



## Michael B. Johnson

Partner, Professional Liability Chair

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Michael B. (Mike) Johnson devotes his current practice to the representation of professionals in malpractice and breach of fiduciary duty claims. He represents attorneys, insurance agents, real estate brokers, accountants, officers and directors and other professionals in federal and state courts.

Mike also handles the appellate proceedings stemming from his trial court representation of attorneys, agents and other professionals. He has represented numerous attorneys in grievance proceedings before the State Bar of Texas, where he obtained dismissals for “no just cause.” Mike has defended hundreds of lawyers, law firms and other licensed professionals in civil actions in state and federal courts, and he advises his clients on professional ethics and responsibility issues, and in risk management.

### Representative Experience

- Won full defense verdict in civil jury trial brought by homebuyers against their real estate agent and broker. Homebuyers claimed their agent and broker should have known or discovered that their new home had serious structural deterioration due to stucco facade.
- Obtained complete take-nothing judgment on behalf of law firm following jury trial. Plaintiff claimed wrongful foreclosure and violations of Fair Debt Collection statutes.
- Obtained summary judgment in malpractice suit brought against attorney by former client seeking several million dollars in damages. Summary judgment followed motion to exclude economics expert on alleged lost profits.
- Defended high-profile plaintiff’s side pharmaceutical litigator accused of malpractice in suit against drug manufacturer. Moved to exclude Plaintiff’s medical expert and prevailed in summary judgment motion.
- Defended attorney accused of legal malpractice and breach of fiduciary duty deriving from representation of individual in multi-million dollar business separation from his brothers. Former client sought seven-figure judgment from attorney when business separation agreement failed. Plaintiff alleged that

### Services & Industries

- Professional Liability

- attorney improperly acted as a “mediator” among the quarreling brothers.
- Won directed verdict in federal trial brought by former insurance agent against life insurer under unjust enrichment and quantum merit theories.
- Obtained summary judgment on legal malpractice claim brought by beneficiary under a will drafted by our attorney-client. The estate at issue under the will was valued at over \$4,000,000.00.

## **Education**

- Georgetown University Law Center (J.D., 1997)
  - Georgetown Journal of Legal Ethics, Volume X - Articles Editor
- The University of Texas at Austin (B.A., 1994)
  - Plan II Liberal Arts and Honors English dual major
  - cum laude
  - Phi Beta Kappa

## **Bar Admissions**

- Texas, 2001
- Illinois, 1997

## **Court Admissions**

- United States Court of Appeals, Fifth Circuit
- United States Court of Appeals, Seventh Circuit
- United States District Court, Northern Districts of Texas
- United States District Court, Western Districts of Texas
- United States District Court, Northern District of Illinois

## **Professional and Community Activities**

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- Obtained summary judgment in malpractice suit brought against attorney by former client seeking several million dollars in damages. Summary judgment followed motion to exclude economics expert on alleged lost profits.
- Defended high-profile plaintiff's side pharmaceutical litigator accused of malpractice in suit against drug manufacturer. Moved to exclude Plaintiff's medical expert and prevailed in summary judgment motion.
- Defended attorney accused of legal malpractice and breach of fiduciary duty deriving from representation of individual in multi-million dollar business separation from his brothers. Former client sought seven-figure judgment from attorney when business separation agreement failed. Plaintiff alleged that attorney improperly acted as a “mediator” among the quarreling brothers.
- Won directed verdict in federal trial brought by former insurance agent against life insurer under unjust enrichment and quantum merit theories.
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### **Speeches and Presentations**

- Co-presenter with Rick M. Albers: "Professional Duties Under Law of Agency: A Comparison of Duties for Lawyers and Brokers" at the UT School of Law 2012 Mortgage Lending Institute
- Presented "Recent Developments in the Law of Legal Malpractice and Professional Responsibility" at the St. Mary's Law Journal 2008 Symposium on Legal Malpractice and Professional Responsibility
- Presented "Recent Developments and Future Trends in Legal Ethics and Attorney Discipline" at the 19th Austin Bar Association Bench-Bar Conference