



## CORT THOMAS

PARTNER

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MR. THOMAS IS A TRIAL ATTORNEY and trained problem solver who draws on a broad base of experience to craft unique solutions for his clients. After earning a long list of honors during college and law school—all at the University of Texas—he gained invaluable experience and exposure as a law clerk to a federal judge in Dallas. Mr. Thomas then spent seven years honing his litigation skills at Vinson & Elkins, LLP, one of the largest international law firms in Texas. Through these experiences, Mr. Thomas has learned how to solve complicated problems in an efficient, client-centered manner. He relishes building rapport with his clients and helping them analyze legal strategy and risks. Mr. Thomas is always prepared to boldly pursue his clients' cause all of the way through trial.

### EXPERIENCE

#### FEDERAL COURT LITIGATION

Mr. Thomas has extensive litigation experience in federal district, bankruptcy, and appellate courts throughout the United States and frequently serves as local counsel for matters pending in Dallas. He recently completed service as the President of the Dallas Chapter of the Federal Bar Association, and continues to serve on the Northern District of Texas's Bench Bar Committee. He began his legal career as a law clerk in the chambers of United States District Judge Jane J. Boyle, where he learned the ins and outs of local practice. Examples of Mr. Thomas' work in federal courts includes:

- » (N.D. Tex.) – Represented an oil and gas company in securities fraud litigation brought by liquidating trustee of gas exploration companies
- » (N.D. Tex. & E.D. Tex.) – Represented manufacturer of home construction materials in series of products liability cases brought by subrogee insurance companies
- » (N.D. Tex. & D. Del. ) – Defended master limited partnership, affiliates, and directors against shareholders' securities claims under the Securities and Exchange Act of 1934
- » (N.D. Tex.) – Served as local counsel and represented large biotech company in employment dispute with former employee
- » (N.D. Tex.) – Served as local counsel and represented a major health care provider in a lawsuit against a repricing company for false advertising under the Lanham Act and other business torts
- » (N.D. Tex.) – Served as local counsel and represented large software company in insurance coverage dispute
- » (N.D. Tex.) – Served as court-appointed guardian ad litem in personal injury case
- » (N.D. Tex.) – Served as member of the court's CJA panel in multiple federal criminal cases
- » (5th Cir.) – Represented staffing company in obtaining reversal of district court's dismissal of Section 1981 claim
- » (N.D. Cal.) – Represented transportation company in FLSA collective action

- » (Bankr. W.D. La.) – Represented secured lender in chapter 11 cases filed in Lafayette, Louisiana
- » (Bank. S.D. Tex.) – Represented GOM working interest owner in adversary proceeding brought in Houston, Texas
- » (Bankr. S.D. Tex.) – Advised private equity firm in connection with pre-packaged chapter 11 filing of GOM E&P subsidiary

## RECEIVERSHIPS

Drawing on his experience in federal courts, Mr. Thomas also serves as a court-appointed federal equity receiver in actions brought by regulatory bodies. Mr. Thomas currently serves as the receiver in SEC v. Gallagher Financial Group, et al., No. 3:19-cv-575-C, in the Northern District of Texas. If you are an investor, please access the Receivership's home page here.

## OTHER COMMERCIAL LITIGATION

Mr. Thomas also has extensive experience litigating disputes in state courts throughout Texas and before administrative tribunals, including the Public Utility Commission of Texas (PUCT) and Office of Financial Institution Adjudication (OFIA). He has handled a wide array of energy-related cases, ranging from disputes over oil and gas joint operating agreements, to gas service agreements, to CCN proceedings surrounding the construction of an electric transmission line. He has also defended bank executives against their removal from banking, represented large private equity funds and fund-backed subsidiaries in contract disputes, and helped landlords deal with difficult tenants. Examples of Cort's other commercial litigation experience includes:

