

BOULETTE & GOLDEN L.L.P.

Michael D. Marin



A former Vinson & Elkins litigation partner, Michael joined the firm in 2010 after 16 years of practice where he served as lead counsel on business litigation and employment litigation matters in federal and state courts across Texas. Together with the other members of the firm, Michael represents employers in a wide range of labor and employment matters, including litigation defense, wage claims, federal and state agency compliance, training, employment contracts, employee handbooks, and non-disclosure agreements and litigation. As a trial lawyer, Michael has tried several first-chair jury trials that have resulted in favorable verdicts for his clients, won numerous cases on dispositive motions, and achieved favorable settlements in a broad range of matters. Michael has represented clients from a broad spectrum of industries, including Internet, media, biotechnology, pharmaceutical, semiconductor, nutritional supplements, retail, computer, telecommunications, government contracts, public finance, lease finance, construction, insurance, real estate, energy, and professional services.

Michael D. Marin

Partner

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Education and Professional Background

- Harvard Law School, J.D., 1994 (Editor, *Harvard Journal on Legislation*; Harvard Legal Aid Bureau)
- Golden Gate University, M.B.A. with highest honors, 1991
- University of Texas at El Paso, B.A. Political Science, 1989
- Admitted to practice: Texas, 1994; U.S. District Court for the Western District of Texas, 1996; U.S. District Court for the Southern District of Texas, 1998; U.S. District Court for the Eastern District of Texas, 2002; U.S. District Court for the Northern District of Texas, 2002; U.S. Fifth Circuit Court of Appeals, 2007; U.S. Supreme Court, 2008

Professional Recognition

- *Best Lawyers in America*®, 2009 and 2010
- "Texas Super Lawyer," *Texas Monthly*, 2007, 2008, 2009, 2010
- *Martindale Hubbell* –“AV” rated
- Named in Inaugural Edition of “Top 25 Extraordinary Minorities in Texas Law” by *Texas Lawyer*, 2009 (published every 5 years)
- Recipient of the Spirit of Excellence Award, American Bar Association, 2006
- Excellence in Public Interest Award, Texas Law Fellowship, University of Texas School of Law, 2005
- "Texas Rising Star," *Texas Monthly*, 2004, 2005, 2006, 2007
- Austin Under 40 Award (Legal Category), Austin Young Men's and Women's Business Alliance, 2002

- Outstanding Young Lawyer Award, Austin Young Lawyers Association, 2001
- President's Award for Outstanding Community Service, Hispanic Bar Association of Austin, 2001 and 2002
- President's Award for Most Outstanding Director, Austin Bar Association, 1999 - 2000

Selected Representative Experience

Employment-Related Litigation

- Obtained summary judgment for international engineering firm sued by former program manager and related entities for tortious interference, defamation, and conspiracy allegations arising out of city manager's dismissal of program manager from a \$200 million municipal clean water program
- Obtained partial summary judgment and ultimately favorable settlement as lead attorney representing national health care company in lawsuit alleging defamation and business disparagement claim by CEO of medical practice group, and stemming from prior lease dispute with related entities and medical providers
- Obtained favorable settlement as lead attorney representing national health care company and its CEO from claims of false imprisonment, deceptive trade practices, and insurance code violations
- Obtained favorable settlement as lead attorney representing a national health care organization and its CEO from sexual harassment claims
- Worked on team in defense of international cosmetics company against multiple claims of sexual harassment
- Obtained dismissal in federal court of claims of racial discrimination in housing brought against real estate brokerage and real estate agent
- Worked on team in defense of insurance agency in employee raiding and trade secrets case filed by competing firm
- Advised former CEO of regional homebuilder regarding non-compete agreement after sale of business to national homebuilder

Internet and Media Litigation

- Successfully obtained complete dismissal of federal court lawsuit filed against largest social networking website arising from sexual assault of one its users; trial court's decision was upheld in the 5th Circuit Court of Appeals and the U.S. Supreme Court
- Obtained complete dismissal in state court of all claims against an on-line dating website in a lawsuit that sought to hold the website liable for an alleged sexual assault by one of its subscribers
- Assisted in defense of various media companies and reporters in defamation and invasion of privacy lawsuits in Central Texas

Case Citations

- *Doe v. MySpace, Inc.*, 474 F. Supp. 2d 843 (W.D. Tex. 2007)
- *Doe v. MySpace, Inc.*, 528 F.3d 413 (5th Cir. 2008), cert. denied 2008 WL 4218722 (Nov. 17, 2008)

