



## KATHLEEN S. HAMILTON

Partner

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Inspiration and service. This is what drives Kathleen Schlef Hamilton's work with her clients. As an attorney focused on general trial and appellate litigation, Ms. Hamilton's successes have always been guided by her ability to pointedly analyze an issue and craft legal arguments. She also takes a direct, common-sense approach towards resolution.

A natural leader, Ms. Hamilton is instinctually empathetic and sees the bigger picture when others may see only disorder or turmoil. Respect for others and the judicial process guides her interactions with the Court, colleagues, and clients, who range from individuals defending or pursuing personal injury, contract, or professional malpractice claims to corporations involved in complex disputes ranging from product liability to catastrophic trucking litigation.

Ms. Hamilton is on the front line serving as trial counsel in multiple jurisdictions within Missouri and Illinois as well as in construction arbitrations through the American Arbitration Association and security arbitrations through the Financial Industry Regulatory Authority (FINRA). She has extensive appellate experience briefing and arguing appeals in state and federal court. Because of her ability to pointedly analyze an issue and craft legal arguments, she not only oversees the appeals of cases in which she has served as trial counsel, but she also briefs and argues cases on appeal in which she

### PRACTICES

Appellate  
Construction  
First-Party Coverage  
Insurance Fraud Investigation  
Insurance Services  
Legal Malpractice  
Motor Vehicle Accidents  
Premises Liability  
Products Liability  
Professional Liability  
Third-Party Coverage  
Trucking & Transportation

### BAR ADMISSIONS

- Illinois
- Missouri
- U.S District Courts for the  
• Western District of Missouri

did not participate at trial.

Her expertise and professionalism have not only produced positive outcomes for her clients but have also led to Ms. Hamilton being nominated by the Missouri Appellate Judicial Commission to fill four judicial vacancies on the Missouri Court of Appeals and to the Missouri Supreme Court appointing her to serve as a Member of the Joint Commission of Women in the Profession. She is also consistently asked to speak at continuing legal education courses, including those offered by the National Business Institute.

When not practicing law, Ms. Hamilton spends time with her husband and daughter and volunteers for numerous organizations.

## Results

- Secured defense verdict in trial involving personal injury in automobile collision case. Plaintiff had asked for pain and suffering damages of \$100,000 to \$200,000. Instead, jury returned unanimous verdict that Plaintiff was completely at fault. [*Jane Kapp v. James Steingrandt and JDS Cattle Company, Ltd.*; No. 4:20-cv-00221-JAR (E.D. Mo. 2021)]
- Secured summary judgement for client in case where plaintiff sued for personal injuries following hand amputation while operating machinery as part of his employment. The part manufactured by client was not defective and was not designed specifically for use in the machine at issue. Therefore, court found defendant was entitled to summary judgement. (Missouri law, does not impose liability on the manufacturer of a non-defective component part when the end product was designed, assembled, and sold by other entities.) [*Timothy Farkas v. Overton Industries, Inc., et al.*; No. 4:17-CV-761 RLW (December 2018)]
- Secured summary judgment for client in case where plaintiffs alleged damage to their multimillion-dollar home arising from the design and installation of an inadequate heating and cooling system in their indoor poolroom. Plaintiffs sought damages based on the alleged breach of contract to perform punch list work at the home after the design and installation of the system occurred. Because the contract at issue expressly disclaimed any liability for work done prior to its execution, and because the undisputed material facts demonstrated that the system was designed and installed in the home prior to that date, the Court found defendant was entitled to summary judgment. [*Harold Lewis, et al. v. Sigman*

- Eastern District of Missouri
- Southern District of Illinois

## EDUCATION

- University of Missouri-Columbia School of Law, J.D., 2002
- University of Notre Dame, Bachelor of Arts, 1999

*Indoor Climate Solutions, et al.*, St. Charles County, Missouri Circuit Court; No. 1711 CC00994]. Summary judgement affirmed upon appeal. [*Harold Lewis, et al. v. Sigman Indoor Climate Solutions, et al.*, St. Charles County, Missouri Circuit Court; No. 1711 CC00994, ED 106899]

