



Ben L. Mesches

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PRACTICES Appellate, Litigation, Texas Business Courts Task Force, Oil and Gas Litigation, Energy Litigation, Bankruptcy Litigation, U.S. Supreme Court, Power and Renewables Litigation, Sports Law, Digital Asset and Cryptocurrency Litigation

Ben Mesches leads the Haynes Boone Appellate Practice Group, successfully guides appellate and litigation teams in high-stakes cases in state and federal courts nationwide, and serves as the firm's General Counsel and a member of its Executive Committee.

Ben is ranked as a leading Texas appellate lawyer by *Chambers USA* (Chambers and Partners, 2019-2024). The prestigious directory praises Ben as “an intellectual force,” “incredibly experienced, creative, and intelligent,” commends him as “a tremendous brief writer and terrific oral advocate,” and applauds him as “precise and in complete command” in court.

In the last year alone, he secured a major victory for corporate directors and officers at the Texas Supreme Court in a case arising out of a \$220 million securities settlement; upheld the constitutionality of statutory changes to a public pension plan involving nearly \$1 billion of plan assets in the Dallas Court of Appeals; reversed a district court decision on the insurability of bankruptcy claims in the Sixth Circuit; and obtained California Supreme Court review of a closely watched case involving the standards governing forum selection clause enforcement.

Ben's peers recognize his collaborative leadership style. At the firm, Ben led the firm's global litigation practice from 2016-2022. He was president of the Texas Supreme Court Historical Society, chair of the American Bar Association's Council of Appellate Lawyers—the only national appellate bench-bar organization in the country—and chair of the Dallas Bar Association's Appellate Section.

Ben is board certified in civil appellate law by the Texas Board of Legal Specialization. And he is regularly invited to write and speak on litigation and appellate practice topics, including post-judgment strategy in the aftermath of nuclear verdicts, practice before the Texas Supreme Court, oral argument, and the selection and preservation of issues for appeal.

QUALIFICATIONS

EDUCATION

- J.D., The University of Texas School of Law, 2001, *with honors*; Member, *Texas Law Review*

- B.A., Political Science, Trinity University, 1998, *cum laude*

CLERKSHIPS

- Justice Harriet O'Neill, Texas Supreme Court (2001-2002)

ADMISSIONS

- Texas
- New York

COURT ADMISSIONS

- Texas Supreme Court
 - United States Supreme Court
 - U.S. Court of Appeals for the Second Circuit
 - U.S. Court of Appeals for the Third Circuit
 - U.S. Court of Appeals for the Fifth Circuit
 - U.S. Court of Appeals for the Sixth Circuit
 - U.S. Court of Appeals for the Seventh Circuit
 - U.S. Court of Appeals for the Eighth Circuit
 - U.S. Court of Appeals for the Ninth Circuit
 - U.S. Court of Appeals for the Tenth Circuit
 - U.S. Court of Appeals for the Federal Circuit
 - 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
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PUBLICATIONS AND SPEAKING ENGAGEMENTS

- "Texas Lawbook CLE Webcast: Texas Supreme Court Update 2023," September 13, 2023
- "Strategies in Preparing a Petition for Review," State Bar of Texas, Texas Supreme Court History and Current Practice course, April 14, 2023
- "Appellate 2022 Year in Review: SCOTX and the Fifth Circuit," *The Texas Lawbook*, January 23, 2023
- "Texas Supreme Court Term Preview: Key Business Cases," *The Texas Lawbook*, September 16, 2022
- "Texas Lawbook CLE Webcast: Texas Supreme Court Update 2022," August 31, 2022
- "Preservation of Error at Trial," Advanced Civil Trial, Houston, TX, July 7, 2022
- "Appellate Year-in-Review: The Fifth Circuit and SCOTX," *The Texas Lawbook*, January 18, 2021
- "Preparing for the Specialization Exam," State Bar of Texas Advanced Civil Appellate Practice Course, Austin, TX, December 3, 2021
- "Panda v. ERCOT and Winter Storm Uri Litigation," Houston Marine & Energy Insurance Conference, September 19-21, 2021
- "[Supreme Court of Texas Update CLE Panel](#)," *The Texas Lawbook*, September 18, 2021
- "[Appellate Year 2020 in Review: SCOTX and the Fifth Circuit](#)," *The Texas Lawbook*, January 15, 2021
- "Supreme Court of Texas Update CLE Panel," *The Texas Lawbook*, September 24, 2020
- "There's a Judgment, Now What?," State Bar of Texas, Advanced Civil Appellate Course, September 11, 2020

