



## Kristine L. Roberts

Shareholder

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Kristine L. Roberts is an experienced litigator who defends banking and financial institutions in class actions and other complex litigation matters in federal and state courts.

Ms. Roberts serves as chair of the Firm's Financial Services Department and is a former member of the Firm's Board of Directors.

Her focus is on banking and financial institutions litigation, and she has represented clients in a wide variety of trial and appellate matters, including class actions and derivative actions, securities actions, breach of contract actions, fraud claims, fiduciary and trust litigation, bank deposit claims, business disputes, and other complex litigation of a commercial nature.

In representing her clients, Ms. Roberts strives to provide excellent client service in an efficient manner and to help clients successfully navigate through the challenges of litigation.



### Case Studies

- [Supreme Court Rules in Favor of Memphis and Memphis, Light, Gas & Water in Water-Rights Fight - Governmental Entities](#)



### Representative Matters

#### Class Actions and Derivative Claims

- Successfully defended banks against class claims relating to the processing of loan applications pursuant to the Paycheck Protection Program.
- Successfully moved to dismiss shareholder derivative action against a corporation and its officers and directors, in which the plaintiff claimed breach of fiduciary duty and mismanagement relating to allegedly high-risk and fraudulent banking practices. Subsequently defended the dismissal order at the U.S. Court of Appeals for the Sixth Circuit.
- Successfully moved to dismiss multiple Fair and Accurate Credit Transactions Act (FACTA) class actions for lack of Article III standing.
- Successfully moved to dismiss a class action against a national bank in which the plaintiff alleged violations of the federal Fair Credit Reporting Act (FCRA).
- Defeated motion for preliminary injunction brought by a shareholder seeking to enjoin vote on executive pay and asserting damages on behalf of a shareholder class.
- Served as lead counsel for a servicer that successfully moved for judgment on the pleadings and won dismissal of a class action alleging violations of the Fair Debt Collection Practices Act (FDCPA).
- Defeated a class action claiming FCRA violations arising out of alleged improper access of credit reports; the federal court granted a motion to dismiss for lack of standing, finding that the alleged injuries (invasion of privacy, related emotional distress, and increased risk of data breach) were insufficiently concrete.
- Defended banks in multiple class actions involving allegations related to the assessment of overdraft fees and return item fees.
- Served as lead counsel and negotiated favorable settlement of a shareholder derivative action and shareholder class action against a corporation's board of directors and officers, in which the plaintiffs alleged mismanagement, self-dealing, and fraud.

### **Banking and Business Litigation**

- Obtained defense verdict in a breach of contract action tried to a jury in federal court in which the plaintiff had sought \$2 million in earnout payments allegedly due under an asset purchase agreement.
- Prevailed on a motion for summary judgment and successfully argued for affirmance on appeal to the U.S. Court of Appeals for the Tenth Circuit in a case arising out of the disposition of a business unit in which former employees claimed \$2.4 million in damages for the alleged breach of a payment agreement.
- Represented a national financial services company in an arbitration proceeding with a financial institution that included more than \$30 million in repurchase claims involving hundreds of home equity lines of credit accounts.
- Prevailed on behalf of a lender before the trial court and on appeal in an action alleging breach of an agreement to provide financing.
- Won a directed verdict motion in a bench trial of a malicious prosecution action and successfully defended the verdict after its appeal to the Tennessee Court of Appeals.
- Won a Rule 12(b)(6) dismissal of a lawsuit alleging that the plaintiff's rights under the Fourth Amendment to the U.S. Constitution were violated when the defendant entered and searched the plaintiff's residence, which was ultimately condemned.
- Defended a major bank in a lawsuit by the conservator of an elderly customer alleging the bank should have prevented him from withdrawing more than \$4 million from his bank accounts. Obtained a voluntary dismissal from the plaintiff.

