



Steven J. Kyle

Extension 3939

Kyle@boviskyle.com

Steve Kyle is one of the founding members of the firm and has been in practice since 1969. His practice is multi-disciplined with considerable experience in handling large loss personal injury cases, for both self insureds and insurers. He also is heavily involved with high limit property claims, both from a first party as well as from a third party perspective. All of his work is for the defense. His clients include self insureds, such as Sharp Electronics, 3M Company, Acuity Brands Lighting, Inc., Horton Homes, Inc., and Stanley Tool Works. Some of his insurance company clients include Ace Westchester, Farmers Insurance Exchange, Sampo Japan Marine Insurance Company, AIG, and Markel Insurance Group. He has worked on multi party construction defect claims, handled tractor-trailer and heavy equipment accident cases, has rendered coverage opinions, worked [environmental litigation](#), handled class-action defense suits and has represented insurance brokers and agent on malpractice actions. For over 31 years, Steve has been heavily involved with outdoor advertising companies defending suits brought against them by independent contractors and their employees who sustain severe electrical shocks, electrocutions, or injuries from falls, as well as suits by power companies and other third party vendors.

As a result of his background in fall prevention, he has a vast amount of experience in defending against claims brought by persons injured in falls on construction sites, department stores, grocery stores and other [premises type liability cases](#). He has had the privilege of representing electric companies, manufacturers of electrical lighting devices, and sub-contractor electric companies. He has appeared before the National Electric Code and the National Electrical Safety Code governing bodies to clarify and promote easy understanding of mandated distance between power lines and buildings and other structures.

Steve's educational background includes: Associate of Arts Degree, Emory at Oxford; Bachelor of Arts, University of Florida; and his Juris Doctorate Degree from Emory University, 1969. He is a member of the State Bars of Georgia and Florida, but has been admitted to practice *pro hac vice* in 38 states throughout the country.

In 1978, he served as President of the Decatur-DeKalb Bar Association and in 1998 served as President of the Georgia Defense Lawyers Association representing insurance defense lawyers across the state of Georgia. He continues to serve actively in that Association as Past-President as well as holding the position of Convention and Meeting Chair. During his presidency, Steve set up the committee to create a web-page for the Georgia Defense Lawyers Association, which can be accessed at www.gdla.org. He set up a statewide e-mail network whereby defense attorneys can communicate with each other by sending a blast email. This allows over 650 defense attorneys to have input on unique questions of law affecting the defense of civil actions. Steve demonstrated this innovation by speaking on this subject at the Defense Research Institute's 1999 Annual Convention in New York City. He has spoken to several national audiences for the

Defense Research Institute, on the legal and ethical consideration regarding rapid fire scene response, the doctrine and application of spoliation of evidence, and the doctrine of unknown etiology in fire causation. He has spoken to the Risk and Insurance Management Society (RIMS) on managing losses by the use of national coordinating counsel. For the past two years, he has served at the invitation of industry, to serve on the Council of Litigation Management. For four years, he served, at the request of the Supreme Court of Georgia, to serve on the Formal Advisory Opinion Board to assist with recommendations to the Court on ethical and professionalism issues confronting attorneys in Georgia.

Several large companies, such as Minnesota Mining and Manufacturing Company ("3M"), Acuity Brands Lighting, Inc. and Horton Homes, Inc. have asked Steve to serve as national/regional coordinating counsel for their claims across America and the Southeast. This has led to his admission to practice law in thirty eight states over the past 40 years. He has represented AIG in claims in the Caribbean handling first party property cases in Puerto Rico and Aruba.

In addition to Steve's membership in the local, state and national bar associations, Steve is an active member in the Professional Liability Underwriters Society ("PLUS") and was on the Steering Committee to create the Southeastern Chapter of PLUS. He regularly attends the Property Loss Research Bureau ("PLRB") conventions and has spoken at their break-out sessions. He is a member of the International Association of Defense Counsel ("IADC"), the Lawyers Club of Atlanta, the International Association of Arson Defense Attorneys, the Southern Property Loss Association, and the Risk and Insurance Management Society ("RIMS"), both locally and nationally. He has been selected as a Georgia Super Lawyers by his peer for the years 2004-2009.

