



## Thomas M. Melsheimer

Partner  
Dallas Managing Partner

Dallas  
+1 214-453-6401

Described as “one of the most sought after trial lawyers in the country” by *American Lawyer’s* publishers, “a celebrated storyteller” by the magazine’s founder, and a “game-changing ringer” by another national legal publication, Tom is a true trial lawyer—one who can try any case, whatever the claims or subject matter. He has remarkably broad and extensive jury trial experience. He has tried civil cases involving breach of contract, business torts and fraud, trade secret, patent, antitrust, securities, product liability/mass tort, and *qui tam* claims. He also has tried criminal cases involving antitrust, health care fraud, bank fraud, public corruption, and kidnapping. Tom is the author of a widely acclaimed book on trying cases before a jury, *On the Jury Trial*.

Tom tries lawsuits in state and federal courts before both judges and juries and involving civil claims and criminal charges. His trial experience is unusually broad and extensive. On the civil side, he has tried to verdict cases involving commercial, business tort, fraud, product liability, mass tort, securities, antitrust, patent infringement, trade secrets, and *qui tam*/FCA claims. On the criminal side, he has tried to verdict cases involving health care fraud, bank

fraud, public corruption, copyright infringement, aggravated sexual assault, and kidnapping. Tom's jury trials include successfully representing plaintiffs and defendants all over the U.S. and throughout Texas.

Prior to joining private practice, Tom served as a federal prosecutor in Dallas. He successfully prosecuted the largest bank fraud case ever undertaken in Texas, involving more than US\$200M in fraud, and he obtained one of the largest RICO verdicts in Texas history. The Justice Department honored Tom as one of the nation's top prosecutors.

## Major Cases

In August 2023, Tom led a Winston team that defended **U.S. Well Services (UWS)** in patent infringement litigation brought by competitor, Halliburton, relating to hydraulic fracturing software and methods and physical systems related to the operation of UWS's fracturing sites. Tom won a complete defense jury verdict finding of no infringement by our client and that two asserted patents were invalid. The verdict cleared UWS of Halliburton's infringement allegations and damages demand of over US\$76M. As the first trial in three litigations involving the same patents, this bellwether verdict should limit the potential damages in the two ensuing litigations, the first of which is anticipated to be tried on August 12, 2024.

In 2022, Tom represented Kent Thiry, **former CEO of Fortune 500 company DaVita, Inc.**, in a first-of-its-kind criminal antitrust case alleging horizontal market allocation in the labor market. After an eight-day trial in federal court in Colorado, the jury acquitted Thiry on all counts. The win was nationally reported and honored by *Am Law* with a "Litigator of the Week" award. Many opined the win would influence whether the DOJ would continue to pursue enforcement allegations in antitrust matters involving labor-market collusion.

After a seven-week jury trial in 2019, for his client **Dr. Nick Nicholson**, Tom successfully obtained the only acquittal in a 21-defendant federal health care fraud case involving allegations of US\$40M in bribes and kickbacks. The so-called *Forest Park* case was the largest health care fraud investigation ever undertaken by federal authorities in Texas.

Tom was lead trial counsel for **billionaire entrepreneur Mark Cuban** in the widely publicized insider trading case brought by the SEC. The jury cleared Mr. Cuban of any wrongdoing following a three-week trial in Dallas federal court. Tom has represented Mr. Cuban, the Dallas Mavericks, and other Cuban business interests since 2000.

Tom and co-counsel from the Texas Attorney General's office helped the **State of Texas** secure *the largest Medicaid fraud settlement in Texas history*. The US\$158M settlement reached during trial followed claims of illegal marketing practices associated with the prescription drug Risperdal®. His work in the case was featured in a 15-part series authored by acclaimed legal journalist Steven Brill and published by the *Huffington Post* in 2015.

Tom's US\$178M jury trial win on behalf of the plaintiff Martin in *Martin v. NL Industries, et al.*, included nearly US\$150M in punitive damages. The jury award in the breach of fiduciary duty case was named one of the "Top Verdicts of 2009" by *The National Law Journal (NLJ)*, in addition to being recognized as one of the year's three largest verdicts in Texas and the year's largest verdict in Dallas County. On four other occasions, Tom's cases have been recognized by *NLJ* among the nation's top cases, including the defense of a *qui tam* action involving a government contract where his clients defeated a claim of fraudulent overpayment and won their affirmative claim that they had been underpaid.

