

Brian Morris

Shareholder

Practices: Business Litigation; Real Estate

Industries: Financial Services; Real Estate; Turnaround & Workout

Brian Morris is a shareholder in Winstead's Business Litigation Practice. Brian has broad and diverse experience in the areas of financial services litigation and real estate litigation and has tried lawsuits in several jurisdictions in Texas. Brian is a co-author of a three-volume Texas Real Estate Litigation Practice Guide published by West Group, which is updated annually. Brian's experience includes the representation of banks, mortgage companies, insurance companies and other lenders in both state and federal courts (at both the trial and appellate levels) and in arbitrations. Brian's experience includes the representation of lenders in connection with both commercial loans and consumer loans. In addition to financial services litigation experience, Brian has a broad background in real estate litigation. Brian has represented owners, developers, title companies, servicers, lenders, borrowers, sellers and purchasers as well as both commercial and residential landlords.

Unique Lawyer Experience

- Experience in defending of class actions including consumer class actions
- Experience in connection with the representation of lenders in defense of claims for violations of the Texas Constitutional Amendment permitting "home equity loans" including handling two reported cases of first impression
- Experience representing lenders and servicers in connection with real and personal property foreclosures and workouts
- Experience in connection with the prosecution of defense and usury claims
- Experience in the defense of lender liability claims, including fraud, statutory fraud, breach of fiduciary duty, duty of good faith and fair dealing, tortious inference and wrongful foreclosure
- Experience in general contract and business disputes including arbitrations
- Experience representing residential mortgage lenders, servicers, and consumer finance companies in defense of claims involving RESPA, TILA, RegZ, the FCRA, the FDCPA and similar state statutes

Representative Experience

- Defended class actions in both state and federal court including class actions including claims for violations of the Truth in Lending Act, usury, provisions of the Texas Property Code, and the constitutional requirements with respect to home equity loans
- Tried condemnation and inverse condemnation cases
- Tried wrongful foreclosure cases
- Tried cases involving claims arising out of purchase of and sale of loan portfolios



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Education

University of Memphis, Cecil C. Humphreys School of Law

– J.D., 1987

– *Memphis State University Law Review*

– Recipient, Tennessee Law Auxiliary Scholarship, 1985

– Who's Who in American Law Students, 1987

Vanderbilt University

– B.A., 1984

- Tried case in federal court involving home equity loan issues of first impression and obtained favorable verdict which was upheld by the Fifth Circuit Court of Appeals
- Prosecuted breach of contract and specific performance claims for developers
- Representation of lenders in disputes involving mezzanine debt, conduit lending, loan participants and syndications, including disputes arising out of intercreditor agreements
- Representation of servicers in connection with commercial mortgage back securities

Professional & Community Service

- American Bar Association
- State Bar of Texas
- Dallas Bar Association (Business Litigation Section)
- Vanderbilt Alumni Association
- Dallas Vanderbilt Club
- National Commodore Club
- United Way (Leadership Society)
- Good Shepherd Episcopal Church

Awards & Recognition

- Texas Super Lawyer, Thomson Reuters, 2011, 2012

Admissions

- Texas, 1987
- U.S. District Court Northern, Southern, Eastern and Western Districts of Texas
- U.S. Court of Appeals, Fifth Circuit