



LESLIE CONANT THORNE

Partner

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PRACTICES: Litigation, Insurance Recovery, Real Estate Litigation, Privacy and Data Security, Climate Change and Corporate Sustainability, Energy, Power and Natural Resources, Real Estate, Products Liability Litigation, Healthcare Transactions and Regulatory; **INDUSTRIES:** Technology

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EDUCATION AND CLERKSHIPS

- J.D., University of Texas School of Law, 2004, Member, *Texas Review of Entertainment and Sports Law*
- B.A., University of Texas at Austin, 2001

ADMISSIONS

- New York
- Texas

COURT ADMISSIONS

- U.S. District Court for the Southern District of New York
- U.S. District Court for the Northern District of Texas, 2005

When it comes to complex commercial litigation, cyber-related liabilities and insurance matters, a lawyer needs to understand her clients' big picture business goals and objectives. Approaching disputes from this business-oriented perspective, *Texas Lawyer* 2019 Attorney of the Year Leslie C. Thorne has successfully represented the nation's largest and most prominent corporations. As co-chair of the firm's Litigation Practice Group, Leslie not only develops and executes effective strategies, she also makes sure that her clients are part of the process at every step. The better informed her clients are, the better able they are to make critical decisions affecting their businesses.

In recent litigation matters, Leslie secured dismissal of fiduciary duty and minority oppression claims against major shareholders of a healthcare corporation, obtained a temporary restraining order and injunction against a foreign sovereign pending an international arbitration of an oil and gas dispute, obtained a total trial victory for a corporate defendant in a breach of contract dispute, and secured a settlement for a national energy company in connection with a failed ethanol venture.

Clients also rely on Leslie's counsel in dealing with underwriting and risk management issues, including drafting and negotiating insurance policies, insurance and indemnification provisions in corporate transactions, and claims presentation to insurers. Leslie is a relentless advocate for her policyholder clients, representing them in connection with policies covering cyber liability, environmental and pollution liability, products liability, trade credit risks, professional liability, intellectual property claims, general liability, directors' and officers' liability, commercial crime, property losses and business interruption. Her extensive experience and strength in creatively analyzing complex coverage disputes enables her to develop effective strategies for quickly and cost-effectively obtaining the maximum recovery.

Apart from the work for her clients, Leslie is widely recognized as a leader in the legal community and the community at large. Leslie currently serves on the Robert W. Calvert Inn of Court and as an ABA Insurance Coverage Litigation Additional Insured Subcommittee co-chair. Leslie and her work have appeared in—among others—*Insurance Journal*, *Texas Lawyer*, *Austin Business Journal*, *Intellectual Property & Technology Law Journal*, *Corporate Counsel Review*, *Executive Counsel Magazine*, *Law360*, and many ABA publications. Leslie also speaks frequently at local, state and national conferences and seminars on all manner of insurance, energy and construction-related topics, from cyber coverage to indemnification agreements to negotiating large construction projects.

- U.S. District Court for the Southern District of Texas, 2006
- U.S. Court of Appeals for the Fifth Circuit, 2006
- U.S. District Court for the Western District of Texas, 2008
- United States Supreme Court, 2017

Leslie served as the board chair for non-profit Manos de Cristo, which provides basic needs, education and dental services to Austin's disadvantaged population, and has also served on the Keep Texas Beautiful and Central Texas SPCA Boards. She currently serves on the Board of Texas Appleseed.

Professional Recognition

- Named 2019 Attorney of the Year by *Texas Lawyer* as part of their Professional Excellence Awards
- Named "Local Litigation Star" in General Commercial and Insurance by *Benchmark Litigation U.S.*, Euromoney Institutional Investor, PLC, 2019
- *The Best Lawyers in America*, Woodward/White, Inc., Insurance Law, 2018-2020
- Selected for inclusion in *Texas Super Lawyers Rising Stars*, Thomson Reuters, 2015-2019

