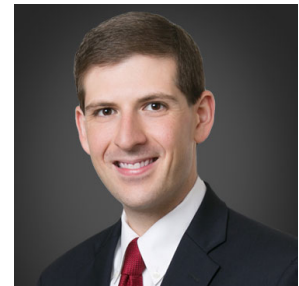


# Nicholas Bruno

Associate Houston

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Nicholas Bruno helps corporate clients and trial lawyers with strategy, legal briefing, and oral argument in both the trial and appellate courts with an eye toward obtaining a favorable result that can withstand appellate scrutiny.

As lead appellate counsel, he practices in all levels of the Texas appellate system. Through this experience, combined with his experience clerking for Justice Harvey Brown of the First Court of Appeals of Texas, he understands the importance of providing the court with clear, concise, and well-researched arguments. His ability to construct a plan of action from the outset coupled with his talent for articulating legal positions with clarity and precision make the difference for his clients.

Nicholas has successfully represented clients in a wide range of litigation, including catastrophic personal injury cases, complex discovery mandamus proceedings, and various health care and commercial litigation matters. In addition, he remains active in the bar, including, among other activities, serving as a member of the Houston Bar Association's Appellate Section Committee and regularly contributing to the HBA *Appellate Lawyer*.

His familiarity with the Texas appellate system began in law school. During law school, Nicholas gained appellate experience serving as an intern for Texas Supreme Court Justice Jeff Boyd and as an intern in the appellate division of the Travis County Attorney's Office. He was also a member of the University of Texas School of Law's Supreme Court Clinic, in which time he helped research and draft briefs and petitions for writ of certiorari in the U.S. Supreme Court.

## REPRESENTATIVE EXPERIENCE

### • Texas Supreme Court & Federal Courts of Appeals

- No. 20-0066; *Haynes and Boone LLP et al. v. NFTD LLC et al.*; in the Supreme Court of Texas: Represented an attorney in case involving attorney immunity's application to transactional law practice.
- No. 19-0872; *Miguel A Gomez, III v Memorial Hermann Health System*, in the Supreme Court of Texas: Represented a hospital in a case involving jury charge, expert, and other legal issues related to a defamation claim.
- No. 21-0936; *ExxonMobil Corporation v. National Union Fire Insurance Company of Pittsburgh, PA, and Starr Indemnity & Liability Insurance Company*; in the Supreme Court of Texas: Successfully obtained a reversal of a court of appeals' opinion related to insurance coverage.
- No. 21-0644; Successfully opposed mandamus relief at both the Texas Supreme Court and court of appeals regarding an alleged final judgment.
- No. 19-20039; *Younas Chaudhary and Bushra Chaudhary v. Chubb & Son, Inc., et al.*; In the United States Fifth Circuit Court of Appeals: Represent plaintiffs in a case involving whether federal law preempted state liability claims against an insurance agent related to representations regarding private excess flood

## PRACTICES

Appellate  
Catastrophic Personal Injury & Wrongful Death Litigation  
Class Action & Multi-District Litigation  
Healthcare Litigation  
Insurance Coverage Litigation  
Products Liability Litigation  
Professional Liability Defense

## ADMISSIONS

State Bar of Texas  
United States Court of Appeals for the Fifth Circuit  
United States District Court for the Southern District of Texas

## CLERKSHIPS

Honorable Harvey Brown, First Court of Appeals of Texas (2015-2016)

## EDUCATION

J.D., The University of Texas School of Law (graduated with honors), 2015

- *Texas Law Review*, Chief Online Content Editor (2014-15)
- Texas Federalist Society, Executive Vice President (2014-15)
- *Texas Review of Law & Politics*, Staff Editor (2013)
- University of Texas

insurance coverage. The Fifth Circuit reversed the district court's judgment dismissing the claims brought by our client and remanded for further proceedings.

School of Law's  
Supreme Court Clinic  
(2014)

- No. 22-15485; *Ronald Hittle v. City of Stockton*, In the United States Ninth Circuit Court of Appeals: represented several organizations who argued that Title VII protections are important not only to the employee in this case, but also for members of minority religions.
- Participated in briefing in several other Fifth Circuit and Texas Supreme Court matters, including briefing at the petition for review stage and the briefing on the merits stage.

B.A., Thomas Edison  
State University,  
Economics and Political  
Science, 2012

