

Barbara S. Nicholas

Senior Associate



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Dallas

Practice Areas:

- Commercial Litigation
- Drug and Medical Device Litigation
- Employment Litigation
- Product Liability and Toxic Tort
- Tort and Insurance Defense

Barbara S. Nicholas is a Senior Associate in the Dallas office. Ms. Nicholas' primary area of practice is general commercial litigation and employment defense. Ms. Nicholas has handled a wide range of litigation matters, including successfully defending and/or prosecuting breach of contract, breach of fiduciary duty, breach of warranty, products liability, negligence, premises liability, and employment discrimination cases. Additionally, Ms. Nicholas has been involved in internal investigations of employment discrimination allegations.

EXPERIENCE

Ms. Nicholas has been involved in litigation in state and federal courts. Listed below is a sampling of cases in which she has been involved:

- Reached favorable settlement in Title VII employment discrimination case representing a national hotel franchise.
- Member of litigation team representing an international beverage company in a Title VII and Section 1981 employment discrimination potential class action lawsuit, which was favorably settled.
- Jury verdict in favor of client in civil rights claim brought in federal court against City of Dallas Detention officer in *Dunlap v. City of Dallas*, Cause No. 3:07-cv-02147-BD (N.D. Tex., 2009).
- Obtained dismissal of Section 1983 claims against municipal client.
- Case dismissed against client in air-bag deployment, products liability case after successful *Daubert* challenge in *Jimmie T. Jones, Jr. v. Brittany Benson, Allen Samuel's Dodge Hyundai, Hyundai Motor Manufacturing Alabama, L.L.C*; Cause No. 067-222728-07; 67th District Court, Tarrant County, Texas.
- Obtained summary judgment in favor of client defeating products liability and warranty claims in case alleging defective coating for frac tanks in *Excalibur Paint & Coatings, Ltd. v. Ashland Inc.*, 2006 WL 2679965 (N.D. Tex., 2006).
- Reached favorable settlement in breach of contract case representing Fortune 500 software manufacturer.
- Successfully appealed million dollar default judgment against Fortune 500 company in *Affiliated Computer Services, Inc. v. Weeks*, 2007 WL 2325820 (Tex. App. – Dallas, 2007).
- Reached favorable settlement in premises liability case representing a national airline.
- Team member in billion dollar *qui tam* litigation which concluded in jury verdict in favor of client in *United States ex. rel. Heath v. Dallas/Fort Worth International Airport Board*, Cause No. 3:99-CV-0100-M (N.D. Tex., 2006).
- Successfully appealed trial court ruling on special appearance for Nevada company in *Crystalix Group Intern., Inc. v. Vitro Laser Group USA, Inc.*, 127 S.W.3d 425 (Tex. App. – Dallas, 2004).

EDUCATION

- J.D., Southern Methodist University - Dedman School of Law (2001)
- B.A., Baylor University (1997)

BAR/COURT ADMISSIONS

- Admitted to Practice in: Texas, U. S. District Court, Northern District of Texas, Southern District of Texas, and Western District of Texas.

PROFESSIONAL ACTIVITIES/MEMBERSHIPS

- Co-chair of the Dallas Association of Young Lawyer's ("DAYL"), International Law Conference Liaison Committee, 2008-2011
- Board of Directors, North Texas Council for International Visitors, 2008
- Advisory Committee, Refugee & Empowerment Services, Catholic Charities of Dallas, 2008
- DAYL, Co-chair, Lawyers Promoting Diversity Committee, 2007-2008
- Co-chair, DBA Law Day Committee, 2007
- Associate, American Inns of Court, Patrick E. Higginbotham Inn, 2005-2006
- DAYL Leadership Class, 2005
- Member, Dallas Bar Association
- Member, Dallas Association of Young Lawyers

PRESENTATIONS/ PUBLICATIONS

- Five Deadlines Every Lawyer Should Calendar, *Texas Lawyer*, January 31, 2011
- Presenter, DAYL Dinner & Dialogue Program, April 2007 & 2008.
- Presenter, DAYL Diversity Forum, November 2007

AWARDS AND HONORS

- DAYL, "One to Watch," January 2008
- American Memorial Fellow of the German Marshall Fund (2007)
- Name a Texas Rising Star in *Texas Super Lawyers, Rising Stars Addition/Texas Monthly Magazine*, 2011