

# John Kincade

Shareholder Co-Chair, Securities Litigation & Enforcement

**Practices:** Business Litigation; Government Enforcement & Regulated Industries Litigation; Fiduciary Litigation; Securities Litigation & Enforcement; Cybersecurity

**Industries:** Financial Services; Investment Management & Private Funds

John Kincade is Co-Chair of Winstead’s Securities Litigation & Enforcement Practice Group. He practices at all levels of federal and state securities litigation, arbitration and regulatory enforcement disputes. He represents a wide range of financial services clients including brokers/dealers, investment advisers, banks, and their registered persons in complex, high stakes FINRA arbitrations, FINRA Enforcement proceedings and investigations, and SEC and State enforcement matters. He also advises privately held and publicly traded companies and their officers and directors in federal and state court securities class actions and lawsuits, and is skilled in conducting internal investigations. In addition, he counsels clients in regulatory and enforcement matters before SEC, FINRA, State Securities Board, and Texas Attorney General.



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**Education**

St. Marys University School of Law  
– J.D., 1986  
– *with distinction*  
– Articles & Symposium Editor, *St. Mary’s Law Journal*, 1985-86

University of Texas at Austin  
– B.A., Government, 1983  
– Texas Cowboys

## Texas Supreme Court - Briefing Attorney

- The Honorable Franklin S. Spears, 1986-87

## Representative Experience

### Securities Litigation, Arbitration, and Enforcement

- Defense of broker/dealers, investment advisers, banks, insurance companies, and their registered persons in FINRA arbitrations and state and federal court lawsuits
- Defense of publicly traded companies and their officers and directors in federal and state court securities class actions and lawsuits
- Defense of regulatory and enforcement matters before SEC, FINRA, State Securities Board, Texas Dept. of Insurance, and Texas Attorney General

### Financial Services and Lending

- Representation of banks, insurance companies, mortgage companies, and servicers, in pre-litigation strategies, workouts, co-lender issues and facility syndications, and collection litigation, including extraordinary judicial remedies such as receiverships

### Business and Commercial

- Contract, partnership, business torts and fraud, SEC Receivership, and insurance regulatory litigation

### Corporate and D&O

- Corporate governance, D&O fiduciary duty and indemnification, proxy disputes, and M&A litigation, including going private litigation

### Constitutional

- First Amendment, open meetings/open records, procurement, eminent domain and election law

## Professional & Community Service

- Securities Industry Association (Compliance & Legal Division)
- American Bar Association (Section of Litigation – Class Actions and Derivative Suits, Securities Litigation, and Litigation Technology)
- Dallas Bar Association (Business Litigation and Securities Sections)
- Texas Bar Foundation
- Dallas Zoological Society (Board of Directors, 2003-present)

## Awards & Recognition

- The Best Lawyers in Dallas, *D Magazine*, 2013-2014, 2018-2019
- Texas Super Lawyers, Thomson Reuters, 2012, 2018, 2019

## Admissions

- Texas, 1986
- U.S. Court of Appeals, Fifth Circuit
- U.S. District Court Northern, Southern, Eastern and Western Districts of Texas
- U.S. Supreme Court