

Michael Bernstein

Michael's practice has an emphasis in real estate and oil and gas litigation representing a diverse group of clients ranging from large public companies to regional businesses and local individuals. Michael also routinely handles breach of contract, fraud, and breach of fiduciary duty cases.

Bar Admissions & Activities

Admitted to the State Bar of Texas, the U.S. District Court for the Western District of Texas, and the U.S. District Court for the Southern District of Texas

Member, Austin Young Lawyers Association

Education

University of Texas School of Law, J.D., with highest honors, 2014

- Chancellor-at-Large
- Order of the Coif
- Texas Law Review

University of Texas at Austin, B.B.A., Real Estate Finance, with honors, 2011

Representative Matters

Tried a breach of contract matter to a take-nothing judgment in defense of a large vacation-rental corporation.

Argued and obtained a Rule 91A dismissal for one of the 25 largest upstream oil & gas companies in the United States.

Obtained summary judgment on the meaning of a restrictive covenant for a publicly-traded real estate development company.



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RELATED PRACTICE AREAS:

- Appellate
- Class Action Litigation
- Commercial Litigation
- Labor and Employment Litigation
- Oil & Gas Litigation
- Personal Injury and Products Liability
- Professional Malpractice, Licensing and Regulation
- Securities and Complex

Financial Litigation

Obtained summary judgment in an oil and gas title dispute defeating Plaintiff's claim to ownership of minerals under a contested deed.

Argued and obtained summary judgment dismissing legal malpractice claims and successfully defended the judgment in the Third Court of Appeals of Texas (Austin).

Representation of the owner of a large apartment complex in a construction dispute against the general contractor.

Representation of a real estate developer in pursuit of breach of fiduciary duty claims against former partners in connection with the sale of an apartment complex.

Representation of a property owner in connection with a dispute arising over rights-of-first-refusal.

Representation of a Texas E&P company regarding the interpretation of a contested oil and gas lease.

Representation of foreign investment company and multiple structured finance vehicles in pursuing fraud claims against large originator and underwriter in connection with purchases of residential mortgage-backed securities (RMBS).

Representation of hedge fund in pursuing fraud and negligent misrepresentation claims against large investment bank in connection with purchases of notes in multiple collateralized debt obligations (CDOs).