Business and Technology Litigation

- Defended biotechnology company in federal and state trade secret litigation; removed case to federal court and successfully defeated Temporary Restraining Order; achieved a favorable settlement after extensive fast-track discovery
- Successfully obtained summary judgment in federal court for national life

insurance company in contract dispute involving alleged deceptive trade practices and insurance code violations after having successfully defeated Temporary Restraining Order previously issued by state court

- Worked on team that successfully obtained summary judgment for national insurance company in multiple jurisdiction litigation against claims of breach of contract, fraud, and alleged violations of public policy in the business of insurance
- Worked on team representing a doctor in the prosecution of a multi-million dollar breach of contract and fraud action brought against a billion-dollar managed care company that acquired the doctor's medical practice
- Assisted in prosecution of case resulting in securing a highly favorable settlement and licensing program for a small software development company in copyright infringement dispute with a Fortune 50 consumer electronics company
- Represented numerous clients (including online dating websites, homebuilders, insurance companies) in responding to investigations by Texas Attorney General Consumer Protection Division

Class Actions

- Worked on team that defended national microticket lease finance company in several consumer class actions involving allegations of fraud, DTPA violations, and usury
- Worked on team defending national wireless telephone company in consumer class action; obtained nominal settlement after successfully compelling individual consumer arbitration by defeating argument that individual arbitration clause was unconscionable
- Worked on team defending global nutritional supplements company in marketing defect class action; trial court's certification of class reversed on appeal

Construction and Real Estate Litigation

- Represented a national residential homebuilder in defense of numerous alleged deceptive trade practices act violations, breach of contract, and fraud lawsuits brought by individual homeowners and property owners associations
- Prosecuted and defended construction litigation matters involving allegations of architectural malpractice, engineering malpractice, and defective construction
- Obtained summary judgment on alleged deceptive trade practices act violations and negligence claims brought against large real estate brokerage
- Represented national real estate brokerage and numerous individual agents in defense of numerous alleged deceptive trade practices act violations, breach of contract, and fraud lawsuits brought by multiple disgruntled home buyers
- Represented global computer company in breach of lease claim regarding headquarters facility
- Negotiated complex and favorable settlement as lead attorney representing a 501(c)(3) charitable organization foster care program in maintaining group home in Austin area subdivision by drawing on experience with property codes and effectively working with homeowners' association board of directors
- Obtained favorable settlement as lead attorney representing non-profit public trust/retirement program as plaintiff in multi-party mold litigation involving commercial building; multiple defendants corrected defects in building as part of settlement
- Obtained favorable settlement as lead attorney representing national health care

company as plaintiff pertaining to non-payment of lease obligations by local medical practice group involving multiple defendants and related parallel litigation

Products Liability, Mass Tort, and Negligence

- Obtained defense jury verdict as lead trial counsel representing wire and cable manufacturer in product defects case involving significant damages to apartment complex caused by fire
- Obtained favorable settlement as lead attorney representing a national cable operator in a wrongful death case with potential for high-dollar damages
- Worked on team in defense of diet drug company in diet drug litigation
- Worked on team in defense of large sand company in silicosis litigation
- Worked on team in defense of large refractories company in asbestos litigation
- Worked on team in defense of multi-national oil company in products liability litigation arising from use of polybutylene in municipal and residential water lines
- Represented several pharmacies and pharmacists in numerous prescription misfill cases with significant potential damages resulting in favorable settlements

Public Finance Litigation

- Worked on a trial team in successful representation of city in expedited lawsuit and participated in bench trial involving city's right to issue \$450 million in Texas Taxable Pension Obligation Refunding Bonds
- Worked on a trial team in successful representation of community college in expedited lawsuit and participated in bench trial involving college's right to issue \$420 million in bonds for the purpose of funding system-wide improvements, including various facilities, traffic and safety improvements, plant system replacements, and technology infrastructure
- Worked on a trial team in successful representation of independent school district in expedited lawsuit and participated in bench trial involving city's right to \$805 million in bonds to fund district-wide improvements
- Worked on a trial team in successful representation of independent school district in expedited lawsuit and participated in bench trial involving city's right to issue \$649 million in bonds for construction, acquisition and equipment of school buildings, the purchase of necessary sites for school buildings, and the purchase of school buses
- Worked on a trial team in successful representation of independent school district in expedited lawsuit and participated in bench trial involving city's right to issue \$597 million in bonds for construction, acquisition, and equipment of school buildings in the district, including technology upgrades, the purchase of sites for school buildings and buses
- Worked on a trial team in successful representation of city in expedited lawsuit and participated in bench trial involving city's right to issue \$5.51 million in bonds to expand city's water and sanitary sewer system and acquire water and sanitary sewer systems in recently annexed areas

Prior results do not guarantee a similar outcome.