In another major case, Tom successfully defended a **health care company** sued by over 12,000 plaintiffs in state and federal multi-district litigation involving bet-the-company allegations that the client's medical device was responsible for thousands of deaths and serious injuries. The first bellwether case ended in a complete defense verdict after a high-profile jury trial, leading to the bulk of the cases settling thereafter.

## Key Matters

*Some of the experience represented below may have been handled at a previous firm.*

Tom's other representative experience includes:

- *Flypsi, Inc. d/b/a Flyp v. Google LLC* (W.D. Tex.) – Lead trial counsel for Flyp, an inventor of a novel solution for setting up and connecting telephone calls using multiple phone numbers on a single mobile device, in a dispute alleging Google infringed five of its U.S. patents. Despite Google's argument that it had launched a competing Google Voice product before Flyp's invention, the jury rejected Google's invalidity and prior use defenses and awarded Flyp a reasonable royalty of US\$12M for Google's infringement.
- *Alphatec v. NuVasive* (Cal. Sup. Ct. San Diego) – Co-lead trial counsel in defense of Alphatec in two 2023 trials against NuVasive's allegations that Alphatec tortiously interfered with its distributor agreements and that it also interfered with its agreements with sales representatives in certain states. In the second trial, after several days of argument on pretrial motion, won a very favorable jury verdict against plaintiff's claims.
- *Halliburton v. U.S. Well Services* (W.D. Tex.) – As lead trial counsel, prevailed for UWS in the trial of the first of three patent infringement litigations filed by competitor Halliburton, which claimed that UWS infringed certain patents involving use of hydraulic fracturing software, as well as methods related to the operation and powering of UWS' fracturing sites—a win that *Am Law* recognized with a "Litigator of the Week" first-runner-up nod.
- *U.S. v. DaVita, Inc, et al.* (D. Colo.) – Represented former DaVita CEO Kent Thiry as lead trial counsel in the defense of case involving novel Sherman Act conspiracy claims of horizontal market allocation in the labor market. Obtained complete defense verdict on all counts.
- *U.S. v. Noryian* (N.D. Tex.) – Lead counsel defending Dr. Leyla Nourian against charges related to an alleged healthcare fraud and money-laundering scheme involving compound pharmacies owned and operated by her family members. Just one week before a five-week trial, convinced the government to dismiss all charges against Dr. Nourian by submitting evidence that her signature had been forged on documents allegedly evidencing her involvement.
- *E.T., et al. v. Morath, et al.* (W.D. Tex.) – Lead trial counsel for group of children with disabilities challenging legality of Texas executive order banning mask mandates in public schools. After the district court denied emergency relief, all discovery and motion practice had to be condensed into just seven weeks. The bench trial resulted in the district court permanently enjoining enforcement of the executive order as violative of the Americans with Disabilities Act and preempted by federal law.
- *U.S. v. Alan Andrew Beauchamp, et al.* (N.D. Tex.) – Lead trial counsel for Dr. Nick Nicholson, a bariatric surgeon alleged to have participated in a conspiracy with other medical professionals and hospital administrators to receive US\$40M in health care bribes and kickbacks. After a seven-week trial with eight co-defendants, Nicholson was the lone defendant acquitted.
- *America's Auto Auction v. Zoellner, et al.* (Oklahoma State Court) – Trial counsel for plaintiff, a national auto auction company, in a case involving breach of fiduciary duty and tortious interference claims, in which the jury found liability on all claims, awarded our client US\$2M in actual damages, and found malice, after which the case settled during the punitive damages phase.
- *Badger Midstream Inc. v. Scout Energy LP* (Texas State Court) – Represented a pipeline owner as lead trial counsel in a contract dispute with a gas processing company, which favorably settled mid-trial.
- *John Doe v. Company, Inc.* (Confidential Arbitration) – Represented consumer product company in employment dispute with former board chairman, which resolved after favorable arbitration award rejecting all claims and awarding attorney's fees to company.
- *Tech Pharmacy Services, Inc. v. AlixaRx, Inc., et al.* (E.D. Tex.) – Obtained defense verdict in jury trial on claims of patent infringement, trade secret misappropriation, and fraud.
- *In Re Fresenius Granuflo/Naturalyte Dialysate Product Liability Litigation* (MDL Mass.) – Co-lead trial counsel in defense of 12,000+ individual product liability cases, in which the first bellwether trial ended in defense verdict and the vast bulk of cases settled thereafter.
- *SEC v. Mark Cuban* (N.D. Tex.) – Lead trial counsel for Mark Cuban in a civil insider-trading case that, after a three-week trial, culminated in the jury returning a verdict for Mr. Cuban, clearing him of any wrongdoing.

