



Location

Dallas, Texas

Education

Southwest Missouri State University (B.S., *magna cum laude*, 1976)

Southern Methodist University - Dedman School of Law (LL.M., 1984)

University of Missouri - Columbia School of Law (J.D., 1979)

Areas of Practice:

Arbitration, Mediation & Alternative Dispute Resolution

Complex & High-Stakes Litigation

Labor & Employment

Admitted to Practice:

Texas

Missouri

MARK A. SHANK

Senior Counsel

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As a stalwart of various bar associations and foundations in Texas, Mark Shank is well-known and respected by the broad legal community – including opposing counsel – in and out of the courtroom. He is known as a strategist, arbitrator, mediator, negotiator, and active member of his legal and civic communities in Texas, the region, and elsewhere in the U.S.. Mark's practice is focused on complex disputes, which he arbitrates, investigates, prosecutes, or defends as a neutral across the nation.

For nearly 40 years, clients in a wide variety of sectors have sought out Mark's guidance and counsel. These include:

- Oilfield Services and Energy Enterprises
- Technology Companies
- Banking and Financial Services
- Multi-level Marketing
- Telecommunications
- Manufacturing
- Health Care
- Service Industries
- Executives

Mark regularly serves as an arbitrator and mediator in business disputes, and is also regularly asked to serve as an independent investigator. He is Board Certified in Civil Trial Law and Labor and Employment Law by the Texas Board of Legal Specialization and is an arbitrator for the American Arbitration Association and other providers. Mark also helps his clients on both sides of the docket with difficult business problems, including departing employees, high-exposure contract claims, business disputes, trade secrets claims involving potential officer and director liability, employment discrimination, wage and hour disputes and retaliation cases. He also has deep experience with cases involving covenants not-to-compete, confidentiality and trade secrets. Mark regularly represents clients in disputes and transactions involving executive compensation and related issues.

Mark lectures often on current arbitration, business, employment and trade secret

U.S. Court of Appeals, 5th Circuit

U.S. District Courts for the Northern, Southern, Eastern and Western Districts of Texas

issues, and is a prolific author, [including the definitive book on Texas law](#) as it treats departing employees. "My clients continue to have problems dealing with non-compete and payment issues," according to Mark. He notes there is also hostility in Congress and among many shareholders about executive compensation. "My job is to help them navigate by using the tools available to them, and when I am a neutral, to help reach a fair resolution."

For more information on Mark's book, [click here](#).

Memberships

- State Bar of Texas

--Director, 2002-2005

- Chair, Labor and Employment Law Section, 1998-1999
- Member, Litigation Council, 2012-present
- Texas Bar Foundation, Chair, 2008-2009
- Dallas Bar Foundation, Chair, 2010
- Dallas Bar Association

--President, 2001

--Vice President and Chair

--Chair, Labor and Employment Law Section, 1994

- The Center for American and International Law Research, Trustee
- Texas Young Lawyers Association, Chair, Vice President and Secretary, 1986-1990
- Texas General Counsel Forum Board of Directors, 2001- 2005
- Dallas Association of Young Lawyers, President, 1986
- The College of the State Bar of Texas
- Fellow of the American Bar Association
- Fellow of the Texas Bar Foundation
- Board Member, Dallas Breakfast Group, and Chair 2006- 2012
- Leadership Dallas, 1994
- Member, East Dallas Chamber of Commerce
- Member, Professional Bank, Board of Directors, 2005-2010
- Vice-Chairman of the M5M Foundation Board, 2016-present

Representative Cases

Mark has earned the respect of clients and his peers, thanks to almost 40 years as a trusted arbitrator/mediator, litigator, and counselor who looks at things from his clients' perspective. That includes a willingness to be flexible on rates and to have some skin in how a case turns out. "I'm a good listener and problem solver, too," Mark says.

These are some of his representative engagements:

Arbitrations / Mediations

Mark Shank has served as a neutral, including:

- Trade Secrets
- Shareholder Derivative
- Technology, Software and Hardware
- Executive claims for compensation and stock
- Breach of Fiduciary Duty/Duty of Loyalty
- Covenants Not-to-Compete
- Attorneys' Fees
- Rights to Patent Portfolio
- Healthcare Disputes
- FLSA
- Employment Discrimination
- Breach of Contract

Throughout his career, Mark has also been an advocate in these types of disputes:

- Multiple representations of clients in commercial and employment discrimination arbitrations
- Defense of company interests in wide range of arbitrations under collective bargaining agreements
- Service as an arbitrator for the American Arbitration Association and other arbitration providers, and as a private arbitrator in a wide range of commercial and employment disputes.

Commercial Litigation

- Investigation involving alleged financial malfeasance and appropriateness of tax treatment within a publicly traded company
- Defense and resolution of a shareholder's derivative action involving claims of wrongdoing by the CEO and CFO and involving an interpretation of Texas and Delaware law
- Defense and resolution of Class Action matters under Rule 23 Federal Rules of Civil Procedure, and state law equivalents in a wide variety of areas, including employment law and the FCRA
- Investigation involving alleged officer malfeasance and unfair treatment within publicly traded companies
- Defense and resolution of claims by a member of a medical partnership against the other partners, involving partnership claims and disability claims
- Defense in court and managed to resolution of a claim involving contempt of court and failure to deliver source code
- Defense of a closely held software company in claims for injunctive relief and alleged self-dealing involving ownership of stock and intellectual property
- Prosecution and defense of numerous injunction matters involving claims of theft, trade secrets and intellectual property, inevitable disclosure, covenants not to compete, breach of duty of loyalty and related matters
- Defense of a software piracy claim

Labor and Employment Litigation

- Obtained summary judgment in a multi-million dollar gender discrimination claim on behalf of national brokerage firm, with defense of appeal in Fifth Circuit and the U.S. Supreme Court
- Investigation of alleged sexual harassment by a partner in a law firm
- Obtained a take-nothing verdict on behalf of a transit company on a race discrimination claim tried before a jury
- Obtained an injunction for a packaging company against a former employee for taking company property and potential workplace violence.

Awards / Honors

- "Senior Statespeople" in Labor & Employment - Texas, Chambers and Partners, London
- Texas Super Lawyer, Law & Politics Magazine and Texas Monthly, 2003-present

--Top 100 Lawyers in Texas

--Top 100 Lawyers in Dallas

- Best Lawyers in America, Commercial Litigation and Labor & Employment Litigation, 1995-present
- D CEO Dallas 500 - The most Powerful Business Leaders in Dallas-Fort Worth, 2016
- Best Lawyers in Dallas, D Magazine, 2001-present
- The World's Leading Business Lawyers, Chambers and Partners, London
- Member, American Board of Trial Advocates, 2002-present
- American College of Labor Lawyers
- "Best Lawyers Annual Guide to Labor & Employment Law," Corporate Counsel
- Justinian Award, Dallas Bar Foundation, 2016
- Judge Sam Williams Local Bar Leadership Award 2005- 2006
- DAYL Foundation Award of Excellence, November 2006
- Habitat for Humanity Board of Directors Award, 2013
- "Go-To" Lawyers: Labor and Employment, Texas Lawyer, 2003
- President's Citation of Merit, State Bar of Texas, 2003
- Most Outstanding Member, East Dallas Chamber of Commerce, 1998, 2010
- Dallas Volunteer Project Pro Bono Service Award, 2001
- AV rated by *Martindale-Hubbell*