



Brett D. Kutnick

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Brett Kutnick is the Managing Partner at Hankinson LLP. His practice emphasizes all aspects of appellate law and involvement at all stages of a lawsuit. At the trial court level, Brett combines his appellate expertise with his previous experience as a litigator to help clients craft legal strategies that focus on the end result while preserving error. Brett's extensive appellate background includes representing clients and arguing appeals before Texas appellate courts, handling Texas Supreme Court proceedings, and participating in appeals before the Fifth Circuit Court of Appeals. Brett also has significant experience in interlocutory appeals and mandamus proceedings that frequently involve complex procedural, jurisdictional, and evidentiary issues. He is Board Certified in Civil Appellate Law by the Texas Board of Legal Specialization.

Brett has assisted his clients in achieving successful resolutions of their appeals in a wide variety of matters, including:

- the reversal of a temporary injunction order that prohibited his clients from terminating management agreements with the plaintiff;
- the reversal of a \$61 million judgment and rendition of a take-nothing judgment based on a jury verdict that a national department store breached a bond indenture by prematurely redeeming corporate bonds held by a number of institutional investors; and
- the affirmance of summary judgment granting specific performance in favor of a plaintiff-real estate purchaser and reversal of that part of the trial court's judgment barring the purchaser from also recovering damages attributable to the seller's delay in performing the contract.

Brett received his undergraduate B.B.A. degree in honors business and finance from the University of Texas at Austin, graduating with highest honors in 1993. He graduated first in his business school class and brings substantial value to business disputes and financial industry appeals. His experience at the trial court level and at the appellate court level, which includes commercial cases and business appeals, has featured contract disputes, business torts, legal malpractice, breach of fiduciary duty claims, shareholder oppression, and intellectual property rights. He has represented clients

ranging from national department stores, manufacturers, real estate developers, and construction firms to corporate officers and directors to law firms.

Brett received his J.D. from the University of Texas School of Law, graduating with high honors in 1996. He was a member of the Texas Law Review, Chancellors (the law school's most prestigious honor society, which recognizes the sixteen law students who have achieved the highest grade point averages in their class through their second year), and Order of the Coif. He also was a member of the Legal Research Board, a student-run research organization that invites the top five legal writers from each of the four first year law school sections.

EDUCATION

- The University of Texas School of Law (J.D., *with high honors*, 1996); Member, *Texas Law Review*; Chancellors; Order of the Coif; Legal Research Board
- The University of Texas at Austin (B.B.A., *with highest honors, honors business and finance*, 1993)

CERTIFICATIONS

- Board Certified in Civil Appellate Law, by the Texas Board of Legal Specialization (2013)

HONORS

- Texas' Top Rated Lawyers in appellate law, 2012, as chosen by ALM and LexisNexis Martindale-Hubbell
- Texas Rising Star, 2005-2010, as chosen by Texas Super Lawyers/Thomson Reuters legal division and published in *Texas Monthly*.

SPEECHES & PUBLICATIONS

- Presenter and Co-Author, *Fiduciary Duty Update*, State Bar of Texas 34th Annual Advanced Civil Trial Course (2011)
- Co-Author, *Pondering Punitive Damages: Issues Arising at Trial and on Appeal*, 18th Annual Advanced Civil Appellate Practice Course (Texas, 2004)

AFFILIATIONS

- Member, Dallas Bar Association