



Patrick M. Kane

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Patrick is an experienced trial attorney and Certified Appellate Specialist whose practice includes high-stakes commercial litigation, municipal litigation and appellate law. He helps clients overcome legal challenges so they can focus on their business.

Commercial Litigation

Patrick helps clients solve complex business disputes involving significant claims across a wide range of industries, with a particular focus on health care litigation. He regularly represents clients in multimillion-dollar contract disputes and extra-contractual commercial tort claims before judges in the U.S. District Court for the Middle District of North Carolina, North Carolina Business Court and North Carolina Superior Courts.

An adjunct professor of business torts at Wake Forest School of Law, Patrick has a detailed grasp of the issues at the heart of complex commercial litigation, and is able to help his clients navigate the legal intricacies of even the most intractable business disputes.

Municipal Litigation

Municipalities facing litigation turn to Patrick to defend their interests against allegations of civil rights violations, police misconduct, employment discrimination, breach of contract and other claims. Patrick is an experienced advocate, well versed in handling both the legal aspects of municipal litigation and the accompanying crisis management challenges.

Appellate Law

Patrick represents clients throughout the litigation process, handling commercial and municipal cases not only in the trial court, but in the appellate courts as well. He is one of a small number of appellate attorneys in private practice who have earned the designation of Certified Appellate Specialist from the North Carolina State Bar Board of Legal Specialization.

Client Resources

North Carolina Appellate Practice Blog

Patrick is a contributing author on this blog, which provides news, information and tips for practicing law in North Carolina's State and Federal Appellate Courts. [Visit the blog.](#)



Before Fox Rothschild

Patrick was a partner at Smith Moore Leatherwood LLP, which combined with Fox Rothschild in 2018.

Beyond Fox Rothschild

Patrick is an adjunct professor of law at Wake Forest University School of Law, teaching Business and Commercial Torts. He previously served on the Middle District of North Carolina's Merit Selection Panel for the reappointment of Magistrate Judge L. Patrick Auld and currently serves on that court's Merit Selection Panel for the reappointment of Magistrate Judge Joi Elizabeth Peake. He also co-chaired the Greensboro Bar Association's Pro Bono Initiative, "Second Chance Project" from 2015 to 2018.

He is very active in the Greensboro community. He is a member of the Rose Council at Wake Forest University School of Law and volunteers his time with the Opportunity Greensboro Fellows Program and United Way Young Leaders. Patrick is a 2015 graduate of Leadership Greensboro.

Patrick is also heavily involved in athletics. He currently serves as the Vice President of the North Carolina Youth Rugby Union and as a coach for the Greensboro Youth Rugby Association. He has also served as a coach for the Greensboro Parks and Rec Youth Baseball League and the Greensboro United Youth Soccer Association. He served as the Commissioner of the Atlantic Coast Rugby League from 2010 to 2015 and was the Director of Men's Rugby at Wake Forest University from 2004 to 2013. Patrick is also involved with the Greensboro Sports Council and is an avid marathoner and ultramarathoner.

Honors & Awards

- Named to North Carolina *SuperLawyers*, Rising Stars Edition, listed General Litigation (2012), Civil Litigation Defense (2013-2018)
- Named to "The Best Lawyers in America" list for Commercial Litigation in North Carolina by *Best Lawyers* (2018-2021)
- Recognized in *Business North Carolina's* Legal Elite for Young Guns (2015, 2016, 2017), Litigation (2017-2020), Appellate (2020)
- North Carolina Bar Association's Citizen Lawyer Award (2015)
- Named to *Triad Business Journal's* 40 Leaders Under Forty (2015)

Practice Areas

- Litigation
- Appellate Practice
- Health Law
- Government Relations
- Employment Litigation
- Animal Law

Bar Admissions

- North Carolina

Court Admissions



- U.S. Supreme Court
- U.S. Court of Appeals, Second Circuit
- U.S. Court of Appeals, Third Circuit
- U.S. Court of Appeals, Fourth Circuit
- U.S. District Court, District of Columbia
- U.S. District Court, Eastern District of North Carolina
- U.S. District Court, Middle District of North Carolina
- U.S. District Court, Western District of North Carolina
- U.S. District Court, Western District of New York

Education

- Wake Forest University School of Law (J.D., 2007)
- College of the Holy Cross (B.A., 2000)

Memberships

- International Municipal Lawyers Association
- Chief Justice Joseph Branch Inn of Court
- Federal Bar Association Middle District of North Carolina Chapter
- North Carolina Association of Defense Attorneys
- Defense Research Institute

