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## **MARIANNE W. NITSCH**

Shareholder

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

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## **ABOUT**

Marianne's practice focuses on civil litigation in state and federal courts, with a particular emphasis on constitutional, real property, and fiduciary issues. Before joining the firm, Marianne clerked for a federal judge in the Southern District of Texas. Prior to law school, Marianne worked as a high school English teacher with Teach For America, and this background has shaped the way she practices law. She excels at breaking down complex ideas and communicating those issues to courts and clients with clarity.

## **PROFESSIONAL QUALIFICATIONS**

- Admitted: Texas, 2015; U.S. District Court, Southern District of Texas, 2016; U.S. District Court, Western District of Texas, 2018; United States Court of Appeals for the Fifth Circuit, 2018.
- Education: The University of Texas School of Law (J.D., with honors, 2015); Order of the Coif; Book Review Editor, Texas Law Review (2014-2015); Teaching Quizmaster; The University of Texas at Austin (B.B.A. with Honors in Finance & Business Honors program, 2010).
- Law Clerk to The Honorable Marina Garcia Marmolejo, U.S. District Court for the Southern District of Texas (2015-2016).
- Associate, Baker Botts, Houston, Texas (2016-2017).

## REPRESENTATIVE EXPERIENCE

- Regularly take and defend depositions, lead written discovery strategy, and brief and argue motions in broad range of cases in state and federal court
- Represented Chapter 7 Trustee in claims against former officers and directors from drafting complaint through federal jury trial, and in action against major insurer through federal bench trial
- Obtained removal of fraudulent aircraft lien and award of attorneys' fees in federal court
- Obtained temporary injunctive relief on behalf of small businesses against former employees for theft of trade secrets and breach of noncompetition agreements
- Defense of municipalities, counties, and public university as outside counsel in First Amendment and constitutional litigation
- Obtained multiple favorable rulings protecting national insurer's confidential information from public information requests
- Representation of landowners in trespass to try title and declaratory judgment actions
- Obtained favorable settlement against former member of LLC for mismanagement on behalf of other members
- Representation of owners and lessees in real estate disputes
- Defense of leading workers' compensation provider in challenges to coverage determinations
- Briefed three and argued two cases before the Fifth Circuit Court of Appeals
- Pro bono representation in various matters, including expunction, eviction, and divorce proceedings

## PUBLICATIONS AND PRESENTATIONS

- *When Does Agency Action Become a Rule?*, SBOT Advanced Administrative Law Course, 2023
- Moderator, Austin Bar Equity Summit, 2023
- *Fraud on the Classroom: Why State False Claims Acts Are Not the Solution to All Fraud on State and Local Governments*, 93 Tex. L. Rev. 1009 (2015)

## PROFESSIONAL AFFILIATIONS

- State Bar of Texas
- Travis County Women Lawyers Association
- Austin Young Lawyers Association

- Barbara Jordan Inn of Court (2018-2024)

## **COMMUNITY**

- Texas Exes Forty Acres Society, Member
- Teach For America, Recruitment Volunteer
- Women United, United Way for Greater Austin, Member

## **AWARDS AND HONORS**

- Best Lawyers: Ones to Watch, Litigation – Trusts and Estates (2021-2025)
- Texas Rising Star (Super Lawyers, 2024)
- Austin Monthly's "Top Attorneys" List 2022, 2023