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## Robyn Bigelow Hargrove

PARTNER

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### Overview

Robyn has over twenty years of experience representing individuals, business entities, professionals, and government entities in a wide variety of complex commercial litigation matters. Robyn represents plaintiffs and defendants in fiduciary litigation, contract disputes, trade secret litigation, business torts, oil and gas disputes, arbitration disputes, and other complex commercial cases. She has also defended a number of professional malpractice and professional sanctions cases, both in Texas and out of state.

Robyn's practice emphasizes appellate representation, legal ethics, and trial court litigation involving complicated legal issues.

### Experience

Successfully defended client against claims for fraud, breach of fiduciary duty, and breach of contract arising out of divorce action. Secured dismissal of all divorce-related claims before trial on jurisdictional grounds.

With co-counsel Daniel Scardino, represented patent owner pursuing infringement claims related to fracking technology. Obtained death penalty sanctions against defendant based on discovery abuse, including a finding of willful infringement and permanent injunction.

Represented former officers and directors of hospital system against fraudulent transfer and breach of fiduciary duty claims brought by bankruptcy trustee. Part of trial team that secured a full defense verdict for the defendants.

Appellate counsel for operator of oil and gas disposal well facilities. Successfully pursued a petition for writ of mandamus resulting in the dismissal of lawsuit and order dissolving temporary injunction against operator.

Defended law firm against breach of contract, fraud, and negligent misrepresentation claims brought by former shareholder. Obtained interim arbitral award in favor of firm, then negotiated settlement.

Obtained summary judgment on liability for plaintiff pursuing breach of contract claims based on unpaid production payment obligation. Successfully defended mandamus action challenging summary judgment ruling.

Appellate counsel defending appeal of final judgment in favor of law firm. Obtained appellate court ruling upholding trial court's sanctions order, judgment for unpaid attorney's fees, and dismissal of claims for breach of fiduciary duty as a matter of law.

Representation of manufacturer in federal multidistrict litigation involving pelvic mesh products. Managed motions practice for all MDL cases handled by the firm.

Along with Abe Kuczaj and Ryan Squires, represented hundreds of property owners in property damages claims arising out of the Bastrop County Complex Fire. Successfully handled interlocutory appeal of lawsuit, obtaining a favorable ruling for all clients on complex limitations issues related to the American Pipe tolling doctrine.

Representation of law firm in appeal of an order denying arbitration. Successfully obtained an appellate court judgment that the plaintiff's attempts to manipulate the judicial process resulted in a waiver of the right to arbitrate.

Co-representation of plaintiff in a section 1983 civil rights case. Obtained order denying the defendants' Rule 12(b)(6) motion and permitting expedited discovery of the identity of officers involved in the incident.

Representation of law firm against claims of fraud, malicious prosecution, section 1983 constitutional violations, and abuse of process. Obtained order dismissing all claims against firm as a matter of law.

Representation of political campaign against claims of alleged Election Code violations in a gubernatorial election.

Defended a Texas law firm against claims for sanctions arising from its representation of Mississippi silicosis clients in multi-district litigation. Obtained favorable rulings at the trial court and the Mississippi Supreme Court.

### **Selected Cases**

In re: McBride Operating, LLC, No. 12-22-00279-CV, 2022 WL 17828401 (Tex. App.—Tyler Dec. 7, 2022, orig. proceeding)

Hogg v. Lynch, Chappell & Alsup, P.C., 553 S.W.3d 55 (Tex. App.—El Paso 2018, no pet.)

Asplundh Tree Expert Co. v. Abshire, 517 S.W.3d 320 (Tex. App.—Austin 2017, no pet.)

Crisp v. Dutton, 2015 WL 7076483 (W.D. Tex. Nov. 12, 2015) (Lane, M.J., Report & Recommendation)

Hogg v. Lynch, Chappell & Alsup, P.C., 480 S.W.3d 767 (Tex. App.—El Paso 2015, no pet.)