- *State of Texas Ex Rel. Allen Jones v. Johnson & Johnson* (Texas State Court) – Lead trial counsel for relator in Texas Medicaid Fraud Prevention Act case that settled during trial for US\$158M, making it the largest Medicaid fraud settlement in Texas history by nearly a factor of two.
- *Waterside Corporation, et al. v. Bayside Land Partners, LLC* (Texas State Court) – Represented developer of billion-dollar lakeside real estate project outside Dallas in this dispute, in which the client faced an injunction in favor of the marina owner restricting development, obtaining dissolution of the injunction in favor of marina owner and dismissal of all claims against developer.
- *Ceats, Inc. v. Continental Airlines, et al.* (E.D. Tex.) – Lead trial counsel for defendants in patent infringement case related to online ticketing, in which the jury returned a verdict of invalidity on all claims, thus avoiding alleged past and future damages of nearly US\$300M.
- *Rysler Entertainment, LLC, et al. v. Cox Media Group, Inc., et al.* (Superior Court of California, County of Los Angeles) – Represented company owned by Mark Cuban and Todd Wagner in indemnity claim involving profit-sharing dispute with actor Don Johnson over television series “Nash Bridges,” in which the court granted summary judgment on liability in our client’s favor, and the case settled before trial.
- *Martin v. NL Industries, Inc., et al.* (Texas State Court) – Lead trial counsel for Martin, one of three minority shareholders, in breach of fiduciary duty and stockholder oppression case, in which the jury returned a verdict for US\$179M that included in excess of US\$100M in punitive damages.
- *Halo Electronics Inc. v. Bel Fuse Inc., et al.* (D. Nev.) – Lead trial counsel for Halo Electronics, a family-run business, in a long-running patent case related to packaging for surface-mount magnetic components used in electronics products, in which a jury found defendant Pulse Electronics liable for willful infringement on three Halo patents, confirmed the patents’ validity, and awarded past damages. The case ended up in the United States Supreme Court, where the court vindicated Halo’s position on willfulness in patent litigation.
- *YETI Coolers, LLC v. RTIC Coolers, LLC, et al.* (W.D. Tex.) – Lead trial counsel for defendants in a case involving claims of trade dress, copyright, and patent infringement, which was resolved on favorable terms.
- *Amerisourcebergen Specialty Group, Inc. v. FFF Enterprises, Inc.* (E.D. Tex.) – Defended manufacturer of electronic medicine cabinet in patent infringement case brought by competitor; instituted IPR proceedings that resulted in a finding of invalidity of all asserted claim
- *Script Security Solutions L.L.C. v. Amazon.com, Inc., et al.* (E.D. Tex.) – Lead trial counsel for Protection One Alarm Monitoring, Inc., in patent infringement lawsuit that resolved on favorable terms on the eve of trial.
- *U.S. v. William Walters and Thomas Davis* (S.D.N.Y.) – Represent Chairman of the Board of a public company in securities fraud litigation.
- *Fresenius Medical Care Holdings, Inc. v. Baxter Int’l, Inc.* (N.D. Cal.) – Co-lead trial counsel for Fresenius in a patent infringement case involving four patents relating to hemodialysis machines, in which a jury returned a verdict for Fresenius invalidating all asserted claims on all patents at trial (Baxter sought US\$87M in damages and an injunction barring Fresenius from selling its “Fresenius 2008K” hemodialysis machine).
- *Oasis Research, LLC v. Adrive LLC, et al.* (E.D. Tex.) – Lead trial counsel for EMC in RICO case arising out of allegations of witness bribery and obstruction of justice, which resolved on favorable terms prior to trial.
- *United States ex rel., Fisher, et al. v. Ocwen Loan Servicing, LLC, et al.* (E.D. Tex.) – Lead trial counsel for the relator in FCA litigation involving a federal program designed to assist homeowners following the 2008–2009 financial crisis, which favorably settled on the eve of trial.
- *Judge Carlos Cortez v. Coyt Randal Johnston* (Texas State Court) – Represented defendant lawyer in defamation case brought by a sitting judge, which the plaintiff voluntarily dismissed and lost bid for re-election.
- *Chevron Phillips Chemical Co. v. INEOS Group, Ltd.* (Texas State Court) – Obtained temporary injunction against world’s third-largest chemical company in Texas state court, to prevent use and disclosure of trade secrets involving high-density polyethylene manufacturing technology. Suit arose from defendant’s licensing of confidential polyethylene technology to various manufacturers in other countries, in contravention of licensing