Selected Client Representations

- Obtained recoveries for real estate developers in construction defect cases involving multi-million dollar office buildings and hotels.
- Secured a settlement with carriers in connection with MTBE-related claims made against Fortune 50 client.
- Convinced the carrier to post supersedeas bond and provide appellate defense for energy company found liable for intentional private nuisance in connection with its oil and gas operations.
- Secured dismissal of fiduciary duty and minority oppression claims against major shareholders in a healthcare corporation.
- Successfully defended a bank at trial against a breach of contract claim.
- Secured a settlement for a national energy company in connection with a failed ethanol venture.
- Conducted an internal investigation and remediation of a data security breach at a national hotel chain.
- Convinced insurers to cover extensive property losses caused by various hurricanes and other natural disasters.
- Obtained a total victory for a corporate defendant at trial over an employment contract.
- Advised national lenders of insurance needs for real estate development projects.
- In an oil and gas dispute, secured a temporary restraining order and temporary injunction against a foreign sovereign pending international arbitration of dispute.
- Obtained a favorable settlement for a corporate plaintiff in a fraud case involving theft of business.
- Obtained a temporary restraining order preventing a landlord from terminating a commercial lease.
- Obtained a total reversal of a tax assessment on aircraft.
- Advised corporate policyholders regarding risk transfer strategies.
- Helped corporate policyholders recover insurance monies from resistant carriers.
- Represented owners and developers in construction disputes with architects, contractors and subcontractors.

Professional and Community Activities

- Board member, Texas Appleseed
- The University of Texas Law School 2016 Essential Cybersecurity Law Conference, Presiding Officer
- Board Member, Keep Texas Beautiful
- Selected to Join Leadership Texas as a member of the Leadership Texas Class of 2016
- American Bar Association (Litigation Section)
- American Bar Foundation Fellow
- ABA Insurance Coverage Litigation Additional Insureds Subcommittee, Co-Chair
- State Bar of Texas (Construction Law and Insurance Law Sections)
- Austin Bar Association (Construction and Civil Litigation Sections)
- United Way Young Leaders Society
- Austin Young Lawyers
- Habitat for Humanity Young Professionals
- Manos de Cristo Board of Directors
- Central Texas SPCA Board of Directors
- Austin Young Chamber of Commerce
- Travis County Women Lawyers Association
- Robert W. Calvert American Inn of Court

Selected Publications and Speeches

- "Cyber Insurance in Context of Incident Response Plan," presenter, The University of Texas School of Law 2020 Essential Cybersecurity Law Conference, July, 15, 2020.
- "Insurance Coverage for Businesses' COVID-19-Related Losses," co-presenter, Austin Bar Association Remote CLE, April 15, 2020.
- "COVID-19 Financial Risk Mitigation Tools," presenter, UT Law CLE Studio Webcast, March 24, 2019.
- "Texas Environmental Law," co-author, Volumes 45-46, Chapter 34 Insurance, Thomson Reuters, 2019-2020.
- "Crisis Management: Responding to a Data Breach," presenter, Center for American and International Law, September 12, 2019.
- "Cybersecurity Insurance," presenter, The University of Texas School of Law 2017 Essential Cybersecurity Law Conference, July, 25, 2019.
- "Update on Opioid Litigation," presenter, Barclays High Yield Bond & Syndicated Loan Conference, Colorado Springs, CO, June 6, 2019.
- "Expectations of Privacy in a Digital Age," co-presenter, Robert W. Calvert Inn of Court, Austin, Texas, November 13, 2018.
- "The #MeToo Movement and Its Impact on Employment Claims & Coverage," presenter, ABA Women in Insurance Network, Dallas, Texas, November 8, 2018.
- "Insurance Coverage for Cybersecurity Issues," presenter, Center for American and International Law 2nd Cybersecurity and Data Privacy Law Conference, April 12, 2018.
- "2018 General Counsel Panel," panel moderator, Association of Corporate Counsel, Austin Chapter, April 12, 2018.