- Secured summary judgment for client in case where plaintiff sued co-employee for plaintiff's workplace injuries. Judgment was affirmed by Missouri Supreme Court, which found co-employee's negligence was result of breach of employer's nondelegable duty to provide a safe workplace; thus, negligence was the employer's, not the co-employee's. [*Matthew Fogerty v. Larry Meyer*, Missouri Supreme Court No. SC96030] Ruling in case changed Missouri law regarding co-employee liability and when one co-employee may sue another.
- Secured summary judgment for client in case where plaintiff attempted to set forth claim of negligence based on client's alleged failure to ensure plaintiff's safety or the structural integrity of a stairwell; court found client owed no legal duty to plaintiff and that the condition of the stairwell was open and obvious as a matter of law. [*Joseph Moore, et al. v. Burton Brothers General Contractors, et al.*, City of St. Louis, Missouri Circuit Court; Case No. 1422-CC08898 (November 29, 2017)]
- Secured summary judgment for client based on "acceptance doctrine." At the time Plaintiff was injured, the general contractor had already accepted client's work and resumed control over the physical area at issue. [*Joseph Zybler v. Hawkins Construction & Flat Work Contracting, Co., Inc.*, St. Louis County Circuit Court, Missouri, Case No. 16SL-CC00847 (October 30, 2017)]. Summary judgment upheld on appeal [Missouri Court of Appeals Eastern District, ED108543].
- Secured summary judgment for client on third-party claim for indemnity and contribution arising from alleged construction defects in residential property. [*Nancy Norton v. Bridgewater, et al.*, St. Louis County Circuit Court, Missouri, Case. No. 13SL-CC00449 (July 30, 2015)]
- Secured defense verdict for client in rear-end collision case. [*Amy Wallis v. Debra Rudolph*, St. Charles County Circuit Court, Missouri, Case No. 1111-CV06516 (July 15, 2014)]
- Secured defense verdict in case where plaintiff alleged injuries arising from the fall of a crane on client's jobsite; affirmed on appeal. [*Walter Douglas v. St. Louis Cold Drawn, Inc.*, St. Louis County Circuit Court, Missouri, Case No. 11SL-CC01746; affirmed on appeal to Missouri Court of Appeals Eastern District, ED100039 (June 30, 2014)]
- Secured summary judgment for client regarding determination of unambiguous setoff provisions of UIM policy; affirmed on appeal. [*Santos v. United Services Automobile Association*, Kane County Circuit Court, Illinois; affirmed on appeal to Illinois Court of Appeals, Second Judicial Circuit, Case No. 1012 IL App (2d) 110774-U (May 31, 2012)]
- Secured summary judgment for client defending against equitable garnishment action arising from underlying Missouri Statute Section 537.065 consent judgment. [*Polley, et al. v. Amerisure Insurance Company*, St. Louis County Circuit Court, Missouri, Case No. 10SL-CC00272, (April 29, 2011)]

NOVEMBER 6, 2024

Hamilton and Magee Secure Defense Verdict for Legal Malpractice Client

JULY 18, 2022

Hamilton and Magee Earn Summary Judgment in Legal Malpractice Case

JULY 7, 2022

Hamilton Obtains Summary Judgment in Work-Related Injury Case

MAY 13, 2021

Hamilton and Neill Get Favorable Jury Verdict in Federal Court Trial

OCTOBER 1, 2020

Hamilton and Zaffiri Obtain Affirmation of Summary Judgement

MAY 14, 2019

Hamilton and Zaffiri Secure Summary Judgment in Cole County Case

APRIL 4, 2019

Missouri Court of Appeals Affirms Summary Judgment in Case

DECEMBER 27, 2018

Hamilton and Zaffiri Obtain Summary Judgement in U.S. District Court

APRIL 19, 2018

Hamilton and Zaffiri Secure Another Summary Judgment

MARCH 15, 2018

Missouri Supreme Court Affirms Trial Court's Ruling in Co-employee Case

DECEMBER 7, 2017

Hamilton and Zaffiri Granted Summary Judgment in Case

NOVEMBER 16, 2017

Hamilton and Zaffiri Secure Summary Judgment in St. Louis County Case

OCTOBER 4, 2013

Hamilton Obtains Motion for Summary Judgment

MARCH 12, 2013

Magee and Hamilton Prevail in Jury Trial

## Honors

### Honors & Awards

- Best Lawyers in America (2023-2026)
- Missouri & Kansas Super Lawyers
  - Rising Star (2009-2016)
- Nominated to fill vacancy on Missouri Court of Appeals, Eastern District (2024, 2022, 2021, 2020)

## Professional Associations

- American Bar Association
- Illinois State Bar Association
- The Missouri Bar
  - Supreme Court's Joint Commission on Women in the Profession

## Other Professional/Civic Involvement

- Advisory Board, Foster Adoption Support Team
- Ambassador in Training, Ronald McDonald House Charities of St. Louis
- Cottleville-Weldon Spring Chamber of Commerce

## Insights

### Events & Speaking Engagements

- "Women in the Profession," Missouri State Bar Association Spring Committee Meetings (St. Louis MO, 2022). Co-presenter
- "Effective Settlement Negotiations and Arbitrations," National Business Institute (St. Louis MO, 2016).
- "Stacking Insurance Coverage and Uninsured Motorist Setoffs," Advanced Uninsured/Underinsured Motorist Law, National Business Institute (St. Louis MO, 2016; Collinsville IL, 2014).
- "Defense Strategies for Minimizing Reasonable Value of Medical Services after the Affordable Care Act," Calculating Medical Damages in Injury Settlements Post Affordable Care Act, National Business Institute (St. Louis MO, 2015).
- "Procedural Tips and Techniques for Handling Subrogation, Rights of Reimbursement and Liens," Advanced Uninsured/Underinsured Motorist Law, National Business Institute (Collinsville IL, 2014).

### Blog Posts

MAY 15, 2025 | BLOG

Missouri Appellate Court Examines Requirements for Insurers Regarding Notice for Non-Renewal of Policies

NOVEMBER 29, 2022 | BLOG

Missouri's Prompt Pay Act Provides for Simple Interest as Penalty for Failure to Pay

DECEMBER 7, 2021 | BLOG

Co-Employee Immunity Under Workers' Compensation Act in Light of New Missouri Supreme Court Opinion

OCTOBER 29, 2019 | BLOG

Right to Intervene Under Missouri Statute Section 537.065 is Not Retroactive to Trials and Contracts Pre-Dating the 2017 Amended Statute - Even if Judgment Was Not Yet Entered

SEPTEMBER 7, 2017 | BLOG

Change to Law Governing the Admissibility of Expert Witness Testimony