

**D. Paul Dalton**

Shareholder

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Practice Areas

- Business Litigation
- Commercial Litigation
- Construction
- Healthcare
- Intellectual Property Litigation
- Premises Liability
- Product Liability
- Professional Liability
- Tort and Insurance Litigation
- Toxic, Mass Tort & Environmental Law

Practice Emphasis

D. Paul Dalton is a Shareholder in the Business and Commercial Litigation Sections of Cowles & Thompson. His practice is generally devoted to commercial and complex business litigation, including disputes arising from contracts (employment, non-competition, purchases/sales, warranties, promissory notes, leases, and other formalized business dealings), business torts (fraud, fiduciary duties, tortious interference, theft/misuse of trade secrets, confidential information, or other intellectual property, and others), other actionable business conduct (such as usury, antitrust and trade regulation, copyright or trademark violations, unfair competition and deceptive trade practices), and encompassing specialty practice areas, including construction (owners, contractors, design professionals), technology (software and hardware), healthcare, and equitable relief (injunctions, restraining orders).

Mr. Dalton represents U.S. and foreign individuals and businesses in Texas state and federal trial courts and has argued appeals in several of Texas' intermediate courts of appeals and in the United States Court of Appeals for the Fifth Circuit. A related portion of Mr. Dalton's practice is to help avoid foreseeable litigation, such as by assisting clients in evaluating, negotiating, or drafting business documents, including those involving technology, healthcare, or other specialty matters. Additionally, Mr. Dalton is a Texas Registered Pharmacist and a Certified Mediator.

Publications and Speaking Engagements

- Instructional Faculty of the annual Southern Deposition Program of the National Institute for Trial Advocacy, 1996 to present
- Visiting Lecturer of Law for the American Civil Jury program and demonstration at the Marie Curie Swardowski University in Lublin, Poland, 1996
- Presented lectures to attorneys on handling complex civil litigation, injunctions, and employment law insurance coverage and to pharmacists on professional liability and business law issues
- Principal author of the Conflicts of Law articles in the 1984 and 1985 Annual Survey of Texas Law issues of *The Southwestern Law Journal*
- Presenter – Cowles & Thompson Law & Technology seminar

Memberships

- Member, State Bar of Texas
- Member, Defense Research Institute
- Member, Texas Association of Defense Counsel
- Member, Dallas Association of Defense Counsel
- Member, American Bar Association
- Member, Dallas Bar Association

Education and Court Admissions

- J.D., Southern Methodist University School of Law, 1979
 - Associate Editor, *Journal of Air Law and Commerce*
 - Chief Counsel, Moot Court Board
 - Member, Phi Alpha Delta
 - Member, National Order of Barristers
 - Recipient, Moot Court Board's Distinguished Alumnus Award, 1984

- B.S. in Pharmacy, University of Houston College of Pharmacy, 1973
- Admitted to the State Bar of Texas, 1979
- United States Supreme Court
- U.S. Court of Appeals for the Fifth Circuit
- U.S. Court of Appeals for the Eleventh Circuit
- U.S. Court of Federal Claims
- U.S. District Court, Northern District of Texas
- U.S. District Court, Southern District of Texas
- U.S. District Court, Eastern District of Texas
- U.S. District Court, Western District of Texas

Representative Matters:

- February 2010: Rick Barrett and Paul Dalton successfully represented a hotel client in obtaining a new trial relating to code citations issued by a local municipality. The basis for the new trial was the hotel fully complied with the citation violations and procedural and evidentiary irregularities existed during the trial that resulted in the imposition of fine amounts far in excess of the amounts proper under the actual facts of each such cause.\
- January 2010: Rick Barrett, Paul Dalton, Eric Yopez, and David Oliveros settle a \$30 Million complex construction defect case. The Firm's client, one of 45 subcontractors in a luxury condominium development, was sued by the general contractor in an arbitration proceeding. The Firm was retained only 3½ months before the start of the arbitration hearing. Through its "fast-track" review and analysis of hundreds of thousands of pages of documents produced by the condominium developer/owner, the general contractor, and others, the Firm found and collected previously undiscovered documentary evidence showing that – after the arbitration process started – but before the Firm's client was sued or could make any inspections – the developer/owner and/or the general contractor had removed, destroyed, or replaced the work done by the Firm's client, thereby depriving the client of any ability to mount a factual defense to the claims. Consequently, the Firm filed and aggressively prosecuted motions for summary judgment and motions for sanctions (death penalty) against the developer/owner and the general contractor for their spoliation of critically important evidence. The Firm's "spoliation of evidence" strategy resulted in the client's very nominal contribution to the multi-million dollar settlement of this complex construction defect case.
- Rick Barrett, Paul Dalton, and John Hill successfully represented the owner of a hotel in a condemnation proceeding instituted by a local municipality. The Firm's client alleged the condemnation hearing was not properly authorized under the TEXAS LOCAL GOVERNMENT CODE, the municipality failed to comply with and breached its own ordinances resulting in the issuance of void citations and inspections, the notices posted on the hotel were illegal and void acts, the hotel was illegally and wrongfully closed down, the notice of condemnation hearing was illegal and void, the condemnation hearing was illegal and void, and the Order issued by the Board at the condemnation hearing was illegal and void. As a result of the Firm's efforts, the hotel was not condemned and has reopened for business.