

Toni S. Reed

Member

Toni Reed is a trial attorney who litigates cases and counsels clients in the area of business litigation and commercial matters. One area of her practice focuses on complex coverage disputes, fidelity bond and surety matters, and construction disputes and litigation. Toni also focuses on banking disputes and litigation, trust and estate litigation, general fiduciary disputes and litigation, contract disputes, and business torts.

EXPERIENCE

- Obtained dismissal of putative class action lawsuit alleging misappropriation of identity in COLI policy context by 12(b)(6) motion, as well as affirmation of dismissal on appeal to the United States Court of Appeals for the Fifth Circuit Court.
- Obtained summary judgment to foreclose mechanic's lien and to defeat city's claim of immunity from suit in construction dispute, as well as affirmation of denial of immunity claim on appeal to the Dallas Court of Appeals.
- Obtained summary judgment in favor of insurer in commercial crime policy dispute involving employee dishonesty claim and policy limit.
- Obtained defense verdict after bench trial on breach of contract claims in complex commercial dispute.
- Obtained dismissal prior to class certification of nationwide consumer class action against lender alleging violations of RESPA.
- Obtained voluntary withdrawal of class-certification allegations and complete settlement of nationwide class action against mortgage company alleging RESPA violations.
- Obtained summary judgment in favor of fiduciary on complex fiduciary litigation matter.
- Obtained summary judgment in favor of surety and denial of government entity's plea to the jurisdiction on waiver of sovereign immunity issues.
- Obtained summary judgment on complex fidelity bond coverage dispute.
- Obtained favorable settlements for both beneficiaries and fiduciaries after significant litigation of complex probate, trust, and fiduciary disputes.
- Negotiated favorable settlements of construction disputes for owners and contractors

Presentations

- Program Creator. *The Surety and Arbitration*, ABA Fidelity & Surety Law Committee, Mid-Winter Conference (January 2018)
- Program Creator. *Cyber and Technology Risks for the 21st Century - Modern Hazards and Modern Coverages*, ABA Fidelity & Surety Law Committee, Mid-Winter Conference (January 2018)
- Program Creator. *Managing and Litigating the Complex Fidelity Claim*, Fidelity & Surety Law Committee, ABA Fidelity & Surety Law Committee Fall Fidelity Conference (November 2017)
- *Employee Dishonesty - Theft Versus Manifest Intent: Where are we in 2017?*, Northeast Surety & Fidelity Claims Conference Annual Meeting (September 2017)
- *Confidentiality Agreements with your Insured: Ethical Considerations and Practice Advice for the Investigation and Enforcement of Duty to Cooperate*, Northeast Surety & Fidelity Claims Conference Annual Meeting (September 2017)
- *Cybercrime: Losses, Claims and Potential Coverage for the Technology Hazards of the Twenty-First Century*, Northeast Surety & Fidelity Claims Conference Annual Meeting (September 2016)
- Program Chair. *The Annotated Commercial Crime Insurance Policy*, ABA Fidelity & Surety Law Committee Fall Fidelity Conference (November 2015)
- *Writing the Rules of the Game: Strategic Considerations for an Effective Jury Charge in the Commercial Crime Context*, ABA Fidelity & Surety Law Committee Mid-Winter Meeting (January 2013)
- Program Chair. *The Interrelationship of Complex Claims Under Financial Institution Bonds and D&O Policies, and the FDIC's View and Approach to the Claims*, ABA Fidelity & Surety Law Committee Fall Meeting (October 2011)
- *Coverage Under Insuring Agreements (D) and (E): Has the Insured Satisfied All Required Elements?*, ABA Fidelity & Surety Law Committee Mid-Winter Meeting (January 2010)
- *Trial and Jury Deliberations for Fidelity Cases*. ABA Fidelity & Surety Law Committee Mid-Winter Meeting (January 2008)
- *Preparing for and Shaping the Issues, Themes and Psychology for Trial*, ABA Fidelity & Surety Law



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Education

J.D., cum laude, Southern Methodist University, Dedman School of Law, Dallas, Texas, 1993, SMU Law Review Association; Order of the Coif; Associate Symposium Editor, Journal of Air Law and Commerce; Hatton W. Sumners Scholar
summa cum laude, Southern Methodist University, Dallas, Texas, 1990, B.B.A. and B.A.; M Award; Beta Gamma Sigma; Standard Bearer, Cox School of Business; Presidential Award of Excellence; John G. Tower Award of Academic Excellence and Leadership

State Bar Licenses

Texas

Court Admissions

U.S. District Ct., E.D. of Texas
U.S. District Ct., N.D. of Texas
U.S. District Ct., S.D. of Texas
U.S. District Ct., W.D. of Texas
U.S. Court of Appeals, 5th Circuit

