



Shawn W. Phelan

Chairman of the Management Committee

sphelan@thompsoncoe.com | 214-871-8245

Shawn Phelan represents lawyers, design professionals, officers and directors, real estate brokers, insurance agents, and other professional clients in litigation throughout Texas. Shawn defends lawyers in legal malpractice and breach of fiduciary duty suits and in grievance proceedings, and design professionals on errors and omissions claims and construction defect cases. He also has substantial experience representing broker/dealers, registered representatives, and officers and directors in securities and commercial matters involving a wide variety of business litigation issues, including securities fraud, business torts, deceptive trade practices, construction, unfair competition, and alter-ego claims. Shawn has also represented numerous parties in class action litigation.

Services & Industries

- Professional Liability
- Construction
- Community Associations

Representative Experience

- Represent lawyers in grievance proceedings before the State Bar of Texas.
- Obtained summary judgment for lawyer alleged to have mishandled multi-million dollar copyright litigation.
- Defended Real Estate Broker in class action lawsuit alleging violations of the Real Estate Settlement Procedures Practices Act (RESPA) and breach of fiduciary duty.
- Obtained dismissal of numerous claims against design professionals under Chapter 150 of the Texas Civil Practice & Remedies Code.
- Obtained dismissal of claims against lawyer/arbitrator and award of sanctions against plaintiff.
- Represent parties in copyright and trade names disputes relating to design of structures.
- Obtained summary judgment for immigration lawyer alleged to have committed malpractice in the handling of her clients' immigration application.
- Represent fee attorneys and lawyers in claims asserted by lenders involved in subprime lending practices.
- Represented national architectural firm in lawsuit involving the design of local courthouse.
- Obtained summary judgment for plaintiffs employment lawyer who was sued

for allegedly mishandling employment discrimination claim.

- Obtained summary judgment in favor of local law firm sued in bankruptcy court by bankruptcy trustee for turnover of legal fees.
- Tried legal malpractice case against family law lawyer, resulting in no liability for lawyer and lawyer's recovery of outstanding fees.
- Obtained dismissal of lawsuit against North Carolina architect in Texas based upon lack of personal jurisdiction.
- Obtained dismissal of grievance alleging family law lawyer mishandled legal matter and violated numerous disciplinary rules.
- Obtained dismissal of suit on behalf of structural engineer sued for errors in design of restaurant HVAC system.
- Obtained summary judgment for civil engineer on claim asserted by homeowner and homeowners' association for millions in damages as a result of alleged defective retaining walls.
- Tried legal malpractice case against lawyer alleged to have committed malpractice in defending client at trial, where jury returned a verdict substantially below plaintiff's last settlement demand.

Education

- University of Wisconsin Law School (J.D., 1992)
- University of Wisconsin-LaCrosse (B.S., 1989)
 - with highest honors

Bar Admissions

- Texas, 1992
- Wisconsin, 1993

Court Admissions

- United States Court of Appeals, Fifth Circuit
- United States District Court, Northern District of Texas
- United States District Court, Southern District of Texas
- United States District Court, Western District of Texas
- United States District Court, Eastern District of Texas
- United States District Court, Eastern District of Wisconsin

Professional and Community Activities

- Member of the Professional Liability Underwriters Society
- DRI Professional Liability Section
- Member of Dallas Bar Association

Speeches and Presentations

- Presented "Overview of Contract Law" at the Legal Issues for Texas Civil Engineers seminar on January 21, 2016 in Arlington, Texas.
- Participated in a mock mediation session presented by Hanover Insurance at the A/E ProNet Spring Meeting 2015.
- Presented "The Tripartite Relationship: What Is It? The Relationship Between The Insurer, Insured, And Defense Counsel" Thompson Coe's Texas Litigation

