



## Monica W. Latin

### Managing Partner

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**I bring much more to the practice of litigation than a mechanical application of the law to the facts. Whether I'm representing clients in highly complex litigation, or a relatively small matter, I care about all cases with an equal intensity. My clients know I'm their teammate. I make it a priority to get an in-depth understanding of the dynamics and nuances of each situation, and use that knowledge to frame our strategic approach.**

Passionately advocating for clients in her national commercial litigation practice, Monica Latin counsels organizations through courtroom trials, arbitrations, and appeals. She deftly handles disputes arising in a variety of arenas, including professional services, business ownership, real estate, employment, technology, manufacturing, retail, non-competes, trade secrets, and others.

Combining intellectual prowess, a fierce competitive spirit, great breadth of experience, and a deep-thinking, inquisitive nature, Monica is truly the complete package. Her keen analytical skills and exceptional dedication drive her to chart a strategic and efficient course of action. Monica's colleagues also recognize that her outstanding leadership skills extend well beyond litigation and chose her to be their managing partner.

An intuitive ability to forge strong connections with people and look down the road enables Monica to help clients resolve their concerns – and often avoid problems from arising. She gets to know them and their organizations, including their driving motivations and goals. And she takes the time to understand adversaries' objectives and priorities as well. With this solid understanding as a

foundation, Monica sizes up situations and maps out the best solutions. A former quarterback of a champion University of Texas flag football team, she compares this strategic facility to “field vision.”

Monica gathers disparate facts and pieces of information and distills them into a unifying theme to anchor the legal strategy. With superb courtroom skills, she advocates effectively before juries, vigorously furthering the interests of her clients. As a board-certified appellate lawyer, she knows how issues will look in hindsight and uses this knowledge to position her clients advantageously from the start.

Monica’s excellent track record has earned her repeated spots on the Texas Super Lawyers list of Top 100 attorneys in Texas and the Best Lawyers in America, among many other accolades. A Chambers-rated attorney, she has forged a national reputation as a top-tier speaker and leading thinker on legal issues and serves as a longtime leader in the Section of Litigation of the American Bar Association.

### **Significant Matters**

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- Obtained \$10.6 million arbitration award against her client’s former business partner.
- Obtained take-nothing jury verdict following a two-week federal court trial during the COVID-19 pandemic, rejecting claims for fraud and theft of trade secrets in lawsuit between competitors and former business partners.
- Obtained injunction and seven-figure arbitration award and judgment against independent distributors for breach of contract and tortious interference.
- Obtained a defense verdict and take-nothing judgment in favor of her clients in a case involving a covenant not to compete and claims for misappropriation of trade secrets and unjust enrichment.
- Obtained a highly-favorable mid-trial settlement of professional liability claims involving the duties of a sophisticated commercial insurance brokerage firm.
- Obtained pre-discovery dismissal of civil RICO suit.
- Successfully obtained on behalf of Dallas County a temporary restraining order against the Dallas County Sheriff and the Discovery Channel to prevent filming of documentary.
- Pursuant to a final judgment in a compliance dispute between the SEC and a New York-based investment banking and financial services firm, served as the agreed Independent Consultant to evaluate policies and procedures with respect to regulations governing the retention of electronic communications.
- Enforced and invalidated covenants not to compete in a variety of contexts.
- Obtained and defeated a variety of temporary injunctions involving federal and state statutes, regulations, interpretation of the Texas Constitution, real estate rights, covenants not to compete, and trade secrets.
- Won complete defense verdict in trial against accounting firm in suit against former employment compensation and benefits consultants and new employer.
- Obtained temporary restraining order and 7-figure settlement against executive whose co-workers and office staff were recruited to join competitor.

