



**R. Michael Northrup**

Shareholder

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**Practice Areas**

- Appellate
- Coverage and Insurance Litigation
- Employment Law
- Municipal, Public Law and Land Use



**Practice Emphasis**

R. Michael Northrup is a Shareholder and Section Head of the Cowles and Thompson Appellate Practice Group. He practices in both the trial and appellate courts in cases involving personal injury, insurance issues, employment law, commercial disputes, and zoning disputes. He provides litigation support to attorneys in other sections of the firm. Mike 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.

Mike 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. He also authored "In Search of Consensus on 'Net Worth,'" (co-author), *The Appellate Advocate* (Spring 2010); "Restrictions on Class-Action Attorney-Fee Awards," *46 South Texas Law Review* 953 (2005); "Per Curiam Review in the Supreme Court," *The Appellate Advocate* (Winter 1990); and "Per Curiam Disposition," *The Houston Lawyer* (March/April 1990).

Mike 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. He 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.

**Representative Experience**

- Successful defense on appeal in favor of our client, Garland Housing Finance Corporation. The appealed judgment declared that a nonprofit housing finance corporation's property was exempt from property taxes as a matter of law. Feb. 2021
- Successfully challenged 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 purposes 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, and 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 dismissal of claims against two individual Georgia residents because of a lack of personal jurisdiction. In the same case, he also achieved dismissal of claims for fraud and conspiracy against a corporate defendant 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.
- 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:**

- *Allstate Ins. Co. v. Receivable Fin. Co. LLC*, 501 F.3d 398 (5<sup>th</sup> Cir. Tex. 2007).
- *Myers v. Crestone Int'l LLC*, 121 Fed. Appx. 25 (5<sup>th</sup> Cir. Tex. 2005).
- *Domino's Pizza, L.L.C. v. Reddy*, No. 09-14-00058-CV, 2015 Tex. App. LEXIS 2578 (Tex. App.—Beaumont, Mar. 19, 2015, pet. denied).
- *Levetz v. Sutton*, 404 S.W.3d 798 (Tex. App.—Dallas 2013, pet. denied).
- *Webb v. Voga*, 316 S.W.3d 809, 811 (Tex. App.—Dallas 2010, no pet.).
- *Webb v. Glenbrook Owners Ass'n*, 298 S.W.3d 374 (Tex. App.—Dallas 2009, no pet.).
- *Talkington v. McCurley*, No. 05-08-01166-CV, 2009 Tex. App. LEXIS 8826 (Tex. App.—Dallas Nov. 17, 2009, pet. denied).
- *In re Estate of Bendtsen*, 230 S.W.3d 823 (Tex. App.—Dallas 2007, pet. denied).
- *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).
- *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).
- *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).

## Publications and Speaking Engagements

### Presentations

- "Suspending Enforcement of Judgments During Appeal," speaker, Dallas Bar Association Appellate Law Section, Sept. 17, 2015
- "State Summary Judgment Freak Show: Just When you Thought You'd Seen It All," speaker, Dallas Bar Association Appellate Law Section, June 19, 2014
- "Adventures in Appellate Land," speaker, Mesquite Bar Association, June 15, 2011
- "Raiders of the Lost Articles of the Texas Constitution," speaker, Dallas Bar Association Appellate Law Section, Sept. 16, 2010

### Publications

- "Reasonable and Necessary Expenses in Personal Injury Cases," author, Cowles and Thompson *Business and Legal Update*, July 2021
- "Section 18.001 Counter-affidavit Update," author, *Reverse and Render* blog, May 2021
- "Personal Jurisdiction Gets a Makeover," author, *Reverse and Render* blog, April 2021
- "Texas Anti-Discrimination Protection Held to Include Sexual Orientation," author, *Reverse and Render* blog, March 2021
- "Review of Opinions and Memorandum Opinions in 2020," author, *Reverse and Render* blog, January 2021
- "Texas Supreme Court Statistics for 2020," author, *Reverse and Render* blog, January 2021
- "Authenticating Public Records," author, *Reverse and Render* blog, October 2020
- "Superseding Prejudgment Interest," author, *Reverse and Render* blog, September 2020
- "Interlocutory Appeals: Appeal Now or Later," author, Cowles and Thompson *Business and Legal Update*, July 2020
- "The Absurdity Doctrine Disfavored by the Courts," author, *Reverse and Render* blog, June 2020
- "What is Important to the State's Jurisprudence?," author, *Reverse and Render* blog, June 2020
- "Texas Supreme Court Jurisdiction Over Granted Petitions," author, *Reverse and Render* blog, May 2020
- "'Opinions,' 'Memorandum Opinions,' and Texas Supreme Court Review," author, *Reverse and Render* blog, March 2020
- "Section 18.001 Affidavits...A Storm is Brewing," author, *Reverse and Render* blog, February 2020
- "2019 Courts of Appeals Reversal Rates," author, *Reverse and Render* blog, February 2020
- "The Scope of Attorney Immunity," author, *Reverse and Render* blog, February 2020
- "The Texas Supreme Court Numbers are In...," author, *Reverse and Render* blog, February 2020
- "The Value of Court Precedent – Even When It's 'Wrong'," author, Cowles and Thompson *Business and Legal Update*, July 2019

- “The Statute of Limitations for Civil Conspiracy Gets a Makeover,” author, Cowles and Thompson *Business and Legal Update*, June 2019
- “First Amendment Rights and the Texas Citizens Participation Act,” author, Cowles and Thompson *Business and Legal Update*, September 2018
- “The ‘Sham Affidavit’ Doctrine is Valid in Texas State Court,” author, Cowles and Thompson *Business and Legal Update*, May 2018
- “Does Texas Follow the ‘Sham Affidavit’ Doctrine?,” author, Cowles and Thompson *Business and Legal Update*, November 2017
- “A Cautionary Tale for Mediation Settlements,” author, Cowles and Thompson *Business and Legal Update*, June 2017
- “New Proximate Cause Standards in Legal Malpractice Cases,” author, Cowles and Thompson *Business and Legal Update*, May 2017
- “The Value of an Eyewitness,” author, Cowles and Thompson *Business and Legal Update*, May 2016
- “In Search of Consensus on ‘Networth’,” author with Melinda R. Newman, 22 *The Appellate Advocate* 235, Spring 2010
- “Restrictions on Class-Action Attorney-Fee Awards,” author, 46 *South Texas Law Review*, 2005
- “Per Curiam Disposition,” author, *The Houston Lawyer*, March/April 1990
- “Per Curiam Review in the Supreme Court,” author, *The Appellate Advocate*, Winter 1990
- Reverse and Render blog, Chair, Cowles and Thompson

#### **Education**

- J.D., Texas Tech University School of Law, 1988
  - Member, Phi Delta Phi
- B.S., Political Science, Texas A&M University, 1985

#### **Court Admissions**

- 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, Southern District of Texas
- U.S. District Court, Eastern District of Texas

#### **Memberships**

- State Bar of Texas
- Dallas Bar Association
- College of the State Bar of Texas
- Defense Research Institute
- Texas Aggie Bar Association

### **Honors/Achievements**

- Board Certified in Appellate Law by the Texas Board of Legal Specialization
- AV Peer Review (Pre-eminent), rated by Martindale Hubbell®
- *Best Lawyers in America*® -- Appellate Practice, *Best Lawyers*®; selected for inclusion, 2013-2021
- *Texas Super Lawyers*®, Thomson Reuters *Super Lawyers*®; selected for inclusion, 2003-2020
- Best Lawyers in Dallas – Appellate Law, *D Magazine*, selected for inclusion, 2012-2013, 2016, 2020