



BRIAN G. BOOS

PARTNER

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PROFILE

Brian Boos is a partner and member of the litigation and employment practice group in Foulston's Kansas City office. Brian brings 35 years of experience representing individuals and corporations in complex insurance and commercial litigation. He has tried more than 90 cases to verdict, handled nearly 100 appeals, and has obtained dozens of favorable arbitration awards on behalf of his clients.

Brian's representative clients comprise Fortune 50 companies and numerous global, national, and regional enterprises. Clients include foreign and domestic insurance companies, financial institutions and investment advisors, pharmaceutical and medical device manufacturers, as well as medical and non-medical professionals. Brian is a trusted advisor to corporate officers and directors, in-house general counsel, risk managers, and other senior leaders on all facets of litigation and dispute resolution.

Outside of his law practice, Brian dedicates his time to mentoring lawyers at all stages of their careers and volunteers for numerous lawyer well-being organizations in Kansas and Missouri. He also serves on the board of directors for Missouri Organization of Defense Lawyers and is a Fellow of the Litigation Counsel of America. Brian was selected by his peers for inclusion in the *Missouri & Kansas Super Lawyers® list* and received Martindale-Hubbell Law Directory's highest "AV" rating for lawyers.

Education

- Washburn University School of Law (J.D., 1988)
- Missouri Western State University (B.S. in Political Science, 1984)

Admissions

- Kansas (1988)
- Missouri (1994)
- U.S. District Court for the District of Kansas (1988)
- U.S. District Court for the Western District of Missouri (1994)
- U.S. District Court for the Eastern District of Missouri

PRACTICE AREAS

- Litigation & Disputes
- Professional Malpractice
- Product Liability
- Healthcare
- Governmental Liability
- Trade Secret & Noncompete Litigation
- Mediation/Dispute Resolution

INDUSTRIES

- Insurance
- Government
- Healthcare
- Long-Term Care

RELEVANT EXPERIENCE

- First appeared before the Kansas Supreme Court two years after graduating from law school to argue the case establishing the standard in Kansas for a submissible claim of punitive damages in claims alleging wrongful or retaliatory termination.
- Obtained summary judgment, affirmed on appeal, under the inherently dangerous activity doctrine protecting a business owner from potential legal liability for a catastrophic injury claim.
- Secured dismissal of a professional liability claim against a major law firm based on the abandonment doctrine due to the client's election not to appeal an adverse outcome in the underlying case.
- Won summary judgment for a quarry whose employee was fatally injured on the owner's premises by invoking the doctrine of exclusive remedy under the worker's compensation law.
- Successfully argued for judgment notwithstanding the verdict in a Federal Employer's Liability Act case where a Tier One railroad sought repayment from a retail store owner for the railroad's liability to its injured employee.
- Deposed nearly one hundred experts in pulmonology and cardiology while defending nationwide litigation related to the use of diet drugs.
- Obtained dismissal of a dram shop action brought under a recently enacted state statute permitting such claims, thereby shielding a national fraternity from alleged legal liability for pledge's alcohol poisoning.
- Procured a defense verdict for a commercial liability insurer in a declaratory judgment action arising from chemical burns sustained by the minor child of a client of the insured carpet dyeing company.
- Obtained a defense verdict in a first-party insurance case under applicable New Mexico law which questioned the insurer's handling of a storm loss claim which destroyed an historical building.

FOULSTON

ATTORNEYS AT LAW

- Successfully represented an investment advisor against claims brought by a pension fund for economic losses attributable to the failure of certain direct placement investments.
- Obtained a verdict for a non-public figure whose business sustained reputational harm due to a defamatory newspaper article; a verdict upheld on appeal and paid in full.
- Won a defense verdict for law enforcement agency after a two-week trial brought by drug task force members alleging pulmonary injuries during raid on a drug lab.

PROFESSIONAL MEMBERSHIPS, AFFILIATIONS, AND HONORS

- Selected by peers for inclusion in *The Best Lawyers in America*® in the areas of Commercial Litigation and Litigation - Insurance, 2024
- American Board of Trial Advocates
- International Association of Defense Counsel, Professional Liability Committee
- Litigation Counsel of America, Fellow
- Kansas Association of Defense Counsel
- Kansas Bar Association, Pillars of Professionalism Committee
- Kansas Task Force on Lawyer Well-Being
- The Missouri Bar
- Missouri Organization of Defense Lawyers, Board of Directors

PUBLICATIONS

2019

- In-Concert Liability Claims
-IADC Professional Liability Committee Newsletter, June 2019