GODWIN | BOWMAN PC



Shawn M. McCaskill

President, Managing Shareholder,
Executive Committee; Chair, Appellate Section

Direct Line: 214.939.8684
Toll Free: 800.662.8393
Fax: 214.527.3165

SMcCaskill@GodwinBowman.com

Briefing Attorney for the Honorable Justice Tom James, Fifth District Court of Appeals for the State of Texas at Dallas (1998-1999)

St. Mary's University School of Law (J.D., 1998)

St. Mary's Law Journal Editorial Board Member (1997-1998)

University of Innsbruck at Austria, Institute on World Legal Problems (1996)

City of Southlake:
Mayor (2024-Present),
City Council (2015-2021; 2022-2024)

Practice Areas

- Civil Appellate
- Banking & Financial Institution Litigation

BOARD CERTIFIED
Texas Board of Legal Specialization

SHAWN M. MCCASKILL 2027
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Board Certified Appellate attorney Shawn McCaskill practices in the Appellate Section at Godwin Bowman PC and has experience with litigation support, appeals and original proceedings in business contracts and torts, insurance coverage, medical malpractice, product liability and premises liability cases in state and federal courts. On April 22, 2013, Shawn prevailed on a petition for writ of mandamus to the Second District Court of Appeals in Fort Worth on behalf of Alisa Rich, in a case styled In re Lipsky (No. 02-12-00348-CV), involving the Texas Citizens Participation Act (also known as the Texas Anti-SLAPP Act), and obtained a dismissal of all claims against his client. In an opinion issued on April 24,2015, the Supreme Court of Texas upheld that decision and the dismissal of all claims against his client (No. 13-0928).

Shawn McCaskill was a part of the Mission Critical Litigation team that secured a defense victory in a non-competition/non-solicitation agreement case brought against their clients by an international multi-billion dollar building conglomerate, which was seeking more than $40 million in compensatory damages, in addition to punitive damages and attorney's fees. The two-week jury trial was presided over by the Honorable Judge Maricela Moore in the 162nd Judicial District Court and was one of the first complex commercial litigation jury trials to commence in-person in Dallas County since the beginning of the Covid-19 pandemic, which began in March 2020.

In 2020, Shawn successfully filed a petition for writ of mandamus in the Fifth District Court of Appeals, in In re Fischer, No. 05-20-00278-CV (Tex. App.—Dallas Aug. 11, 2020, orig. proceeding) (mem. op.), involving plea in abatement and plea to the jurisdiction issues.

In 2012, Shawn prevailed on 2 petitions for review granted by the Texas Supreme Court in Cruz v. Andrews Restoration, Inc., no.10- 0995 (Tex. April 20, 2012) and obtained a judgment of $1,081,836.10 for his client, Andrews Restoration, Inc., in a breach of contract case that also involved statute of frauds and DTPA restoration of consideration issues. In a decision issued in 2006, the Texas Supreme Court granted a petition for review filed by Shawn as lead counsel in the Fidelity & Guaranty Insurance Co. v. Drewery Construction Co., Inc., 186 S.W.3d 571 (Tex. 2006) case, and reversed an adverse

default judgment in a construction payment bond case. In 2004, Shawn was lead counsel in a successful petition for review to the Texas Supreme Court in the M.O. Dental Lab v. Rape, 139 S.W.3d 671 (Tex. 2004) case, which involved premises liability and summary judgment finality issues.

Shawn served as the Briefing Attorney for the Honorable Justice Tom James of the Fifth District Court of Appeals for the State of Texas at Dallas from 1998-1999. He received a J.D. from St. Mary's University School of Law in 1998 and was a member of the St Mary's Law Journal Editorial Board.

Within the Firm, Mr. McCaskill chairs the Opinion and Audit Committee, and is a member of the Conflicts & Ethics Committee, the Judicial Campaign Committee and the Library Committee.

Reflecting the excellence of his practice, he has been selected nine times to the list of Thomson Reuters' Texas Super Lawyers, twice to D Magazine's Best Lawyers in Dallas, five times to Thomson Reuters' Texas Rising Stars and has achieved a 10.0 rating from AVVO, its highest attorney rating. He is board certified in civil appellate law by the Texas Board of Legal Specialization. In 2015, Shawn was elected to the City Council of the City of Southlake, Texas. In 2024, Shawn was elected Mayor of the City of Southlake.

