

## Brian P. Shaw

PARTNER

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**I draw on a wide range of skills to lift people out of difficult situations and help solve their problems. While I'm very collegial, I approach clients and opposing counsel with honesty and directness.**

Brian Shaw takes on the toughest commercial cases and successfully solves his clients' business problems, whether through trial or negotiation. As an experienced trial lawyer, he knows how to adeptly try a complex business case. But he also knows how and when to do a deal. In that way, Brian is a business partner with his business clients, always keeping business goals paramount.

Brian's Texas-focused practice involves representing both plaintiffs and defendants in complex commercial litigation. This dual-perspective helps him anticipate and prepare for opposing counsel's next moves. He has successfully tried high-profile, high-stakes lawsuits and arbitrations in front of judges, juries, and arbitrators in state and federal courts and before various arbitration organizations.

Brian handles business and partnership disputes, shareholder disputes, fiduciary duty litigation, breach of contract disputes, employment disputes, probate litigation, and bankruptcy litigation, among others. Some of Brian's cases have garnered local and national media attention in *The Wall Street Journal*, *Institutional Investor*, and *The Dallas Morning News*.

As lead counsel, Brian also represents clients on appeals to state and federal appellate courts. He has led appeals on a wide range of commercial and other appellate matters in both state and federal forums.

In addition to his litigation practice, Brian also counsels businesses and individuals on a full spectrum of legal and business matters. He approaches all interactions with a strong sense of integrity, a straightforward style, and the belief that having fun is possible even in serious situations. Clients appreciate his excellent communication abilities, including his strong writing and oral advocacy skills and his knack for tailoring information to the preferences and legal sophistication levels of his audiences.

Whether he's giving preemptive advice and devising strategies, litigating in a trial, or negotiating a settlement, Brian works diligently and strategically to maximize recoveries for plaintiff clients and minimize expenses for defendant clients.

### OUTSIDE OF WORK

Brian's primary focus is his wife and children, followed by the outdoors and cooking.

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## AREAS OF PRACTICE

- Bankruptcy
- Employment
- Litigation, Disputes, Appeals
- Real Estate, Construction, Infrastructure

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## REPRESENTATIVE MATTERS

### Trial Experience

- Won \$8 million judgment after 8-day bench trial in state court in Dallas County in complex financial dispute.
- Won \$8 million arbitration award, later confirmed to a judgment, in complex proceedings against the structured credit arm of Highland Capital Management, LP.
- Won \$1 million judgment after 5-day trial in state court in Dallas County in sale-of-business dispute.
- Won involuntary bankruptcy proceeding of Acis Capital Management, LP.
- Won complete defense verdict in 5-day trial in state court in Dallas County in complex, multi-case landlord-tenant dispute; conducted voir dire of panel that included former President George W. Bush; also obtained dismissal of eight other nearly identical cases filed by the same plaintiff's attorney against the same clients.
- Won complete defense verdict in bankruptcy adversary trial defending against allegations of fraud and fraudulent transfers.
- Won AAA arbitration against national brewery on behalf of Texas-based distributor authorizing the sale of the distributor.
- Won judgment in excess of \$1 million in 8-day bankruptcy adversary partnership dispute.
- Won bench trial in Denton County in oil and gas case; obtained relief requested and ultimately succeeded on appeal on subsequent trial court rulings.
- Successful multi-day divorce decree enforcement action.
- Won bench trial complete defense verdict in Harris County.