- Led the litigation team in the successful prosecution and settlement of a substantial construction defects case involving a big box retail development and numerous defendants.
- Defended numerous professional liability claims against insurance brokers and other professional service providers.
- Obtained numerous summary judgments dismissing claims.
- *Bodum USA, Inc. v. J.C. Penney Corp., Inc.*, 2019 WL 5417748 (Tex. App. —Dallas, Oct. 23, 2019, no pet.)
- *Smith et. al. v. Nerium International*, 2019 WL 3543583 (Tex. App.—Dallas 2019, no pet.)
- *RBC Capital Mkts., LLC v. Highland Capital Mgmt., L.P.*, 2015 WL 7873712 Tex. App.—Dallas 2015, pet. denied)
- *Cardiac Perfusion Services v. Hughes*, 4365 S.W.3d 790 (Tex. 2014)
- *U.S. Risk Ins. Group v. Woods*, 399 S.W.3d 295 (Tex. App.—Dallas, 2013, no pet.)
- *Marsh v. Cook*, 359 S.W.3d 764 (Tex. 2011)
- *Amend v. Watson*, 333 S.W.3d 625 (Tex. App.—Dallas, July 6, 2009, no pet.)
- *TIG Ins. Co. v. Aon Re, Inc.*, 521 F.3d 351 (Fifth Cir. 2008)
- *Meyer v. Cathey*, 1675 S.W.3d 327 (Tex. 2005)
- *Nauslar v. Coors Brewing Co.*, 170 S.W.3d 242 (Tex. App.—Dallas, 2005, no pet.)
- *CMS Partners, Ltd. v. Plumrose USA, Inc.*, 101 S.W.3d 730 (Tex. App.—Texarkana 2003, no pet.)
- *Plaza at Turtle Creek, Ltd. v. Henry Building, Inc.*, 2002 WL 59603 (Tex. App.—El Paso, Jan. 17, 2002)
- *Bullough v. JLM Financial II*, 2001 WL 789285 (Tex. App.—Dallas, July 12, 2001, pet. denied)
- *Blackman v. Jolly*, 2000 WL 230329 (Tex. App.—Dallas, Mar. 1, 2000, pet. denied)
- *Monroe v. Hunsicker*, 2000 WL 31876 (Tex. App.—Dallas, Jan. 18, 2000, no pet.)

## Areas of Focus

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### Industries

- Financial Services
- Manufacturing
- Professional Services
- Real Estate and Construction
- Retail and Ecommerce
- Software, Technology, and Telecommunications

### Services

- Appeals and Analysis
- Professional Liability
- Intellectual Property
- Litigation and Disputes
- Noncompete and Trade Secrets

## Education

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- University of Texas at Austin School of Law, J.D., 1993, with honors
  - Editor in Chief, *The Review of Litigation*
- Trinity University, B.S., Computer Science and Philosophy, 1990, summa cum laude
  - Phi Beta Kappa
- Kings College, University of London

## Clerkships

- Clerk for the Honorable Lloyd Doggett, Supreme Court of Texas (1993-1994)

## Admissions

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- Texas, 1993
- U.S. District Court Northern District Texas
- U.S. District Court Southern District Texas
- U.S. District Court Eastern District Texas
- U.S. District Court Western District Texas
- U.S. Court of Appeals Fifth Circuit
- U.S. Court of Appeals Ninth Circuit
- U.S. District Court Eastern District Wisconsin

## Leadership

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- Dallas Regional Chamber, Board of Directors, Executive Women's Roundtable
- American Arbitration Association, National Panel of Commercial and Employment Arbitrators
- American Bar Association Section of Litigation, member of Council (2023-present); various leadership positions, 2010-2023
- The Dallas Assembly
- Patrick E. Higginbotham American Inn of Court, Master and Executive Committee Member
- Dallas Women Lawyers Foundation Association Ally
- Leadership Dallas Alumni, Board of Directors, 2011-2016; Chair, 2014
- Board of Directors, Woodrow Wilson High School Community Foundation, 2013-2016
- T. Boone Pickens YMCA Board of Management, 2012-2016
- Dallas Bar Association, Board of Directors, 2011; Judiciary Committee Co-Chair, 2011; Bench-Bar Conference Co-Chair, 2009
- Leadership Dallas, Class of 2009

