



David M. Zacks

PARTNER

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Services

Catastrophic Injury; Complex Business Litigation; Alternative Dispute Resolution; Native American Affairs; Product Liability; White Collar Crime & Special Investigations; Health Care Litigation

Industries

Health & Life Sciences; Native American

David Zacks is a trial lawyer representing both plaintiffs and defendants in complex litigation matters. Mr. Zacks also represents plaintiffs in catastrophic injuries. He has tried or settled over 100 catastrophic injury cases and handled numerous complex business and health care litigation matters. Mr. Zacks is a certified arbitrator and mediator with the American Health Lawyers Association and a Founding Member of the Georgia Academy of Mediators and Arbitrators. He practices in the health care industry and represents both hospital and physician providers. In addition, Mr. Zacks also practices in the area of special investigations and white collar crime. He has handled a wide range of criminal defense matters on behalf of individuals and corporate entities, and has extensive experience conducting internal corporate investigations. He also has substantial experience practicing Native American law and is co-chair of the firm's Native American practice group.

Several international, national and local organizations have entrusted Mr. Zacks with their development and well-being, and he is a proven leader of teams that consistently achieve positive results. Mr. Zacks works with organizations as a leadership coach. He is past National Chair of the Board of the American Cancer Society, which is a billion dollar organization and one of the oldest, largest and most effective voluntary health agencies in the world. Mr. Zacks is founder and past President of the Legal Clinic for the Homeless in Atlanta, has served on the Executive Board of University Hospital Health Care Foundation, and is a past Trustee of Leadership Georgia. He also served on the firm's Executive Committee.

Prior to joining the firm, Mr. Zacks served as a Captain and certified military judge in the Judge Advocate General's Corps of the United States Army where he successfully defended a captain in a My Lai related trial.

Mr. Zacks is the recipient of the Wake Forest University Distinguished Alumni Award and the Georgia Bar Community Service Award. He is also the recipient of the Atlanta Bar Palmer Ansley Leadership Award. Mr. Zacks has been listed as a Georgia "Super Lawyer" in Litigation, Personal Injury and Alternative Dispute Resolution law by *SuperLawyers* magazine numerous times, most recently in 2011 for General Litigation. He was recognized in the National Register's *Who's Who in Executives and Professionals*. He is listed in the 2009, 2010 and 2011 editions of *Chambers USA: America's Leading Lawyers for Business* for Commercial Litigation Law. He was recognized in *The Best Lawyer's in America*® for Alternative Dispute Resolution, Health Care Law and Personal Injury Litigation in 2012 and each of the 11 years preceding. He is listed among *Georgia Trend's* 2009 and 2010 "Legal Elite" for Personal Injury law and is AV® rated by Martindale-Hubbell.*

* CV, BV, and AV are registered certification marks of Reed Elsevier Properties Inc., used in accordance with the Martindale-Hubbell certification procedure's standards and policies.

Experience Highlights

Class action suit for major hospital

Represented a major hospital in a multimillion dollar, putative class action involving billing practices for managed care patients. During discovery, plaintiffs' counsel agreed to settle the matter for pennies on the dollar.

Product default claim stemming from off-road vehicle accident

Served as counsel for an individual in a product liability action against a manufacturer of components for 4x4 vehicles. Our client became paralyzed after an accident involving the defendant's product. After extensive mediation a favorable settlement was obtained.

Burn injury and wrongful death *

Represented a man in litigation when a hot water heater explosion killed his wife and burned one of his sons.

Water labeling class action for Nestlé Waters North America Inc.

The firm served as lead trial counsel for Nestlé Waters North America Inc. in a class action related to spring water bottle labeling, concerning both federal and state laws. The case was brought in California and a successful mediation produced a favorable outcome for the defendant.

Wrongful death

Represented the parents of a 28-year-old woman in wrongful death action filed in Kentucky against a corporate defendant. The decedent was a single, bright, talented lobbyist in Washington, who was on track for a very promising career. The settlement achieved was well above the amount typically awarded in cases of unmarried young women.

Negligence and personal injury claim against regional company for burned machine operator

Represented a machine operator in a negligence and personal injury claim. The man was burned when the machine he operated came into contact with a power line. The jury trial went in favor of our client. The claims were later upheld in an appeal.

*Experience gained by attorney prior to joining Kilpatrick Townsend

Publications, Articles and Speaking Engagements

David Zacks: The Passionate Professional
The Jurist, May 01, 2009

Non-Competition Clauses: Friend or Foe?
The Georgia Health Care News, June 01, 1995

Health Care Portability and Accountability Act: A Tempered Victory
, June 01, 1995

Communication: The Key to Controlling Legal Costs
Medical Group Management Update, March 01, 1995

Professional & Community Activities

American Cancer Society, Past National Chair of the Board

Wake Forest University School of Law, Law Board of Visitors, Co-Chair

American Cancer Society Patient Navigator Program, Chair, South-Atlantic Division

Emory School of Medicine, Dean's Advisory Board, Member

Legal Clinic for the Homeless in Atlanta, Founder and Past President

Georgia Academy of Mediators and Arbitrators, Founding Member

Leadership Georgia, Past Trustee

University Hospital Health Care Foundation, Former Executive Board Member

Education

Wake Forest University School of Law, J.D. (1967)
with honors

Wake Forest University, B.A. (1964)
with honors

Bar Admissions

Georgia (1970)

North Carolina (1967)