Representative Experience Appellate

- Lead appellate counsel in prevailing upon 2 petitions for review granted by the Texas Supreme Court in *Cruz v. Andrews Restoration, Inc.* No. 10-0995 (Tex. Apr. 20, 2012) and obtained a judgment of $1,081,836.10 for his client, Andrews Restoration, Inc. in a breach of contract case that also involved statute of frauds and DTPA restoration of consideration issues.
- Counsel in successful response to petition for writ of mandamus filed in the Fifth Circuit Court of Appeals in In *re Gateway Bank*, No. 10-10932, involving a motion to transfer venue.
- Lead counsel in a successful petition for review to the Texas Supreme Court in the case *Fidelity & Guaranty Insurance Co. v. Drewery Construction Co., Inc.,* which reversed an adverse default judgment in a construction payment bond case against our client [186 S.W.3d 571 (Tex. 2006)]
- Lead appellate counsel in a successful appeal in *Martin v. Birenbaum*, involving a reversal of an adverse JNOV in a breach of a residential real estate sales contract case in the Fifth District Court of Appeals at Dallas (193 S.W.3d 677, Tex. App.--Dallas 2006, pet. denied)
- Lead appellate counsel in *Syx v. LTG Vegan Ltd*., where the Fifth District Court of Appeals at Dallas affirmed a declaratory judgment in a residential real estate development restrictive covenants case (No. 05-05-00854-CV, pet. denied)

- Lead appellate counsel in *DASS, Inc. v. Benjie Smith d/b/a Oak Cliff Metals*, where the Fifth District Court of Appeals at Dallas affirmed a temporary injunction in an accelerated appeal involving alleged breaches of contracts for the sale of land and equipment (No. 05-06-00418-CV, Nov. 7, 2006, no pet.)
- Co-counsel in a recent win in the *Caraustar Industries, Inc. v. Elcor Corp*. case, where the Eleventh District Court of Appeals at Eastland affirmed a summary judgment granted in favor of Elcor in a contractual indemnity case (No. 11-04-00245-CV, 2006 WL 62004, Tex. App.—Eastland Jan. 12, 2006, no pet.)
- Lead counsel in a successful petition for review to the Texas Supreme Court in the case *M.O. Dental Lab v. Rape* involving premises liability and summary judgment finality issues (139 S.W.3d 671, Tex. 2004)
- Counsel in a successful reversal on appeal in *Dresser Industries, Inc. v. Underwriters at Lloyd's, London* involving a multi-million dollar insurance coverage dispute, (106 S.W.3d 767, Tex. App.— Texarkana 2003, pet. denied)
- Lead counsel in a successful appeal in *Allstate Indemnity Co. v. Menix*, a case involving Texas Insurance Code provisions, UM/UIM insurance policy, prejudgment interest, and attorney's fees (83 S.W.3d 877, Tex. App.—Eastland 2002, pet. denied)
- Lead counsel in successful appeal in *McIntyre v. Wilson*, involving legal malpractice claim and absolute privilege from civil liability for witness statements and testimony during judicial proceedings (50 S.W.3d 674, Tex. App.—Dallas 2001, pet. denied)
- Additional appeals in Fifth Circuit Court of Appeals and Texas state courts of appeals for the 1st (Houston), 2nd (Fort Worth), 5th (Dallas), 6th (Texarkana), 11th (Eastland), 12th (Tyler), 13th (Corpus Christi), and 14th (Houston) districts

Representative Experience Appellate

- *Jury Charge Practice in Texas State Courts*, Presented to Dallas Bar Association, July 9, 2004, and Grand Prairie Bar Association, Nov. 18, 2004
- Co-author, *Dealing With Default Judgments*, St. Mary's Law Journal, Volume 35, 2003
- Co-author, Celotex Comes to Texas: No Evidence Summary Judgments and Other Recent Developments in Summary Judgment Practice, Texas Tech Law Review, Volume 32, 2000
- *Mandamus in Texas Courts: Rules, and Recent Developments*, State Bar of Texas Advanced Civil Appellate Practice Course " Boot Camp", 2006

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Honors and Awards

- Best Lawyers in America®, 2021-2027
- Thomson Reuters' Texas Super Lawyers, 2014-2026
- Lawdragon 500 Leading Litigators in America, 2023-2027
- Lawdragon 500 Leading Lawyers in America, 2025-2026
- Thomson Reuters' "Texas Rising Stars" 2007-2011
- "Best Lawyers in Dallas" by D Magazine, 2014, 2017, 2019
- Fellow of the Dallas Bar Foundation
- President's Volunteer Service Award, 2015
- "Superb" 10-rating by AVVO.com

Admissions

- State Courts of Texas
- Supreme Court of Texas
- Supreme Court of the United States
- U.S. Court of Appeals for the Fifth Circuit
- U.S. Court of Appeals for the Federal Circuit
- U.S. District Courts for the Northern, Southern and Eastern Districts of Texas

Memberships

- Dallas Association of Young Lawyers
- Dallas Bar Association, Appellate Section
- State Bar of Texas
- City of Southlake Zoning Board of Adjustment, 2010-2013
- City of Southlake Mayor, 2024-Present
- City of Southlake City Council, 2015-2021; 2022-2024
- City of Southlake Planning and Zoning Commission, 2013-2015
- Arlington Career Institute Program Advisory Committee 2010-present