- The Chiapas Project, Board of Directors, 2005-2010 (Chair 2006, Officer 2005-2007); Advisory Board, 2011-2016
- Board of Directors, Texas Young Lawyers Association, Dallas Association of Young Lawyers, and Dallas Association of Young Lawyers Foundation
- National Alumni Board, Trinity University, (Executive Committee), 2005-2008
- Dallas Association of Young Lawyers Foundation, Life Founding Fellow and former Trustee and Officer
- Life Fellow: Dallas Bar Foundation
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- Member: College of the State Bar of Texas, Attorneys Serving the Community, American Bar Association, Dallas Bar Association
- Member: State Bar of Texas, Section of Litigation
- Numerous committees for state and local bar associations

## Recognition

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- Board Certified in Civil Appellate Law, Texas Board of Legal Specialization
- Legal Aid of NorthWest Texas Louise Raggio Women's Legal Advocate Award, 2023
- Lexology, Who's Who Legal (WWL): Commerical Litigation
- Chambers USA, Litigation: General Commercial – Texas: Dallas, Fort Worth & Surrounds, Band 4, 2021-present
- *Best Lawyers in America*, 2015-present, Commercial Litigation, Appellate Practice, Bet-the-Company Litigation, Employment Law – Management
- Martindale-Hubbell AV Preeminent® Rating (5.0 out of 5.0)
- *D CEO Magazine*, Dallas 500 Award, 2018 and 2022
- Named to the Top 100 Lawyers in Texas list by *Super Lawyers*, 2014-2015, 2017-2018, and 2020-present, Thomson Reuters
- Lawdragon 500, Leading Litigators in America, Business/Financial Litigation, Commercial Litigation, 2023-2024
- Named to the Top 50 Women Lawyers in Texas list by *Super Lawyers*, 2013-present, Thomson Reuters
- Named to the Top 100 Lawyers in Dallas/Fort Worth list by *Super Lawyers*, 2014-2019, 2022 -2023 Thomson Reuters
- *D Magazine* Best Lawyers in Dallas, 2008-present, Business/Commercial Litigation
- DAYL Foundation Award of Excellence, 2018
- Named to the Texas *Super Lawyers* list, as published in *Texas Monthly* magazine, 2003-present, Thomson Reuters
- National Diversity Council Award, Dallas Top Women in Legal, 2019
- *D Magazine* Best Women Lawyers in Dallas, 2010
- Outstanding Young Lawyer of Dallas, Dallas Association of Young Lawyers, 2004
- *D Magazine* Best Lawyers Under 40, 2004
- President's Award of Merit, Texas Young Lawyers Association, 2002 and 2004
- BTI Client Service All-Star (survey of Fortune 1000 general counsel), 2002



## Speeches/Publications

- Speaker, Texas General Counsel Forum Virtual CLE Program, *The Changing Landscape of Non-Competes*, 2023.
- Panelist, *Inspiring Women*, Dallas Bar Association, 2022.
- Panelist, Dallas Bar Association, Business Litigation Section, 2022.
- Speaker, State Bar of Texas Annual Meeting, Diversity Forum, *Hiring, Retention, and other Impacts of COVID-19 on Law Firms*, 2022.
- Moderator, *En Banc Judicial Forum*, Patrick E. Higginbotham American Inn of Court, 2022.
- Moderator and Panelist, *Juror Perceptions of Women Litigators*, Magna Legal Services, 2021.
- Speaker, 2021 Discovery Update: *Full Disclosure and Other Changes in a Post-2020 Texas*, State Bar of Texas Litigation Update Institute, 2021.
- Panelist, DAYL Skills Boot Camp Series, Direct Examination, Dallas, 2019.
- Panelist, Institute for Energy Law Leadership Class, Houston, Texas, 2019.
- Moderator, *Continuing the Conversation*, DWLA and DAYL, 2019.
- Panelist, *What She Said...Tricks of the Trade for Success at Trial*, Dallas Bar Association Trial Skills Section, November 2018.
- Speaker, *What Has Changed in State and Federal Discovery Practice That You Need to Know*, State Bar of Texas, Advanced Civil Evidence and Discovery, Houston, Texas, 2017.
- Program Co-Chair, *Precision Advocacy: Reinventing Motion Practice to Win*, American Bar Association Section of Litigation, Dallas, Texas 2017.
- Panelist, *Discovery in a New Era*, Northern District of Texas Bench-Bar Conference, 2017.