- Committee Spring Meeting (May 2007)
- *Ethical Practice in Federal Courts*, Federal Court Practice Speech (2006)
- *Ethical Practice in Federal Courts*, Federal Court Practice Speech (2004)
- *Ethical and Legal Considerations in the Investigation*, Gulfcoast Fidelity & Surety Institute (June 2004)
- *Ethical Issues Presented in the Context of Joint Representative of Principal and Surety*, Gulfcoast Fidelity & Surety Institute (June 2004)
- *The Continuing "Employee" Debate: Whose Dishonesty is Covered?*, Gulfcoast Fidelity & Surety Institute (June 2003)
- *Bond Claims in the E-commerce World: The Impact of the Uniform Electronic Transactions Act, the Uniform Computer Information Transactions Act, and Other Technological Developments*, ABA Fidelity & Surety Law Committee Mid-Winter Meeting (January 2001)
- *Employee Theft v. Manifest Intent: The Changing Landscape of Commercial Crime Coverage*, Surety Claims Institute (Summer 2000)
- *Trying to Try the Complex Employee Dishonesty Claim: Motions for Summary Judgment; Discovery and Evidentiary Issues; and the Court's Charge*. ABA Fidelity & Surety Law Committee Mid-Winter Meeting (January 2000)
- *When an Outsourced Employee Steals from an Insured, Is there Crime Policy Coverage?*, ABA Annual Meeting (1998)

Publications

- *Discovery of Loss: The Contractual Predicate to the Claim*, Financial Institution Bonds (4th Ed.) (2016)
- *Annotated Commercial Crime Insurance Policy* (3rd. Ed.), Editor (2015)
- *Expansion and Contractions: Adding to and Subtracting from the Standard Bond* (2014)
- *What is Employee Dishonesty and Employee Theft? Commercial Crime Insurance Coverage* (2014)
- *Cyber Crime: Losses, Claims, and Potential Insurance Coverage for the Technology Hazards of the Twenty-First Century*, XX *Fid. L.J.* 1 (2014)
- *Discovery of Loss: The Contractual Gateway to the Fidelity Claim*, New Appleman on Insurance Law Library Edition, Fidelity Insurance (2014)
- *Discovery*, Annotated Financial Institution Bond (2013)
- *"Superpowers" of Federal Regulators: The Subprime Mortgage Crisis and Bond Claim Issues Arising From Take Over by the FDIC*, XVI *Fid. L.J.* 1 (November 2010)
- *Commercial Crime Coverage for the Twenty-First Century: Does a "Theft" Standard in Traditional Insuring Agreement (A) Broaden or Narrow Coverage for Employee Dishonesty*, XIV *Fid. L.J.* 137 (2008)
- *Construction and Surety Law, Annual Survey*, 61 *SMU Law Review* 706 (2008)
- *Construction and Surety Law, Annual Survey*, 60 *SMU Law Review* 839 (2007)
- *Construction and Surety Law, Annual Survey*, 59 *SMU Law Review* 1079 (2006)
- *What is Employee Dishonesty*, *Commercial Crime Policy* (2005)
- *Construction and Surety Law, Annual Survey*, 57 *SMU Law Review* 759 (2004)
- *Construction and Surety Law, Annual Survey*, 56 *SMU Law Review* 1353 (2003)
- *Construction and Surety Law, Annual Survey*, 55 *SMU Law Review* 775 (2002)
- *Legal, Ethical, and Practical Considerations for an Insurer's Witness Interviews In the Context of a Fidelity Bond or Commercial Crime Policy Claim Investigation*, VII *Fid. L.J.* (2001)
- *Bond Claims in the E-commerce World: The Impact of the Uniform Electronic Transactions Act, the Uniform Computer Information Transactions Act, and Other Technological Developments*, 36 *Tort and Insurance Law Journal* 735 (2001)
- *Employee Theft v. Manifest Intent: The Changing Landscape of Commercial Crime Coverage*, 36 *Tort and Insurance Law Journal* 43 (2000)
- *Recurring Questions in Loan Loss Coverage Cases*, V *Fidelity Law Journal* (1999)
- *Interpretation, Construction, and Reformation of the Commercial Crime Policy*, *ABA Commercial Crime Policy* (1997)
- Coauthor. *Superpowers of Federal Regulators: How the Banking Crisis Created an Entire Genre of Bond Litigation*, 31 *Tort and Insurance Law Journal* (1996)
- *Flight Attendant Furies: Is Title VII Really the Solution to Hiring Policy Problems?*, 58 *Journal of Air & Law Commerce* (1992)

Practices, Industries & Services

Construction

Areas of Emphasis

Trust, Estate & Fiduciary Litigation

Construction Law
Fidelity, Surety & Coverage
Insurance
Litigation
Tax & Estate Planning

Memberships

- Dallas Association of Young Lawyers, Leadership Class Alumni
- Dallas Heart Ball, Board of Directors (1998-2002)
- Attorneys Serving the Community, Charity Screening Committee (2005, 2006), Co-Chair (2002-2004)
- Make-A-Wish Foundation, Founding Committee Chair of Wish Night
- Highland Park United Methodist Church, Member
- Junior Achievement, Instructor (2009-present)
- White Rock Elementary School, PTA Volunteer, Room Representative (2009-present)
- Dallas Women Lawyers Association, Member
- State Bar of Texas, Construction Law Section
- Dallas Bar Association, Construction Law Section, Business Litigation Section
- Dallas Bar Foundation, Fellow
- Texas Bar Foundation, Fellow
- American Bar Association, Fidelity & Surety Law Committee, Chair (2017-2018), Cybersecurity and Data Privacy Committee, Tort and Insurance Practice Section, Forum on the Construction Industry

Honors

- Named among The Best Lawyers in America - Commercial Litigation by Best Lawyers (2013-2020)
- Named Texas Super Lawyer by Thomson Reuters (2004-2005, 2011-2013)
- Named Texas Super Lawyers' Rising Star by Thomson Reuters (2004)