agreements. Injunction was affirmed on appeal by the Houston Court of Appeals. The case settled before trial but after the successful appeal.

- *Rembrandt Vision Technologies, L.P. v. Ciba Vision Corporation, et al.* (E.D. Tex.) – Lead trial counsel for Rembrandt in a patent infringement case involving extended wear contact lenses. Obtained US\$41M jury verdict.
- *Deep Nines, Inc. v. McAfee, Inc.* (E.D. Tex.) – Lead trial counsel for plaintiff Deep Nines on patent related to Internet security. Obtained jury verdict of US\$18M for patentee; twice the damages sought.
- *Hillwood Investment Properties Ltd. v. Radical Mavericks Management LLC* (Texas State Court) – Lead counsel for ownership of Dallas Mavericks basketball team in case alleging mismanagement and breach of fiduciary duty. Obtained summary dismissal of all claims.
- *Schroeder v. Wildenthal, et al.* (N.D. Tex.) – Lead counsel for a former Managing Partner of Akin Gump law firm in case alleging claims of conspiracy and breach of fiduciary duty. Obtained dismissal of all claims.
- *In re 9/11 Terrorist Attacks* (S.D.N.Y.) – Lead trial counsel for Al Rajhi family members in multi-district litigation in largest wrongful death case ever brought in the U.S. Obtained dismissal of all claims.
- *Alcatel-Lucent Inc. v. Microsoft Corp.* (S.D. Cal.) – Trial counsel for Microsoft in a series of patent cases involving MP3, video compression, and other software technology. Obtained reversal in post-trial motion practice and appeal of what was then the largest patent jury verdict in history.
- *Texas Instruments v. Rajendra Talluri* (Texas State Court) – Lead trial counsel for Texas Instruments (TI) in an inevitable disclosure/theft of trade secrets case. Obtained injunction for employer to prevent the inevitable disclosure of TI's valuable trade secrets.
- *EPG, Inc. v. Carreker, Inc.* (D.N.J.) – Lead trial counsel for Carreker in defense of trade secret case. Case settled after favorable trial verdict of no misappropriation of trade secrets.
- *Alcatel v. Samsung*, DC-96-08262 (193rd Dist. Ct., Dallas County, TX) – Co-lead trial counsel for the plaintiff, a digital switch manufacturer, in a trade secret misappropriation case involving telecommunication technology in the largest trade secret case ever tried in Texas at the time, where damages sought were in excess of US\$500M. The case settled in the middle of trial on confidential terms.
- *Accolade Systems LLC v. Citrix Systems, Inc.* (E.D. Tex.) – Lead counsel for Citrix in a patent infringement case. Obtained dismissal of all claims on eve of trial.
- *Carreker Corp. v. Jack Cannon, et al.* (Texas State Court) – Lead trial counsel for plaintiff Carreker in an inevitable disclosure and misappropriation of trade secrets case involving a former senior principal. Obtained an injunction against employee under inevitable and actual disclosure theories.
- *Texas Instruments v. Gary Johnson* (Texas State Court) – Lead trial counsel for Texas Instruments in inevitable disclosure of trade secrets case leading to one of the first such injunctions issued by a Texas court.
- *Radman v. Weil Gotshal, et al.* (Texas State Court) – Lead counsel for plaintiff in legal malpractice and breach of fiduciary duty case. Obtained multimillion-dollar settlement prior to trial.
- *Universal Image, Inc. v. Cuban, et al.* (Texas State Court) – Lead counsel in US\$1B contract and fraud case. Obtained dismissal of all claims prior to trial.
- *Taco Bell Corp. v. John R. W. Cracken, et al.* (N.D. Tex.) – Lead counsel in professional liability case on behalf of prominent attorney. Obtained dismissal of all claims.
- *U.S. v. Lipscomb* (N.D. Tex.) – Co-lead counsel for defendant in public corruption case against prominent city councilman and civil rights leader. Home confinement obtained after trial; conviction reversed on appeal and case dismissed by government.
- *BancTec USA, Inc. f/k/a Monitronics, Inc. v. Advanced Financial Solutions, Inc., et al.* (N.D. Tex.) – Trial counsel for Advanced Financial Solutions; won judgment against BancTec in a countersuit for tortious interference with contract.

