

## **Michael S. Truesdale**

Law Office of Michael S. Truesdale, PLLC  
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### **Education**

Texas Tech School of Law, J.D. (1994) magna cum laude

Managing Editor, Texas Tech Law Review      ABA National Moot Court Champion  
Board of Barristers      Order of Barristers      Order of the Coif  
Recipient of the George and Sarah Dupree Award, given annually "To the member of the graduating class who, in the opinion of his colleagues, best exemplifies the ability, the integrity, and sense of professional responsibility desired in one soon to join the legal profession."

Texas Tech University, M.A., (1990) English, Communication Studies

Masters' Thesis: Reagan's Rhetoric: A Dramatistic Analysis of Reagan's First Inaugural Address  
Texas Tech Rugby Football Club, 1988-1990

Texas Tech University, B.A., (1988) English, Economics, cum laude and in Honors Studies

President, Texas Tech Honors Counsel  
President, Texas Tech Debate Team  
Mortar Board

### **Professional Activities**

Board Certified, Civil Appellate Law, Texas Board of Legal Specialization (2008)

Supreme Court of Texas, Program Liaison, Pro Bono Pilot Program (2011-present)

State Bar of Texas Appellate Section

Council Member (2004-07)

Committees (2001-present)

Co-Chair Pro Bono Committee (2009-present)

Travis County Bar Association, Civil Appellate Section, Chair (1999-2000)

ABA TIPS Appellate Advocacy Subsection, Vice Chair (2009, 2010)

Lloyd Lochridge Inn of Court (2009-present), Robert Calvert Inn of Court (various dates)

Team Leader (2005, 2010, 2011)

### **Certifications, Honors and Awards**

AV Rated by Martindale Hubble

Texas Super Lawyer, Appellate Law (2009, 2010, 2011)

Super Lawyer Corporate Counsel Edition (2010, 2011, 2012)

Texas Rising Star, Appellate Law (2004-07)

### **Licenses**

United States Supreme Court

United States Courts of Appeals for the Fifth, Seventh, Ninth and Eleventh Circuits

United States District Courts for the Northern, Southern, Western and Eastern Districts, Texas

All Texas state courts

### **Employment History**

Law Office of Michael S. Truesdale, PLLC, solo appellate practitioner (present)  
University of Texas School of Law, Fall Litigation Institute Faculty Member (2011)  
Diamond McCarthy LLP, emphasis on appeals from complex civil matters (2000-2010)  
Hughes & Luce, LLP, emphasis on Texas state court civil appeals (1995-2000)  
Supreme Court of Texas, Briefing Attorney for Justice Craig T. Enoch (1994-95)  
Texas Tech University, Lecturer, Debate Coach (1988-91)

### **Appellate Appearances**

Mr. Truesdale has appeared as lead counsel or appellate counsel in the following cases before the following courts:

#### Federal Appellate Proceedings

##### United States Supreme Court

Oceanic Exploration Co. v. ConocoPhillips (09-1091)  
Placer Dome, Inc. v. Provincial Gov't of Marinduque (09-944)  
TriContinental Industries, Inc. v. PricewaterhouseCooper (06-1670)  
Horn v. Bassett Furniture Industries (98-696)  
\*Kuhmo Tire v. Carmichael (97-1709)

##### United States Court of Appeals, Fifth Circuit

In re Ali Ibrahim (11-50292)  
Oceanic Exploration Co. v. ConocoPhillips (08-20338)  
In re Newell Industries (02-50530)  
\*Clardy v. Marine Midland Financing (95-1066)

##### United States Court of Appeals, Seventh Circuit

Tricontinental Industries, Inc. v. PricewaterhouseCooper (05-4322)

##### United States District Court, Delaware

The Kenesis Group v. Travelers Casualty & Ins. Co. (03-895-JJF)

#### State Appellate Proceedings

##### Supreme Court of Texas

Young v. Valt.X Holdings (10-0972)  
Hanke v. Flack (10-0965)  
Perry v. Boyt (10-0816)  
Terra XXI, Ltd v. Ag Acceptance Corp. (III) (09-0979)  
Terra Partners v. Ag Acceptance Corp. (II) (09-0071)  
Shady Creek Housing Partners v. Helm (07-0874)  
Terra Partners v. Ag Acceptance Corp. (I) (05-0061)  
Cayman Island Firm of Deloitte & Touche v. Gutierrez (03-0242)  
\*Texas Workers Comp. Ins. Facility v. Green (99-0845)  
\*Sherer v. Pebble Beach Property Owners Assoc. (99-0573)  
Fireman's Fund County Mutual v. Hidi (99-0416)  
St. Clair Uradenta v. Marathon Oil (99-0288)  
Weyand v. Newco Drilling Co. (99-0206)