- » (Tex. Cnty. Courts) – Represented both property owners and utilities in eminent domain proceedings related to electric transmission lines and state highway takings
- » (PUCT) – Represented electric utility in various disputes before the Public Utility Commission of Texas, the State Office of Administrative Hearings, the Austin Court of Appeals, and various other Texas state courts
- » (PUCT) – Represented electric utility in base rate case and change of control proceedings
- » (OFIA, FDIC, 5th Cir.) – Defended bank director in enforcement action brought by FDIC relating to alleged breaches of fiduciary duty, violations of law, and unsafe and unsound practices
- » (Tex. Dist. – Dallas Cnty.) – Represented home healthcare business in defending claims for misappropriation of trade secrets and tortious interference in connection with employee non-solicitation agreements
- » (Tex. Dist. – Dallas Cnty.) – Represented oilfield services business in partnership dispute
- » (Tex. Dist. – Reeves & Pecos Cntys.) – Represented large E&P company in connection with series of AMI and title disputes
- » (Tex. Dist. – Dallas Cnty.) – Represented private equity firm in connection with non-operating working interests in Permian Basin and dispute over JOA
- » Pursued collection efforts on behalf of companies in a variety of industries, including energy, construction, and commercial real estate
- » Represented gas distributor in dispute with intrastate natural gas pipeline company regarding terms of gas services agreement and statement of operating conditions

## REAL ESTATE

- » (N.D. Tex.) Defended national REIT against claims brought by dissatisfied potential tenant
- » (Tex. Dist. – Dallas Cnty.) Represented landlords in various lease disputes with tenants in various state district courts, resulting in several judgements for landlord and collection efforts
- » (Tex. Dist. – Harris Cnty.) Represented land owner in boundary line dispute with adjoining landowner
- » Advised multiple global investment managers and REITs through disputes with defaulting commercial tenants
- » Negotiated commercial leases and purchase and sale agreements for various real estate investment firms

## FINANCIAL SERVICES

- » (N.D. Tex.) Served as court-appointed receiver over financial services firm in enforcement action brought by Securities and Exchange Commission
- » Represented a publicly traded asset management company in various disputes with former employees and other claimants in Texas and Kansas
- » Advised independent wealth advisor on various contractual, employment, and other business matters

## ALTERNATIVE DISPUTE RESOLUTION

While Mr. Thomas enjoys defending his clients in traditional court proceedings, he understands that the best, most cost-effective solution might be something other than traditional litigation. He has represented clients in multiple private arbitrations, including special expedited arbitrations aimed at minimizing costs for all parties involved. Mr. Thomas has advised clients through multiple successful mediations, with some even taking place before any discovery had occurred.

- » (Arbitration) – Represented private equity firm in AAA arbitration involving corporate tax dispute involving purchase and sale agreement
- » (Arbitration) – Represented various midstream and E&P companies in arbitrations involving purchase and sale agreements and indemnity claims
- » (Arbitration) – Represented E&P company in arbitrations involving Fair Labor Standards Act

## MEDIATOR & ARBITRATOR

Mr. Thomas also serves as a mediator and arbitrator. In these roles, he has handled a variety of commercial disputes, including cases involving construction defects, landlord-tenant disputes, DTPA claims, wrongful foreclosures, wrongful repossessions, breaches of contract, and attorney-client disputes. In addition to mediating and arbitrating for a fee, Cort provides pro bono mediation services through the Dallas County Dispute Resolution Center.

## OUTSIDE GENERAL COUNSEL

Mr. Thomas comes from a family of entrepreneurs and uniquely understands the demands on small and medium-sized business owners, having worked in a family business for several years before attending law school. Mr. Thomas now uses that insight to help guide businesses through their everyday legal challenges. In addition to litigation analysis, he regularly assists clients with issues surrounding contract negotiation and drafting, asset protection, corporate structure and governance, real estate transactions (including purchases, sales, and leases), and employment counseling.

## PUBLICATIONS

- » “Tax Issues: A Checklist for Receivers,” *The Receiver* (July 2020), co-authored with Joshua Smeltzer
- » “Enforcing a Pipeline Carrier’s Liens: Pipelines’ Powerful Lien Rights over Shippers’ Oil and Gas Secures Their Transportation Charges,” *Oil & Gas Financial Journal* (May 2017), co-authored with Josiah Daniel
- » “Criminal Malpractice: Avoiding the Chutes and Using the Ladders,” *American Journal of Criminal Law*, Vol. 37, Pg. 331 (Summer 2010)
- » “The Foreign Corrupt Practices Act: A Decade of Rapid Expansion Explained, Defended, and Justified,” *The Review of Litigation*, Vol. 39, Pg. 439 (Winter 2010)



