



ANNE M. JOHNSON

Partner

anne.johnson@haynesboone.com

PRACTICES: Appellate, Litigation; **TRENDING ISSUES:** Water Rights

DALLAS

2323 VICTORY AVENUE
SUITE 700
DALLAS, TX 75219
T +1 214.651.5376
F +1 214.200.0487

EDUCATION AND CLERKSHIPS

- J.D., University of Texas School of Law, 1995
- B.A., University of Pennsylvania, 1992, *with honors*

ADMISSIONS

- Texas

COURT ADMISSIONS

- 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
- U.S. Court of Appeals for the Fifth Circuit
- U.S. Court of Appeals for the Eighth Circuit

Anne Johnson is a trial and appellate partner in the Dallas office. She currently serves on the firm's board of directors, and served as chair of the Litigation Practice Group from 2010 to 2016.

Anne has extensive experience in large, high-profile appeals. Recently, Anne persuaded a Texas appellate court to overturn a \$110 million fraud verdict against client BBVA (2020), obtained affirmance of summary judgment for the National Football League in a tortious interference case (2018), reversed a \$4 million nuisance verdict in a case widely publicized as the "first fracking trial" (2017), successfully resolved a \$100 million personal injury claim prior to verdict in South Texas (2017), successfully resolved an appeal of a \$68 million jury verdict arising from fraud and contract claims brought by oil and gas investors (2015), and successfully resolved, following post-trial motions, negligence and gross negligence claims arising from a trucking accident that resulted in a \$281 million jury verdict (2015). In addition, Anne obtained affirmance on appeal of a take-nothing summary judgment on fraud claims arising from a claimed oral agreement alleged to be worth \$780 million. Outside of Texas, Anne obtained a reversal of a district court's summary judgment in an appeal to the Sixth Circuit Court of Appeals in a case involving antitrust claims under the Sherman Act.

In addition to her extensive appellate experience, Anne is equally at ease in the trial court. She frequently handles litigation at the trial level and collaborates with litigators both inside and outside the firm at trial in handling dispositive motions, preservation of error, the jury charge, judgment formation, and post-trial motions.

Anne obtained board certification in civil appellate law by the Texas Board of Legal Specialization in 2001. In 2020, she was named Litigator of the Week in *AmLaw Litigation Daily* for her successful representation of BBVA. She has been named in *Texas Super Lawyers*, Thomson Reuters, in appellate law, 2003-2005 and 2010-2019, and has been included in *The Best Lawyers in America*, Woodward/White, Inc., 2010-2021. In 2014 and 2015, Anne was honored to be named one of the Top 50 Women Lawyers in Texas by *Texas Super Lawyers*, Thomson Reuters. Anne was named one of the Best Lawyers in Dallas by *D Magazine*, D Magazine Partners, 2015-2020. Anne has been recognized by *Chambers USA*, Chambers and Partners, for litigation: appellate (Texas) 2017-2020, with one client telling the prestigious directory: "If we have a particularly difficult issue that might end up on appeal, I would call her," and that "she's extremely responsive and a great writer as well - she does thoughtful and strategic work."

Anne is deeply involved in the Dallas community, serving on the boards of Family Gateway, New Friends New Life, and Alcuin School. Anne also serves on the Texas Law Alumni Association Executive Committee, is a leader in the University of Texas Center for Women in Law and was elected a Master in the Patrick E. Higginbotham Inn of Court in 2016.

Selected Client Representations

- Persuaded a Texas appellate court to overturn a \$110 million fraud verdict against client BBVA in a lawsuit filed by a borrower who claimed that a BBVA employee made misrepresentations during loan renewal negotiations. (2020)
- In a case of first impression for the renewable energy industry, persuaded the Texas Supreme Court to invalidate a penalty-based liquidated damages provision (2014)
- Representation of a majority shareholder on claims involving fiduciary and board governance issues in expedited proceedings before the Delaware Supreme Court (2013)
- Representation of a transmission service provider in a multi-jurisdiction dispute with landowners, following proceedings before the Public Utility Commission of Texas (2012)
- Reversal of a federal district court's interpretation of an ERISA-governed benefits plan by the Fifth Circuit (2012)
- Successful resolution of fraud and contract claims arising from the sale of supply chain software where, after filing of opening appellate briefs, opponent agreed to settle commercial dispute for almost \$200 million less than its judgment (2011)
- Entry of judgment notwithstanding the verdict and rendition of a take-nothing judgment from jury verdict on discrimination, hostile work environment, and retaliation claims (2011)

Trial Court Victories

- Dismissal of shareholder derivative suit in Dallas County Court (2013)
- Successful defense of breach of contract and fraud claims for global technology and specialty materials company in jury trial, and entry of a multi-million judgment for our client on counterclaims (2010)
- Findings of RICO violations, fraud and breaches of fiduciary duty following multi-week federal bench trial resulting in \$13.6 million judgment for our client (2009)
- Successful resolution of products liability claims brought by the Brazos River Authority following four-week federal jury trial (2007)