### **Appellate Litigation**

- Successfully represented municipality and utility division in successive billion-dollar, landmark water rights lawsuits filed by a neighboring state over rights to groundwater in an interstate aquifer. Most recently prevailed in an original action filed with the U.S. Supreme Court, culminating in a precedent-setting, unanimous ruling in favor of our clients. Previously prevailed in federal district court, defending the trial court dismissal at the U.S. Court of Appeals for the Fifth Circuit, and opposing the plaintiff's petition for certiorari to the U.S. Supreme Court.
- Drafted successful briefs in matter appealed to the Tennessee Supreme Court, in which the Court ruled that the Tennessee Consumer Protection Act does not apply to class actions and that common law fraud claims did not apply to the oral representations at issue.
- Served as lead counsel for a mortgage company in a case before the Tennessee Court of Appeals in which the Court held that there is no private right of action to enforce the Home Affordable Modification Program.
- Served as lead counsel on appeal that led to appellate court's vacating \$24 million judgment against multiple clients.

### **Fiduciary and Trust Litigation**

- Achieved dismissal of majority of claims and negotiated favorable settlement of multi-million dollar suit alleging breach of fiduciary duty against bank trustee.
- Won partial summary judgment of claims for breach of contract, breach of fiduciary duty, conspiracy and punitive damages in case against fiduciary related to trust encroachments; achieved favorable settlement of remaining claims.
- Represented a financial institution's trust department in dispute over trust distributions.

### **Securities Litigation**

- Won motion to dismiss shareholder class action alleging that a merger proxy violated Section 14(a) of the Securities Exchange Act of 1934.
- Successfully represented a financial institution in a post-merger federal lawsuit challenging merger disclosures; the plaintiff voluntarily dismissed the case after the bank supplemented its disclosures, and the court denied the plaintiff's motion for attorney's fees.

- Won an award favoring a broker-dealer client in a FINRA arbitration against an institutional investor seeking more than \$3 million in damages for alleged fraud and unsuitable investment recommendations.
- Successfully defended a financial institution in federal court action alleging violations of federal and state securities laws, commercial bribery, and aiding and abetting the breach of fiduciary duties.



## Professional Honors & Activities

- Listed in *The Best Lawyers in America*® for Litigation - Municipal (2014 – 2024); Commercial Litigation (2015 – 2024); Appellate Practice (2021 – 2024); Consumer Law (2022 – 2024); Litigation - Banking and Finance, Litigation - Mergers and Acquisitions, Litigation - Securities, Litigation - Trusts and Estates, Mass Tort Litigation / Class Actions - Defendants (2023, 2024)
- Selected to Mid-South Super Lawyers in Business Litigation (2013 – 2023)
- Listed as among the top 50 female attorneys in the Mid-South by Mid-South Super Lawyers (2014 – 2017, 2019 – 2021, 2023); among the top 50 Memphis attorneys and top 100 Tennessee attorneys (2015 – 2017, 2019 – 2021, 2023)
- Fellow – Litigation Counsel of America
- Fellow – Memphis Bar Foundation
- Member – Board of Directors of Memphis Area Legal Services  
– Board President (2018 – 2020)
- Recipient – Baker Donelson's Living By Our Values Award for living the Baker Donelson way in thoughts and actions as a leader (2023)
- Recipient – Baker Donelson's Making the Difference Champion Award for leadership and contributions in support of diversity and inclusion (2021)
- Recipient – Baker Donelson's Susan E. Rich Award for excellence in promoting the advancement of women in the legal profession (2019)
- Baker Donelson Memphis Mentor of the Year (2013, 2017)
- Recipient – *Memphis Business Journal's* "Best of the Bar" Award, Private Large Firm Category (2016)
- Editor-in-Chief – ABA Section of Litigation's *Litigation News* (2013 – 2014); Editorial Board Member (2007 – 2015)
- Named to *Memphis Business Journal's* Super Women in Business (2012)
- Tennessee Bar Association Leadership Law Class of 2009
- Baker Donelson Memphis Pro Bono Attorney of the Year (2007)
- Named to *Memphis Business Journal's* Top 40 Under 40 (2007)
- Memphis Bar Association Leadership Forum (2007)
- Member – Leo Bearman, Sr. American Inn of Court (2005 – 2008, 2012 – 2015)
- Member – American, Tennessee and Memphis Bar Associations
- Member – Association of Women Attorneys



