

## Dave Wishnew Partner

Dave Wishnew is an experienced trial lawyer that pursues and protects his clients' interests with zealous advocacy. His litigation practice focuses on complex commercial and employment litigation in state and federal courts, and administrative forums in Texas and across the country. Dave handles cases in a wide range of issues involving:

- theft of trade secrets and confidential information
- breach of contract, including breach of non-compete and non-solicitation agreements
- fraud
- defamation / Business Disparagement
- tortious interference
- breach of fiduciary duty
- intellectual property claims
- derivative and shareholder disputes
- unfair competition and antitrust
- defending discrimination and harassment claims and wage and overtime violations

Dave's clients include individuals and businesses of all types and sizes, mostly based in Texas or with operations in our state. He has a broad range of clients in a variety of businesses, including professional athletes, doctors and executives, local breweries and distilleries, telecommunications, marketing and multi-media, staffing and executive placement, restaurants and music venues, and jewelry manufacturing and repair. Dave has earned a reputation for finding solutions that avoid disputes when possible, and handling them efficiently and aggressively when necessary. He is experienced in issues related to employment contracts – and was a contributing author to the Texas Lawyer published book, *Texas Litigators' Guide to Departing Employee Cases*.



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### PRACTICE AREAS

Commercial  
Corporate Investigations and Compliance  
Employment  
Energy  
Intellectual Property

### EDUCATION

The University of Texas School of Law, J.D., with honors, 2008

- Managing Editor, Texas Review of Entertainment & Sports Law

Rhodes College, B.A., Economics and Business Administration, *cum laude*, 2001

### ADMISSIONS

State Bar of Texas, 2008

U.S. District Courts for the Northern, Western, and Eastern Districts of Texas

U.S. Court of Appeals, Fifth Circuit

In addition to his trial practice, Dave serves as outside general counsel to several businesses. In this capacity, he has negotiated contracts and large distribution agreements, and advised on other aspects of business management, operations and employment policies and procedures. This includes negotiating and drafting employment and severance agreements, writing employment manuals and policies, and conducting regulatory compliance investigations. Dave has also handled a number of 'business divorces,' and helped resolve partnership disputes. "Part of my purpose is to stop disputes before they start," he explained.

"Our firm emphasizes civility, efficiency and, to put it bluntly, completely out-preparing the other side on the facts, the law and the evidence."

### **Representative Experience:**

Awards listed are net of attorneys' fees and expenses.

Dave's experience as a business advisor and litigator falls generally into two categories, listed as follows:

#### **Labor and Employment**

- Substantial experience in breach of employment agreements: obtained injunctions for employers, defeated injunctions for employees and recovered damages for employers and employees
- Represented a professional athlete in a contractual dispute against a local sports franchise.
- Defended a Fortune 500 corporation against allegations of federal discrimination laws.
- Represented a New York corporation against claims of age discrimination from a Texas employee who dismissed claims for a nominal settlement.
- Represented a Texas state agency in arbitration against labor union.
- Obtained a favorable result in the defense of a local oil and gas company against discrimination claims before the Equal Employment Opportunity Commission and Texas Workforce Commission.
- Counsel employers on handbook and policy reviews, hiring and termination, disability accommodation and medical leave and compliance with federal and state employment laws.

#### **Commercial Litigation**

- Represented a Dallas wedding photographer in a defamation case resulting in a very favorable jury verdict.
- Obtained a settlement on the eve of trial involving the prosecution of contract and fraud claims between a client and the purchaser of the client's business.

- Defeated applications for injunctions alleging theft of trade secrets and trademark infringement between two local distilleries.
- Defended a former CEO of company against allegations of breach of fiduciary duty.
- Served as the lead lawyer in a confidential commercial arbitration on behalf of an international tax company.
- Represented local brewery in a dispute with a former distributor, quickly resolving the litigation through complex negotiations culminating in a new distribution agreement with client's desired distributor.
- Represented a former distillery owner in a business divorce resulting in highly favorable outcome for client.
- Secured a judgment on behalf of an information technology company in a breach of contract case following a bench trial in federal court.
- Secured a favorable settlement in defense of a large international corporation in a multi-million dollar breach of contract case.
- Secured a jury verdict in favor of a landlord in a dispute with a tenant, obtaining all relief sought, including full award of attorneys' fees.

### **Representative Clients:**

- Nokia
- M&G Jewelers, Inc.
- JEM Beverage Company
- Community Beer Co.
- Andrea Polito Photography, Inc.
- The Bomb Factory
- TJ's Seafood Market & Grill
- Ryan, LLC
- Goldfish Locums Focus Staff
- Anders Group
- AB Moving
- Republic Editorial

### **Awards & Recognition:**

- AV Preeminent® Peer Review Rated™ by Martindale-Hubbell
- Selected as a "Best Lawyer in Dallas" in the area of Commercial Litigation by D Magazine, 2018 – 2021
- Named to D Magazine's Best Lawyers Under 40 List, 2018
- Designated as Top 100 of the Texas Rising Stars list by Super Lawyers, 2017 – 2019
- Designated as "Rising Star" by Texas Monthly and Law and Politics magazines, 2012 – 2019
- Dallas Bar Association's "Featured Member of the Month" for April 2014
- Two-time Scholar Athlete All American : 2000, 2001 (Soccer)

### **Professional Affiliations:**

- Member, State Bar of Texas
- Member, American Bar Association
- Dallas Bar Association
  - Entertainment Committee: Chair, 2014, 2015
  - CLE Committee: Vice Chair, 2015; Chair, 2016
  - Dallas Bar Foundation: Fellow
- Dallas Association of Young Lawyers
  - Fellow, DAYL Foundation
  - Breakfast with Business Peers Committee, Co-Chair, 2016
  - DAYL Leadership Class, 2010
- Texas Bar Foundation
  - Nominating Committee, 2015
  - Texas Young Lawyers Association Leadership Dallas, 2010
- Texas Exes
- Rhodes Alumni Chapter of North Texas
- Young Professionals – Dallas Regional Chamber of Commerce
- Mentor, University of North Texas College of Law
- L.A. Bedford Mentorship Program: 2015, 2016
- William ‘Mac’ Taylor American Inn of Court Barrister

### **Community:**

- Big Brothers Big Sisters of Dallas
  - Board Member: Dallas County
  - Melrose Society Member
  - Currently serving as a “Big”
- Fall Fest: Chair and lead organizer of annual networking event for BBBS

### **Publications:**

- Employees’ Emails Highlight the Importance of Effective Policies (09/28/05)
- Texas Litigators’ Guide to Departing Employee Cases; Contributing Author (01/30/14)
- Employees’ Emails Highlight the Importance of Effective Policies, Dallas Bar Association Headnotes, Co-Author (11/01/12)

### **Press Room:**

- Dave Wishnew and TJ Jones Win \$1M Defamation Case for Dallas Photographer, Quoted by Prominent Publications (08/02/17)
- Dave Wishnew Discusses Favorable Appellate Court Ruling in anti-SLAPP Case (08/11/16)