Experience

- Obtained defense verdict for national product manufacturer in three-week wrongful death trial regarding asbestos exposure.
- Obtained defense verdict on behalf of homeowner in wrongful death shooting case.
- Obtained defense verdict on behalf of forensic expert accountant sued by a client seeking millions for breach of fiduciary duty, negligence and malpractice in relation expert proceedings provided in divorce proceedings.
- Defended staffing agency in medical malpractice trial.
- Obtained defense verdict for Ford Motor Company in a DTPA/Consumer law claim.
- Obtained summary judgment on behalf of a home dialysis company in a medical malpractice lawsuit concerning the applicability of the responsible third party statute to the medical malpractice claims.
- Obtained summary judgment on behalf of foster parents accused of lack of supervision in a case involving the sexual assault of a child by a third party.
- Obtained directed verdict on behalf of environmental sanitation company sued for damages allegedly sustained after providing services in response to Tropical Storm Allison.
- Defended one of the nation's largest brick manufacturers in personal injury

### Services & Industries

- Products Liability
- Professional Liability
- Mass Torts
- General Liability
- Transportation
- Community Associations

lawsuit.

## **Education**

- The University of Texas School of Law (J.D., 2001)
  - Order of Barristers
  - Teaching Quizmaster
  - National Mock Trial Champion
- Texas A&M University (B.A. Political Science, 1998)
  - cum laude

## **Bar Admissions**

- Texas, 2001
- Arkansas, 2017

## **Court Admissions**

- United States District Court, Northern, Southern and Eastern Districts of Texas

## **Professional Recognition**

- Named in *Law & Politics* magazine's *Texas Super Lawyers® - Rising Stars* list for 2007, 2008, 2011-2017.

## **Professional and Community Activities**

- International Association of Defense Counsel (IADC), Member
- IADC Trial Techniques and Tactics Committee, Vice Chair of Newsletter, 2019 to present.

## **Speeches and Presentations**

- Optimal Pretrial and Trial Strategies to Resolve Causation, 19<sup>th</sup> Annual LMRM Conference, March 3-6, 2020, Chicago, IL
- Understanding Personal Injury Law, Texas Personal Injury Practice for Paralegals, February 28, 2020, Austin, TX
- *Recent Trends in Texas Professional Liability Cases*, CPCU Luncheon, January 21, 2020, Houston, TX
- *Natural Disasters: When Insurance and Real Estate Agents Become the Insurance*, DRI Professional Liability Seminar, December 6, 2019, New York, NY
- *Claim Repair: If It's Broken, Can You Fix It?*, 18<sup>th</sup> Annual LMRM Conference, March 6-7, 2019, Chicago, IL
- *The Ethics Game: An Interactive Approach to Understanding the Top Ethics Developments This Year*, Association of Professional Responsibility Lawyers, August 2-4, 2018, Chicago, IL
- *What Just Happened: 2017 Professional Liability Year in Review*, 2017 DRI Professional Liability Seminar, New York, NY