- *DSC Communications Corporation v. DGI Technologies, Inc.* (N.D. Tex.) – Trial counsel for DSC in trade secrets case against competitor that induced DSC customers to disclose technology in breach of secrecy agreements involving Class IV tandem switch technology. Won US\$10M judgment for DSC and developmental injunction and defeated antitrust counterclaims.
- *U.S., ex rel. John D. Battaglia v. Texas Data Control, et al.* (N.D. Tex.) – Trial counsel for Texas Data Control in *qui tam* case alleging overbillings in violation of the federal FCA. Defense verdict plus US\$15M recovery on claim of under payment.
- *U.S. v. Faulkner, et al.* (N.D. Tex.) – Trial counsel for the government in prosecution of bankers and developers in so-called I-30 condo case, which was largest bank fraud prosecution in Texas history. Obtained conviction of all defendants including RICO forfeiture.

## Recent Experience

Secured Pivotal Summary Judgment Win for Pioneer Natural Resources in Environmental Contamination Dispute

Secured Full Dismissal on Brink of Trial of Criminal Charges Against Dentist in Alleged US\$158M Health Care Fraud and Money-Laundering Scheme

Secured Headline-Grabbing Win Blocking Enforcement of Texas Governor’s Order Prohibiting Masks in Schools During Pandemic

Seminal § 101 Win Secured for SAP in Patent Suit

Secured Sole Acquittal for Doctor in Massive, High-Stakes Multi-Defendant Health Care Fraud Trial

# Recognitions

Tom is a fellow of the American College of Trial Lawyers and the International Academy of Trial Lawyers, and a member of the American Board of Trial Advocates.

Tom has been recognized for his litigation prowess by numerous outside ranking organizations and publications, including *Chambers USA*, *Chambers Global*, *Benchmark Litigation*, *Best Lawyers in America*, *Best Lawyers Texas*, *Super Lawyers*, *Legal 500*, and *Lawdragon*. Most recently, Tom was highlighted in *Chambers USA 2021–2022*'s "Spotlight Table" for his achievements as a Texas Trial Lawyer. He was named to *WIPR Leaders 2021* for Patents. He was recently named a "Texas Trailblazer" and a finalist for "Attorney of the Year" by *Texas Lawyers* and a "Criminal Law Trailblazer" and a "Winning Litigator" finalist by *NLJ*. He was recognized as a "Top 10" lawyer on the 2021 *Texas Super Lawyers* list. He was ranked among the "Top 100 Trial Lawyers in America" in the 2019–2023 editions of *Benchmark Litigation US*, in addition to being recognized as a "Texas Litigation Star" and "National Practice Area Star" in General Commercial Litigation. He was recognized by *The Legal 500 US* for General Commercial Disputes, Product Liability, Mass Tort and Class Action, and Intellectual Property/Patent Litigation and Trade Secrets (2018–2022). In 2021 and 2022, he was recognized as a "Key Lawyer" in Patents: Litigation. He has been ranked by *Chambers USA 2018–2022* as a leading Nationwide Litigation Trial Lawyer, as well as a Texas Trial Lawyer in Intellectual Property, General Commercial Litigation, and White-Collar Crime & Government Investigations. He was recommended in the 2022 edition of *Who's Who Legal* as a "Global Leader" for Commercial Litigation and IP–Patents. He was recognized in *Lawdragon Magazine's* "500 Leading Litigators in America" for Trial Law in 2022.

Tom has been named an "IP Star" by *Managing Intellectual Property*, listed in *IAM's Patent 1000* (his "track record is replete with victories in a broad range of patent and non-patent disputes; he can present any case in any court and has many momentous decisions to his name"), and was also nominated as an *IAM Global Leader* in 2021. Law360 has honored him twice, naming him "MVP of the Year" in 2014, and a "Trial Ace" in 2015.

