MUNCK WILSON MANDALA

Michael A. McCabe

Co-Chair - Litigation
**Co-Chair - Employment &
Labor**

Dallas

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At a Glance

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.

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 2021, Michael was lead counsel for a two-week trial that resulted in an $86 million verdict for his client and was ranked a Top 20 Verdict in Texas by TopVerdicts and a Top 100 Verdict nationally by National Law Journal.

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. After a four-week trial in 2015, the jury found entirely in favor of Michael's client and rendered a verdict of more than $88 million in a 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.

Experience

- Lead trial counsel for the plaintiff in *ams sensors USA Inc. v. Resnesas Electronics America Inc.*, a case involving breach of contract and trade secret misappropriation claims. In 2021, the jury returned an $86 million verdict, ranking as a Top 20 Verdict in Texas by Top Verdict and a Top 100 Verdict nationally by National Law Journal

- 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 in 2015, the jury found entirely in favor of Mr. McCabe's client and rendered a verdict of more than $88 million

- Represented a television 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

Focus Areas

Aerospace & Defense

Appellate

Automotive Technology

Arbitration

Class Action Litigation

Commercial Litigation

Employment Litigation

Employment Counseling & Preventive Services

Internal Investigations

Energy / Oil & Gas

Trade Secret Litigation

Health Care

Hospitality

Employment Policies & Handbooks

High Stakes Litigation

Speeches / Publications

- 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).

Education

Texas Tech University School of Law, JD, 1998

Tulane University, BA, 1994
Psychology

Associations & Memberships

- American Bar Association
  Employment Law Section

- State Bar of Texas
  Employment Law Section

- Dallas Bar Association
  Employment Law Section

Honors & Awards

- Best Lawyers in America
  2016-2024

- Texas Super Lawyers, Thomson Reuters
  2013-2024

- The Best Lawyers in Dallas, D Magazine
  2012, 2014, 2015, 2018-2024

- Top 100 Super Lawyers in Texas
  Top 100 Super Lawyers in DFW
  Thomson Reuters
  2014-2018, 2020-2023

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

- Top 20 Verdict in Texas 2021
  TopVerdicts

- Top 100 Verdicts 2021
  National Law Journal

- Benchmark Litigation Labor & Employment Star
  2020-2021

- American Bar Foundation, Fellow

- Dallas Bar Foundation, Fellow

Bar Admissions

U.S. Supreme Court

Texas, 1998

U.S. Court of Appeals for the Fifth Circuit

U.S. Court of Appeals for the Federal Circuit

U.S. District Court for the Eastern District of Texas

U.S. District Court for the Northern District of Texas

U.S. District Court for the Southern District of Texas

U.S. District Court for the Western District of Texas