

BRIAN P. LAUTEN

PARTNER

Brian P. Lauten is a JD/MBA who is a triple Board Certified business trial lawyer. Lauten is Board Certified in Civil Trial Law by the Texas Board of Legal Specialization, Board Certified in Civil Trial Advocacy by the National Board of Trial Advocacy, and Board Certified in Civil Pretrial Practice Advocacy by the National Board of Civil Pretrial Practice



Advocacy. Lauten practices in the areas of business torts, commercial litigation, legal malpractice, including fee disputes, professional liability, fiduciary litigation, contract disputes including non-competes and trade secrets, and labor and employment litigation. Lauten is also a highly experienced appellate advocate who has handled complex appeals before the United States Supreme Court, the United States Court of Appeals for the Fifth Circuit, the Texas Supreme Court, the Dallas Court of Appeals, the Fort Worth Court of Appeals, the Texarkana Court of Appeals, the Eastland Court of Appeals, the El

Paso Court of Appeals, the San Antonio Court of Appeals, the Corpus Christi Court of Appeals, and the Amarillo Court of Appeals.

Lauten has been listed as a Super Lawyer by *Texas Monthly* magazine every year since 2003. In 2015 and 2016, Lauten was listed as one of the Best Lawyers in Dallas by *D Magazine*. In 2010, Lauten was the recipient of the John Howie Award from the Dallas Trial Lawyers for the "Courageous Pursuit of Justice in the Face of Adversity." In 2013, Lauten argued *Nassar vs. UTSW Medical Center* before the United States Supreme Court.

Lauten is an invited member of the American Board of Trial Advocates (ABOTA), the Million Dollar Advocates forum, and the National Trial Lawyers Association. Each organization are invitation only that recognize the top tier trial lawyers in the country. Lauten serves on the Executive Committee of the Dallas Chapter of ABOTA, he is a National Board Representative for the Dallas Chapter of ABOTA, and he is a member of the TEX-ABOTA Board of Directors. On multiple occasions, Lauten has been the Course Director for the Texas State Bar's continuing legal education seminars on Business Torts, Fiduciary Litigation Damages, and Advanced Evidence. Lauten is law review published in the area of Business and Commercial Torts. See *Top 10 Emerging Issues in Business Torts*, Vol. 44, No. 2 *Tex. J. of Business Law*, p. 177-204 (2012).

Lauten is a former Board of Director for the Dallas Trial Lawyers Association, he is a past Advocates Chair and a member of the Texas Trial Lawyers Association, and he is a member of the American Association for Justice (AAJ), formerly known as the Association of Trial Lawyers of America. Lauten serves on the Bench Bar and Judiciary Committees of the Dallas Bar Association, and is on the Council for the Dallas Bar Association's Business Litigation section. Lauten is a Barrister in the William "Mac" Taylor American Inn of Court. Lauten is a past president of the Mesquite Bar Association. Lauten is a prolific writer and a frequent speaker in the areas of business torts, fiduciary litigation, and the jury charge. Lauten is licensed in Texas, Montana, and Wyoming.

AREAS OF PRACTICE

- Appeals
- Business Litigation
- Employment Law
- Professional Liability

CERTIFIED LEGAL SPECIALTIES

- Civil Trial Law, Civil Trial Law Advocacy, Pretrial Practice, Texas Board of Legal Specialization National Board of Trial Advocacy/National Board of Civil Pretrial, 2011

BAR ADMISSIONS

- Texas, 2001
- Wyoming, 2004
- Montana, 2004
- U.S. District Court, Eastern District of Texas
- U.S. District Court, Northern District of Texas
- U.S. Court of Appeals, 5th Circuit
- U.S. Supreme Court

EDUCATION

- Southern Methodist University School of Law
- J.D. - 2001
- Spring Hill College
- B.S. Accounting/ M.B.A. Accounting Specialization - 1997

PUBLISHED WORKS

- Top 10 Emerging Issues in Business Torts, Vol. 44, No. 2 Tex. J. of Business Law, p. 177-204, 2012

REPRESENTATIVE CASES

- *Rossmann v. Bishop Colorado Retail Plaza, L.P.*, 455 S.W.3d 797 (Dallas pet. denied) (2015)
- *University of Texas Southwestern Medical Center v. Nassar*, 133 S.Ct. 2517 (S. Ct. 2013)
- *Shaw v. Lemon*, 427 S.W.3d 536 (Dallas pet. denied) (2014)

- *Ashton Grove v. Jackson Walker*, 366 S.W.3d 790 (Dallas 2012)
- *Crithfield v. Boothe*, 343 S.W.3d 274 (Tex. App. — Dallas 2011, no pet. h.)
- *In Re Heritage Organization, LLC*, 466 B.R. 862 (N.D. Tex. 2012)
- *Nassar v. University of Texas Southwestern Medical Center*, 674 F.3d 448 (5th Cir. 2012)
- *Orthopedic Resources, Inc. v. Swindell*, 329 S.W.3d 70 (Tex. App. — Dallas 2010, pet. denied)
- *Sutton v. Ebby Halliday Realtors, Inc.*, 279 S.W.3d 418 (Tex. App. — Dallas 2009, no pet. h.)
- *In Re Heritage Organization, LLC*, 459 B.R. 911 (N.D. Tex. 2011)
- *Hani v. Jimenez*, 264 S.W.3d 881 (Tex. App. — Dallas 2008, pet. denied)
- *Kaufman County v. Crow*, 176 S.W.3d 921 (Tex. App. — Dallas 2005, no pet.)
- *Sanmina SCI-Corp. v. Ogburn*, 153 S.W.3d 639 (Tex. App. — Dallas 2004, pet. denied)
- *Parker v. Three Rivers Flying Service, Inc.*, 220 S.W.3d 160 (Tex. App. — Eastland 2007, no pet.)
- *In re State Auto Prop. & Cas. Co.*, 348 S.W.3d 499 (Tex. App. — Dallas 2011, pet. dismiss'd)
- *Nassar v. UTSW*, 688 F.3d 211 (5th Cir. 2012 (en banc))
- *In Re Derailment Cases*, 416 F.3d 787 (8th Cir. 2005)

CLASSES/SEMINARS

- Numerous CLE's Business Torts, Texas State Bar

HONORS AND AWARDS

- John Howie Award, 2010

PROFESSIONAL ASSOCIATIONS AND MEMBERSHIPS

- American Board of Trial Advocates, Associate/National Board Rep., 2010 - Present
- Texas Trial Lawyers Association, Member, 2001 - Present

PAST EMPLOYMENT POSITIONS

- Sawicki & Lauten, LLP, Partner, 2008 - 2014
- The Lauten Firm, P.C., Shareholder, 2006 - 2014

PRO BONO ACTIVITIES

- Trial Lawyers Care - 911 Attacks, 2001 - 2002