



# CHARLENE KOONCE

PARTNER

📞 214.367.7503

✉ charlene@brownfoxlaw.com



BROWN FOX

CHARLENE KOONCE IS A SEASONED TRIAL AND APPELLATE ATTORNEY who prosecutes and defends commercial disputes on behalf of large and small clients. Ms. Koonce has obtained favorable results through bench and jury trials, summary judgment, and settlement in cases involving complex contract disputes, unfair business practices, securities fraud, professional liability and fiduciary duties, breach of warranty, fraud and fraudulent transfers, commercial tenancy, and collections. Her recent tenure as a staff attorney in the Dallas Court of Appeals provides invaluable insight and expertise regarding appellate and mandamus issues, although she is equally at home in federal courts. Ms. Koonce has served as or represented equity receivers in more than two dozen government enforcement cases.

AV-Rated by Martindale-Hubbell, Ms. Koonce is frequently acknowledged for her legal skills by peers and legal publications, regularly recognized on the “Best Lawyers in Dallas” list and as a Super Lawyer.



## EXPERIENCE

- » Former staff attorney for the Chief Justice of the Dallas Court of Appeals.
- » Jury and bench trials in state and federal courts.
- » Obtained summary judgments against dozens of brokers, recipients of Ponzi payments, and others in numerous receivership lawsuits, and successfully defended those judgments on appeal to the Fifth Circuit.

## PUBLISHED OR REPORTED DECISIONS

- » *Lowe v. Scott & White Health Plan*, 2019 WL 968882, (E.D. Tex. Feb. 28, 2019) (Granting objections regarding inadmissible declaration and granting motion to remand premised on Defendant’s failure to demonstrate state law claims arose under federal law as provided by 28 U.S.C. § 1331);
- » *Liverpool FC Am. Mktg. Grp., Inc. v. Red Slopes Soccer Found.*, 2018 WL 2298388, (E.D. Tex. May 21, 2018) (Denying Defendants’ motion to dismiss or abstain based on competing case pending in Utah state court pursuant to *Colorado River* doctrine);
- » *Moore v. Payson Petroleum Grayson, LLC*, 2018 WL 793800, (N.D. Tex. Jan. 22, 2018), *report and recommendation adopted*, 2018 WL 776577 (N.D. Tex. Feb. 8, 2018) (Granting with prejudice, Defendants’ 12(b)(6) motion to dismiss securities fraud and control person liability claims in purported class action, for failure to plead fraud with particularity);
- » *Eckard Global Energy, LLC v. Bakken Assumptions I, LLC, et al* 2015 WL 5043079 (E.D. Tex. Aug. 26, 2015) (Relying on Plaintiffs’ choice of law analysis in denying Defendants’ motion for summary judgment where Defendants misappropriated Plaintiffs’ oil & gas investment trade secrets);

- » *Forex Capital Markets, LLC v. Crawford*, 2014 WL 7498051 (Tex. App.–Dallas, Dec. 31, 2014, pet. denied) (Affirming denial of motion to dismiss where Receiver asserted only assigned investor claims which were not subject to arbitration provision binding receivership entity);
- » *Aaes v. 4 G Companies*, 558 F. App'x 423 (5th Cir. 2014), *cert. denied*, 135 S. Ct. 405 (2014) (Affirming denial of Plaintiffs' Motion to Alter or Amend Final Order of Dismissal, following 12(b)(6) dismissal of Plaintiff's Complaint which alleged securities fraud and RICO claims; Order granting 12(b)(6) Motion found at *Aaes v. 4G Companies*, 2012 WL 949040 (S.D. Tex. Mar. 20, 2012));
- » *FTC v. IAB Mktg. Associates, LP*, 972 F. Supp.2d 1307,1309 (S.D. Fla. 2013) (Denying Defendants' motions to lift asset freeze);
- » *Crawford v. Silette*, 608 F.3d 275 (5th Cir. 2010) (Affirming imposition and foreclosure of lien in favor of Receiver despite assertion of Florida homestead protection, where fraudulently obtained funds were transferred from Ponzi operator to innocent home-owner, and used to satisfy mortgage);
- » *Hartis v. Century Furniture Indus., Inc.*, 230 S.W.3d 723 (Tex. App.-Houston [14th Dist.] 2007, no pet.) (Upholding judgement following bench trial involving UCC Article 2 formation, interpretation, and enforcement issues); and
- » *SEC v. Resource Dev. Int'l, LLC*, 217 Fed. App'x 296 (5th Cir. 2007) (Upholding district court's orders finding respondent in civil contempt and directing his incarceration, and denying respondent's subsequent motion to purge contempt, where Receiver demonstrated respondent failed to comply with orders requiring production of documents and information demonstrating respondent's disposition of receivership assets).

