



# APPEALS

**From the filing of a lawsuit through the decision of the highest court, our appellate team knows how to spot the most important legal issues, how to shape those issues to our client's advantage in the trial court, and how to effectively articulate those issues on appeal.**

The Bell Nunnally appellate team handles state and federal appeals at all levels, including appeals from final judgments, interlocutory appeals and petitions for extraordinary relief. Success at the appellate level often depends on a comprehensive understanding of appellate and trial court procedures. Our attorneys have experience in every aspect of litigation, from the initial decision to file a suit to post-judgment collection, and many of our team members have served as judicial clerks. Our experience in the trial court equips us to construct concise and persuasive briefs and arguments on appeal, either to expose error by a lower court when a client has suffered an adverse ruling or to protect a result when it vindicates a client's interests.

## Proven Experience

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Our decades of experience cover a wide variety of industries, procedural contexts and substantive legal issues. Our team has won precedent-setting decisions at every level, including a notable decision in the Texas Supreme Court that set aside 18 years of precedent misconstruing the Covenants Not to Compete Act.

## Trial Court Strategy

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Understanding the impact that trial strategies and decisions can have on an appeal, our appellate attorneys assist trial teams at the pre-trial, trial and post-trial stages of litigation. We frequently handle the jury charge and preservation of error during trial, as well as post-trial motions afterward.

## Representative Experience

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- Won a ruling affirming a multimillion-dollar judgment against a major national bank based on a breach of fiduciary duty by its trust department.
- Won a judgment in the Dallas Court of Appeals enforcing an anti-poaching provision in a franchise agreement.
- Obtained a TRO, a temporary injunction and a permanent injunction blocking public use of an agricultural railroad crossing and successfully defended the temporary injunction on appeal for the owner of the rail line.
- In a decision that set aside 18 years of case law, a Bell Nunnally trial and appellate team obtained a landmark decision in the Texas Supreme Court that held that a business' goodwill is an interest that can be protected by a covenant not to compete in an employment setting.
- Secured a take-nothing summary judgment in a \$3 million age-discrimination claim filed by a high-level sales director against a manufacturer of prefabricated construction solutions. The case was later affirmed by the U.S. Court of Appeals for the Fifth Circuit.

## Related Practices

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Bankruptcy and Financial Restructuring  
Creditors' Rights  
Intellectual Property  
Labor and Employment  
Litigation

## Related Industries

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Health Care

## Related Attorneys

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Thomas L. Case

John F. Guild

Troy "T.J." Hales

David A. Walton

David G. Webster

Beverly A. Whitley