Steve's practice areas over the past 40 years, includes defense of product liability claims, defense of first party and third party property claims including defense of business interruption claims, defense of contractors and home builders for alleged construction defects, premises liability, professional liability, arson and fraud defense, defense of agent malpractice actions, outdoor advertising personal injury defense, defense of fraternities and sororities where claims have been made for significant personal injuries, coverage disputes, specialized workers compensation disputes including willful and serious violations, retrospective premium audits and environmental litigation involving silicosis and other lung diseases. Steve is a member of the OAAA (Outdoor Advertising Association of America) and was the keynote speaker at the OAAA's bi-annual Safety Conference in Las Vegas, Nevada in 1998 and in Orlando, Florida, in 2000. Steve has served as Chairman of the DeKalb County Industrial Development Authority which has brought several new businesses to the Georgia.

Significant appellate decisions:

Bagley versus Shortt, 410 S.E.2d 738. Seminal case in Georgia interpreting Georgia's punitive damages statute. Supreme Court of Georgia held that statute limiting punitive damages award in a case to a maximum of \$250,000 is constitutional. The statute which limits the amounts that a plaintiff can recover for punitive damages to a maximum of \$250,000 means that \$250,000 is the maximum of money that the factfinder may award to any one plaintiff regardless of the number of defendants and regardless of the number of theories of recovery arising out of the same transaction, occurrence or series of transactions or occurrences.

RLI Ins. v. Highlands on Ponce, LLC, 635 S.E.2d 168. Insured brought action against its builder's risk insurer for breach of contract, bad faith, fraud, expenses of litigation, and punitive damages related to insurer's partial payment of claim arising out of fire. Insurer brought counterclaim seeking declaration that it was not liable for soft costs and lost income above amount it had already reimbursed insured. The state court granted partial summary judgment for the plaintiff/insured the Court of Appeals reversed stating an insurance policy must be construed as a whole, and all of the provisions should be interpreted so as to harmonize one with the other.

Kappa Sigma International Fraternity versus Tootle, 473 S.E.2d 213. Survivor of motorist who was killed in a collision with an intoxicated student sued fraternity that hosted party at which student consumed alcohol alleging that fraternity proximately caused accident because it furnished alcohol to the student. Appellate court found that survivor had no negligence claim against fraternity and reversed trial court's denial of fraternity's motion for summary judgment.

Hill v. Tschannen, 590 S.E.2d 133. Local ordinance, which required apartments constructed prior to 1987 to have a smoke detector that was continuously powered from the building's electrical system, imposed a stricter requirement than the applicable state statute, which only required a battery powered smoke detector in such buildings, and thus, local ordinance was preempted by state statute. Since local ordinance hindered the operation of the state law rather than augmented or strengthened it and therefore state statute took precedence and landlord was not liable for injuries visitor suffered in apartment fire.

Diaconescu versus Hettler, 435 S.E.2d 489. Gunshot victim brought action against homeowner to recover for gunshot by homeowner's employee watching their home while they were out of town. Court of Appeals held that homeowners did not have duty to investigate employee's past and homeowners were not liable on theory of respondent superior. Insurer sought declaration that liquor liability exclusion in liquor store's liability policy precluded coverage for claims against store by under-age drinkers who were injured after buying alcoholic beverages from the store. The Court of Appeals held that unambiguous language of exclusion precluded coverage for claims and reversed trial judge's refusal to grant insurer's motion for summary judgment.

Born in Alton, Illinois, raised in Miami and Key West, Florida, Steve's family moved to Atlanta, Georgia in the spring of 1962 and Steve has resided in Georgia continuously since that time. Steve and his wife, Judy, have five daughters and six grandchildren. He is an avid golfer, loves to hike in the North Carolina mountains, teaches Sunday School and tries to travel when not practicing law. You can reach Steve via e-mail at kyle@boviskyle.com, at the firm's offices in Atlanta, Georgia, or by phone (770)391-9100. Two of his most valuable business assets are his executive secretary, Barbara Dunham, ext. 3988, and his paralegal, Alma Yusuff, ext. 3989.