- "What You Need to Know About Cybersecurity," presenter, Austin Bar Association Real Estate Section, April 10, 2018.
- "Cybersecurity Planning: When (not if) a data breach occurs, will you be ready to respond?" speaker, University of Texas, School of Law Conference, Austin, Texas, February 23, 2018.
- "Texas Environmental Law," co-author, Volumes 45-46, Thomson Reuters, 2017 and 2018.
- Data Security, Client Confidences, and Ethics Rules Applicable to the Protection of Client Information," speaker, Texas Bar CLE 35th Annual Advanced Tax Law Course, August 18, 2017.
- "The In-House Perspective on Managing Cybersecurity," panel moderator, The University of Texas School of Law 2017 Essential Cybersecurity Law Conference, July 28, 2017.
- "What Every IP Lawyer Should Know about Insurance," speaker, The University of Texas School of Law 2017 Technology Law Conference, May 25, 2017.
- "2017 General Counsel Panel," panel moderator, Association of Corporate Counsel, Austin Chapter, April 13, 2017.
- "Ethical Considerations in Preparing Expert Witnesses to Testify at Deposition and Trial in an Insurance Coverage Case," speaker, ABA 25th Annual Insurance Coverage Litigation Committee Mid-Year Program, Phoenix, AZ, February 24, 2017.
- "Data Security, Client Confidences, and Ethics Rules Applicable to the Protection of Client Information," speaker, University of Texas School of Law 64th Annual Taxation Conference, December 1, 2016.
- "Cybersecurity Insurance Policies," speaker, The University of Texas Law School 2016 Essential Cybersecurity Law Conference, August 19, 2016.
- "Cyber Liability: Surviving the Wild Frontier," speaker, Texas Insurance Academy, May 5, 2016.
- "'Hired Gun' or 'Shooting Blanks'? The Balance Between the Two and Other Ethical Considerations in Preparing Expert Witnesses to Testify at Deposition and at Trial," speaker, ABA Insurance Coverage Litigation Committee Annual Seminar, Tucson, AZ, March 3, 2016.
- "Jury Selection in Insurance Coverage Cases: The First Step to Winning at Trial," speaker, ABA Women of the Section of Litigation: Leading, Litigating & Connecting, Chicago, IL, November 12, 2015.
- Testimony regarding HB 3646 before the Texas House Insurance Committee, April 22, 2015.
- "Computer Fraud & Cybercrime: Isn't Technology Wonderful?" speaker, Robert W. Calvert Inn of Court, April 14, 2015.
- 2015 General Counsel Forum, moderator, Association of Corporate Counsel, March 26, 2015.
- "The Ethics of Witness Preparation in a Coverage Case: Prepare Your Witness...But Not TOO Much!," speaker, ABA Insurance Coverage Litigation Committee Annual Seminar, Tucson, AZ, March 7, 2015.
- "Claims Happen: How to Manage Your Insurance When Hit with Litigation and Investigations," speaker, San Antonio Compliance Roundtable, February 25, 2015.
- "Claims Happen: How to Manage Your Insurance When Hit with Litigation and

- Investigations," speaker, Austin Compliance Roundtable, February 25, 2015.
- "Practical Tips on Preventing, Managing, and Insuring for Data Breaches," speaker, Houston Cybersecurity panel, February 18, 2015.
 - "Despite Bipartisan Support, Data Breach Law Faces Obstacles," author, *Law360*, February 02, 2015.
 - "Indemnification Agreements for the Energy World: Anti-Indemnity Statutes & Their Effects on Risk Transfer," speaker, Houston Bar Association, October 30, 2014.
 - "A Compliance Officer's Guide to Cyberliability and Cyber Insurance," speaker, Houston Compliance Roundtable, October 15, 2014.
 - "What You Need to Know About Cybersecurity," speaker, presented to the Better Business Bureau of Central, Coastal, Southwest Texas and the Permian Basin, September 16, 2014.
 - "What You Need to Know About Data Security and Cyber Insurance: Practical tips on preparing for and responding to a cyber security breach," speaker, presented to public and private company clients in the Dallas area, June 26, 2014.
 - "Understanding Privacy, Cybersecurity, and Cyber Insurance," speaker, Austin Compliance Roundtable, May 28, 2014.
 - "What Registered Entities Need to Know about Cybersecurity and Cyber Insurance," speaker, San Antonio Compliance Roundtable, May 14, 2014.
 - "Negotiating AIA Construction Contracts: The Owner's Perspective," speaker, Lorman AIA Contracts Seminar, May 7, 2014.
 - "Cyber Liability and Loss Seminar," speaker, presented to public and private company clients in the Austin area, April 22, 2014.
 - "Insurance Coverage for a Young and Growing Business: What You Need to Know," speaker, TexasBarCLE Essentials of Business Law Course, March 7, 2014.
 - "[Insurance Coverage for Cyber Attacks: What Do You Need in a Cyber Liability Policy?](#)" co-author, Haynes and Boone Client Alert, February 27, 2014.
 - "Water Rights of Fracking Operations," speaker, Robert W. Calvert American Inn of Court presentation, February 10, 2014.
 - "Texas Supreme Court Reaffirms All Sums Allocation Approach for Continuous Losses," speaker, ABA Section of Litigation, Insurance Coverage Notes, October 30, 2013.
 - "The Corporate Representative Deposition: Uses & Abuses," speaker, TexasBarCLE 26th Annual Advanced Evidence & Discovery Course, May 24, 2013.
 - "*Fisher v. Texas* and the Future of Race-Conscious Admissions," speaker, Robert W. Calvert American Inn of Court presentation, April 9, 2013.
 - "Q&A With Haynes and Boone's Leslie Thorne," author, *Law 360*, March 27, 2013.
 - "Top Construction Contract Issues and Pressure Points for the Players," speaker, University of Texas School of Law 2012 Construction Law Program, September 13, 2012.
 - "Construction Anti-Indemnification Law Changes Indemnity and Additional Insurance Landscape," speaker, ABA Section of Litigation, Insurance Coverage webpage of the Insurance Coverage Committee, May 2012.
 - "CGL Policies Triggered by Allegations of Physical Damage to Adjacent Property," speaker, ABA Section of Litigation, Insurance Coverage News & Developments, May 4, 2012.