### Appellate Experience

- Lead appellate counsel in dispute over Texas civil procedure; obtained reversal and rendering of trial court order dismissing the case. *Benit v. Primalend Capital Partners, LP.*, No. 05-21-00024-CV, 2022 WL 1438944, at \*1 (Tex. App.—Dallas May 6, 2022, no pet.)
- Lead appellate counsel in attempt to reverse ~\$8M trial court win; obtained complete affirmance of trial court judgment. *PrimaLend Capital Partners, LP v. Benit*, No. 05-23-01261-CV, 2025 WL 2412008, at \*1 (Tex. App.—Dallas Aug. 20, 2025, pet. dism'd)
- Lead trial and appellate counsel in oil and gas dispute; obtained complete reversal of trial court's judgment, as well as partial render. *Allegiance Expl., LLC v. Davis*, 02-13-00349-CV, 2016 WL 1164331 (Tex. App.—Fort Worth Mar. 24, 2016, pet. denied).
- Lead trial and appellate counsel for plaintiffs in high-profile case involving novel 4<sup>th</sup> Amendment issues; obtained affirmance of trial court ruling and denial of rehearing en banc. *Trent v. Wade*, 776 F.3d 368 (5th Cir. 2015).
- Lead brief writer for plaintiffs in complex breach of fiduciary duty and partnership dispute; obtained

affirmance of trial court judgment. *Mullen v. Jones*, 445 B.R. 677 (N.D. Tex. Bankr. 2011).

- Lead trial and appellate counsel for defendant regarding bankruptcy jurisdictional issue; obtained affirmance of trial court judgment. *Marable v. Sam Pack's Five Star Ford of Lewisville, Ltd.*, 529 B.R. 676 (N.D. Tex. 2015).
- Lead trial and appellate counsel in guardianship dispute; obtained affirmance of trial court judgment and denial of petition for review. *Glad v. Ramseur*, No. 05-12-01166-CV, 2013 Tex. App. LEXIS 12423 (Tex. App.–Dallas Oct. 3, 2013, pet. denied).
- Obtained reversal of trial court judgment in construction case. *All Metals Fabricating, Inc. v. Foster General Contracting, Inc.*, 338 S.W.3d 615 (Tex.App.–Dallas 2011, no pet.).
- Obtained affirmance of trial court judgment in employment case. *Scarborough, Medlin & Ass., Inc. v. McCullough*, 435 S.W.3d 871 (Tex. App.–Dallas 2014, pet. denied).

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## CLIENT TESTIMONIALS

“Good litigators are HARD to find. While everyone says they’re one, you’re the real deal.” ~Client

“A true natural in the courtroom who loves trying cases. Has the skill and experience to understand complex business and finance matters, yet is grounded enough to present complex concepts in a way that is understandable by the trier of fact. All with a demeanor and sense of humor that builds trust and credibility. So, so happy he was on my side.” ~Co-Counsel

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## EDUCATION & ADMISSIONS

### Education

- Baylor Law School, J.D., 2006
- University of Georgia, B.B.A., 2002

### Bar + Court Admissions

- Licensed in Texas
- U.S. Court of Appeals, Fifth Circuit
- U.S. District Court, Eastern District, Texas
- U.S. District Court, Northern District, Texas
- U.S. District Court, Southern District, Texas
- U.S. District Court, Western District, Texas
- U.S. Supreme Court

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## HONORS & AWARDS

- *The Best Lawyers in America*® (BL Rankings), Commercial Litigation, 2024-2025
- Leading Litigators in America, Business/Financial Litigation, *Lawdragon 500*, 2023-2025
- Texas Super Lawyers, Business Litigation, *Super Lawyers* by Thomson Reuters, 2021, 2026
- Texas Rising Stars, *Super Lawyers* by Thomson Reuters, 2015-2019

- Appellate Lawyer of the Week, *Texas Lawyer*, 2015
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#### **PROFESSIONAL & COMMUNITY INVOLVEMENT**

- Counselor, William 'Mac' Taylor Inn of Court
  - Fellow, Texas Bar Foundation
  - Member, State Bar of Texas; Council Member, Antitrust & Business Litigation Section
  - Member, Dallas Bar Association
  - Member, Federal Bar Association
  - Eagle Scout, Troop 35 (Dallas, Texas)
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#### **PUBLICATIONS & PRESENTATIONS**

- Panelist, "Practicing in a Mid-Sized Law Firm," Baylor University School of Law, February 2025