



Kimberly M.  
Marston  
PARTNER

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Kim Marston litigates contract and commercial disputes, including unfair trade practices, trade secrets, unfair competition and breach of fiduciary duty claims, on behalf of businesses and professionals in all levels of state and federal courts, including the North Carolina Business Court.

## COMPLEX COMMERCIAL LITIGATION

*When things go wrong in your business, I help resolve disputes through negotiation and the courts. During litigation, I work to quickly understand your business so that I can effectively handle and focus on the dispute, letting you focus on your business.*

Kim represents professionals and businesses in a variety of industries in complex litigation matters, including matters involving breach of contract, unfair trade practices, trade secrets, and the False Claims Act. Whether it's a single contract or a long-term business relationship that unexpectedly goes bad, Kim has experience helping clients resolve disputes—litigating through trial when necessary. She has significant experience in all stages of litigation from pre-suit resolution through appeal and has tried cases in all levels of state and federal courts, including the North Carolina Business Court.

Kim is particularly skilled at navigating cases with high volumes of documents and extensive discovery needs. She works with our in-house e-discovery staff and utilizes the latest technology to efficiently and effectively manage and analyze documents that can number in the millions. Kim gets to the key information without incurring undue expense.

## BUSINESS OWNERSHIP DISPUTES

*When a trusted business partner does something to hurt the company or disputes arise about the ownership or control of your company, LLC, or partnership, I help you understand your options and litigate when necessary.*

Kim counsels and represents business owners when disputes over ownership and control arise. She has experience representing clients in litigation over ownership, dissolution, breach of fiduciary duties, and constructive fraud in the North Carolina Business Court.

## PROFESSIONAL LIABILITY LITIGATION

*I counsel lawyers and law firms when they are faced with thorny issues and defend them when they are accused of malpractice. I handle the issues they face so they can focus on their own clients.*

Kim counsels North Carolina lawyers in carrying out their professional responsibilities and defends professionals when faced with allegations of malpractice. She has successfully defended lawyers and law firms in North Carolina in state and federal courts, securing dismissal of claims on behalf of the Firm's clients in numerous recent cases. Kim also represents out-of-state lawyers and firms when they are hauled into North Carolina courts.

## SERVICES

Complex Business Litigation  
Federal Litigation  
Insurance & Professional Services  
Litigation  
Litigation Support Technology  
Manufacturing  
North Carolina Business Court  
Professional Liability Litigation  
Technology

## CREDENTIALS

### Honors & Recognitions

Selected by her peers for inclusion in *Business North Carolina's* "Legal Elite" in the Young Guns category (2022)

Recognized as a "Rising Star" by *North Carolina Lawyers Weekly* (2021)

Selected by her peers for inclusion in *The Best Lawyers in America*® "Ones to Watch" for Commercial Litigation (2021-2022)

Recognized in *North Carolina Super Lawyers* (Thomson Reuters) as a "Rising Star" in Business Litigation (2021-2022)

### Education

**Washington and Lee School of Law, J.D., 2013, *magna cum laude***; Order of the Coif; Lead Articles Editor, *Washington and Lee Law Review*

**Duke University, B.A., 2009**

### Admissions

North Carolina

U.S. District Court for the Western, Middle, and Eastern Districts of North Carolina

## PROFESSIONAL & CIVIC

Member, Board of Directors, National Conference for Community and Justice of the Piedmont Triad

Member, Board of Directors, Guilford Green Foundation & LGBTQ Center

Member, Board of Directors, North Carolina Association of Defense Attorneys

Member, Community Foundation of Greater Greensboro Future Fund

Co-coach, Guilford College Mock Trial Team (2013-2015)

Therapeutic Horseback Riding Volunteer & Exercise Rider, Harmony Farms, Inc. (2009-2010)

## ABOUT ME

In my free time, I try to enjoy the beautiful weather and variety of interesting places North Carolina has to offer. You're most likely to find me outdoors with my wife—hiking with our dogs or exploring North Carolina's waterways in our kayaks. Although the pandemic has grounded us for now, we are also excited to get back to traveling in search of new adventures and great food!

## NEWSROOM

### News

Twenty-seven Brooks Pierce Attorneys Recognized by *2022 North Carolina Super Lawyers*  
*North Carolina Super Lawyers*, 01.13.2022

Thirty Brooks Pierce Attorneys Recognized in *Business North Carolina's 2022 "Legal Elite" and "Hall of Fame"*  
*Business North Carolina*, 01.03.2022

72 Brooks Pierce Attorneys Recognized in *The Best Lawyers in America® 2022 Guide*  
*The Best Lawyers in America®*, 08.19.2021

Brooks Pierce Lawyers Named North Carolina Lawyers Weekly Rising Stars  
*North Carolina Lawyers Weekly*, 05.04.2021

Thirty Brooks Pierce Attorneys Recognized by 2021 North Carolina Super Lawyers  
*North Carolina Super Lawyers*, 01.14.2021

### Speaking Engagements

Brooks Pierce Partner Presents at Mecklenburg County Bar's 8th Annual North Carolina Business Court CLE  
10.09.2020

### Publications

Changes to the North Carolina Rules of Civil Procedure Take Effect Oct. 1, 2020  
09.30.2020

Potential Insurance Coverage for COVID-19 Losses  
*COVID-19 Response Resource Center: Timely Counsel for your Business*, 03.26.2020

Reviewing Business Contracts in Light of the COVID-19 Crisis  
*COVID-19 Response Resource Center: Timely Counsel for your Business*, 03.25.2020