- "Disastrous 2011 a Reminder to Obtain Sufficient Coverage," guest column, *PropertyCasualty360*, November 3, 2011.
- "How Can Insurance Agents Help the Texas Fire Victims?," guest column, *Insurance Journal*, Sept. 13, 2011.
- "Insuring Against Risks with Sustainable Hotels," guest column, *Lodging Hospitality*, Aug. 18, 2011.
- "Insurance Considerations for Construction Projects," speaker, Fundamentals of Construction Contracts: Understanding the Issues, Lorman Education Seminars, July 27, 2011.
- "New Texas Construction Anti-Indemnification Law - HB 2093," author, Haynes and Boone Client Alert, June 27, 2011.
- "Insurance Coverage for Storm Devastation," author, *Law360* Guest Column, June 1, 2011.
- "[Annual Review of Litigation, Chapter 3: Appellate Practice](#)," contributor, with Kendyl Hanks and Mark Trachtenberg, American Bar Association, Section of Business Law, April 2011.
- "Securities Litigation and The Supreme Court: 2010 in Review and a Preview of 2011," co-author with Nicholas Even and Daniel Gold, University of Texas School of Law 33rd Annual Conference on Securities Regulation and Business Law, February 2011.
- "Insurers, sureties slow to respond to green builders' needs," guest column, *Austin Business Journal*, June 25, 2010.
- "Changes in the 'Actual Prejudice' Requirement: Effects of Late Notice and Settlement Without Consent When the Insurer Cannot Show That It Has Been Harmed," speaker, University of Houston Law Foundation Advanced Insurance and Tort Claims Program, 2008.
- "CCIPS, OCIPS, and Other Risk Transfer Strategies: Considerations for Construction Projects," speaker, 2008.
- "Insurance and Other Risk Transfer Strategies: Considerations for Construction Projects," speakers, Fundamentals of Construction Contracts: Understanding the Issues, Lorman Education Seminars, 2008.
- "Frank's Casing and Its Impact on Stowers," speaker, State Bar of Texas Telephone CLE Seminar Series, 2008.
- "How to be a Successful Summer Associate," speaker, University of Oklahoma School of Law, 2008.
- "Additional Insured Coverage: Emerging Issues," speaker, 2007.
- "Selection of Counsel and Ethical Dilemmas in the Tripartite Relationship," speaker, 2007.
- "Recovering Business Losses: Hurricane and Other Business Interruptions," speaker, University of Houston CLE, Advanced Insurance and Tort Claims, March 22, 2007.
- "Insurance Policy: Perils and Gaps," author, *Executive Counsel Magazine*, March/April 2006.
- "What Every Business Needs to Know About Insurance," author, *Corporate Counsel Review*, Volume XXV Number 2, November 2006.
- "Offers of Settlement, Texas Rules of Civil Procedure 167: A Plaintiff Attorney Perspective" speaker, 2004.
- "Spoliation & Retention in the Computer Age" speaker, 2004.