In November 2021, Tom was recognized by *Am Law* with a first-runner-up nod for its prestigious "Litigator of the Week" honor for leading a team of Winston lawyers, who worked *pro bono* and alongside Disability Rights Texas, to win an injunction enjoining Texas Governor Greg Abbott's state-wide ban on mask mandates. Following a one-day bench trial in October 2021, U.S. District Judge Lee Yeakel handed a win to Winston's clients—children with disabilities that make them more susceptible to complications from COVID-19—finding that Abbott's executive order (GA-38) violated the Americans with Disabilities Act, the Rehabilitation Act, and the American Rescue Plan Act. Yeakel wrote the executive order illegally prevented "disabled children from participating in and denies them the benefits of public schools' programs, services, and activities to which they are entitled."

Tom is also well known in the Dallas legal community, having been named among the "Top 500 Business Leaders in Dallas" by *D CEO* magazine (2016–2021) and listed on *D Magazine's* "Best Lawyer in Dallas" list since its inception. In March 2022, *D Magazine* announced that Tom is a member of its inaugural "Best Lawyers Hall of Fame," which represents the 50 top lawyers in North Texas who have been recognized in *D Magazine's* "Best Lawyers" list for at least 15 years.

Tom has been separately honored by the Dallas Bar Association and the Texas Chapters of the American Board of Trial Advocates as their "Trial Lawyer of the Year." He was the youngest trial lawyer to be honored by those groups.

---

# Activities

Tom is Managing Partner of the Dallas office and serves on the firmwide Executive Committee. He also sits on the firmwide committee for the evaluation and selection of contingent fee cases.

---

“ There is a reason why Tom is universally considered to be one of the top litigators in Texas. Watching this man operate is like watching a maestro conduct a large orchestra - magnificent. ”

*Chambers USA* client testimonial

## Credentials

### EDUCATION

Tom received his J.D. from the University of Texas Law School, *magna cum laude*, in 1986, where he was a member of the *Texas Law Review*. He received his B.A., *magna cum laude*, from the University of Notre Dame in 1983.

Tom is board certified in Criminal Law by the Texas Board of Legal Specialization.

### ADMISSIONS

- Texas

### CLERKSHIPS

- USCA - Fifth Circuit for the Honorable Homer Thornberry

## Related Insights & News

### Media Mentions

- [“Healthcare Wage-Fixing: How Two North Texas Lawyers Took on the Department of Justice and Won,”](#) *D Magazine*, June 28, 2022
- [“Lessons from the DaVita Win,”](#) *The Texas Lawbook*, April 20, 2022
- [“Dialysis Giant Acquitted in Federal Criminal Case Over Non-Poaching Agreements,”](#) *The Texas Lawbook*, April 18, 2022
- [“DaVita, Ex-CEO Acquitted In Antitrust No-Poach Trial,”](#) *Law360*, April 15, 2022
- [“Jesuit, Dallas Diocese Settles Clergy Sex Abuse Lawsuit,”](#) *People Newspapers*, March 30, 2022
- [“Behind the Scenes of Winston’s Recent Mask Mandate Win,”](#) *The Texas Lawbook*, Nov. 18, 2021
- [“Texas Ban On School Mask Mandates Struck Down By Judge,”](#) *Law360*, Nov. 10, 2021
- [“Lawyer Limelight: Tom Melsheimer,”](#) *Lawdragon*, Dec. 18, 2019
- [“Dallas PE Fund Scores \\$4.1M From Insurer In Texas Appeal,”](#) *Law360*, Aug. 20, 2019
- [“You’ve Given My Life Back,”](#) published in *The Texas Lawbook*, July 15, 2019
- [“On the Record: Nick Nicholson and Tom Melsheimer,”](#) *The Texas Lawbook*, July 15, 2019
- [“Winston & Strawn Wins Sole Acquittal In \\$40M Kickback Row,”](#) *Law360*, April 30, 2019
- [“Attorney of the Year Finalist: Thomas M. Melsheimer,”](#) *Texas Lawyer*, Aug. 31, 2018
- [“Strategy, Storytelling and Cautionary Tales: Winston Litigator and Dallas Judge Spill Jury Trial Secrets,”](#) *The AmLaw Litigation Daily*, Nov. 2017



