



Mark Trachtenberg

Partner

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PRACTICES Appellate, Litigation, Oil and Gas Litigation, Energy Litigation, Bankruptcy Litigation

Recognized as one of the top 100 lawyers in Texas and as one of the top appellate lawyers in the state by *Texas Super Lawyers* (Thomson Reuters), Mark Trachtenberg represents major companies in high-stakes appeals. He is ranked in *Chambers USA*, 2019-2021 (Chambers and Partners) for appellate law in Texas, which notes his “excellent ability to see the broad picture and evaluate appellate issues before they even arise at the trial stage” and describes him as “very responsive, a superlative writer, and a good ideas person.”

Mark’s accomplishments for clients include:

- Obtaining reversal in the Texas Supreme Court of a \$22 million tortious interference and trade secret misappropriation judgment
- Obtaining a summary judgment in a False Claims Act case in which the plaintiffs had sought billions in damages against a major oil company, and successfully defending the appeal of the take-nothing judgment in the Fifth Circuit
- Successfully defending a Fifth Circuit appeal of a \$3.6 billion bankruptcy plan of reorganization
- Obtaining a reversal in the Texas Supreme Court of a \$14 million products liability judgment
- Prevailing on a special appearance that shielded the firm’s Singaporean client from a potential \$500 million judgment

A highlight of Mark’s career has been his work on behalf of Texas public schools, an opportunity that arose from a law review article he authored on the history of Texas’s school finance litigation while at Yale Law School. Mark played a lead role in a lawsuit that resulted in an infusion of more than \$2 billion for public schools in Texas. He later served as lead counsel at trial and on appeal for a coalition of 88 school districts in a second lawsuit challenging the constitutionality of the state’s school finance system.

Mark is a member of the American Law Institute, recently served as the chair of the Houston Bar Association’s Appellate Practice Section, and is on the board of directors of the Texas Supreme Court Historical Society. Mark is also dedicated to his community, serving as the chair of the Southwest Region of the Anti-Defamation League and on the Education Policy Committee of the United Way of Greater Houston.

Mark writes and speaks prolifically on a variety of topics, with a recent focus on arbitration issues, brief writing, and Fifth Circuit and Texas Supreme Court trends. He is board certified in civil appellate law by the Texas Board of Legal Specialization.

QUALIFICATIONS

EDUCATION

- J.D., Yale Law School, 1998, Editor, *Yale Law Journal*
- B.A., University of Pennsylvania, 1994, *summa cum laude*; Phi Beta Kappa

CLERKSHIPS

- 1/01/0001 - 1/01/0001
- Law Clerk, the Honorable Lee H. Rosenthal, United States District Judge for the Southern District of Texas (1998-99)

ADMISSIONS

- Texas

COURT ADMISSIONS

- United States Supreme Court
- U.S. Court of Appeals for the Eleventh Circuit
- U.S. Court of Appeals for the Fifth Circuit
- U.S. Court of Appeals for the Ninth Circuit
- U.S. District Court for the Eastern District of Texas
- U.S. District Court for the Southern District of Texas
- U.S. District Court for the Western District of Texas

PUBLICATIONS AND SPEAKING ENGAGEMENTS

- "[Arbitration-Related Litigation in Texas](#)," co-author and presenter, State Bar of Texas, 13th Annual Advanced Business Disputes Course, August 2021. [Presentation Slides]
- "[Arbitration for Appellate Lawyers](#)," co-author and presenter, Houston Bar Association, Appellate Practice Section, May 13, 2021.
- "[Briefing Beyond Words: How to use Visuals to Enhance your Written Advocacy and Transform your Briefs](#)," presenter, UT CLE's 30th Annual Conference on State and Federal Appeals, Austin, TX, June 4, 2020. [Presentation Slides]
- "[Appellate Year-in-Review: The Fifth Circuit and SCOTX](#)," co-author, *Texas Lawbook*, December 26, 2019.
- "[Arbitration-Related Litigation](#)," co-author, TexasBAR CLE's Business Disputes Course, September 2019.
- "Arbitration-Related Litigation in Texas," co-author and presenter, TexasBarCLE's 10th Annual Business Disputes Course, Austin, Texas, September 26, 2018. View the [presentation](#) and [paper](#).
- "[Fifth Circuit Update](#)," speaker, TexasBarCLE's 32nd Annual Course: Advanced Civil Appellate Practice, Austin, Texas, September 6, 2018.
- "Preservation of Error," speaker, TexasBarCLE's 41st Annual Course: Advanced Civil Trial, Dallas, Texas, August 23, 2018.
- "Strategies for Preparing the Respondent's Brief on the Merits in the Texas Supreme Court," presentation at the State Bar of Texas' [Practice Before the Texas Supreme Court course](#), Austin, Texas, April 28, 2017.
- "[Effective Use of Technology on Appeal](#)," presentation at the American Bar Association Business Law Section's Spring Meeting, April 7, 2017.
- "Preservation of Error," presentation to the State Bar of Texas, 6th Annual Advanced Trial Strategies Course, New Orleans, Louisiana, February 10, 2017.

- "[Arbitration-Related Litigation in Texas](#)," presentation to the State Bar of Texas, 30th Annual Advanced Civil Appellate Practice, September 8-9, 2016.
 - "[Texas Supreme Court Update: Focus on Business, Energy and Interesting Cases](#)," presentation to the Association of Corporate Counsel Houston, April 22, 2016.
 - "*Recent Developments in Business and Corporate Litigation* Chapter 2: Appellate Practice," co-author, American Bar Association, June 2016.
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PROFESSIONAL AFFILIATIONS AND ENGAGEMENTS

- Past Chair, Appellate Subcommittee of the Business and Corporate Litigation Committee of the American Bar Association's Business Law Section
 - Past Chair of the Appellate Practice Section of the Houston Bar Association
 - Member, Executive Committee of the Yale Law School Association, 2015-2017
 - Member, American Law Institute (ALI)
 - Board member, Houston Volunteer Lawyers, 2017-2018
 - Board member, Texas Supreme Court Historical Society
 - Board member, *The Houston Lawyer* editorial board, 2005-2011
 - Fellow, Texas Bar Foundation
 - Member, Education Council, United Way of Greater Houston
 - Frequent speaker at State Bar and Houston Bar Association Continuing Legal Education programs, on a variety of topics, including arbitration-related litigation, the Texas Supreme Court, school finance litigation, and oil and gas law
 - Chair, Anti-Defamation League, Southwest Region
 - Special Assistant Disciplinary Counsel, Texas Commission for Lawyer Discipline
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AWARDS AND RECOGNITION

- *Chambers USA*, Chambers and Partners, Litigation: Appellate, Texas, 2019-2021
- Recognized in *The Best Lawyers in America*, Woodward/White, Inc., for Appellate and Commercial Litigation, 2016-2022
- Board Certified in Civil Appellate Law, Texas Board of Legal Specialization
- Recognized as one of the top 100 lawyers in Texas by Texas Super Lawyers, Thomson Reuters, 2020
- Recognized as one of the top 100 lawyers in Houston by *Texas Super Lawyers*, Thomson Reuters, 2016-2020
- Selected for inclusion in *Texas Super Lawyers*, Thomson Reuters, 2013-2020
- Selected for inclusion in *Texas Super Lawyers* - Rising Stars Edition, Thomson Reuters, 2004-2013
- Named a Future Star in *Benchmark Litigation*, Euromoney Institutional Investor PLC, 2013-2020
- Profiled in cover article of [2010 Texas Super Lawyers](#) magazine - Rising Stars Edition, Thomson Reuters, 2010