



Michael G. Brown

**ROLE**

PARTNER

FIELD OF PRACTICE

BUSINESS LITIGATION

INSURANCE LITIGATION

LABOR AND EMPLOYMENT

SECURITIES LITIGATION AND
ARBITRATION

ATTORNEYS' FEES EXPERT

ARBITRATOR

MEDIATOR

Phone

(214) 939-2015

Email

mike.brown@figdav.com

AV® Preeminent™

**PRACTICE OVERVIEW**

Mr. Brown engages in a broad-based litigation and arbitration practice. Mr. Brown's practice concentrates on highly contentious complex business disputes, intellectual property and unfair competition litigation and arbitration concerning non-compete agreements, trade secrets and other confidential information, securities industry disputes between broker/dealers and associated persons or customers, and commercial insurance disputes.

Mr. Brown has first chaired a myriad of complex commercial disputes that run the gamut of high stakes business litigation, including real estate, corporate acquisition, and vendor actions. Mr. Brown also has extensive first chair experience defending insurance companies against individual and corporate insureds, school districts, agencies, providers, and third-party administrators.

Mr. Brown focuses on and has first chaired over one hundred cases involving the claimed protection of trade secrets for securities firms and their employees as well as for various other commercial entities unrelated to the securities industry. These disputes often involve attempts to enforce or to declare unenforceable non-competition and non-solicitation agreements. He has appeared on behalf of plaintiffs/claimants and defendants/respondents in these disputes often for the initial purpose of obtaining or preventing temporary restraining orders and injunctions. The resolution of these matters runs the gamut from expedited settlements, to protracted discovery in multiple forums, through trial, appeal, and final merit arbitration hearings.

Mr. Brown has been retained on multiple occasions as a testifying attorneys' fees expert.

Mr. Brown has extensive experience in the arbitration process, having appeared as lead counsel in hundreds of arbitration cases pending before the Financial Industry Regulatory Authority (FINRA) and its predecessor entities NASD, NYSE Regulation, the Chicago Board Options Exchange, and the American Arbitration Association. He closely follows evolving law governing contractual arbitration provisions and has spoken on the expanding importance of alternative dispute resolution, in particular arbitrations, in our society.

Mr. Brown is an American Arbitration Association Panel Member 2022 and a FINRA Dispute Resolution Arbitrator.

Mr. Brown, on behalf of litigation clients, has negotiated the acquisition of a multi-million-dollar purchase of both tangible and intangible assets and negotiated multi-year, multi-multi-million-dollar master sale and purchasing agreements between manufacturers and national retailers.

Mr. Brown recognizes the importance of strong communications not only at the outset of a new case, but throughout the discovery process, and then through trial, appeal, final merit arbitration hearings or other resolutions. Mr. Brown believes that to best represent his clients, they need to be fully aware of both short-term action items, and longer-term options and strategies. Mr. Brown is also committed to the highest standards required for service as a neutral for those who employ arbitration for the resolution of disputes.

Mr. Brown is a certified Mediator pursuant to Section 154.052(a) of the Texas Civil Practices and Remedies Code.

HIGHLIGHTS

- Decisive \$5.4 million award in a hotly contested CBOE arbitration. Represented by Mr. Brown and partner Parker Young, the Claimants sought to recover over \$4 million earned from trading activities conducted through Respondents' CBOE registered operations. Claimants contended that their trading accounts were wrongfully confiscated by Respondents contrary to CBOE rules and applicable law. The arbitration took place in Chicago, Illinois, included 8 hearing sessions covering 6 days, and included the testimony of at least 8 witnesses before a three-person CBOE arbitration panel. The final award issued entitled Mr. Brown's clients to damages against each of the Respondents totaling \$5,405,958.96, plus post-judgment interest. The amounts awarded included (1) Compensatory damages and pre-award interest - \$3,860,265.00; (2) attorneys' fees - \$1,182,205.00; (3) punitive damages - \$360,488.96; and (4) forum fees - \$3,000.00.
- Successful defense of FINRA arbitration filed by customer against broker and firm. Claimant asserted multiple causes of action against Mr. Brown's clients including theft; securities fraud; negligence; breach of fiduciary duty; violations of FINRA Rules of Conduct; violations of the Texas Securities Act; and a failure to supervise. The causes of action related to Claimant's allegations that Respondents withdrew funds from Claimant's retirement account without Claimant's permission or knowledge. Claimant sought damages of approximately \$1 million, plus attorneys' fees of over \$300,000, interest, and costs. After 25 hearing sessions covering 11 days before a three-person FINRA arbitration panel, a final award of only \$65,250 issued.
- Successful defense against charges of theft of trade secrets and confidential information. The Claimant sought damages in excess of \$5 million. After a six-day arbitration, the Arbitration Panel rejected all of the Claimant's claims.
- Court of Appeal's affirmation of damages and attorneys' fees award against former independent contractor/sales representative.
- Obtained summary judgment in both state and federal courts resolving ownership of interests in natural gas processing plant; affirmed on appeal.

- Obtained a jury verdict for client against major beverage company and its subsidiary for violations of state and federal securities laws leading to a judgment for rescissory damages and substantial prejudgment interest. Successfully defended this recovery under the Texas Security Act through appeals to the Texas Court of Appeals, the Texas Supreme Court and the United States Supreme Court.
- In multiple court and arbitration cases involving the hiring of experienced registered representatives in the securities industry and in other industries, obtained court and arbitration orders denying or limiting emergency, expedited, or other requests for temporary restraining orders and injunctions that would have precluded competition by former employees and handcuffed their new employers' legitimate competitive activities.
- Successful defense against charges of theft of trade secrets and confidential information. Obtained court orders, after multiple contested court hearings, denying a former insurance company employer's attempts to obtain a temporary restraining order and then a temporary injunction seeking to preclude the employment of multiple former employees with a startup insurance company.
- After a 3-week trial in an employment discrimination and retaliation action, obtained a take-nothing judgment in favor of municipality, which was affirmed on appeal.

EDUCATION

JD, The University of Texas at Austin School of Law, with honors, 1989

- Member, Texas Law Review, 1987-1989
- Order of the Coif
- Chancellors
- Recipient, Carrington, Coleman, Sloman & Blumenthal Academic Excellence Award, 1987 and 1989 Certificate of Merit
- Recipient, Bankston, Wright & Greenhill Award, 1988
- The National Dean's List, 11th Edition, 1987-1988
- Recipient, Dean's Achievement Award, 1987

BBA, The University of Texas at Austin, 1985

- University of Texas Tennis Team, 1981-1985; Letterman 1982-1985; Co-Captain 1984-1985

PUBLICATIONS

- A Guide to Successful Navigation of the Recent Amendments to Part VII of the Texas Disciplinary Rules of Professional Conduct, Sponsored by the Higginbotham American Inn of Court, 2005
- Trials on Trial – The Future of an Institution, Sponsored by the Higginbotham American Inn of Court, 2004

HONORS

AV® Preeminent™, Peer rating 5.0 of 5.0 by Martindale

Named a Texas Super Lawyer (Texas Monthly, 2013-2023)

MEMBERSHIPS

- State Bar of Texas
- Dallas Bar Association
- Barrister, The Patrick E. Higginbotham American Inn of Court, Dallas, Texas – 2003 – 2006

ARBITRATION ASSOCIATIONS

- American Arbitration Association Panel Member 2022
- FINRA Dispute Resolution Arbitrator

MEDIATION

- Certified Texas Mediator