## ADMISSIONS

- » United States Supreme Court
- » United States Court of Appeals, Fifth Circuit
- » Northern District of Texas
- » Eastern District of Texas
- » Southern District of Texas
- » Western District of Texas
- » Texas (all courts)



## AFFILIATIONS

- » Member, N.D. Tex. Court Advisory Committee
- » Member, N.D. Tex. CJA Panel
- » Attorney Liaison, N.D. Tex. Pro Bono Civil Panel
- » Member, N.D. Tex. Bench Bar Committee (Past Co-Chair)
- » Executive Committee, Federal Bar Association Dallas Chapter (Past President)
- » Associate Member, National Association of Federal Equity Receivers
- » Member, Dallas Bar Association
- » Member, Dallas Association of Young Lawyers

## PROFESSIONAL BACKGROUND:

- » Judicial Clerk to the Honorable Jane J. Boyle, U.S. District Court for the Northern District of Texas, 2010 – 2011
- » Vinson & Elkins LLP, 2011-2018



## EDUCATION

- » The University of Texas School of Law, J.D., with honors, 2010
  - » Chief Articles Editor, *The Review of Litigation*
  - » Editor-at-Large, *The American Journal of Criminal Law*
  - » Dean's Achievement Award, Construction Law

After spending time working in the construction industry after obtaining his undergraduate degree, Mr. Thomas returned to the University of Texas to pursue his law degree. During law school, Mr. Thomas served as a staff editor and later a member of the Editorial Board of both the *Review of Litigation* and the *American Journal of Criminal Law*. He received the Dean's Achievement Award for obtaining the highest grade in his construction law class, and ultimately graduated with honors. His favorite course in law school was a Supreme Court Litigation seminar taught by current United States Senator Ted Cruz and current Fifth Circuit Court of Appeals Judge Jim Ho.

- » The University of Texas at Austin, B.A., with *high honors*, 2006
  - » Triple major in Plan II, Government, and Spanish; Minors in History and Latin American Studies
  - » *Honors*: Phi Beta Kappa, Distinguished Honors Scholar, National Merit Scholar
  - » Senior Thesis: "Sport and War: The Value of Sport as an Instrument of Peace"

## HONORS

- » *Texas Rising Star*, Super Lawyers (2020)
- » Volunteer of the Month, Dallas County Dispute Resolution Center (2018)
- » National Merit Scholar



## IN THE COMMUNITY

Mr. Thomas has dedicated a substantial portion of his practice to giving back to the community and supporting important causes through pro bono legal services. He was recognized as a member of the Pro Bono College of the State Bar of Texas in 2013, 2014, 2015, and 2017, meaning that he spent a minimum of 75 hours each year providing legal services to the poor. Examples of Mr. Thomas' pro bono representations involving the poor and other organizations, including:

- » Represented Members of Congress in filing an amicus brief at the United States Supreme Court in support of a high school coach who was fired for kneeling and praying after football games.
- » Represented a local church in a property dispute
- » Represented an individual in obtaining affirmative asylum in the United States based on past political persecution and torture overseas
- » Represented individuals in seeking guardianship over their incapacitated adult children
- » Represented animal rescue organizations in probate disputes, as well as claims by individuals regarding the rightful ownership of pets
- » Served as a volunteer prosecutor at the City of Grand Prairie Municipal Court, including arguing more than a dozen jury and bench trials to verdict

Mr. Thomas also serves in various capacities outside of the legal profession:

- » Volunteer, West Dallas Community School
- » Secretary, Finance Team at City Church International
- » Member, Dallas Justice
- » Trained in Christian conciliation and peacemaking

## MORE ABOUT CORT THOMAS

Cort was born and raised in Richardson, Texas. He attended Providence Christian School through his sophomore year of high school and graduated from Trinity Christian Academy, where he met his wife, Kelsey. They have been married for over 10 years and have two daughters and two sons. Prior to receiving his law degree, Cort worked as a licensed fire suppression technician and also installed fire alarm and burglar alarm systems. In his spare time, Cort enjoys playing golf and basketball, fishing with his family, and woodworking. Cort and Kelsey are members of City Church International in Dallas.