St. Paul Fire & Marine Ins. Co. v. Petroplex Energy, Inc., 474 S.W.3d 454 (Tex. App.—Eastland 2015, pet. dism'd)

Choctaw, Inc. v. Campbell, Cherry, Harrison, Davis & Dove, 965 So.2d 1041 (Miss. 2007)

## Awards

- Austin Monthly, Austin's Top Attorneys, 2021 in Commercial Litigation
- Order of the Coif, The University of Texas School of Law
- Texas Law Review
- Texas Super Lawyers – Rising Star, 2010

## Articles & Presentations

- Presenter, Filing an Appeal: When, Where, & How, Handling Your First (Or Next) Civil Appeal, Texas Bar CLE, April 25, 2024
- Guest instructor with Karen Burgess, UT Law Pretrial and Trial Strategy Course, providing instruction to law students regarding the jury charge on an annual basis
- Presenter, Legal Malpractice Update, UT CLE 29th Annual Conference on State and Federal Appeals, 2019
- Co-Author with Kennon Wooten, Permissive Interlocutory Appeal and Mandamus: Picking Your Procedural Path Prudently, The Appellate Advocate, State Bar of Texas Appellate Section Report (Vol. 30 No. 4, Winter 2018)
- Panelist, American Bar Association Litigation Section National Conference, The Ethics of Lawyer-Client Fallout, April 2013
- Co-presenter with Robert Tobey, Legal Malpractice Avoidance, at the 2012 Advanced Personal Injury Course, San Antonio, Texas
- Co-author and presenter with Robert Tobey, Malpractice Trends: An Update on Recent Developments in Texas Legal Malpractice and Ethics Law, at the 2010 Advanced Civil Trial Course, Dallas, Texas
- Co-author and presenter with Steve McConnico, Recent Developments and Unresolved Issues in Texas Legal Malpractice Law, Texas College for Judicial Studies, April 2010
- Presentation on legal ethics issues related to collaborative law, given at the Austin Collaborative Divorce Professionals Alliance Master Class, April 2010

- Presentation on litigating fiduciary duty claims, given to the Estate Planning and Probate Section of the Austin Bar, November 2009
- Legal Malpractice: What's the Law and How to Prevent Committing Malpractice, Baylor University General Practice Institute, April 2012
- Evaluating and Litigating Fiduciary Duty Claims, 2009 Page Keeton Civil Litigation Conference
- Malpractice for Litigators: An Update on Recent Developments in Texas Legal Malpractice and Ethics Law, 2009 State Bar Advanced Civil Trial Course
- Unresolved Problems in Texas Legal Malpractice Law, 36 St. Mary's Law Journal 989 (2005)
- Summary of Recent Developments in Texas Legal Malpractice Law, 33 St. Mary's Law Journal 607 (2002)

## News & Insights

- Bastrop County Complex Fire - Appeal on Behalf of Hundreds of Victims
- Jane Webre and Robyn Hargrove at the Annual Conference on State and Federal Appeals
- Wooten and Hargrove Publish Article in The Appellate Advocate
- SDM's Jane Webre and Robyn Hargrove Secure Important Patent-Venue Win in the Federal Circuit
- SDM Wins Case-Determinative Sanctions in Oil Patent Lawsuit
- SDM Women Recognized on Austin Monthly's Top Attorneys List

## Practice Areas

- Appellate
- Business Litigation & Torts
- Governmental Entity Litigation
- Insurance Litigation
- Pharmaceutical & Medical Device
- Professional Malpractice, Licensing & Regulation
- Fiduciary Duty Litigation
- Personal Injury & Products Liability
- Intellectual Property Litigation

## Education

- Duke University, 1996, B.A., with honors in Public Policy Studies, minor in Spanish
- University of Texas School of Law, 2001, J.D., with honors

## Admissions

- State Bar of Texas
- United States Supreme Court
- U.S. District Courts for the Northern, Southern, and Western Districts of Texas
- U.S. Court of Appeals
- Fifth and Eleventh Circuits

## Activities

- Member, Texas Bar Foundation, Travis County Bar Foundation, Travis County Women Lawyers' Association, Austin Bar Association, Austin Bar Association Civil Litigation Section, Austin Bar Association Civil Appellate Law Section
- Barbara Jordan Chapter of American Inns of Court, 2016-present; Co-Membership Chair 2020-2022; Co-Program Chair, 2023-present
- Board, Austin Bar Association Civil Litigation Section, 2010-2013
- Board, Travis County Women Lawyers' Association, 2010-2011
- Lloyd Lochridge Chapter of American Inns of Court, 2010-2012
- Pro bono representation of clients through Volunteer Legal Services on an annual basis
- Chancellor, Episcopal Church of the Good Shepherd, Austin, Texas, 2011-present
- Board, Louise H. Batz Patient Safety Foundation, from inception to present