

## D. Douglas Brothers, PARTNER



### Practice Areas Include:

- Commercial and Business Litigation
  - Securities Litigation
  - Financial Fraud Litigation
  - Fiduciary Litigation
  - Construction Litigation
- Intellectual Property Litigation
  - Trade Secret Litigation
  - Confidentiality Agreement and Non-Competition Agreement Litigation
- Professional Liability Litigation
  - Legal Malpractice
  - Accounting and Auditing Malpractice
  - Architect and Engineering Errors and Omissions

**Phone:** 512.495.1446

Doug Brothers has more than 30 years of experience in a wide variety of complex litigation matters, representing both plaintiffs and defendants in trials, appeals, and arbitrations.

He has obtained and collected numerous large awards and settlements in a wide range of matters spanning the practice areas listed above.

On the defense side, Doug has successfully represented on an ongoing basis a high-rise design-builder, real estate developers, banks, and insurers.

Doug has been recognized for his accomplishments by numerous organizations. He has been selected for inclusion in *Texas Super Lawyers*® since 2003, and in *The Best Lawyers in America*® for Bet-the-Company Litigation, Commercial Litigation, and Legal Malpractice Law since 2008. Doug was also named *Best of the Bar* for Civil Litigators by the *Austin Business Journal* in 2003.

## EDUCATION

- Artium Baccalaureatus, magna cum laude, Amherst College (1978)
- Juris Doctor, with honors, University of Texas School of Law (1981)

## PROFESSIONAL EXPERIENCE

- Partner, George Brothers Kincaid & Horton, LLP (2012-present)
- Partner, George & Brothers, LLP (2004-2012)
- Partner, Brothers & Thomas, LLP (formerly Brothers, Reavis & McGinnis) (1984-2004)
- Partner, Leonard, Hurt (Austin) (1984)
- Partner, Leonard, Hurt (Dallas) (1981-1983)

## BAR ADMISSIONS

- State Bar of Texas (1981)
- United States Court of Appeals for the Fifth Circuit
- U.S. District Court, Northern District of Texas
- U.S. District Court, Eastern District of Texas
- U.S. District Court, Southern District of Texas
- U.S. District Court, Western District of Texas

## AWARDS & CERTIFICATIONS

- Board Certified in Civil Trial Law (1988), Texas Board of Legal Specialization
- Selected for inclusion in *Texas Super Lawyers*® (2003-2012)
- Selected for inclusion in *Best Lawyers*® for Bet-the-Company Litigation, Commercial Litigation, and Legal Malpractice law (2008-2012)
- Selected for inclusion in *Best of the Bar* in *Austin Business Journal* for Civil Litigators (September 2003)
- Named in *Who's Who in America*, 55th Edition
- AV® Preeminent (5.0) Peer Review Rating by Martindale.com  
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## PROFESSIONAL ASSOCIATIONS & ACTIVITIES

- American College of Trial Lawyers, Fellow
- American Board of Trial Advocates, Member
- American Association for Justice, Member
- Fellows of the American Bar Foundation, Fellow
- Texas Bar Foundation, Member
- Austin Bar Foundation, Founding Fellow

## PUBLICATIONS & PRESENTATIONS

### ARTICLES & PAPERS

- D. Douglas Brothers and John W. Thomas, *An Overview of the Texas Whistleblower Act*, *Suing and Defending Governmental Entities*, State Bar of Texas (July 1997)
- D. Douglas Brothers, *The Defense of Comparative Bad Faith: A Practitioner's Viewpoint*, 72 *Texas L. Rev.* 1565 (1994)
- D. Douglas Brothers, *Suing the State and Its Employees*, 16th Annual Page Keeton Products Liability & Personal Injury Conf., University of Texas (November 1992)

## SPEECHES

- *Transitioning Your Litigation Practice*, Keeton Civil Litigation Conference, University of Texas (2004)
- *Liability Insurance in Employment Litigation*, Travis County Bar Association, (1998)
- *An Overview of the Texas Whistleblower Act*, Suing and Defending Governmental Entities, State Bar of Texas (July 1997)
- *Factors in Deciding Which Contingency Fee Cases to Take*, Employment Law Seminar, University of Houston (1995, 1996)
- *The Defense of Comparative Bad Faith*, Symposium on the Law of Bad Faith in Contract and Insurance (1994)
- *Exemplary Damages after Moriel*, 18th Annual Page Keeton Conference, University of Texas (1994)
- *Suing the State and Its Employees*, 16th Annual Page Keeton Products Liability & Personal Injury Conf., University of Texas (November 1992)

