

Daniel C. Bitting

Dan's practice focuses on complex business litigation, including fiduciary duty litigation, securities violations, professional malpractice claims, intellectual property disputes, shareholder claims, property disputes, and oil, gas and energy litigation. He handles cases with millions of dollars at stake yet also represents businesses and individuals in smaller disputes. He has over twenty-seven years of trial and appellate experience in both state and federal courts, including serving as lead counsel in jury trials and appellate arguments. Dan understands that the best resolution of many disputes is a satisfactory settlement but he believes that the best settlements come from being fully prepared and able to try the case if necessary.

Recognitions & Awards

Order of the Coif

Chancellor

West Publishing Award for highest average in class, 1988

Phi Kappa Phi Fellowship, 1985-86

Texas Law Review, 1986-88

Representative Matters

Business Disputes

Negotiated settlement of multi-million dollar fraud and breach of contract claims arising out of supply contract dispute.

Won summary judgment against damages claim in commercial arbitration of contract dispute, leading to favorable settlement.



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RELATED PRACTICE AREAS:

- Alternative Dispute Resolution: Negotiation, Mediation and Arbitration
- Appellate
- Business Torts
- Civil Litigation
- Commercial Litigation
- Fiduciary Litigation
- Oil & Gas
- Oil & Gas Natural Resources and Energy Litigation
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Defeated claims for lost profits and other consequential damages in arbitration over allegedly defective software and hardware, leading to favorable settlement.

Professional Malpractice
Defense

→ Technology Litigation

Real Estate Litigation

Won jury trial in property rights dispute, including award of all attorneys' fees requested for client.

Negotiated settlement of land use dispute involving Lake Travis Marina.

Won lawsuit over land use restrictions, allowing development of marina on Lake Travis and won subsequent appeal.

Intellectual Property Litigation

Obtained favorable settlement of patent infringement and Lanham Act claims through pre-suit mediation.

Negotiated settlement of trade secret dispute.

Obtained temporary injunction and negotiated settlement of dispute over ownership of intellectual property in technology company.

Employment Shareholder Disputes

Negotiated successful "business divorce" to resolve shareholder dispute.

Won defense judgment in employee's slander case against employer.

Obtained temporary injunction and negotiated settlement of dispute over ownership of intellectual property in technology company.

Won jury trial in defense of sex discrimination claims.

Won bench trial in defense of civil rights claims.

Won multiple summary judgments against civil rights claims.

Fiduciary Duty Litigation

Obtained defense judgment for attorney against securities fraud and legal malpractice claims.

Successfully defended fiduciary duty, conspiracy, deceptive trade practices and fraud claims arising from survival and wrongful death settlements.

Defended and negotiated settlement of securities fraud class action.

Professional Malpractice Litigation

Obtained defense judgment for attorney against securities fraud and legal malpractice claims.

Successfully defended fiduciary duty, conspiracy, deceptive trade practices and fraud claims arising from survival and wrongful death settlements.

Won defense judgment on legal malpractice claims arising out of divorce.

Won jury trial in defense of legal malpractice claims.

Oil and Gas Litigation

Represented plaintiff in successful suit for theft of oil production.

Bar Admissions & Activities

Admitted to the State Bar of Texas, United States Supreme Court, U.S. District Court for the Eastern, Northern, Southern, and Western Districts of Texas, and the U.S. Court of Appeals, Fifth Circuit.

Member, Litigation Section, State Bar of Texas

Member, Austin Bar Association

Education

Texas A & M University, B.A., summa cum laude, 1985

University of Texas School of Law, J.D. with high honors,
1988

Articles & Presentations

“Litigation 101: You’ve Been Sued. Now What?”
In-House Counsel 101, August 10, 2016 San Antonio, TX

“Ethical Issues That Can Get Lawyers Sued” – Presented at
2016 Hays County Bench Bar Conference

“Common Ethical Problems That Can Get lawyers Sued” –
Presented at the 11th Annual Conference of the Texas Aggie
Bar Association, March 2010

“So You’ve Been Sued: What Now?” – Presented at 38th
Annual Corporate Counsel Institute, Houston, April 7-8, 2016
and Dallas, May 5, 2016

Ethical Issues for the Non-Litigator in Litigation, Presentation
at the 16th Annual Conference of the Texas Aggie Bar
Association, March 7, 2015.

Guest Lecturer on Computer Evidence in Litigation, for the
Elements of Computing in Society class at the University of
Texas at Austin, 2014 – 2015.

“Ethical Traps for the Intellectual Property Lawyer”,
presented to the Austin Intellectual Property Law Association
on October 21, 2014.

“Disqualification and Recusal Motions: What to Do When
Seeking the Removal of a Judge or Opposing Counsel From

a Case” Presented at the Ultimate Motions Practice 2013, September 20, 2013

“Tribal Wars: Shareholder Oppression” Presented at the South Texas College of Law 27th Annual Wills and Probate Institute, September 20-21, 2012

“Shareholder Oppression Actions” Presented at the Austin Bar Association Estate Planning & Probate Section, May 18, 2012

“Shareholder Oppression Actions” Presented at the State Bar of Texas Fiduciary Litigation Seminar, December 1-2, 2011

“Emerging Trends in Estate Litigation” Presented at The Texas Bankers Association’s Estate Administration Seminar, September 30, 2011.

“Common Ethical Problems that Can Get Lawyers Sued,” Presentation at the 11th Annual Conference of the Texas Aggie Bar Association, February 6, 2010.

“Multi-Party Issues after House Bill 4,” State Bar Litigation Section Report, McConnico and Bitting, The Best of Litigation Update 2004, The Advocate, Volume 26, Spring 2004.

“Railroad Commission Rules As They Relate to Lease Provisions,” paper presented at Oil and Gas Regulation in Texas seminar, April 17, 2003.

“Life After Death: Using Revivor, Ratification and Estoppel to Save Expired Leases,” Miller and Bitting, 17 State Bar Section Report, Oil, Gas and Mineral Section No. 1 (Sept. 1992).