Mutual of Omaha v. Tuley (99-0102)  
In re DuPont Pharmaceuticals (98-1208)  
Sharp v. Morton Building Materials (97-0833)  
\*KPMG Peat Marwick v. Harrison County Finance Association (97-0729)  
\*Tex-Air v. Galveston County Appraisal District (97-0404)  
\*Trinity Univese Life Ins. Co. v. Bleeker (97-0498)  
Newco Drilling Co. v. Weyand (97-0390)  
\*Childs v. Haussecker (97-0231)  
\*Liberty Mutual Insurance Co. v. Garrison Construction (96-1013)  
\*Agan v. Commissioner's Court of Titus County (96-0683)  
First USA v. Esmond (95-1254)  
\*Mercedes-Benz Credit Corp v. Rhyne (95-0159)  
\*State Farm v. Nicolau (94-0287)  
\*State Farm v. Simmons (D-4095)

First District Court of Appeals

Helm v. Shady Creek Partners (01-05-00743)  
Lend Lease v. Air Liquide (01-00-00838-CV)  
Newco Drilling Co. v. Weyand (01-96-00171)

Second District Court of Appeals

In re Premier Trailer (02-09-00551-CV)  
Premier Trailer v. GTR (02-09-00449-CV)  
Quicksilver Resources v. CMS (02-07-00260)  
Mutual of Omaha v. Tuley (02-97-00346)

Third District Court of Appeals

Allstate v. Texas Department of Insurance (03-08-00284)  
Texas Department of Public Safety v. Abbott (03-07-00221-CV)  
Allstate v. Texas Department of Insurance (03-07-00195)  
Himel v. Bertagna (03-06-00680-CV)  
Barth v. Barth (03-00-00516-CV)  
Hanz Family Trust v. HCG Ltd. (03-00-0365-CV)  
DuPont Pharmaceuticals v. Barr Laboratories (03-99-0207-CV)  
McCarthy Bros. v. Continental Lloyds Ins. Co. (03-98-00671-CV)  
In re DuPont Pharmaceuticals (03-98-644-CV)  
Freeman v. St. George Senior Housing (03-97-00814)  
Sharp v. Morton Building Materials (03-96-00458-CV)

Fourth District Court of Appeals

Moody v. Jacaman (04-11-00065)  
Gutierrez v. Cayman Island Firm of Deloitte & Touche (04-01-00637)  
In re Cayman Island Firm of Deloitte & Touche (04-01-00491)

Fifth District Court of Appeals

Jani-King v. Kimberlite (05-99-00863-CV)

Sixth District Court of Appeals

Douglas Cablevision v. Southwestern Public Service Co. (06-98-00008-CV)

Seventh District Court of Appeals

Terra XXI v. Ag Acceptance Corp. (07-06-00419-CV)

Terra XXI v. Ag Acceptance Corp. (07-04-00325-CV)

Eleventh District Court of Appeals

In re GMAC Mortgage (11-05-00351-CV)

Thirteenth Court of Appeals

San Pedro Impuslora v. Villarreal (13-09-00226-CV)

Dillard's Department Store v. The May Company (13-96-00550-CV)

Fourteenth Court of Appeals

American Casualty Co. v. White (14-96-00193-CV)

California State Courts of Appeals

Brack v. Omni Loan Company (D049198)

Rabobank Nederland v. Nat'l Westminster Bank of Scotland (A104604 consol.)

Rabobank Nederland v. Nat'l Westminster Bank of Scotland (S137212)

Michigan Court of Appeals

Terra Energy v. Williams (260725)

\*brief on behalf of amicus

**Recent Publications/Presentations**

Books

A PRACTITIONER'S GUIDE TO CLASS ACTION (ABA Press 2010)

--Assistant Editor

--Author, *Federal Class Actions: Interlocutory Appeals* (chapter)

--Author, *Texas Class Action Practice* (chapter)

Law Review Articles

Craig T. Enoch and Michael S. Truesdale, *Issues and Petitions: The Impact on Supreme Court Practice*, 31 ST. MARY'S L.J. 565 (2000) (lead article)

Michael S. Truesdale and Sean McCaffity, *Appellate Procedure*, 32 TEX. TECH L. REV. 614 (2001)

Michael S. Truesdale and James Landon, *Labor and Employment Law*, 31 Tex. Tech L. Rev. 711 (2000)

Journal Articles

Michael S. Truesdale, Cynthia Timms, Jerry Bullard, and Samara Kline, *Handbook to the Texas Appellate Courts*, APPELLATE ADVOCATE (special edition, 2005)

