

**R. Michael Northrup**

Shareholder

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Practice Areas

- Appellate
- Employment
- Land Use

Practice Emphasis

R. Michael Northrup is a Shareholder in the Appellate Practice Group of Cowles & Thompson. He practices in both the trial and appellate courts in cases involving personal injury, insurance issues, employment law and commercial disputes, and he provides litigation support to attorneys in other sections of the firm. Mr. Northrup served as a briefing attorney for former Chief Justice Thomas R. Phillips, Texas Supreme Court, 1988-89. He has taught as an adjunct professor at Hastings College of Law and SMU School of Law. He is Board Certified in Civil Appellate Law by the Texas Board of Legal Specialization.

Experience

- Succeeded in challenging a series of trial court's orders on appeal on the basis that the orders did not establish a final judgment, as the party in whose favor the orders were rendered had argued. The Appellee had obtained an order severing out various claims and parties –apparently for the purpose of creating a final enforceable judgment and forcing an appeal. The Court of Appeals concluded that there was no final judgment because no order disposed of post-judgment interest. The Court of Appeals also noted that the trial court should not have severed the judgment merely for the purpose of obtaining an advisory appellate opinion.
- Successfully defended a summary judgment awarded in favor of a homeowner's association and a group of individual homeowners. The Plaintiffs were themselves homeowners and brought suit seeking to declare that the various homeowners were in violation of the association's deed restrictions and that all the deed restrictions were void because of lack of enforcement. The association and individual homeowners secured a summary judgment against the claims and the Plaintiffs appealed. The court of appeals affirmed the summary judgment. They held that one of the Plaintiffs had failed to prosecute an appeal, while the other plaintiff lacked standing to sue because the record showed she was not the record owner of the property at the time she brought suit.
- Successful in getting claims against two individual Georgia residents dismissed due to lack of personal jurisdiction. In the same case, he was also successful in getting claims for fraud and conspiracy against a corporate defendant dismissed for failure to state a claim.
- Successfully won an appeal in the Dallas Court of Appeals regarding a Municipal Airport operator's right to charge an access fee pursuant to its regulatory power as a governmental entity because the license agreement and lease agreement the property owner relied upon expressly made the rights in those agreements subject to future ordinances and regulations.
- Provides litigation support in pretrial matters, including review of pleadings, drafting of complex motions and responses, preservation of error during trial, and preparation of jury charges
- Handles post-trial and appellate matters, including drafting of proposed judgments, post-trial motions, requests for findings of fact and conclusions of law, supersedeas challenges, and appellate briefs
- Successfully obtained reversal of judgment against chiropractors and doctors for alleged fraudulent treatment and billing practices and conspiracy charges
- Successfully invalidated contractual indemnity clause in appeal of insurance coverage dispute under the Texas Oilfield Anti-indemnity Act
- Successfully defended in-house insurance counsel against allegations of the unauthorized practice of law

- Successfully defended a summary judgment in a Will contest involving a Will purportedly signed on the decedent's deathbed
- Established the right of putative class members objecting to class action settlement agreement to appeal judgment approving the settlement agreement
- Successfully defended a Trust against a beneficiary's divorcing spouse's claim that the trust was community property
- Reversed a summary judgment barring a lender from foreclosing on real property due to the expiration of the statute of limitations
- Successfully defended an appeal asserting that an employer discriminated against its employee on the basis of gender, and retaliated against her
- Successfully overturned a \$5 million medical negligence verdict
- Successfully overturned an insurance bad-faith jury verdict including punitive damage award

A sample of published opinions in which Mr. Northrup wrote the brief and/or argued:

- *Northrup v. Southwestern Bell Tel. Co.*, 72 S.W.3d 1 (Tex. App. -- Corpus Christi 2001, pet. denied)
- *Texas Commerce Bank v. Grizzle*, 96 S.W.3d 240 (Tex. 2002)
- *Espalin v. Children's Medical Center*, 27 S.W.3d 675 (Tex. App. -- Dallas 2000, no pet. h.)
- *St. Paul Surplus Lines Ins. Co. v. Dal-Worth Tank Co.*, 974 S.W.2d 51 (Tex. 1998)
- *Greene's Pressure Testing & Rentals, Inc. v. Flournoy Drilling Co.*, 113 F.3d 47 (5th Cir. 1997)
- *Pansegrau v. National Union Fire Ins. Co.*, 23 F.3d 960 (5th Cir. 1994)
- *Little v. Smith*, 943 S.W.2d 414 (Tex. 1997)
- *Cleaver v. George Staton Co.*, 908 S.W.2d 468 (Tex. App.--Tyler 1995, writ denied)
- *Besing v. Vanden Eykel*, 878 S.W.2d 182 (Tex. App.--Dallas 1994, writ denied)
- *Beavers v. Northrop Worldwide Aircraft Servs.*, 821 S.W.2d 669 (Tex. App.--Amarillo 1991, writ denied)
- *First Title Co of Waco v. Garrett*, 802 S.W.2d 254 (Tex. App.--Waco 1990), aff'd in part, rev'd in part, 860 S.W.2d 74 (Tex. 1993)
- *Fogel v. Shoemake*, 795 S.W.2d 903, rev'd 826 S.W.2d 933 (Tex. 1992)

Publications, Speaking Engagements, Other

- Mr. Northrup was the chair for the Appellate Law Section of the Dallas Bar Association (2008)
- Mr. Northrup is a contributing author to the Texas Torts & Remedies as well as the Texas Litigation Guide for which he has authored chapters on the Deceptive Trade Practices Act, Punitive Damages, Limitation of Actions, the Appellate Record, and Liquor Liability
- Authored Restrictions on Class-Action Attorney-Fee Awards, 46 South Texas Law Review (2005)
- Authored Per Curiam Disposition The Houston Lawyer, March/April 1990
- Authored Per Curiam Review in the Supreme Court, The Appellate Advocate, Winter 1990

Honors

Mr. Northrup was the recipient of the Houston Bar Foundation's award for Outstanding Legal Article and was named to the Who's Who Among Attorneys in America from 1989-90.

Memberships

- Member, State Bar of Texas
- Member, Dallas Bar Association
 - Secretary, Appellate Section, 2006
- Member, College of the State Bar of Texas
- Member, Defense Research Institute
 - Appellate Section
 - Lawyers' Professionalism & Ethics Committee

Education and Court Admissions

- J.D., Texas Tech University School of Law, 1988
 - Member, Phi Delta Phi
- B.S., Texas A&M University, 1985
- Admitted to State Bar of Texas, 1988
- United States Supreme Court
- U.S. Court of Appeals for the Fifth Circuit
- U.S. District Court, Northern District of Texas
- U.S. District Court, Eastern District of Texas