

B. Russell Horton, PARTNER



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Practice Areas Include:

- Commercial and Business Litigation
 - Construction Litigation
 - Fiduciary Litigation
 - Financial Fraud Litigation
 - Real Estate Litigation
 - Securities Litigation
- Intellectual Property Litigation
 - Confidentiality Agreement and Noncompete Agreement Litigation
 - Patent Litigation
 - Trade Secret Litigation
- Professional Liability Litigation
 - Accounting and Auditing Malpractice
 - Architect and Engineering Errors and Omissions
 - Legal Malpractice
- Serious Personal Injury and Wrongful Death

Russ Horton has broad and extensive experience in litigation. His practice includes the representation of companies, partnerships, and individuals in resolving complex commercial, patent, trade secret, antitrust, and securities disputes. Russ's practice includes the representation of both plaintiffs and defendants.

Russ is board-certified in Civil Trial Law and Personal Injury Trial Law. Russ speaks frequently at seminars on trial strategy and advocacy. He has been a member of the District 9A Grievance Council, the American Inns of Court, and the Texas Pattern Jury Charge Committee.

Russ's practice includes trial and appellate matters in state and federal courts throughout Texas. In addition, Mr. Horton is often asked to advise businesses and individuals in dealing with existing or potential disputes.

Russ has been recognized for his skill and integrity, receiving the highest rating from his peers. Russ's colleagues have given him an AV® Preeminent (5.0) rating in the Martindale-Hubbell Law Directory, the highest rating for competence and ethics. (AV® and AV Preeminent® are registered certification marks of Reed Elsevier Properties Inc., used in accordance with the Martindale-Hubbell certification procedures, standards and policies.) He was named Lawyer of the Year for Securities Litigation in Austin, TX by *The Best Lawyers in America*® for 2017 and 2019. Russ also was selected for inclusion in *Texas Super Lawyers*® in 2003-2004 and 2014 – 2018 and in *The Best Lawyers in America*® in 2014-2019. He was honored by *Texas Lawyer* magazine for obtaining a Top Texas Verdict in 2011.



EDUCATION

- Bachelor of Arts in Music, magna cum laude, Houston Baptist University (1983)
- Juris Doctor, University of Texas School of Law (1986)

PROFESSIONAL EXPERIENCE

- Partner, George Brothers Kincaid & Horton, LLP (2012-present)
- Partner, Kincaid & Horton LLP (1997-2012)
- Partner, Herman, Bullion, Howry & Horton (1995-1996)
- Partner, Brown, McCarroll & Oaks Hartline (1992-1994)
- Associate, Brown, McCarroll & Oaks Hartline (1986-1992)

BAR ADMISSIONS

- State Bar of Texas (1986)
- U.S. District Court, Northern District of Texas
- U.S. District Court, Southern District of Texas
- U.S. District Court, Western District of Texas

AWARDS

- Board Certified in Civil Trial Law (1994) and Personal Injury Trial Law (1994), Texas Board of Legal Specialization
- Named Austin Lawyer of the Year for Securities Litigation in *The Best Lawyers in America* (2017, 2019)
- Selected for inclusion in *Best Lawyers®* for Securities Litigation (2014-2018)
- Selected by Thomson Reuters for inclusion in *Texas Super Lawyers®* (2003-2004, 2014-2018)
- AV® Preeminent (5.0) Peer Review Rating by Martindale.com (AV® and AV® Preeminent are registered certification marks of Reed Elsevier Properties Inc., used in accordance with the Martindale-Hubbell certification procedures, standards and policies.)

PROFESSIONAL ASSOCIATIONS AND ACTIVITIES

- American Bar Association (Litigation Section), Member
- State Bar of Texas (Litigation Section), Member
- Austin Bar Association, Member
- District 9A Grievance Council, Member (2002-2008)
- American Association for Justice, Member
- American Inns of Court, Barrister
- Participating Attorney, Volunteer Legal Services of Central Texas (1987-present)

PUBLICATIONS & PRESENTATIONS

Books

- Comm. On Pattern Jury Charges, State Bar of Tex., Texas Pattern Jury Charges: Malpractice, Premises, and Products PJC 40.2 (2000)

SIGNIFICANT CASES

Supreme Court of Texas

- *Thompson v. Travelers Indem. Co. of Rhode Island*, 789 S.W.2d 277 (Tex. 1990)

Texas Courts of Appeals

- *Ferne v. Merrill Lynch Pierce Fenner & Smith, Inc.*, No. 03-09-00566-CV, 2011 WL 276938 (Tex. App.—Austin. July 12, 2011, no pet. h.)
- *John Gannon, Inc. v. Gunnarson Outdoor Adver., Inc.*, No. 03-08-00404-CV, 2010 WL 3192536 (Tex. App.—Austin. August 11, 2010, pet. denied)
- *Texas Energy Innovation, Inc. v. Hino Elec. Power Co., Inc.*, No. 03-07-001-CV, 2010 WL 521033 (Tex. App.—Austin. February 12, 2010, no pet.)
- *Reagan Nat'l Adver. of Austin, Inc. v. Hazen*, No. 03-05-00699-CV, 2008 WL 2938823 (Tex. App.—Austin. July 29, 2008, no pet.)
- *Oram v. State Farm Lloyds*, 977 S.W.2d 163 (Tex. App.—Austin 1998, no pet.)
- *Thompson v. Travelers Indem. Co. of Rhode Island*, 777 S.W.2d 722 (Tex. App.—Austin 1989), aff'd, 789 S.W.2d 277 (Tex. 1990)

Federal District Courts

- *Brooks v. Goettl*, No. A-05-CA-642-LY, 2006 WL 3691000 (W.D. Tex. December 12, 2006)

- *Nutrasep, LLC v. TOPC Texas LLC*, No. A-05-CA-523-LY, 2006 WL 3063432 (W.D. Tex. October 27, 2006)
- *Hartford Cas. Ins. Co. v. Pixel Magic Imaging, Inc.*, No. A-04-CV-1093-LY, 2005 WL 2340725 (W.D. Tex. September 6, 2005)

COMMUNITY INVOLVEMENT

- Westlake Hyline Parents Association, Westlake High School
- Texas Appleseed, Volunteer
- Texas Juvenile Diabetes, Sponsor