## Publications

- "Mentoring Lawyers Well – Practical Tips and Lessons Learned," *Today's Managing Partner* (March 2024)
- "Mentoring: Lessons Learned and New Ideas," *Baker Women Newsletter* (Issue 1, 2024)
- "Celebrating 50 Years of Title IX," *Women's Initiative Newsletter* (January 2023)
- "The Impact of the *TransUnion* Decision on Future Class Actions," republished August 2, 2021, in the *Daily Business Review* (June 2021)
- "Tennessee Banks Face Uptick in Fee Class Actions," *TNBankers.org* (May/June 2021)
- "U.S. Supreme Court Special Master Issues Report in Favor of Tennessee, Memphis and Memphis Light Gas and Water," *Trial Spotlight Newsletter* (December 2020)
- "A Colleague, Mentor and Friend," *Trial Spotlight Newsletter* (December 2020)

- "Class Action Lawsuits Attack Banks' Implementation of CARES Act Lending Program," republished in *Banking Exchange* (April 22, 2020)
- "The CFPB's Proposed Rule For the Use of Arbitration Clauses," *ABA Bank Compliance* (September 2016)
- "Bureau Proposes Arbitration Rule," *Banking Exchange* (May 2016)
- "Strategies for Success at Every Step of the Business Torts Case," *ABA Litigation News*, Book Review, Vol. 40, No. 2 (Winter 2015)



## Speaking Engagements

- "The Importance of Mentorship and Overcoming Its Challenges," Evelyn Gandy Seminar, Mississippi State Bar (January 2024)
- "E-Filing in the Tennessee Appellate Courts – What You Need to Know," Tennessee Bar Association Webinar/CLE Program (December 2023)
- "Wild Burros, Beautiful Fog, and Interstate Water: The Sixteen-Year Legal Battle to Protect Memphis's Groundwater Rights," University of Nebraska Law School (September 2023); Federal and Memphis Bar Associations (November 2023)
- "Interstate Groundwater Litigation – *Mississippi v. Memphis, TN, Memphis Light, Gas & Water Division, and the State of Tennessee*," Tennessee Environmental Network Show of the South (May 2022)
- "The Middle Claiborne Aquifer Litigation – a History and Recent Developments," Tennessee Bar Association, Environmental Law Forum 2021 (December 2021)
- "Bank Fee Class Action Litigation Including Current Trends, What to Expect as a Result of Those Trends, and Vendor and Insurance Considerations," Tennessee Bankers Association (March 2021)
- "How to Depose a Financial Expert Like a Pro," Memphis Bar Association Deposition Boot Camp (December 2019)
- "Stay in Your Lane: When Can Expert Witnesses in Valuation and Forensics Rely on Third-Parties," 2019 Praxity Forensic Litigation and Valuation Services Conference (November 2019)
- "2016 Memphis Women In Leadership Symposium" (June 2016)
- "Cybersecurity and Management of Electronically-Stored Information," Baker Donelson Seminar on Legal Issues Confronting Inside Counsel (November 2015)
- Co-presenter – "Legal Issues in Social Media," Lipscomb Pitts Breakfast Club (February 2015)
- Co-presenter – "Ethics in Social Media," Baker Donelson's Women's Initiative CLE Presentation (December 2014)



## Webinars

- Financial Services Litigation Outlook: Key Trends and Cases From 2023 (November 2023)
- Electronic Funds Transfers and Litigation Risks (June 2023)
- Financial Services Litigation Outlook: Key Trends and Cases from 2022 (November 2022)
- Challenges to Standing in the Post-*Spokeo* World: FACTA and Beyond (April 2021)
- Unfair and Deceptive Practices: The Legal Wild Card (October 2020)
- Coronavirus and Financial Institutions: What Banks and Lenders Need to Know (March 2020)



## Education

- Harvard Law School, J.D., 2001
  - Executive Editor – *Harvard Law Review*, 2000 – 2001
- Princeton University, B.A., 1996, magna cum laude



## Admissions

- Tennessee, 2004

- Massachusetts, 2002
- U.S. Supreme Court
- U.S. Court of Appeals for the First, Fifth, Sixth, Tenth and Federal Circuits
- U.S. District Court for the Districts of Western and Middle Tennessee
- U.S. District Court for the District of Massachusetts