- [“How Winston Drafted Dallas Dream Team,”](#) *D CEO*, May 2017
- [“Winston Hires 23 Partners, Opens Dallas Office,”](#) *Bloomberg*, March 2017
- [“Mark Cuban GC Says Managing Trial Team Key To SEC Win,”](#) *Law360*, Sept. 10, 2014
- [“SEC Loses as Mark Cuban Triumphs in Insider-Trading Trial,”](#) *Bloomberg*, Oct. 17, 2013
- [“Texas Jury Rejects \\$85 Million Suit Over Online-Ticketing Patent,”](#) *The Dallas Morning News*, March 3, 2012
- [“J&J Settles Texas Risperdal Suit for \\$158M,”](#) *Law360*, Jan. 19, 2012
- [“Brash, Bold Tactics Define Mark Cuban’s Lawyer, Too,”](#) *The Dallas Morning News*
- [“10 Rules of Being a Big-Shot Dallas Attorney,”](#) *D Magazine*, May 2013

## Publications

- [“The Case for a Nonpolitical Federal Judiciary,”](#) *Law360*, Thomas M. Melsheimer, Judge Eric Moyé, and Judge Craig Smith, Sept. 22, 2020
- [“The Remote Jury Trial is a Bad Idea,”](#) *Law 360*, Thomas M. Melsheimer and Paula W. Hinton, June 9, 2020
- [“Legal Expert: Governor and AG Make ‘Silly and Dangerous’ Hot Mess of Shelley Luther Case,”](#) *The Texas Lawbook*, Thomas M. Melsheimer, May 7, 2020
- [“Reflections on an Acquittal,”](#) *The Texas Lawbook*, Thomas M. Melsheimer, May 2, 2019
- [“The New Bible of Trial Advocacy: Why Every Trial Lawyer and Wannabe Should Never Try a Jury Trial Without It: On the Jury Trial: Principles and Practices for Effective Advocacy,”](#) Thomas M. Melsheimer and Judge Craig Smith, Winter 2018
- [“Is the Texas Civil Jury System Facing a Crisis? – Q&A with Trial Lawyer & New Author Tom Melsheimer,”](#) *The Texas Lawbook*, Mark Curriden, Sept. 20, 2018
- [“Using Demonstrative Exhibits and Other Aids in Trial,”](#) *Voir Dire Magazine*, Thomas M. Melsheimer and Judge Craig Smith, Spring 2018
- [“On the Jury Trial: Principles and Practices of Effective Advocacy,”](#) University of North Texas Press, Thomas M. Melsheimer and Judge Craig Smith, Oct. 2017
- [“Open Courts: The Role of Rule 76A in Our Civil Justice System,”](#) *Texas Bar Journal*, Judge Craig Smith and Thomas M. Melsheimer, June 2017
- [“Rejecting historic prejudice: My father’s quiet accomplishment,”](#) *The Texas Tribune*, Thomas M. Melsheimer, June 2017
- [“An Open Season on Judges,”](#) *The Texas Tribune*, Thomas M. Melsheimer and Judge Craig Smith, March 8, 2017
- [“Feature, Litigation Against the Grain,”](#) *Litigation*, Am. Bar Assoc., Thomas M. Melsheimer, Spring 2016
- [“Trial by Agreement: A professional approach improves results and saves the jury system,”](#) *Texas Bar Journal*, Thomas M. Melsheimer and Stephen D. Susman, Oct. 2015
- [“It is Time to Rein in the SEC,”](#) *The Washington Post*, Mark Cuban and Thomas M. Melsheimer, Dec. 19, 2014
- [“How the Feds Rig Their Prosecutions,”](#) *Wall Street Journal*, Mark Cuban and Thomas M. Melsheimer, April 3, 2014
- [“SEC v. Cuban Shows Importance of U.S. Jury System,”](#) *Voir Dire Magazine*, Thomas M. Melsheimer and Judge Craig Smith, Spring 2014
- [“Trial by Agreement: How Trial Lawyers Hold the Key to Improving Jury Trials in Civil Cases,”](#) *The Review of Litigation*, Univ. of Tex. School of Law, Stephen D. Susman and Thomas M. Melsheimer, Summer 2013
- [“Scouts’ tentative decision fails leadership challenge,”](#) *The Dallas Morning News*, Thomas M. Melsheimer and Judge Craig Smith, April 25, 2013

