GRAVES DOUGHERTY HEARON & MOODY



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Of Counsel

**APPELLATE LAW, CIVIL LITIGATION, CONSTRUCTION LAW, FIDUCIARY, PROBATE & TRUST LITIGATION**


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## ABOUT

Eric Behrens is a trial and appellate lawyer with 40 years of experience handling complex litigation on behalf of both plaintiffs and defendants in a variety of matters. He practices in both state and federal courts. Behrens' law review articles have been cited by the Texas Supreme Court, U.S. Courts of Appeals, and U.S. Bankruptcy Courts, and by scholars in over 30 books and law review publications.

### PROFESSIONAL QUALIFICATIONS

- Admitted to the Texas Bar, 1984; U.S. Court of Appeals for the Fifth Circuit, 1985; U.S. District Court for the Western District of Texas, 1986.
- Education: University of Texas (J.D., with Honors, 1984); University of Kansas (B.A., 1981).
- Managing Editor, *Texas Law Review*, 1983-1984.
- Order of the Coif.
- The Wall Street Journal Award, 1984.
- Law Clerk to Hon. Will Garwood, U.S. Court of Appeals for the Fifth Circuit, 1984-1985.
- AV® Preeminent™ Peer Review Rating, Martindale.com.

## REPRESENTATIVE EXPERIENCE

- Representation of the largest workers' compensation insurer in Texas in variety of litigation matters.
- Representation of major real estate developer of multiple retail, office, and industrial warehouse properties as counter-plaintiff and defendant in litigation involving allegations of breaches of contracts, fiduciary duty, statutory and common law fraud.
- Representation of former Enron outside director in complex class action securities litigation by shareholders to recover stock investments in the company.
- Representation of contractors, architects, and engineers in multiple litigation and arbitration proceedings relating to construction and design defect claims.
- Representation of multiple commercial real estate development companies in central Texas in variety of litigation matters.
- Representation of national insurance company in litigation against brokers involving allegations of fraud, breach of contract, RICO violations, and breaches of contract and fiduciary duty.
- Representation of pharmaceutical company in litigation against former independent contractors for misappropriation of trade secrets, breach of contract, tortious interference, and declaratory relief.
- Representation of publisher of materials for professionals at major banks, savings associations, and credit unions, in litigation to enforce covenant not to compete against former officer. *See* Texas Supreme Court decision in *Alex Sheshunoff Management Services, L.P. v. Johnson*, 209 S.W.3d 644 (Tex. 2006).
- Representation of Fortune 500 company in litigation alleging misappropriation of trade secrets.
- Representation of law firm in litigation alleging violations of the Texas Securities Act.
- Representation of international renewable energy company in construction litigation.

## PROFESSIONAL AFFILIATIONS

- Founding Fellow, Austin Bar Foundation
- Life Fellow, Texas Bar Foundation
- Member, Austin Bar Association
- American Bar Association

## AWARDS AND HONORS

- AV® Preeminent™ Peer Review Rating, Martindale.com

## COMMUNITY

- Austin Bar Foundation – Board of Directors (2011 – 2020)
- Grand Juror, Travis County Grand Jury (247th District Court, January-March, 2011 term)
- Austin Public Library Friends Foundation – President of Board of Directors (2006-08); Vice President – Finance & Development (2004-06)
- Austin Symphony Orchestra – Board of Directors (2008-2015)
- Ballet Austin – Board of Directors (2008 – 2017)
- Blue Lapis Light – Board of Directors (2011 – 2019)
- Writers' League of Texas – Board of Directors (2007-2012); Vice President (2012)
- The Sons of the Republic of Texas (1986 to present)
- Leadership Austin (Class of 1998-99)

## PUBLICATIONS AND PRESENTATIONS

- Behrens, *A Trend Toward Enforceability: Covenants Not to Compete in At-Will Employment Relationships Following Sheshunoff and Mann Frankfort*, 73 Texas Bar Journal 732 (October 2010).
  - cited in *Marsh USA Inc. v. Cook*, 354 S.W.3d 764, 778 (Tex 2011).
- Behrens, *Classification of Loan Participations Following the Insolvency of a Lead Bank,* 62 Texas Law Review 1115 (1984).
  - cited in *FDIC v. Matheson,* 804 F.2d 1382, 1384 (5th Cir. 1986).
  - cited in *In the Matter of Texas Mortgage Services Corp.,* 761 F.2d 1068, 1075 n. 11 (5th Cir. 1985).
  - cited in *First American Savings Bank, FSB v. Westside Federal Savings and Loan Association,* 639 F.Supp. 93, 99 (W.D. Wash. 1986).
- Behrens, *Stern v. Marshall: The Supreme Court's Continuing Erosion of Bankruptcy Court Jurisdiction and Article I Courts*, 85 American Bankruptcy Law Journal 387 (2011).
  - cited in *In re Bachrach Clothing, Inc.*, 480 B.R. 820, 826 n.2, 827 n.4 (Bkrtcy. N.D. Ill. 2012).
  - cited in *In re Pulaski*, 475 B.R. 681, 685 n.5 (Bkrtcy. W.D. Wis. 2012).
- Behrens & Burton, *Inside the Minds: Negotiating and Drafting Employment Agreements*, chap. 1 (Thomson Reuters/Aspatore, 2011 ed.).
- Behrens, *Streamlining the Requirements of Statutory Notice for Contract and DTPA Claims in the Wake of Hines v. Hash*, 25 St. Mary's Law Journal 675 (1994).
- Behrens & Dore, *Rights of Landowners to Percolating Groundwater in Texas*, 32 South Texas Law Review 185 (May 1991).

- Behrens, *Shift of the Burden of Proof and Imposition of Strict Liability on Insurers for Failure to Meet Deadlines Under Articles 21.55 and 21.58 of the Texas Insurance Code*, 21 Caveat Vendor 49 (September 1996) (publication of the Consumer Law Section of the State Bar of Texas).
- Behrens, *The Triangle Shirtwaist Company Fire of 1911: A Lesson in Legislative Manipulation*, 62 Texas Law Review 361 (1983).

## PERSONAL

Eric enjoys running on the Hike and Bike Trail, collecting political buttons, and is an avid traveler who has been to every continent and subcontinent. He is a four-time winner of the *New Yorker* magazine's cartoon caption contest (first place out of 4,611 contestants, *September 12, 2011 issue* ; first place out of 5,626 contestants, *October 26, 2015 issue;* first place out of 4,001 contestants, *March 27, 2017 issue* ; first place out of over 6,000 contestants, *March 11, 2024 issue*).