Board of Directors

- Wake Forest Rugby Foundation
- Greensboro Youth Rugby Association

Commercial Litigation

Health Care Litigation

- Represented large nonprofit health care system in dispute with governmental taxing authority over taxation of health care system's business personal property, resulting in multimillion-dollar refund to client.
- Represented large health care system in contract and extracontractual litigation in North Carolina Business Court with anesthesia services provider, in which provider was seeking in excess of \$100 million in damages: Southeast Anesthesiology Consultants, PLLC v. Rose, et al., No. 17 CVS 9002, 2019 WL 3948935 (N.C. Super. Aug. 20, 2019)
- Represented large health care system in multimillion-dollar contract dispute: Moses H. Cone Mem'l Hosp. Operating Corp. v. Conifer Physician Servs., Inc., 2017 WL 1378144 (M.D.N.C. Apr. 11, 2017)
- Defended against constitutional claims in case involving Federation of State Medical Boards and National Board of Medical Examiners: Jihui Zhang v. Fed'n of State Med. Boards, 473 F. App'x 193 (4th Cir. 2012) cert. denied, 133 S. Ct. 809 (U.S. 2012)

General Commercial Litigation



- Represented transportation logistics company in contract and extra-contractual litigation resulting in multi-million dollar recovery for client.
- Represented real estate broker in commission dispute: *Donovan Real Estate Services, LLC v. McKinley, Inc., et al.*, 2017 WL 6409151 (W.D.N.Y. Dec. 15, 2017)
- Represented corporation and individual in multimillion-dollar insurance coverage dispute: *Colony Ins. Co. v. Peterson*, 2014 WL 4179962 (4th Cir. Aug. 25, 2014)
- Represented financial institution in fraudulent transfer litigation: *Miller v. First Bank*, 206 N.C. App. 166, 696 S.E.2d 824 (2010)

Municipal Litigation

- Representing municipality in appeal over trial court gag order on elected leaders relating to police body-worn camera footage: *Matter of Custodial Law Enforcement Recording Sought by City of Greensboro*, 833 S.E.2d 1 (N.C. Ct. App. 2019)
- Representing municipality in \$50 million contract, constitutional and race discrimination claims: *BNT Ad Agency, LLC v. City of Greensboro*, 2019 WL 4464955 (M.D.N.C. Sept. 18, 2019); *Woods v. City of Greensboro*, No. 1:14CV767, 2015 WL 8668228 (M.D.N.C. Dec. 11, 2015), rev'd and remanded, 855 F.3d 639 (4th Cir. 2017), cert. denied, *City of Greensboro, N.C. v. BNT Ad Agency, LLC*, 138 S. Ct. 558 (U.S. 2017)
- Represented municipality and police detective in civil rights litigation: *Mauney v. Cugino*, 2019 WL 3842582 (M.D.N.C. Aug. 15, 2019)
- Represented municipality and employees against constitutional claims: *Maney v. Fealy*, 2017 WL 937460 (4th Cir. Mar. 9, 2017)
- Represented municipality against multimillion-dollar negligent property damage claim: *Peerless Indem. Ins. Co. v. City of Greensboro*, 2015 WL 2151898, (M.D.N.C. May 7, 2015), subsequently aff'd, 628 F. App'x 202 (4th Cir. 2016)
- Represented municipality, police chief, and individual police officers against constitutional claims: *Moser v. Garrison*, 1:11-CV-01023 (M.D.N.C. May 8, 2014)
- Represented municipality in Title VII hostile work environment claim brought by police officers: *Alexander v. City of Greensboro*, 2013 WL 6687237
- Represented municipality on former police chief's claim under 42 U.S.C. sec. 1983 and 42 U.S.C. sec 1981: *Wray v. City of Greensboro*, 2013 WL 4494460 (M.D.N.C. Aug. 19, 2013)
- Represented municipality and employees against constitutional claims: *Maney v. Fealy*, 2013 WL 3779053 (M.D.N.C. July 18, 2013)

General Litigation

- Represented private liberal arts college in class action Title IX matter.
- Represented fraud mitigation company in defending Title VII claims: *Doyle v. Advanced Fraud Solutions, LLC*, 2020 WL 1305162 (M.D.N.C. Mar. 19, 2020)
- Represented nonprofit animal conservatory in pre-litigation crisis management and regulatory agency investigations.



Fox Rothschild LLP
ATTORNEYS AT LAW

- Regularly represent property owners in eminent domain proceedings with North Carolina Department of Transportation. *See, e.g.,* N. Carolina Dep't of Transportation v. Mission Battleground Park, DST, 370 N.C. 477, 810 S.E.2d 217 (2018)