- “Cruz’s ways not winning ones,” *Austin American Statesman*, Craig Smith and Tom Melsheimer, March 2013
- “Privacy Laws Evolving in New Era of Technology,” *Houston Chronicle*, Thomas M. Melsheimer and Judge Craig Smith, March 23, 2012
- “Trial’s Over, But Issues Remain,” *Preston Hollow People Newspaper*, Thomas M. Melsheimer and Judge Craig Smith, Oct. 7, 2011
- “Businesses’ Fear of U.S. Jury System Is Irrational,” *Houston Chronicle*, Thomas M. Melsheimer and Judge Craig Smith, July 30, 2011
- “Guest Column: Why ‘Loser Pays’ is a Loser,” *The Dallas Morning News*, Thomas M. Melsheimer and Judge Craig Smith, May 13, 2011
- “Melsheimer and Smith: Hybrid Bill Offers Best Blueprint for Texas Judicial Selection,” *The Dallas Morning News*, March 14, 2011
- “Thomas Melsheimer: Pope’s First Step to Restoring My Faith,” *The Dallas Morning News*, May 14, 2010
- “Smith and Melsheimer: We’re All Better for Merrill Hartman,” *The Dallas Morning News*, Oct. 25, 2010
- “Campaign Contributions: Financing Order in the Court,” originally appeared in *The Fort Worth Star-Telegram*, Thomas M. Melsheimer, Craig Smith and Eric Moyé, March 20, 2010
- “Trashing Supreme Court Not Appropriate for Obama,” *Houston Chronicle*, Thomas M. Melsheimer and Judge Craig Smith, March 2, 2010
- “Web-savvy Jurors Create New Problem for Courts,” *Houston Chronicle*, Thomas M. Melsheimer and Judge Craig Smith, June 21, 2009
- “Melsheimer and Smith: One Crime But Not the Other?” *The Dallas Morning News*, Dec. 5, 2008

---

## IN THE MEDIA

Tom Melsheimer Profiled in *Texas Lawbook*

MARCH 26, 2024

---

## IN THE MEDIA

Tom Melsheimer Discusses Win for Flyp in Patent Lawsuit with *The Texas Lawbook*

FEBRUARY 29, 2024

---

## SPEAKING ENGAGEMENT

LeElle Slifer To Join Tom Melsheimer’s Go-Getters Series

FEBRUARY 27, 2024

---

## PRESS RELEASE

Winston & Strawn Names New Litigation and Transactions Department Co-Chairs

FEBRUARY 26, 2024

---

## RECOGNITIONS

Winston and Yuanda China Law Offices Recognized in *Chambers Global 2024*

FEBRUARY 16, 2024

---

**RECOGNITIONS**

Winston Attorneys Featured on the 2024 *Lawdragon* 500 Leading Energy Lawyers List

FEBRUARY 16, 2024

---

**RECOGNITIONS**

Winston Attorneys Featured on *Lawdragon's* Green 500: The 2024 Leaders in Environmental Law List

FEBRUARY 2, 2024

---

**RECOGNITIONS**

Kimball Anderson and Tom Melsheimer Inducted Into *The Lawdragon's* Hall of Fame

JANUARY 5, 2024

---

**RECOGNITIONS**

Tom Melsheimer Named to *D Magazine's* 2024 Dallas 500 List

NOVEMBER 17, 2023

---

**SPONSORSHIP**

Winston & Strawn Sponsors 2023 Eastern District of Texas Bench Bar Conference

OCTOBER 25, 2023

---

**RECOGNITIONS**

Winston & Strawn Recognized in 2024 *Benchmark Litigation*

OCTOBER 6, 2023

---

**RECOGNITIONS**

Winston Partners Named to *Benchmark Litigation's* 2024 Top 100 Trial Lawyers

OCTOBER 6, 2023

---

# Capabilities

---

Litigation/Trials

Commercial Litigation & Disputes

Patent Litigation

Trade Secrets, Non Competes & Restrictive Covenants

Product Liability & Mass Torts

Government Program Fraud, False Claims Act & Qui Tam Litigation

Government Investigations, Enforcement & Compliance

Compliance Programs

Intellectual Property

Trademark Litigation, Prosecution & Brand Protection

Technology Antitrust