- “Splintered En Banc Fifth Court of Appeals Withdraws 2018 Panel Opinion after Settlement,” *The Texas Lawbook*, March 19, 2020
 - “Reasons for Reversal,” Dallas Bar Association Appellate Law Section, March 12, 2020
 - “Appellate Year-in-Review: The Fifth Circuit and SCOTX,” *The Texas Lawbook*, December 26, 2019
 - “When the Heat is On: Handling Bonds, Stays, and Other Appellate Emergencies,” Appellate Judges Education Institute, November 16, 2019
 - “Preservation of Error & Verdict Aftermath,” State Bar of Texas, Advanced Trial Strategies, February 15, 2019
 - “There’s a Judgment, Now What?,” State Bar of Texas, 41st Annual Advanced Civil Trial, October 2018
 - “Post-Trial Motions: State and Federal,” State Bar of Texas, Civil Appellate Practice 101, September 6, 2017
 - “Federal Jury Charge Practice,” UT Annual Conference on State and Federal Appeals, June 1, 2017
 - “Chief Justice Jack Pope: Common Law Judge and Judicial Legend,” State Bar of Texas, History of Texas & Supreme Court Jurisprudence, April 27, 2017
 - “Preservation of Error,” State Bar of Texas, Civil Appellate Practice 101, September 7, 2016
 - “Protecting and Challenging the Jury Verdict on Appeal,” State Bar of Texas, Advanced Personal Injury Law Course, Jul 28, 2016
 - “Process to Decide Judicial Appointments,” History of Texas & Supreme Court Jurisprudence, May 8, 2015
 - Bifurcated Appellate Review: The Texas Story of Two High Courts, American Bar Association, *Judges' Journal*, Vol. 53, No. 4, Fall 2014
 - Advanced Business Bankruptcy Course, Bankruptcy Appeals, September 13, 2012
 - “Fifth Circuit Update,” UTCLE 22nd Annual Conference on State and Federal Appeals, May 31-June 1, 2012
 - Advanced Civil Appellate Course, Federal Jury Charge Practice: Preservation, Instructions, Verdict Forms, and Comparisons to State Court Practice, September 3, 2010
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PROFESSIONAL AFFILIATIONS AND ENGAGEMENTS

- Past Chair of the *Council of Appellate Lawyers*, the nation's only appellate bench-bar organization. In that capacity, he serves on the Board of the Appellate Judges Conference of the ABA's Judicial Division and the Appellate Judges Education Institute - a non-profit educating state and federal judges nationwide.
 - *Texas Supreme Court Historical Society*: Past President; Served on Board of Trustees; and Serves as Society Fellow
 - *Texas Board of Legal Specialization*: Served Member of the Exam Commission for Civil Appellate Law
 - *Texas Law Review Association*: Member of the Board of Trustees
 - *Dallas Bar Association, Appellate Section*: Served as Chair of the Appellate Section
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SELECTED CLIENT REPRESENTATIONS

Ben’s recent appellate representations include:

- In the Texas Supreme Court, secured a major victory for corporate directors and officers in a decision holding that a \$220 million bankruptcy and securities litigation settlement constituted covered loss. (2024).

- In the Dallas Court of Appeals, confirmed a multi-million-dollar lost-profits award and rescission relief arising in a complex real-estate partnership dispute. (2024).
 - In the Sixth Circuit, on behalf of a major financial institution, persuaded the court to reverse the district court on a novel question involving the insurability of certain bankruptcy claims under Ohio law. (2024).
 - In the Dallas Court of Appeals, upheld the constitutionality of statutory changes to a public pension plan involving nearly \$1 billion of plan assets. (2023).
 - In the Fifth Circuit, prevailed in a complex commercial dispute alleging contract, tort, and antitrust claims seeking more than \$50 million. (2022).
 - In a closely watched case involving the standards governing the enforceability of forum selection clauses, persuaded the California Supreme Court to grant review. (2022).
 - In a precedent-setting insurance coverage dispute involving a cybersecurity breach, secured reversal in the Fifth Circuit on behalf of a corporate policyholder. (2021).
 - In back-to-back terms, won constitutional cases at the Texas Supreme Court challenging legislative pension reforms impacting billions of dollars in pension funds (2019-20).
 - In the Fifth Circuit, secured reversals in a renewable-energy dispute involving a \$300 million power contract (2017, 2019).
 - In the Third Circuit, defeated an \$80 million claim in a trademark case in which the court held that a major pharmaceutical company owned disputed intellectual property rights (2019).
 - Led an appellate team in the Washington appellate courts in preserving an \$81.4 million railroad-divestiture transaction (2014).
 - At the Texas Supreme Court, invalidated a \$29 million liquidated damages provision arising in the context of the state's fast-growing renewable energy industry (2014).
 - In a closely-watched election case, led the appellate team that obtained emergency mandamus relief on the eve of the election (2013).
 - In the Fifth Circuit, dismissal of derivative claims challenging a \$54 million merger in the healthcare industry (2013).
 - In the Fifth Circuit, reversed a fee enhancement award granted to debtor's financial advisor, clarifying legal standards applicable to fee claims under § 328(a) of the Bankruptcy Code (2012).
 - In the Fifth Circuit prevailed on federal preemption challenges to natural-gas production regulations (2010).
 - Persuaded the Fifth Circuit Court to dismiss – on equitable mootness grounds – the appeal of a \$3.6 billion bankruptcy plan of reorganization of a global mining giant, challenged by a competing bidder and the company's union (2010)
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AWARDS AND RECOGNITIONS

- Board Certified in Civil Appellate Law by the Texas Board of Legal Specialization, 2007-Present
- Recognized by *Chambers USA*, Chambers and Partners, as one of the leading practitioners in Texas for Appellate, 2019-2024
- Selected for inclusion in *The Best Lawyers in America*, Woodward/White, Inc., Appellate, 2016-2025; Commercial Litigation, 2022-2025
- Recognized by *The Legal 500 U.S.*, Legalese, 2022-2024
- Included in the *Lawdragon 500 Leading Litigators in America* guide, 2023-2025
- Recognized by *D Magazine*, D Magazine Partners, as a "Best Lawyer in Dallas" in Appellate, 2014-2019, 2021-2025
- Recognized in 2022 for having been included in *Super Lawyers*, Thomson Reuters, top-attorney lists for 10 years or more
- Recognized by *Texas Super Lawyers*, Thomson Reuters, Top 100 in Texas, 2017-2018 and 2020-2024
- Recognized by *Texas Super Lawyers*, Thomson Reuters, Top 100 in Dallas/Fort Worth, 2017-2024

- Selected for inclusion in *Texas Super Lawyers*, Thomson Reuters, Appellate, 2013-2024