

David Fowler Johnson

Managing Shareholder - Fort Worth

Practices: Appellate; Business Divorce; Business Litigation; Fiduciary Litigation; Business Divorce for Family Law Matters; Business Divorce for Majority Owners; Business Divorce for Minority Investors

Industries: Financial Services; Private Wealth

David maintains an active trial and appellate practice and has consistently worked on financial institution litigation matters throughout his career. David is the primary author of the [Texas Fiduciary Litigator](#) blog, which reports on legal cases and issues impacting the fiduciary field in Texas.

David's financial institution experience includes (but is not limited to): breach of contract, foreclosure litigation, lender liability, receivership and injunction remedies upon default, non-recourse and other real estate lending, class action, RICO actions, usury, various tort causes of action, breach of fiduciary duty claims, and preference and other related claims raised by receivers.

David also has experience in estate and trust disputes including will contests, mental competency issues, undue influence, trust modification/clarification, breach of fiduciary duty and related claims, and accountings. David's recent trial experience includes:

- Representing a bank in federal class action suit where trust beneficiaries challenged whether the bank was the authorized trustee of over 220 trusts;
- Representing a bank in state court regarding claims that it mismanaged oil and gas assets;
- Representing a bank who filed suit in probate court to modify three trusts to remove a charitable beneficiary that had substantially changed operations;
- Represented an individual executor of an estate against claims raised by a beneficiary for breach of fiduciary duty and an accounting; and
- Represented an individual trustee against claims raised by a beneficiary for breach of fiduciary duty, mental competence of the settlor, and undue influence.

David is one of twenty attorneys in the state (of the 84,000 licensed) that has the triple Board Certification in Civil Trial Law, Civil Appellate and Personal Injury Trial Law by the Texas Board of Legal Specialization.

Additionally, David is a member of the Civil Trial Law Commission of the Texas Board of Legal Specialization. This commission writes and grades the exam for new applicants for civil trial law certification.

David maintains an active appellate practice, which includes:

- Appeals from final judgments after pre-trial orders such as summary judgments or after jury trials;
- Interlocutory appeals dealing with temporary injunctions, arbitration, special appearances, sealing the record, and receiverships;
- Original proceedings such as seeking and defending against mandamus relief; and



Fort Worth Office

817.420.8223 Direct

817.420.8201 Fax

dfjohnson@winstead.com

Education

Baylor Law School

- J.D., 1997
- *magna cum laude*
- Mid-Year Law Award, *Baylor Law Review*
- Academic Dean's List
- Recipient of multiple scholarships

Baylor University

- B.B.A., Accounting, 1994

- Seeking emergency relief staying trial court's orders pending appeal or mandamus.

For example, David was the lead appellate lawyer in the Texas Supreme Court in *In re Weekley Homes, LP*, 295 S.W.3d 309 (Tex. 2009). The Court issued a ground-breaking opinion in favor of David's client regarding the standards that a trial court should follow in ordering the production of computers in discovery.

David previously taught Appellate Advocacy at Texas Wesleyan University School of Law located in Fort Worth. David is licensed and has practiced in the U.S. Supreme Court; the Fifth, Seventh, and Eleventh Federal Circuits; the Federal District Courts for the Northern, Eastern, and Western Districts of Texas; the Texas Supreme Court and various Texas intermediate appellate courts. David also served as an adjunct professor at Baylor University Law School, where he taught products liability and portions of health law. He has authored many legal articles and spoken at numerous legal education courses on both trial and appellate issues. His articles have been cited as authority by the Texas Supreme Court (twice) and the Texas Courts of Appeals located in Waco, Texarkana, Beaumont, Tyler and Houston (Fourteenth District), and a federal district court in Pennsylvania. David's articles also have been cited by McDonald and Carlson in their Texas Civil Practice treatise, William v. Dorsaneo in the *Texas Litigation Guide*, and various authors in the *Baylor Law Review*, *St. Mary's Law Journal*, *South Texas Law Review* and *Tennessee Law Review*.

Representative Experience

- Civil Litigation and Appellate Law

Professional & Community Service

- Member of Texas Association of Bank Counsel
- Member of Tarrant County Probate Bar Association
- State Bar of Texas (Appellate Section)
 - Member Services Sub-Committee, 2005-2008; Co-Chair, 2007-2008
 - Rules Sub-Committee, Co-Chair 2009-2012
- Member of Bar Association of the Fifth Federal Circuit
- Eldon B. Mahon Chapter of the American Inns of Court (Master)
- Tarrant County Bar Association (Appellate Section)
 - CLE Committee, 2005-2008; Co-Chair 2007-2008
 - Appellate Section Leadership Committee, 2005-2007; Vice Chairperson 2008-2009; Secretary 2007-2008
- College of the State Bar of Texas
- Pro Bono Liaison for Winstead's Fort Worth Office
- Junior Achievement of the Chisholm Trail, Board of Directors
- Fort Worth Sister Cities, Board of Directors
- Board of Directors, Carter Bloodcare Foundation
- Texas Supreme Court Historical Society, Board of Directors and Treasurer

Awards & Recognition

- *The Best Lawyers in America*, Woodward/White Inc., 2014-2020
- Top Attorney, *360 West Magazine*, 2019-2020
- [JD Supra's 2017 Readers' Choice Award For Texas Fiduciary Litigator Blog](#)
- Texas Super Lawyers, Thomson Reuters, 2013-2019
- Texas Rising Star, Thomson Reuters, 2004-2012
- Tarrant County's Top Attorneys, *Fort Worth, Texas*, 2004-2018
- [The Best Lawyers in Dallas, D Magazine, 2008 and 2009](#)

- Outstanding Lead Article, *Texas Tech Law Review*, 2007
- [The Best Dallas Lawyers Under 40](#), *D Magazine*, 2004 and 2006
- 40 Under 40, *Fort Worth Business Press*, 2003

Admissions

- Texas, 1997