## SIGNIFICANT CASES

### SUPREME COURT OF TEXAS

- *Rancho La Valencia, Inc. v. Aquaplex, Inc.*, 383 S.W.3d 150 (Tex. 2012)
- *Americo Life, Inc. v. Myer*, 356 S.W.3d 496 (Tex. 2011)
- *Aquaplex, Inc. v. Rancho La Valencia, Inc.*, 297 S.W.3d 768 (Tex. 2009)
- *In re Cerberus Capital Mgmt., L.P.*, 164 S.W.3d 379 (Tex. 2005)

### TEXAS COURT OF APPEALS

- *Myer v. Americo Life, Inc.*, 371 S.W.3d 537 (Tex. App.—Dallas 2012, pet. filed)
- *Eco Built Inc. v. Lulfs*, No. 03-08-00427-CV, 2010 WL 3629821 (Tex. App.—Austin. Sept. 17, 2010, no pet.)
- *Myer v. Americo Life, Inc.*, 315 S.W.3d 72 (Tex. App.—Dallas 2009), *rev'd*, 356 S.W.3d 496 (Tex. 2011)
- *Landmark Org., L.P. v. Tremco, Inc.*, No. 03-07-00673-CV, 2008 WL 2119341 (Tex. App.—Austin. April 24, 2008, no pet.) (per curiam)
- *Texas Parks & Wildlife Dept. v. Dearing*, 240 S.W.3d 330 (Tex. App.—Austin 2007, pet. denied)
- *In re Abbott Labs., Inc.*, No. 03-06-00295-CV, 2007 WL 1498782 (Tex. App.—Austin. June 21, 2006, no pet.)
- *CTTI Priesmeyer, Inc. v. K & O Ltd. P'ship*, 164 S.W.3d 675 (Tex. App.—Austin 2005, no pet.)
- *In re Cerberus Capital Management, L.P.*, 161 S.W.3d 531 (Tex. App.—Austin 2004, no. pet.)
- *Samuelson v. United Healthcare of Texas, Inc.*, 79 S.W.3d 706 (Tex. App.—Fort Worth 2002, no pet.)
- *State/Operating Contractors ABS Emissions, Inc. v. Operating Contractors/State*, 985 S.W.2d 646 (Tex. App.—Austin 1999, pet. denied)
- *Spiller v. Texas Dept. of Ins.*, 949 S.W.2d 548 (Tex. App.—Austin 1997, pet. denied)
- *Gregg County v. Farrar*, 933 S.W.2d 769 (Tex. App.—Austin 1996, writ denied)
- *City of San Antonio v. Heim*, 932 S.W.2d 287 (Tex. App.—Austin 1996, writ denied)
- *Texas Dept. of Human Servs. v. Green*, 855 S.W.2d 136 (Tex. App.—Austin 1993, writ denied)
- *Associated Telephone Directory Publishers, Inc. v. Five D's Pub Co., Inc.*, 849 S.W.2d 894 (Tex. App.—Austin 1993, no writ)
- *City of Houston v. Savely*, 708 S.W.2d 879 (Tex. App.—Houston [1st Dist.] 1986, writ ref'd n.r.e.)

#### FIFTH CIRCUIT COURT OF APPEALS

- *Hasie v. Office of Comptroller of Currency of U.S.*, 633 F.3d 361 (5th Cir. 2011)
- *United Forming, Inc. v. FaulknerUSA, LP*, 350 Fed. App'x 948 (5th Cir. 2009)
- *Brady Nat'l. Bank v. Gulf Ins. Co.*, 94 Fed. App'x 197 (5th Cir. 2004)
- *Serna v. City of San Antonio*, 244 F.3d 479 (5th Cir. 2001)

#### OTHER CIRCUIT COURTS OF APPEALS

- *In re Nat'l Sec. Agency Telecomms. Records Litig.*, 671 F.3d 881 (9th Cir. 2011), *cert. denied*, 133 S.Ct. 421 (2012)

#### FEDERAL DISTRICT COURTS

- *In re Nat'l Sec. Agency Telecomms. Records Litig.*, 633 F.Supp.2d 949 (N.D. Ca. 2009), *aff'd in part, rev'd in part*, 671 F.3d 881 (9th Cir. 2011), *cert. denied*, 133 S. Ct. 421 (2012)
- *Hasie v. Office of Comptroller of Currency of U.S.*, No. 5:07-CV-208-C-ECF, 2008 WL 4549881, (N.D. Tex. May 9, 2008)
- *State of Texas ex rel. Ven-a-Care of the Florida Keys, Inc. v. Abbott Labs. Inc.*, No. A-05-CA-897-LY, 2005 WL 5430194 (W.D. Tex. Dec. 5, 2005)

#### OTHER

- *In re Crescent Resources, LLC*, No. 11-01135-CAG, No. 2012 WL 691876 (Bankr. W.D. Tex. March 2, 2012)