Michael S. Truesdale and Laurie Ratliff, *Supreme Court Update*, APPELLATE ADVOCATE (Spring 2006)

Michael S. Truesdale and Laurie Ratliff, *Supreme Court Update*, APPELLATE ADVOCATE (Spring 2005)

Michael S. Truesdale and Laurie Ratliff, *Supreme Court Update*, APPELLATE ADVOCATE (Spring 2004)

Michael S. Truesdale and Laurie Ratliff, *Supreme Court Update*, APPELLATE ADVOCATE (Spring 2003)

Michael S. Truesdale and Laurie Ratliff, *Supreme Court Update*, APPELLATE ADVOCATE (Spring 2002)

Michael S. Truesdale and David S. Coale, *User-Friendly Courts Update*, APPELLATE ADVOCATE (Winter 2002)

Michael S. Truesdale, *Update: Report of the User-Friendly Court Committee*, APPELLATE ADVOCATE (Spring 2000)

CLE Presentations/Papers

Michael S. Truesdale, *Appellate Docket Analysis*, In-House CLE (2012)

Michael S. Truesdale, *2011 at the Supreme Court and Third Court of Appeals – The Year in Review*, Capital Area Trial Lawyers Association (2011)

Michael S. Truesdale, *Alternative Fee Arrangements*, State Bar of Texas Appellate Section Corporate Counsel Seminar (2010) (panelist)

Michael S. Truesdale, *Alternative Fee Arrangements*, State Bar of Texas/Houston Bar Appellate Section Corporate Counsel Seminar (2009) (panelist)

Michael S. Truesdale and Jeffrey Levinger, *Jury Charge*, State Bar of Texas Advanced Civil Appellate Course, (September, 2005)

Michael S. Truesdale, *Supreme Court Top Ten of 2004-05*, Diamond McCarthy Litigation Update (August, 2005)

Michael S. Truesdale, *The "Grievance Zone,"* Robert Calvert Inns of Court Presentation (April 2005) (moderator)

Jerry Bullard, Samara Kline, Cynthia Timms, and Michael S. Truesdale, *The Process: Internal Operating Procedures*, State Bar of Texas Advanced Civil Appellate Course Boot Camp (September 2004)

David C. Kent and Michael S. Truesdale, *Summing Up Summary Judgments*, South Texas College of Law, 11<sup>th</sup> Annual Civil Trial Law Conference (2002) (paper)

Michael S. Truesdale, *Commercial Litigation Update*, The University of Texas School of Law 12th Annual Conference on State and Federal Appeals (2002)

Michael S. Truesdale and David S. Coale, *State Court Internal Operating Procedures*, State Advanced Civil Appellate Seminar, State Bar of Texas (2001)

H. Robert Powell and Michael S. Truesdale, *Bad Faith and Punitive Damages Update: Texas*, ALI-ABA Conference on Bad Faith and Punitive Damages (1999) (paper)

Michael S. Truesdale and Lisa D. Hardie, *Preserving Error in the Charge*, Civil Appellate Seminar, Travis County Bar Association (1999)

Donald M. Hunt and Michael S. Truesdale, *Post-Verdict Practice and Prospective Changes*, 14<sup>th</sup> Annual Litigation Update Institute (1998) (paper)

Deborah G. Hankinson and Michael S. Truesdale, *Attacking and Defending Evidence Ruling on Appeal from Final Judgment*, State Bar of Texas Advanced Civil Appellate Course (1998) (paper)

Donald M. Hunt and Michael S. Truesdale, *Post-Trial/Pre-Appeal Motions*, SMU Advanced Civil Trial and Appellate Advocacy Seminar (1996) (paper)

Michael S. Truesdale, *Writing Appellate Briefs for the Texas Appellate Courts*, Primer for Handling Civil Appeals in State Court, Travis County Bar Assoc. (1996)

H. Robert Powell, Brenda Brockner, and Michael S. Truesdale, *Extraordinary Remedies, Sovereign Immunity*, Travis County Bar Association (1995) (paper)

Michael S. Truesdale, *A Reappraisal of a Language-Based Justification for Holistic Resolutional Focus*, Speech Communication Association Convention, Chicago, 1990

### **Miscellaneous**

Born in Denver, Colorado, 5/22/1966

Austin Partners in Education, Mentor (2007-present)

Boy Scouts of America, Pack 2, Den 9 Leader (2007-2010)

Reading is Fundamental Austin, Volunteer and Board Member (2001-2006)

North Austin Soccer Association, Coach "Team Cavemen" (2006-08)

Enthusiastic (not fast) long distance cyclist (RAGBRAI, Hotter'n Hell 100, etc.)