



Michael A. McCabe Co-chair, Litigation
and Employment and Labor

Attorney Bio

Michael A. McCabe is a member of MWM's executive committee. He co-chairs MWM's complex litigation/dispute resolution section and the employment and labor law practice and leads the firm's employment litigation cases. A skilled trial lawyer, Michael is known for his meticulous preparation and attention to detail. He can break down complicated scenarios and use plain language to clarify the facts and connect with juries. Judges find him persuasive. Adversaries learn quickly to take Michael's trial skills and successful track record seriously.

In 2016, Michael convinced the Texas Supreme Court in a 6-3 decision to dismiss a doctor's defamation suit against his client, a Beaumont television station. Before that, he obtained a \$77 million judgment for his client in a plaintiff patent infringement and trade secret case.

Board Certified by the Texas Board of Legal Specialization in Labor and Employment Law, Michael consistently receives accolades for his leadership, teamwork and unremitting passion for winning. He has obtained numerous court-ordered restraining orders and injunctions on behalf of clients who required immediate and decisive results when confidential business information and trade secrets were at risk of exploitation by competitors and former employees.

Upon graduating with honors from law school, Michael clerked for Federal District Judge John H. McBryde in Fort Worth, Texas.

Practice Areas

Employment Litigation
Employment and Labor
Health Care
Insurance Fraud
Noncompetition and Trade Secrets
Trade Secrets

CONTACT

Michael A. McCabe
(972) 628-3609

Education

Texas Tech University School of Law
Lubbock, Texas 1998
Juris Doctorate
Honors: cum laude
Tulane University
New Orleans, Louisiana 1994
B.A. Psychology

Bar Admissions

Texas, 1998
U.S. Court of Appeals, 5th Circuit
U.S. Court of Appeals, Federal Circuit
U.S. District Court, Eastern District of

Representative Experience

- Represented a business defending against claims for fraud and fraudulent inducement arising from a business transaction. The plaintiff demanded more than \$1.9 million in damages. After a one-week trial, the jury found entirely in favor of Mr. McCabe's client;
- Represented a digital marketing firm as the plaintiff in a breach of contract lawsuit over payments due under an asset purchase agreement. The defendant countersued for fraud, breach of contract, and breach of fiduciary duty. After a two-week trial, the jury rejected the defendant's counterclaims and awarded Mr. McCabe's client the payment due under the asset purchase agreement. Thereafter, the court awarded his client more than \$900,000 in attorney's fees;
- Represented a book publisher that was sued in federal court for defamation and various torts by an individual depicted in a book that documented an anti-government

Texas

U.S. District Court, Northern District of Texas

U.S. District Court, Southern District of Texas

U.S. District Court, Western District of Texas

Honors and Awards

Benchmark Litigation Labor & Employment Star
2021

Best Lawyers in America, Woodward White, Inc.
2016-2021

Texas Super Lawyers, Thomson Reuters
2013-2020

The Best Lawyers in Dallas, D Magazine
2012, 2014, 2015, 2018-2020

Top 100 Super Lawyers in Texas
Top 100 Super Lawyers in DFW
Thomson Reuters
2014-2018, 2020

Appellate Lawyer of the Week, Texas Lawyer
June 2016

Texas Rising Star, Thomson Reuters
2008-2012

American Bar Foundation, Fellow

Dallas Bar Foundation, Fellow

militia. Mr. McCabe immediately moved to have the case dismissed on multiple grounds. The Court agreed and dismissed the lawsuit only a few months after Mr. McCabe made his request;

- Represented Parkland Health and Hospital System in its defense against a former employee of Parkland's IT Group who brought claims for discrimination, harassment and retaliation. Mr. McCabe achieved a complete reversal of the trial court's order denying Parkland's Plea to the Jurisdiction, resulting in dismissal of the plaintiff's lawsuit in its entirety;
- Represented the plaintiff in *Texas Advanced Optoelectronic Solutions, Inc. v. Intersil Corporation*, a case involving breach of contract, patent infringement, misappropriation of trade secrets, tortious interference with contract, and associated damages. After a four-week trial, the jury found entirely in favor of Mr. McCabe's client and rendered a verdict of more than \$88 million.
- Represented a media client that sought to have a defamation suit dismissed under the Texas Citizens Participation Act (TCPA). Convinced the Texas Supreme Court in a 6-3 decision to dismiss the defamation suit against his client, reversing an appeals court and trial court decision;
- Represented clients and obtained complete defense jury verdicts in state and federal courts in lawsuits alleging various forms of discrimination and retaliation;
- Represented clients and obtained or defended injunctions and litigated numerous cases involving misappropriation of trade secrets, covenants not to compete, unfair competition, and related torts;
- Represented numerous companies in Fair Labor Standards Act (FLSA) collective action lawsuits and Department of Labor investigations alleging failure to pay overtime wages to hundreds of employees.

Presentations & Published Works

"Texas Trade Secret Litigation," Dallas Bar Association, Headnotes, November 2011.

"Trade Secrets: A Primer," Texas State Bar Annual Convention, June 2011.

Trial Pros: Munck Wilson's Michael McCabe, Law360, June 23, 2016

Dallas Lawyer Convinces Supreme Court to Toss Defamation Case with Shocking Allegation, Texas Lawyer, June 20, 2016

TV Station to Seek Legal Fees After Texas Supreme Court Win in Defamation Case
The Texas Lawbook, July 12, 2016

Plano-based TAOS wins \$58.7 million judgment,
Dallas Morning News, March 8, 2015

“Employers’ Rights Under the Electronic Communications Act” Alliance Texas Human Resources Group, March 2016 (presenter).

“Got TUTSA Literacy?” University of Texas School of Law - Non-Compete Camp,
September 2015 (presenter).

“Legal Issues in the Digital Age: What Are the Limits on Employee Privacy and Social Networking in the Workplace?” Alliance Texas Human Resources Group, October 2010 (Presenter).

Professional Associations & Memberships

American Bar Association
Employment Law Section

State Bar of Texas
Employment Law Section

Dallas Bar Association
Employment Law Section

Additional Education & Achievements

Law clerk to the Honorable John H. McBryde
United States District Court for the Northern District of Texas
September 1988 - September 1989, 1 year and 1 month

Leadership Dallas, Dallas Regional Chamber
Class of 2014

Head Start of Greater Dallas
Board of Directors, 2010-present
President-Elect - 2012-2014
President 2014-2016
Past President - 2016-present