- Judicial Panel Moderator, *eDiscovery in Your Case*, State Bar of Texas, Austin, Texas, 2016.
- Faculty Member, *Georgetown Advanced eDiscovery Institute*, Washington, D.C., 2016.
- Panelist, *Protecting Draft Expert Reports from Production under the Federal Rules*, ABA Section of Litigation webinar, 2016.
- Panelist, *Reinventing Case Management and Discovery Under the 2015 Civil Rules Amendments*, ABA Section of Litigation/Duke Law School, 2016.
- Faculty member, *eDiscovery Negotiation Training: Practical Cooperative Strategies*, The Sedona Conference, Washington, D.C., 2016.
- Panelist, *Keys to Drafting an Effective Non-Compete*, UT Law Non-Compete Camp, 2015.
- Panelist, *Injunctions in State and Federal Court*, Dallas Bar Association Business Litigation Section, 2015.
- Co-Chair, 8th Annual Sedona Conference Institute on *eDiscovery*, Houston, 2014.
- Panelist, *Opening Statements and Closing Arguments*, UT Law Trial Skills Training Camp, 2014.
- Speaker, *Noncompetes in Texas: Where are the Battle Lines Now?* Dallas Bar Association, July 2013.
- Chair, American Bar Association Section of Litigation 5th, 6th, and 7th National Institutes on Electronic Discovery, Washington, D.C., 2011, and New York, 2012 and 2013.
- Co-Author, *Recent Developments and Trends in Discovery*, State Bar of Texas 35th Annual Advanced Civil Trial Course 2012 (July, August and October 2012, republished in TEXAS PERSPECTIVES ON E-DISCOVERY, State Bar of Texas, 2013).
- Panelist, *E-Discovery Cost Saving Solutions: The New Drivers*, Huron Legal Institute, 2013.
- Panelist, *Plunging into the Quagmire of Marsh: New Issues in Noncompetes*, ALI CLE, 2012.
- Co-Chair, 6th Annual Sedona Conference Institute on *Staying Ahead of the eDiscovery Curve*, St. Louis, 2012.
- Moderator of Judicial Panel, *E-Discovery in the State and Federal Courts*, Dallas Bar Association, 2011.
- Panelist, *E-information: From Request to Admission*, State Bar of Texas Advanced Personal Injury Law Course, 2010.
- Co-author, *Living Daily With Weekley Homes*, The Advocate, Summer 2010.
- Panelist, *Kroll Ontrack Litigation Technology Workshop*, LegalTech, New York, 2010.
- Panelist, *Working With First Time Clients on Electronic Discovery Projects*, ESI Bytes, 2009.
- Moderator, American Bar Association Third Annual National Institute on E-Discovery, Chicago, 2009.
- *Temporary Restraining Orders and Injunctions*, Dallas Association of Young Lawyers, 2009.
- Panelist, *Money-Saving Solutions for E-Discovery*, Huron Consulting Group, 2009.
- Panelist, *Avoiding Problems for Corporate Representatives Under Oath*, Georgetown Law CLE, 2008.
- *Assessing Noncompetition Agreements and Minimizing Risk in the Hiring Process*, In-House Litigator, ABA Section of Litigation, 2008.
- Moderator, *State and Federal Approaches to E-Discovery*, Dallas Bar Association Bench-Bar Conference, 2008.
- *Downgrading Data to Inaccessible Format: Risky business?* BNA Audioconference, 2008.
- Co-Chair, 2nd Annual Getting Ahead of the eDiscovery Curve: *Strategies to Reduce Costs & Meet Judicial Expectations*, The Sedona Conference Institute, San Diego, 2008.
- *E-Discovery Ethics & Best Practices for Counsel*, West Legalworks, 2007.

