



Adam D. Franks

Counsel

Email: afranks@mwlaw.com

Phone: (501) 688.8831

Adam D. Franks is passionate about solving his clients' problems. He routinely represents businesses, nonprofits and medical professionals on complex cases in state and federal courts. He defends clients in matters ranging from insurance coverage and commercial disputes to product liability and wrongful death claims, organizing creative litigation strategies at every stage. Through every matter, Adam strives to provide clients with pragmatic and effective service to achieve their business goals.

Practice Areas

Commercial Litigation
Appellate
Professional and Medical Liability Defense
Products Liability and Mass Tort
Insurance Defense and Coverage
Class Action Defense
Transportation Defense

Education

University of Arkansas at Little Rock
William H. Bowen School of Law,
J.D., magna cum laude - (2016)
University of Arkansas
B.S.B.A. Economics, cum laude - (2008)

Bar Admissions

Arkansas

Experience

- Obtained dismissals of legal malpractice actions on behalf of attorneys and law firms across the state of Arkansas.
- Obtained defense verdict for motor carrier and driver following jury trial of injured motorist's claims.
- Negotiated settlement of class claims during pendency of interlocutory cross-appeals and managed claims administration following court approval of class settlement.
- Successfully defended manufacturer in contract dispute with outside engineering consultant.
- Obtained summary judgment for national retailer on wrongful death and product liability claims.
- Negotiated settlement of multi-state litigation and arbitration involving an assignment for the benefit of creditors by insolvent defendants.
- Directed nonprofit's response to U.S. Department of Labor audit of more than 600 employees' time and payroll records, resulting in a negotiated settlement.
- Obtained dismissal of significant property damage claims for oil and gas contractor following fire at gasoline refinery.

Representative Experience

- *Coleman Consulting, LLC v. Domtar Corp.*, __ F.4th __ (8th Cir. 2024) (affirming summary judgment for pulp and paper mill in contract dispute with consultant)

- *Hunt v. Home Depot, Inc.*, 71 F.4th 673 (8th Cir. 2023) (affirming summary judgment for national retailer on product liability and wrongful death claims)
- *Rapp v. Network of Community Options, Inc.*, 3 F.4th 1084 (8th Cir. 2021) (affirming summary judgment for community health services provider on FLSA claims for overtime pay brought by non-exempt direct support professionals)
- *PIRS Capital, LLC v. Williams*, 637 B.R. 825 (W.D. Ark. 2022), *aff'd*, 54 F.4th 1050 (8th Cir. 2022) (affirming default judgment entered in favor of Chapter 7 trustee in adversary proceeding against creditor to avoid preferential transfer)
- *Cook v. Lodge*, 2023 Ark. 159, 677 S.W.3d 194 (granting motion to dismiss appeal based on failure to comply with Rule 5 of the Arkansas Rules of Appellate Procedure—Civil)
- *Nichols v. Swindoll*, 2023 Ark. 146 (addressing, as an issue of first impression, whether silence by an attorney may satisfy the pleading requirements of Rules 8 and 12 of the Arkansas Rules of Civil Procedure and the doctrine of fraudulent concealment)
- *Madding v. Keech Law Firm, P.A.*, 2023 Ark. App. 377 (affirming summary judgment for law firm on legal malpractice claim based on three-year statute of limitations and proximate cause)
- *Tinney v. Childs*, 2023 Ark. App. 255, 668 S.W.3d 516 (affirming dismissal of negligence action under Rule 4 of the Arkansas Rules of Civil Procedure, statute of limitations, and savings statute)
- *Brinkley Sch. Dist. v. Terminix Int'l Co., L.P.*, 2023 Ark. App. 200, 663 S.W.3d 807 (affirming dismissal of re-filed complaint, on res judicata grounds, following dismissal of appeal in *Brinkley School District v. Terminix International Company, L.P.*, 2019 Ark. App. 445)
- *White v. Great Am. Assurance Co.*, 2022 Ark. App. 86, 641 S.W.3d 668 (affirming summary judgment for professional liability insurer on coverage claims brought by realtors under their Real Estate Professional Errors & Omissions Insurance Policy)
- *Joyce v. Northeast Arkansas Community Mental Health Center Inc.*, 2021 Ark. App. 28 (affirming summary judgment for mental health services provider on claims brought by contractor-foster parent who was shot by foster child)
- *Indus. Iron Works, Inc. v. Hodge*, 2020 Ark. App. 56, 595 S.W.3d 9 (addressing, as a matter of first impression, fault allocation and joint tortfeasor issues related to plaintiff's non-party employer, which was subject to the exclusive remedy provisions of workers' compensation laws)
- *Brinkley School District v. Terminix International Company, L.P.*, 2019 Ark. App. 445, 586 S.W.3d 694 (resolving novel issue of timing of appeals under Arkansas Rules of Appellate Procedure—Civil)

Professional Recognition

- Best Lawyers: Ones to Watch in America (2021-2024)
- Mid-South Super Lawyers Rising Star (2022-2024)

- 44th International Association of Defense Counsel Trial Academy, Class of 2018

Involvement

- Arkansas Bar Association
- American Bar Association
- Pulaski County Bar Association
- Arkansas Association of Defense Counsel
- Defense Research Institute (DRI)
- William H. Bowen School of Law Professional Mentor Program volunteer (2018 to present)