- *I Made a Mistake. What Now? Don't Make it Worse!*:DRI Annual Meeting, Professional Liability/Lawyers Ethics & Professionalism CLE Presentation, October 2016, Boston, Massachusetts
- *Prohibition Against Pink Doors and Other Litigation Issues Affecting Common Interest Developments*,8<sup>th</sup> Annual Texas Insurance and Tort Law Update 2015, Houston, Texas
- *Litigation Issues Affecting Common Interest Developments*,DRI Professional Liability Seminar 2014, New York, New York
- *Lights, Camera, Action: The Jury Trial*, Thompson Coe's 7<sup>th</sup> Annual Texas Insurance and Tort Law Update 2014, April 10, 2014, Houston, Texas
- *The Beginning of Winning: Strategies for Planning an Effective Voir Dire*,Webinar sponsored by the American Bar Association, April 8, 2014
- *E&O Update: Agents Rights and Duties*, CPCU Society Conferment Luncheon, November 5, 2013, Houston, Texas
- *Cerberus and Other Three-Handed Monsters: Analyzing and Defining the Duties in the Trust and Estate Arena*, 2013 DRI Annual Meeting, Professional Liability CLE, Chicago, IL
- *2013 Construction Claims Handling: Coverage and Liability*, in-house presentation for firm client in Chicago, Illinois 2013
- *Civil Engineering Liability: Understanding the Litigation Process*, HalfMoon Education Inc. presents: Legal Issues for Texas Civil Engineers, Houston, Texas, April 30, 2013
- *Going for the Shutout: Strategies for Minimizing Damages from the Tort Reform Playbook*, Texas Insurance and Tort Law Update, 2013
- *Conflicts, Confidentiality and Malpractice: Ethics Seminar*, Burleson, LLP in-house presentation in Houston, TX 2012
- *From Lost Cause to Jackpot: Legal Malpractice Damages*, OneBeacon Risk Management Seminar, Las Vegas, NV 2012
- *Navigating Consent Policies in Professional Liability Cases*, Texas Insurance and Tort Law Update 2012
- *E&O: Avoiding the Scarlet Letters of Malpractice*, Texas Insurance and Tort Law Update 2011, Thompson Coe Houston Seminar
- *Appraiser Liability Avoidance*, Houston Area Appraisal Institute, August 17, 2010
- *Premises Liability: A Closer Look*, Texas Insurance and Tort Law Update 2010, Thompson Coe Houston Seminar
- *Who Can I Make Pay-Contribution, Indemnity & Proportionate Responsibility*, Texas Insurance and Tort Law Update 2009, Thompson Coe Houston Seminar (2009)
- Course Director, April 2009, University of Houston Advanced Insurance and Tort Claims, Houston and Dallas, Presented paper *Who Can I Make Pay: Contribution, Indemnity & Proportionate Responsibility*
- Presented paper *Texas Tort Law Update*, 2008 Texas Insurance and Tort Law Update, November 2008, in-house presentation for firm client

## Professional Liability

### Overview

Zandra E. Foley represents lawyers, accountants, architects, doctors, nurses, engineers, insurance agents, brokers, management companies and other practicing professionals and groups including HOAs, COAs and management companies in claims involving alleged errors and omissions. She has served as trial and appellate counsel for individuals in legal malpractice claims and defends clients in grievance proceedings before the State Bar of Texas. She also defends medical malpractice claims against doctors and nurses and defends nurses in disciplinary actions before the Texas Board of Nursing.

### **Representative Experience**

- Obtained summary judgment on behalf of Plaintiff law firm that allegedly committed fraud in a loan transaction
- Obtained defense verdict on behalf of bankruptcy attorney who allegedly committed legal malpractice by failing to convert Chapter 7 Bankruptcy to a Chapter 11 Bankruptcy
- Obtained directed verdict on behalf of appellate attorney and his law firm where Plaintiffs alleged the lawyer failed to properly handle an appeal and post-trial collection proceedings and advise of the trial attorney's alleged malpractice
- Obtained summary judgment on behalf of tax lawyer who allegedly committed legal malpractice
- Defended a Houston lawyer at trial from title company alleging involvement in mortgage fraud
- Obtained dismissal of State Bar grievance on behalf of Houston attorney who allegedly conspired with others to convert land from client.
- Defended a Houston lawyer in a three-day trial from a former client seeking thousands of dollars in a legal malpractice claim involving the defense of a contract claim
- Appealed the denial of a Special Appearance on behalf of an Indiana lawyer and law firm seeking dismissal from a legal malpractice lawsuit in Texas.

## **Weather-Related Catastrophe Litigation**

### **Overview**

Zandra E. Foley devotes her practice to trial in State and Federal courts. Zandra has defended property owners, catastrophe remediation companies, insurance companies, insurance agents and adjusters in tort and bad faith litigation arising from natural disasters and catastrophes.

### **Representative Experience**

- Obtained summary judgment on behalf of restaurant sued by a third-party as a result of property damages sustained during Hurricane Ike
- Defended insurance agents as a result of Hurricane Ike in claims stemming from alleged errors and omissions
- Obtained dismissal of CEO of insurance carrier in bad faith claim as a result of Hurricane Ike
- Defended general contractor in wrongful death suit stemming from the roof collapse of a Fortune 500 grocery store as a result of a torrential rainstorm in

Houston, Texas

- Obtained directed verdict on behalf of environmental sanitation company sued for damages allegedly sustained after providing services in response to Tropical Storm Allison