## LITIGATION

- » Bench and jury trials in state and federal courts
- » Appeals
- » Banking Litigation & Foreclosures
- » Construction Litigation
- » Direct Sales & Regulatory Matters
- » Employment Litigation
- » Insurance Defense
- » Oil & Gas Litigation
- » Product Liability Litigation
- » Professional Liability
- » Real Estate Litigation
- » Securities Fraud Litigation
- » State & Federal Appeals
- » Trade Secret Litigation
- » Trademark Litigation

## SECURITIES AND FINANCE

- » Broker/Customer Disputes
- » Public Company Representation
- » Regulatory and Enforcement Matters
- » Securities Fraud Litigation
- » Securities Litigation & Arbitration

## BANKRUPTCY & RECEIVERSHIPS

Ms. Koonce has served as a court-appointed receiver in government enforcement matters involving dozens of defendants, tens of millions of dollars, and thousands of investors or creditors. She has also represented other receivers and persons and entities sued by receivers in federal courts throughout the country. She obtained summary judgments against dozens of brokers, recipients of Ponzi payments and others in numerous receivership lawsuits, and successfully defended those judgments on appeal to the Fifth Circuit. Additionally she has served as a receiver in state proceedings involving ownership disputes.

## PUBLICATIONS & SPEECHES

- » “Receiver Qualifications and Selection Process” – Moderator, June 2019 NAFER Dallas Regional Dinner Program
- » “Lessons Learned and Practice Pointers: Regulators’ Perspectives Regarding Cryptocurrency Receiverships and Related Issues”- Moderator, May 2018 NAFER Washington, DC Regional Dinner Program
- » “Receiver Training Camp, Third Quarter” Panel member, 2018 NAFER Annual Conference
- » “Uncork Your Success, You Can’t Break Glass Without a Few Cuts” – Panel member, 2018 Wine, Women, and Wrapping – A Night at the Arboretum
- » “Law Enforcement and Federal Receiverships: Maximizing Recoveries for Victims of Financial Fraud” – Panel member, 2018 Continuing Education Program for the Economic Crimes Unit for the FBI
- » “Understanding the Implications of Fraudulent Transfer Laws to Creditors: What Lies Ahead” Live Webcast – 2016 The Knowledge Group
- » “Forensic Reconstruction of Fraud” – Panel member, April 2016 NAFER Dallas Regional Dinner Program
- » “Must-Know Quirky Litigation Matters” – Panel member, 2015 NAFER Annual Conference
- » Co-Author of “Broadcasting Lies: Broadcaster Liability in Consumer Fraud”, Part 1, published in the June 2015 Commercial Fraud Committee newsletter, American Bankruptcy Institute
- » “What Happens to the Business When Fraud or Other Illegal Activities Occur” – 2014 University of Texas at Dallas Fraud Conference

## APPEALS

Extensive experience with state and federal court motion and appellate practice, including mandamus issues. Served as staff attorney for the Chief Justice of the Fifth District Court of Appeals, drafting complex opinions in civil cases, and also served as the Court’s interim writ attorney.



## ADMISSIONS

- » Texas (1991)
- » United States District Courts for the Northern District of Texas
- » United States District Courts for the Southern District of Texas
- » United States District Courts for the Eastern District of Texas
- » United States District Courts for the Western Districts of Texas
- » United State Court of Appeals for the Fifth Circuit
- » United States Court of Appeals for the Eleventh Circuit
- » Member, Fifth Circuit Bar Association



## AFFILIATIONS

- » Pepperdine Law School Board of Advisors; 2018- Present
- » Board of Directors, National Association of Federal Equity Receivers, 2015-2019
- » Board of Directors, Empowering Women as Leaders, 2015-2017
- » Member, Dallas Bar Association
- » Member, National Association of Women Lawyers
- » Fellow, Texas Bar Foundation; 2015 – present
- » Board member, National Counsel of Appellate Staff Attorneys; 2019-2021

## EDUCATION

- » Pepperdine School of Law – May 1991
  - » J.D., *cum laude* (top 10% of graduating class)
  - » Pepperdine Law Review; 1989-1991
  - » Recipient, President’s scholarship (full tuition)
  - » Full-time intern, one semester, Hon. Sidney A. Fitzwater, U.S. District Court Judge, N.D. TX.
- » Abilene Christian University – May 1988
  - » Bachelor of Business Administration, *magna cum laude*
  - » Alpha Chi National Honor Society

## HONORS

- » Selected in “Best Lawyers in Dallas” list, D Magazine, 2017 & 2018
- » AV rated by Martindale-Hubbell
- » Selected as one of the “Texas’ Top Rated Lawyers for 2014 in Commercial Litigation” by Legal Leaders Magazine
- » Recognized as one of the “2013 Top Rated Lawyers in Commercial Litigation Law” by The American Lawyer, Corporate Counsel, Martindale Hubbell, and National Law Journal
- » *Texas Super Lawyer*, Texas Monthly and Super Lawyers (2016 – 2019)
- » American Jurisprudence Award, Real Property



Super Lawyers®

## IN THE COMMUNITY

- » Volunteer Dallas Court Appointed Special Advocates (CASA); 2018-2020
- » Volunteer DISD, “Girls with Pearls” program (mentoring young immigrant girls regarding U.S culture and educational opportunities); 2014-present
- » Frequent volunteer with her children’s former schools
- » Youth coach for YMCA

## MORE ABOUT CHARLENE KOONCE

Ms. Koonce is an avid reader, enjoys traveling, cooking, and outdoor exercise. She coached youth volleyball and basketball for 10+ years. She has two grown daughters, and two (very large) dogs.