



## Shawn W. Phelan

Partner

[sphelan@thompsoncoe.com](mailto:sphelan@thompsoncoe.com)

214-871-8245

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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.

### 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.

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 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.

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 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.

## **Awards & Recognition**

### **BEST LAWYERS IN AMERICA**

Listed for Professional Malpractice Law - Defendants  
2023-2025

### **MARTINDALE HUBBELL**

AV Peer Review Rated

## **Related Services**

Construction

Professional Liability

## **Publications & Speaking Engagements**

### **"Overview of Contract Law"**

Legal Issues for Texas Civil Engineers seminar

2016

### **Mock Mediation**

Hanover Insurance at the A/E ProNet Spring Meeting

2015

### **"The Tripartite Relationship: What Is It? The Relationship Between The Insurer, Insured, And Defense Counsel"**

Texas Litigation Update

2014

### **"Ethics in Business Litigation"**

Business Disputes seminar, Texas Bar CLE.

2013

### **"Adopting Strategies to Minimize Liability Exposure"**

Minimizing Engineering Liability Exposure seminar

2012

### **"Protect Yourself at All Times: Words Every Fighter and Lawyer Should Follow"**

Advanced Consumer Law Course

2011

### **Design Professional liability issues and recent Texas case law affecting architects and engineers**

Loss Prevention & Risk Management Seminar, McLaughlin Brunson Insurance Agency

2011

### **"Avoiding and Defending a Malpractice Suit—Welcome to the Real World"**

Advanced Family Law Course

2008

### **"Avoiding Bad Faith and Responding to Stowers Demands"**

Fireman's Fund Insurance Company

2007

### **Case study presentation**

Texas Society of Architects Annual Convention

2006

### **"Ethical Consideration and Legal Malpractice Prevention in Litigation"**

Plano Bar Association

2004

“Pitfalls Under the Texas Securities Act”

Securities Section of a Dallas law firm

2004

“The New Grievance Process and Ethics Issues Criminal Defense Lawyers Encounter”

Dallas Criminal Defense Lawyers Association

2004

Educational seminars: construction observation, risk management, contract and other liability issues

Dallas Chapter of the American Institute of Architects (AIA)

2005 - present

## **Education, Admissions & Activities**

### **EDUCATION**

University of Wisconsin Law School

J.D., 1992

University of Wisconsin-LaCrosse

B.S., with highest honors, 1989

### **BAR ADMISSIONS**

Wisconsin

1993

Texas

1992

### **COURT ADMISSIONS**

United States Court of Appeals, Fifth Circuit

United States District Court of Texas: Northern, Southern, Eastern, Western

United States District Court of Wisconsin: Eastern

### **PROFESSIONAL AND COMMUNITY ACTIVITIES**

Professional Liability Underwriters Society

Defense Research Institute (DRI)

Professional Liability Section