- Panelist, 4th Annual Advanced E-Discovery Institute: *The Revised Federal Rules – A Year Later*, Georgetown University Law Center, 2007.
- Panelist, *Does Size Matter With Electronic Records? Records Management Issues for Mid-Size Companies and Law Firms*, BNA Audioconference, 2007.
- Panelist, *Electronic Discovery after the New Federal Rules: Strategies for Coping with the Latest Challenges and Intricacies*, West Legalworks, Austin, TX, 2007.
- *E-Discovery in Practice – Effect of the Federal Rule Changes*, American Bar Association Section of Litigation, 2007.
- Co-chair, *Getting Ahead of the eDiscovery Curve*, The Sedona Conference Institute, Memphis, TN, 2007.
- Panelist, *The Next Frontier – Federal Rules Changes to E-Discovery*, American Bar Association Section of Litigation Annual Meeting, San Antonio, TX, 2007.
- Panelist, *University of Traditional Discovery Mechanisms to Pursue E-Discovery*, Georgetown University Law Center Advanced E-Discovery Institute, 2006.
- *E-Discovery Basics, Burdens and Bombshells*, Oklahoma Association of Defense Counsel Annual Meeting, 2006.
- *New Federal Rules on E-Discovery: Answers and Questions*, Pricewaterhouse Coopers General Counsel Forum, 2006.
- Panelist, *Preservation Duties, Spoliation Sanctions and Risk Management*, IQPC E-Discovery Conference, Miami, FL, 2006.
- *Electronic Discovery and the Evolving Role of Corporate Counsel and the Governance Professional*, Society of Corporate Secretaries & Governance Professionals, 2006.
- Moderator, *Protective Orders & Open Courts: Access or Exposure?* Dallas Bar Association, 2005.
- *Electronic Discovery: How to Cope with Litigation's 800-pound Gorilla*, 13th Annual Corporate Counsel Symposium, SMU Dedman School of Law, 2005.
- *How to Avoid Being on the Wrong End of Spoliation Sanctions – Lessons from Morgan Stanley, Zubulake, and Phillip Morris*, Association of Corporate Counsel, DFW Chapter, 2005.
- *Rules Tomorrow, Guidance Today: The State of Play of the Federal Rules Proposals and the Impact of Arthur Andersen and Morgan Stanley*, Pike & Fisher Audioconference, 2005.
- *Trials and Tribulations: Electronic Discovery and the Evolving Role of Corporate Counsel*, Association of Corporate Counsel DFW Symposium, 2005.
- *The Role of Electronic Documents in Litigation and Investigations: Unique Issues and Innovative Approaches*, International Law and Technology Forum, Center for American and International Law, 2004.
- *Recent Updates Relating to Discovery of Electronic Data*, The Fifth Annual Las Vegas CLE, DAYL/AAYLA, 2004.
- Co-author and program faculty member, *Who Pays for Electronic Discovery? A Survey, Complex Litigation V: Electronic Discovery and Technology in the Courtroom*, The Sedona Conference, 2003.
- Federal Discovery, *Federal Court Practice Seminar*, State Bar of Texas 2002.
- *Sending and Responding to Written Discovery*, Dallas Association of Young Lawyers “Bridge The Gap” Seminar, 1999.
- *The New Texas State Court Discovery Rules*, Dallas Association of Young Lawyers Seminar, 1999.





## Outside of Work

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Monica enjoys travel, sports, theater, music, being outside, and partaking of good food and wine.