Update 2014

- Co-Presented "Ethics in Business Litigation" along with Randy Johnston at the Business Disputes 2013 seminar sponsored by the Texas Bar CLE.
- Presented "Adopting Strategies to Minimize Liability Exposure" on July 31, 2012 at the Minimizing Engineering Liability Exposure seminar in Arlington, Texas.
- Presented "Protect Yourself at All Times: Words Every Fighter and Lawyer Should Follow" on August 18, 2011 at the Advanced Consumer Law Course in Houston, Texas.
- Presented at the McLaughlin Brunson Insurance Agency 2011 Loss Prevention & Risk Management Seminar on Design Professional liability issues and recent Texas case law affecting architects and engineers, April 20-21, 2011.
- Presented "Avoiding and Defending a Malpractice Suit—Welcome to the Real World" on August 11, 2008 at the 2008 Advanced Family Law Course in San Antonio, Texas.
- Presented "Avoiding Bad Faith and Responding to Stowers Demands" to Firemans Fund Insurance Company on October 1, 2007.
- Regular speaker at Dallas Chapter of the American Institute of Architects (AIA) educational seminars, most recently on issues relating to construction observation, risk management, contract and other liability issues (2005-present).
- Panel member at the 2006 Texas Society of Architects Annual Convention, case study presentation.
- Presented "Pitfalls Under the Texas Securities Act" to the Securities Section of a Dallas law firm on July 29, 2004.
- Presented "The New Grievance Process and Ethics Issues Criminal Defense Lawyers Encounter" to the Dallas Criminal Defense Lawyers Association on June 11, 2004.
- Presented "Ethical Consideration and Legal Malpractice Prevention in Litigation" to the Plano Bar Association on January 2, 2004.

Professional Recognition

- "AV" Peer Review Rated by *Martindale Hubbell*.

Design Professionals

Overview

Shawn Phelan regularly represents design professionals in litigation throughout Texas. He has defended cases involving architects (commercial, residential, and landscape), civil engineers, structural engineers, mechanical engineers, construction managers, geotechnical engineers, surveyors, and design-build contractors.

Shawn's clients have ranged from multi-national architectural and engineering firms working on multi-million dollar commercial and public works projects, to architects designing single family residences and small retail establishments. He also defends design professionals in administrative proceedings before Texas

licensing regulators, and regularly consults with design professionals on contract issues and loss prevention measures.

Representative Experience

- Obtained dismissal of claims against Colorado landscape architect on certificate of merit issue.
- Obtained dismissal of claims against Minnesota structural engineer on jurisdictional grounds.
- Represented national architectural firm in lawsuit involving the alleged defective design of a local courthouse.
- Obtained dismissal of suit on behalf of structural engineer sued for errors in design of restaurant HVAC system.
- Defended civil engineering firm in lawsuit by developer asserting errors in design of residential neighborhood preliminary plat.
- Defended architect who designed “big box” retail establishment who sued owner for fees and drew a counterclaim for alleged design errors.
- Obtained dismissal of lawsuit against North Carolina architect sued in Texas based upon lack of personal jurisdiction.
- Defended structural engineer against claim that design error in remodeling of historic commercial building caused damage to owner.
- Defended an architect sued for errors in design of hotel and alleged misrepresentations to owner regarding schedule for design work.
- Represented prominent residential architect in claim asserted by homeowners.
- Obtained summary judgment for civil engineer on claim asserted by homeowner and homeowners’ association for millions in damages as a result of alleged defective retaining walls.
- Represented architect that designed local elementary school against claims asserted by school district and general contractor.
- Obtained dismissal of claim against structural engineer who designed commercial building.

Directors & Officers

Overview

Shawn Phelan represents professionals, corporations and other clients in securities, corporate governance, malpractice and other litigation matters. Shawn has substantial experience representing broker/dealers, registered representatives, and officers and directors in securities and commercial matters involving a wide variety of business litigation issues, including securities fraud, business torts, deceptive trade practices, construction, unfair competition, corporate shield and alter-ego claims, and professional liability. Shawn has also represented numerous parties in class action litigation.

Representative Experience

- Represented broker-dealers and registered representatives in defending arbitrations involving investor suitability and fraud claims.
- Obtained dismissal of lawsuit seeking to hold director personally liable for

corporate debts.

- Defended insurance agents and agencies against investor claims of unsuitable annuities and insurance products.
- Represented officers and directors in claims asserted by landlord seeking to pierce the corporate veil.
- Obtained summary judgment on behalf of corporate officer in lawsuit in bankruptcy court seeking to hold the officer responsible for contract signed by officer on behalf of debtor.
- Represented clients in class action litigation asserting statutory violations of 10b-5, RICO, RESPA, and common law claims.
- Represented real estate developer in dispute with co-venturer.
- Defended corporations in copyright infringement claims.
- Defended attorneys and law firms in securities fraud claims under the Texas Securities Act.
- Obtained summary judgment in favor of local law firm sued in bankruptcy court by bankruptcy trustee for turnover of legal fees.