Activities and Affiliations

- Chair: Special Standing Committee on Ethics and Professionalism, ABA TIPS Section, 2008 - 2009; Chair-Elect, 2007 - 2008; Liaison to CPR-SOC Joint Committee on Ethics and Professionalism and ABA Standing Committee on Professionalism
- Appointed: Attorney Admissions Committee, U.S. Western District of Texas,

Austin Division, 2004 - present; U.S. Magistrate Reappointment Committee, U.S. Western District of Texas, Austin Division, 2007; American Bar Association Commission on the American Jury Project, 2008 - present; American Bar Association Standing Committee on the Delivery of Legal Services, 2006 - 2008; ABA Tort, Trial, and Insurance Practice Section, CLE Committee, 2007 - 2008; ABA Tort, Trial, and Insurance Practice Section, Long Range Planning Committee, 2006 - 2007; Texas Supreme Court Task Force on Jury Assembly and Administration, 2006 - 2008; State Bar of Texas Corporate Counsel Section, Advisor, 2008 - 2009; Council Member, 2009 - present

- Director: State Bar of Texas, District 9, Place 1, 2005 - 2008; Executive Committee, 2006 - 2007
- Past-President: Austin Bar Association, 2004 - 2005; Hispanic Bar Association of Austin, 1997 - 1998
- Founding Chair: Austin Bar Foundation, 2005 - 2006
- Founding Life Fellow: Austin Bar Foundation, 2005 - present
- Fellow: American Bar Foundation, 2005 - present; Texas Bar Foundation, 2002 - present
- Founding-Chair: Hispanic Bar Association of Austin Charitable Foundation, 1998 - 2001; Director, 2009 - present
- Board Member: Capital of Texas Public Communication Council, KLRU-TV (public television affiliate in Austin), 2004 - present; Executive Committee, 2006 - 2007 and 2008 - 2009; Leadership Austin Board, 2008 - present
- Steering Committee: Anti-Defamation League Jurisprudence Award Luncheon, Austin, TX, Spring 2009
- Member: Federal Bar Association, Austin Chapter; Vinson & Elkins Pro Bono Committee; Vinson & Elkins Diversity Committee; American Bar Association; Hispanic National Bar Association; State Bar of Texas; State Bar Judiciary Relations Committee, 1996 - 1999; Subcommittee on *Program to Respond to Criticism of Judges in the Media*; Austin Bar Association; El Paso Bar Association; San Antonio Bar Association; Austin Young Lawyers Association, Sustaining Member; CASA of Travis County Board, 2003 - 2005; Defense Research Institute, 2001 - 2004; Harvard Club of Austin; Leadership Austin, Class of 2000 - 2001; Supreme Court Historical Society, 2007 - present

Publications and Presentations

- "Discovery in the Western District," Federal Practice Seminar, Federal Bar Association - Austin Chapter, November 14, 2008 (presenter)
- "The Texas Decision to Increase Jury Pay," Texas Bar CLE Bill of Rights Program, May 2008 (presenter)
- "*Doe v. MySpace, Inc.*: Liability for Third Party Content on Social Networking Sites," *The Communications Lawyer*, Spring, 2007 (co-author)
- "*Doe v. MySpace, Inc.*: Defining the Limits of Liability for Third Party Content," presented at the 20th Annual University of Texas Technology Law Conference, May 25, 2007 (co-author)
- "MySpace Wins Dismissal in 'Sexual Predator' Suit," *MediaLaw Letter*, February 28, 2007 (co-author)
- "Insights from the Inside: What Every Lawyer Should Know Before Appearing in Federal Court," A Day in Federal Court CLE, Travis County Women Lawyers Association, June 1, 2005 (moderator)
- "Are We Getting a Jury of Our Peers," 68 Tex. Bar J. No. 2, February, 2005 (co-author)
- "Jury of Our Peers: An Unfulfilled Constitutional Promise," 58 SMU Law

Review 319, 2005 (co-author)

- "Management of Product Liability Litigation," 4th Annual UT/IEEE Central Texas Engineering Management Workshop, August 2003 (panelist)
- "Trade Secrets - Protecting Your Company's Confidential Business and Technical Information," Minority Corporate Counsel Association CLE Expo, Chicago, May 2003 (panelist)