



Neil R. Burger

Partner

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If I take on your case, you can count on me to ask you a lot of questions, up front. I want to gather as much information as possible in order to determine what our best legal route is and ensure there are no unpleasant surprises. I also want to know *your* story, what matters most, what outcome you want, and what you consider a win.

Neil Burger is a versatile litigator whose resume includes non-compete, trade secret and other employment cases, real estate disputes, oil and gas litigation, breach of contract and tortious injury lawsuits, as well as business ownership disputes, and discrimination claims. In the area of non-competition disputes specifically, he has significant experience in both general business cases and disputes over physician employment agreements in particular. Neil has handled a client's litigation matters in forums beyond trial and appellate courts, including before the Texas Workforce Commission, NLRB, EEOC, and SEC, as well as representing claimants and trustees in bankruptcy proceedings. Neil has also been lead counsel in complex cases involving land use disputes, both in trial court and before city boards.

Aware that litigators often have to act quickly—for example, when a former employee is poised to share valuable proprietary information or trade secrets—Neil is particularly adept at securing temporary injunction orders in order to prevent clients from suffering irreparable harm, the kind that money cannot repair. Such cases can be intense, the equivalent of condensing a year's litigation into a short, high-stakes proceeding. Neil is up to the task. "You must be ready for any situation that comes

up,” he explains. “And you must often deal with it immediately.”

Although his practice, for the most part, involves representing individuals and corporations in business disputes, Neil also dedicates significant time to pro bono work for people in need of legal representation but without the resources to obtain it. In one case, he and fellow Carrington Coleman lawyers secured the release of a Texas death-row inmate. The court held that the man’s original counsel had been ineffective, having failed to thoroughly investigate and present evidence of innocence. “Probably for the first time in that man’s life, he could feel that he had a team of people truly fighting for him,” Neil recalls. No matter who the client may be, he wants them to feel the same.

Clients know Neil to be a strategic thinker, skilled at evaluating and clearly explaining all of their options, as well as both the intended and possibly unintended ramifications of a particular course of action. His skills have brought him a wide commercial practice and recognition on Texas Monthly’s Texas Super Lawyer listing in business litigation from 2013-2021.

Significant Matters

- Obtained a temporary restraining order and temporary injunction enforcing a noncompetition agreement to prevent a former employee from soliciting business from the client’s customers.
- Obtained a temporary restraining order and writ of sequestration preventing the disclosure of the client’s proprietary information and requiring the return of misappropriated company materials.
- Won a judgment for fraud damages after a trial in bankruptcy court and obtained an order setting aside homestead exemptions allowing the client to collect on the judgment through a forced sale. Lead appellate counsel in successful appeal of the entire judgment and order.
- Won a take nothing final judgment against client accused of violating a noncompetition agreement.
- Won a final judgment in favor of the client for enforcement of a loan agreement for the full amount of the loan plus interest and attorneys’ fees.
- Led the prosecution of age discrimination claims against a Fortune 500 company resulting in a favorable settlement.
- Lead appellate counsel in multi-million dollar litigation concerning ownership of oil and gas interests and enforcement of a promissory note.
- Obtained complete dismissal of lawsuit against foreign company based on the court’s lack of personal jurisdiction.
- Lead counsel defending a company and its majority owners against claims brought by minority shareholder for oppression and malfeasance, resulting in a favorable settlement.

Areas of Focus

Industries

- Energy
- Health Care
- Professional Services
- Real Estate and Construction

Services

- Appeals and Analysis
- Bankruptcy and Creditors' Rights
- Employment
- Litigation and Disputes
- Noncompete and Trade Secrets
- Real Estate

Education

- Southern Methodist University, Dedman School of Law, J.D., 2002, magna cum laude
 - Member: SMU Law Review, 2000-2002, Articles Editor, 2001-2002.
 - Member: Order of the Coif
- Emory University, B.A., 1998

Admissions

- Texas, 2002
- 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 Sixth Circuit

Recognition

- Firm Recipient of the American Bar Association Death Penalty Representation Project 2013 Exceptional Service Award

- Named to the Texas Super Lawyers list, as published in *Texas Monthly* magazine, 2013-2021
- Named to Texas Rising Stars list, as published in *Texas Monthly* magazine, 2007-2012



Speeches/Publications

- Speaker, *Effective Zoom (WebEx) Hearings/Trials* (John C. Ford American Inn of Court, November 2020).
- Speaker, *From Death Row to Freedom* (Amarillo Bar Association, October 2019; Dallas Bar Association, January 2015).
- Speaker, *Procedural & Practical Considerations for Obtaining Injunctive Relief* (Texas State Bar CLE: Damages in Civil Litigation, Houston, February 2015).
- Co-Author, *Injunctions* (Texas State Bar CLE: Damages in Civil Litigation, Houston, February 2015).
- Faculty Co-Leader, *Dallas Bar Association Trial Academy – Evidence Module* (July 27, 2012).
- *New E-Discovery Rules: An Overview of the Amendments to the Federal Rules of Civil Procedure* (CLE Presentation, March 2006).
- *E-Discovery Update: Application of the Amendment to the Federal Rules* (CLE Presentation, November 2006).
- *The Basics of House Bill 4 and Texas Tort Reform* (CLE Presentation, February 2004).
- *Letting Frustrations Get the Better of Us – Second Circuit Allows a Lessee/Sublessor to Escape CERCLA Liability*, 54 SMU Law Review 433, 2001.

Outside of Work

I enjoy traveling to attend sporting events, particularly international trips. I am a big fan of European soccer and have attended numerous games in England, Spain, and elsewhere throughout Europe. In fact, I once saw the Dallas Cowboys, whom I hadn't seen play in Dallas in more than 20 years, beat the Jaguars at Wembley Stadium in London. The trip also gave me the opportunity to see Argentina's Messi up close at a match the next day.