



**Ken Carroll**  
*Partner*

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*"When I was a prosecutor, we shared ideas and worked together as a team. That's the way we work here, too. We do our best job together for the folks who hire us, and we're good at it."*

Mr. Carroll handles a broad range of business litigation in both state and federal courts, with primary emphasis on appellate, antitrust, and stockholder derivative matters. He has represented corporations, directors, and other parties in connection with shareholder derivative demands and actions, special committee investigations, and contested mergers and acquisitions. He has defended a number of clients against class actions in state and federal court, in disputes ranging from shareholder claims to product liability to antitrust claims involving oil and gas pricing.

He has increasingly focused on appellate work in a variety of cases, including one recent case in which he and his colleagues persuaded a state appeals court to overturn a trial court's certification of a state-wide consumer class, a decision that led directly to the dismissal of the case in its entirety. He has represented individuals and corporations in suits against the FDIC, RTC, and other government regulatory agencies in connection with the failure of financial institutions, and has both defended and prosecuted "qui tam" cases under the Federal False Claims Act.

Mr. Carroll has considerable experience handling antitrust claims, products liability defense cases, contract controversies, and other various commercial disputes between business persons and entities, including complex oil and gas disputes, both as plaintiff and defendant.

Mr. Carroll has represented plaintiffs in personal injury litigation, and claimants in Federal Tort Claims litigation. He also has handled suits involving insurance coverage and defense for and against major carriers in the United States and England. He has defended attorneys in claims of legal malpractice, and banks against lender liability claims.

Mr. Carroll served as an Assistant United States Attorney in the District of Columbia in that office's criminal division, until his return to Texas in 1986. Mr. Carroll has been recognized by *Texas Monthly* magazine as a "Super Lawyer" in appellate law for 2011.

When asked how he approaches his practice, he said, *"I once had an expert witness in the U.S. attorney's office say 'You really do chew on an old bone.' I do tend to worry over issues. I spend a lot of time and personal energy on solving problems. Any problem you have is going to be my problem."*

### Education

University of Texas  
J.D., with high honors, 1979  
Member: Friar Society, Chancellors, Order of the Coif  
Member: Texas Law Review, 1977-1979

East Texas State University  
M.M., 1976

Lambuth College  
B.A., *summa cum laude*, 1975

## Judicial Clerkship

Honorable Thomas M. Reavley, United States Court of Appeals for the Fifth Circuit, 1979-80

## Admittances

Texas 1979

District of Columbia 1981 (inactive)

U.S. District Courts for the Northern, Southern, Eastern, and Western Districts of Texas

U.S. District Court for the District of Columbia

United States Courts of Appeal for the Fifth, Third, Tenth, and Eleventh Circuits

United States Supreme Court

## Associations/Affiliations

Vice Chair: Exemptions and Immunities Committee, American Bar Association, Section of Antitrust Law.

Member: American Bar Association, Section of Litigation, Appellate Practice Committee.

Member: State Bar of Texas, Appellate Section, Antitrust and Business Litigation Section.

Member: Dallas Bar Association, Appellate, Antitrust, and Business Litigation Sections.

## Speeches/Publications

Speaker, *Fundamentals of Antitrust Exemptions and Immunities*, American Bar Association, Section of Antitrust Law, 2009-2010 Antitrust Brown Bag Series, January 2010.

*The Internship Supply–Demand Crisis: Time for a Solution is Now*, Training and Education in Professional Psychology, Vol. 3, No. 3, p. 135-139, 2009.

The Noerr-Pennington Doctrine, Chapter VI, *What Do We Mean By “Generally Immune”? The Exceptions To the Immunity*, American Bar Association, Section of Antitrust Law, July 2009.

*Credit Suisse Securities USA (LLC) v. Billing: One Year Later*, American Bar Association, Antitrust Section, E&I Update 4, Fall 2008.

*CCSB Bail-Out Bulletin No. 3*, Carrington Coleman Securities Law Bulletin, October 20, 2008.

*CCSB Bail-Out Bulletin No. 2*, Carrington Coleman Securities Law Bulletin, October 9, 2008.

*CCSB Bail-Out Bulletin No. 1*, Carrington Coleman Securities Law Bulletin, September 30, 2008.

*The Fifth Circuit Raises the Bar for Class Action Certification in Securities Cases Involving the “Fraud-on-the-Market” Presumption: Oscar Private Equity Investments, et al. v. Allegiance Telecom, Inc., et al.*, No 05-10791 (5th Cir. May 16, 2007), Carrington Coleman Securities Class Action Bulletin, May 2007.

*Resale Price Maintenance and the Rule of Reason*, Carrington Coleman Competition Law Bulletin, July 2007.

*U.S. Supreme Court Rejects “Parallel Conduct” Pleading Under Section 1 of the Sherman Act, Retires “No Set of Facts” Pleading Standards*, Carrington Coleman Competition Law Bulletin, June 2007.

*Choice of Law and the Geographic Limits of State Antitrust Claims in Texas Courts*, Carrington Coleman Competition Law Bulletin, 2007.