## Texas Courts of Appeals

- No. 01-20-00674-CV; in the First Court of Appeals, Houston, Texas: Represented parties in a permissive appeal from an MDL order that was affirmed on the basis of statutory tolling under Texas Civil Practice and Remedies Code section 16.064.
- No. 01-20-00314-CV; in the First Court of Appeals, Houston, Texas: represented a group of property owners to defend a temporary injunction on appeal.
- No. 12-19-00412-CV; *In re UPS Ground Freight, Inc.*; in the Twelfth Court of Appeals, Tyler, Texas: Represented a party seeking mandamus relief from a discovery order granting discovery of confidential driver's records. The Tyler Court of Appeals granted mandamus relief.
- No. 13-19-00492-CV; *Mary H. Robledo v. Jose Luis Villarreal and Evelyn Ramos*; in the Thirteenth Court of Appeals, Corpus Christi, Texas: Served as lead appellate counsel in successfully obtaining the reversal of a default judgment against our client.
- No. 01-19-00894-CV; *In re Freeport-McMoRan Oil & Gas LLC, and McMoRan Oil & Gas, LLC*; in the First Court of Appeals, Houston, Texas: After the court of appeals requested briefing, we successfully opposed mandamus relief in a proceeding involving discovery of documents between a third party (whose opinions Relators' experts reviewed) and the Relators' attorneys.
- No. 01-18-00984-CV; *Belmont Village Hunters Creek TRS, LLC, et al. v. William Marshall, et al.*; in the First Court of Appeals, Houston, Texas: Represent a plaintiff who was sexually assaulted at an assisted living facility in an appeal involving whether her claims against the assisted living facility are health care liability claims as defined under Chapter 74 of the Texas Civil Practice and Remedies Code.
- No. 01-19-00567-CV; *In re Preston Marshall and Rusk Capital Management, L.L.C.*; in the First Court of Appeals, Houston, Texas: After the court of appeals requested briefing, we successfully opposed mandamus relief in a proceeding involving whether the trial court correctly found that a jury waiver applied to that proceeding.
- No. 13-16-00332-CV; *Mark A. Cantu, III v. Commission for Lawyer Discipline*; In the Thirteenth Court of Appeals, at Corpus Christi-Edinburg, Texas: Successfully obtained reversal of a summary judgment against our client.
- No. 14-17-00818-CV; *Lilian Garrick v. Autoliv ASP, Inc., Autoliv Safety Technology, Inc., Kia Motors America, Inc., and Kia Motors Corp.*; in the Fourteenth Court of Appeals, Houston, Texas: Successfully obtained affirmance of summary judgment in favor of our client after aiding in drafting the briefing and presenting oral argument.
- No. 14-16-00537-CV; *Garden Oaks Maintenance Organization v. Peter S. Chang and Katherine M. Chang*; In the Fourteenth Court of Appeals, Houston, Texas:

Obtained partial reversal of judgment against our client after aiding in drafting the briefing and presenting oral argument.

## Other Courts

- Participated in briefing and hearings at Texas state trial courts on a wide array of issues, including summary judgment motions, TCPA motions to dismiss, and motions to exclude expert testimony.
- Participated in briefing cases across the country, including in various federal courts, the North Dakota Supreme Court, and the Ninth Circuit.

## HONORS & AWARDS

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- Named in *The Best Lawyers in America: Ones to Watch* in Appellate Practice, 2023 – 2024, Commercial Litigation, 2024
- Recognized as a “Rising Star” in Appellate by Thomson Reuters *Super Lawyers* – Texas, 2022 – 2024
- *Houstonia* Top Lawyer: Appellate Law, 2021, 2022
- Co-Outstanding Editor of the Year, Texas Law Review, 2015
- Dean’s Achievement Award – Criminal Law, 2013
- Texas Bar Foundation, Fellow
- Houston Bar Foundation, Fellow

## PUBLICATIONS & PRESENTATIONS

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- *Oral Argument Statistics in the Houston Courts of Appeals*, HBA Appellate Lawyer, (April 2024)
- Panelist, “Business Courts: What Appellate Practitioners Should Know,” HBA Appellate Practice Section CLE (October 2023)
- Co-author, “4 Things Companies Must Know About Texas’ New Business Courts,” *Law360* (July 2023)
- Evidence & Discovery Law Update, 39th Annual Litigation Update Institute (Co-Author with Alistair Dawson; December 2022)
- *Appellate Considerations in a Contested Special Master Appointment*, HBA Appellate Lawyer, (October 2022)
- *Permissive Interlocutory Appeals Under Texas Law*, HBA Appellate Lawyers, (July 2022)
- Mandamus: A Look Behind the Curtain & the Adequate Remedy Prong (Co-Author with David Gunn; June 16-17, 2022)
- [\*Statutory Interpretation Principles in Recent Houston Courts of Appeals Decisions\*](#); HBA Appellate Lawyer (Jul 29, 2021)
- *Procedural Considerations for En Banc Consideration in First Instance*, HBA Appellate Lawyer, (April 2022)
- *Special Judges under Government Code Sections 24.004*, HBA Appellate Lawyer, (January 2022)
- *Transfers Between the Texas Courts of Appeals*, HBA Appellate Lawyer, (October 2021)
- [\*En Banc Decisions and Preservation Issues in Recent Fourteenth Court of Appeals Decisions\*](#); HBA Appellate Lawyer (Mar 2, 2020).

- *Part II: Is there more diversity of thought after the 2018 midterm elections? A look at decisions regarding en banc motions in the First and Fourteenth Courts of Appeals*, HBA Appellate Lawyer, (December 2019)
- *Is there more diversity of thought after the 2018 midterm elections? A look at dissenting opinions in the First and Fourteenth Court of Appeals during the first half of 2019*; HBA Appellate Lawyer (Aug. 19, 2019).
- *Oral Argument: Present to Help the Court*; HBA Appellate Lawyer (Jul 24, 2018).
- Note, *Alliance for Open Society International v. United States Agency for International Development: An Alternative Approach to Aid in Analyzing Free Speech Concerns Raised by Government Funding Requirements*, 93 Tex. L. Rev. 1569 (2015).

## PROFESSIONAL ACTIVITIES & MEMBERSHIPS

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- Houston Bar Association, Appellate Practice Section, Council Member (2020-Present); Treasurer (2023); Secretary (2023-Present)
- Houston University of Texas Law School Young Alumni Steering Committee (President, 2016-2019; Member 2019-Present)
- St. Thomas More Society (President 2019-2020; Vice President 2018-2019; Immediate Past President 2020-2021; Secretary 2021-Present)
- Christian Legal Society of Houston Board Member (2022-Present)
- Fellow, Texas Bar Foundation
- Columnist, Houston Bar Association *Appellate Lawyer*
- Garland R. Walker Inn of Court
- Federalist Society
- Christian Legal Society