Professional Recognition

- Named to *Texas Lawyer's* list of Texas Trailblazers, 2019
- Recognized in *The Best Lawyers in America*, Woodward/White, Inc., for Appellate Law, 2010-2021 and Commercial Litigation, 2013-2021
- Listed in *Chambers USA*, Chambers and Partners, for Litigation: Appellate in Texas,

2017-2020

- Recognized in *D Magazine's* Best Lawyers of Dallas, D Magazine Partners, 2015-2020
- Board Certified in Civil Appellate Law by the Texas Board of Legal Specialization, 2002-present
- Named a *Texas Super Lawyer*, Thomson Reuters, in Civil Appellate Law, 2003-2005, 2010-2020; Business Litigation, 2015-2016; and recognized in *Texas Super Lawyers* Top 50 Women of Texas, Thomson Reuters, 2014-2015, 2020

Professional and Community Activities

- University of Texas Center for Women in Law -- Leader (2016-present)
- University of Texas Alumni Association Executive Committee -- Board Member (2015-present)
- Patrick E. Higginbotham Inn of Court -- Master (2015-present), Associate (2001)
- Family Gateway -- Board Member (2014-present), Board Chair (2016-2017)
- New Friends New Life -- Board Member (2016-present)
- Alcuin School -- Board of Trustees (2015-present)
- Texas General Counsel Forum - DFW Chapter, Board Member (2009-2017), Co-Chair, Programs Committee (2010), Co-Chair, Dedman Award and Dinner (2011)
- Attorneys Serving the Community - Committee Chair (2008-2011)
- State Bar of Texas Appellate Section - Council Member (2006-2009), Committee Chair (2002-2012)
- Fellow, Texas Bar Foundation (2006-present)
- Member, Dallas Bar Association Business Litigation and Appellate Sections, American Bar Association, Fifth Circuit Bar Association

Selected Publications and Speeches

Ms. Johnson is a frequent speaker and writer on appellate matters, including judgment formation, arbitration, interlocutory appeals, and jury charges.

- "Justice Paul Green's Legacy on the Texas Supreme Court," co-author, *The Texas Lawbook*, July 24, 2020.
- "Prejudgment Interest and Other Judgment Formation Battlegrounds," presenter, Dallas Bar Association - Appellate Section, April 2018.
- "Recent Developments in the Award of Attorneys' Fees," UT Law Conference on State and Federal Appeals, June 2, 2017.
- Court of Appeals Justices Panel: Appeals and Ethics, moderator, Appellate Sections of the Dallas and Fort Worth Bar Associations, November 5, 2015
- "Winning Your Appeal on Damages" (paper "Defending and Attacking Damages on Appeal" by Tracy Christopher), State Bar of Texas, 19th Annual Advanced Civil Appellate Practice, September 2015
- "Prejudgment Interest and Other Judgment Battlegrounds" (with Jason N. Jordan), University of Texas School of Law, 25th Annual Conference on State and Federal Appeals, June 2015
- "Preservation of Error in the Trial Court" (with Judge Ken Molberg and Judge Jim

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- Jordan), Dallas Bar Association Trial Skills Section, May 2015
- "Keeping Damages on Appeal," Texas Bar CLE, Damages in Civil Litigation, February 2015
 - "Arbitration Hot Topics for Appellate Lawyers (with Kate Galston and Michael Scodro), American Bar Association Appellate Judges Education Institute Summit, November 2014
 - Federal v. State Comparisons (with Will Feldman), State Bar of Texas, 28th Annual Advanced Appellate Practice Course, September 2014
 - "Top Ten Questions About Arbitration (with Chris Kratovil), Dallas Bar Association, Appellate Section, December 2013
 - "Evident Partiality" (with Christopher D. Kratovil), *The Advocate*, Winter 2013
 - "Hot Topics in Arbitration" Dallas Bar Association Bench Bar Conference, 2013
 - "Top 10 Trial Judgment Traps," (with Justice J. Brett Busby) State Bar of Texas, 27th Annual Advanced Civil Appellate Practice Course, September 2013
 - "Appellee Strategies in the Federal Courts of Appeal," Strafford Webinar, July 2013
 - "Translating a Jury Verdict into a Judgment," State Bar of Texas Advanced Civil Appellate Practice Course, 2012
 - "New Texas Statute Allows Permissive Interlocutory Appeals - Without Agreement of Parties," State Bar of Texas, State Bar Litigation Section, News for the Bar, 2011
 - "Formation of Judgments," The University of Texas School of Law 2011 Conference on State and Federal Appeals, 2011
 - "Arbitration Update" State Bar of Texas Advanced Civil Trial Course, 2011
 - "Ethical Considerations in Appellate Practice," Dallas Bar Association Ethics Seminar, 2010
 - "*Iqbal*: the Death of Notice Pleading in Federal Court?" moderated panel including The Honorable Patrick Higginbotham and The Honorable Royal Furgeson, University of Texas CLE, 20th Annual Conference on State and Federal Appeals, 2010