



Barry A. Moscowitz

Partner

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Barry Moscowitz is an experienced trial lawyer, who has tried more than 100 jury cases to verdict in both state and federal courts. He is a vigorous advocate for his clients both in and outside the courtroom. With even more lawsuits resolved before trial or arbitration, Barry has the knowledge and experience to draw from as he advises and represents his clients.

His philosophy is to always find better in every case he handles, whether it is better outcomes or better settlement positions.

Barry represents clients in catastrophic injury/wrongful death, employment litigation, non-subscriber litigation, Lanham Act claims, healthcare liability claims, complex commercial litigation claims against Directors and Officers, and lawsuits involving products and premises liability.

Litigation

Barry has litigated on behalf of companies from across the country from single-plaintiff cases to class actions. His clients include multi-national corporations, foreign-based corporations, national retailers, home and community based service providers, banking institutions, food service distributors, major insurance companies and business owners. He serves as Texas counsel for a multi-national corporation, a major national retailer, and a California-based property insurer. Litigation for these clients has involved damages ranging from a few thousand dollars to in excess of \$175 million dollars.

Barry serves as national counsel for a major employment practices insurer. In this capacity, he works closely with local counsel throughout the country in developing litigation and trial strategy, evaluating the case, and advising the insurer as to their potential exposure.

Labor & Employment

Recognizing the unique nature of employment lawsuits, he strives to work with his clients to achieve creative and excellent outcomes for complicated problems. Barry represents employers throughout Texas before juries and arbitrators in claims involving gender discrimination, racial discrimination, national origin discrimination, religious discrimination, sexual harassment, disability discrimination, and wrongful termination.

Barry represents many national employers who are non-subscribers in Texas and frequently defends clients in lawsuits brought by workers who have sustained injuries in the workplace. He is often asked to defend companies where there are catastrophic injuries or death. He frequently advises clients on the formation of their non-subscriber plans and arbitration programs, and has represented clients in several ERISA lawsuits.

Training & Presentations

As a service to his clients, Barry provides seminars and training on a variety of topics, including tort litigation, courtroom advocacy, ethics, electronic discovery rules in federal court, and Title VII claims.

Representative Experience

LABOR & EMPLOYMENT

Obtained a defense verdict on behalf of a national private correctional corporation involving Plaintiff's constitutional claims made under Section 1983.

Obtained a Judgment as a Matter of Law in an ERISA lawsuit.

Obtained a defense verdict on behalf of a Fortune 50 company involving claims brought under the Texas Deceptive Trade Practices Act.

Obtained defense verdict in arbitration on behalf of a national security company involving claims of gender and race discrimination, including handling of the appeal to the 5th Circuit, which affirmed the judgment.

Obtained summary judgment in a gender discrimination claim involving allegations of failure to pay commissions, including handling of the appeal to the 5th Circuit, which affirmed the judgment.

COMMERCIAL LITIGATION

Obtained a defense verdict in a shareholder derivative action on behalf of two former directors involving allegations of negligence and mismanagement with claimed damages of \$160 million.

Obtained summary judgment on behalf of a large national retailer in a premises liability claim where Plaintiff sought \$7.5 million in damages.

Obtained a favorable resolution on behalf of a leading clearinghouse in a Sabine Pilot claim alleging violations of the Sherman Act/Clayton Act.

Obtained summary judgment on behalf of a Fortune 50 company involving claims brought under the Texas Deceptive Practices Act and handled the appeals through the Texas Supreme Court.

WRONGFUL DEATH

Obtained a defense verdict in a wrongful death, non-subscriber matter on behalf of a Fortune 50 company and major U.S. retailer. The matter was original pending in state court in Brownsville, Texas, but was transferred to arbitration when the company successfully enforced its arbitration provision that was in place as a part of the non-subscriber plan. This was the client's first non-subscriber case that it took all the way to final verdict.

Obtained a defense verdict on behalf of a multi-national corporation in a multi-party wrongful death lawsuit involving premises liability claims, including the handling of lengthy post-trial motions.

Obtained summary judgment in a wrongful death lawsuit involving alleged violations of the Texas Dram Shop Statute.

Obtained a favorable resolution on behalf of a large national corporation in a multi-party wrongful death claim involving allegations of premises liability and negligent activity.

CLASS ACTION

Successfully compelled arbitration as to putative class members thereby defeating class certification in a fraud/ breach of contract claim brought on behalf of hundreds of potential class members.

Awards & Recognition

THE BEST LAWYERS IN AMERICA

Listed for Labor & Employment Litigation and Personal Injury Litigation - Defendants

2020-2022

Related Services

Business and Commercial

General Liability/Catastrophic Injury

Health Care

Labor & Employment

Products Liability & Mass Torts

Professional Liability

Publications & Speaking Engagements

The COVID-19 Vaccine Part 1

Dec 18, 2020

Is there a specific risk or risks that a General Contractor may encounter if they hire a subcontractor that is a non-subscriber?

Feb 20, 2017

Workers' Compensation Bar for Borrowed Employees

Jan 31, 2012

Labor & Employment News: 2009, Issue 3

Sep 11, 2009

Labor & Employment Law Alert – COBRA Premium Changes

Mar 30, 2009

Labor & Employment News: 2009, Issue 1

Jan 30, 2009

CLM Southwest Conference

“Avoiding the Bad Faith Setup”

Tampa, Florida

Education, Admissions & Activities

EDUCATION

Chicago-Kent College of Law

J.D., 1995

Certificate in Environmental Law

Northern Illinois University

B.A., 1991

BAR ADMISSIONS

Texas

1998

Illinois

1995

COURT ADMISSIONS

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

United States Court of Appeals, Fifth Circuit

PROFESSIONAL AND COMMUNITY ACTIVITIES

Dallas Bar Association