



Michael A. McCabe

Co-Chair Litigation
Co-Chair
Employment
Litigation

Dallas

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Focus Areas

Commercial Litigation
Employment Litigation
Employment & Labor Law
Government Investigations
Media & First Amendment Litigation
Supreme Court & Appellate Practice
Trade Secret Litigation

Highlights

Award-winning Trial Lawyer in Employment Litigation

Michael is listed as a Benchmark Litigation Labor & Employment Star and is recognized annually as a Best Lawyer in America®, a Texas Super Lawyer, and a Best Lawyer by D Magazine.

Eight Figure Jury Verdicts

Michael has served as first chair in hall of fame jury verdicts involving trade secret and breach of contract disputes and he has obtained complete reversals of court orders on behalf of his clients that include high profile hospitals and health care providers in North Texas.

Firm leader and Mentor

Co-chair of MWM's litigation section and chair of employment litigation, Michael is an outstanding mentor in the firm, known for developing and coaching the younger attorneys and strengthening the litigation skills of the entire section.

Experience

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.

Representative Matters

- 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 overpayments 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 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 \$77 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.

Credentials

Education

Texas Tech University School of Law

Lubbock, Texas 1998
Honors: cum laude
Juris Doctorate

Tulane University

New Orleans, Louisiana 1994
B.A. Psychology

Associations and Memberships

American Bar Association
Employment Law Section

State Bar of Texas
Employment Law Section

Dallas Bar Association
Employment Law Section

Honors and Awards

The Dallas 500 - The Most Powerful Business
Leaders in Dallas-Fort Worth by D CEO Magazine
2022

Benchmark Litigation Labor & Employment Star
2020-2021

Best Lawyers in America, Woodward White, Inc.
2016-2022

Texas Super Lawyers, Thomson Reuters
2013-2021

The Best Lawyers in Dallas, D Magazine
2012, 2014, 2015, 2018-2021

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

Admissions

United States Supreme Court

Texas, 1998

U.S. Court of Appeals, 5th Circuit

U.S. Court of Appeals, Federal Circuit

U.S. District Court, Eastern District of 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

Knowledge

“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).