



April Lucas

Partner

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PRACTICE AREAS

*Professional Liability
Litigation*

Estate Planning & Probate

General Litigation

*Complex Business
Litigation*

Appellate

Oil & Gas / Energy Litigation

*Corporate & Business
Transactions*

INDUSTRIES

Oil & Gas

April is a trial attorney working for defendants and plaintiffs in complex civil litigation. Her litigation experience encompasses matters as diverse as oil and gas, contractual disputes, fraud, trade secrets, construction, leases, property law, mining, employment, collections, probate, trusts and estates, family disputes, and wrongful death and personal injury. She devotes a substantial portion of her practice to representing attorneys defending legal malpractice claims.

April represents clients in various dispute resolution scenarios before or in place of litigation, as well as throughout the trial, appeal and collection processes. She has used mediation frequently to reach successful resolutions in trust, probate and family dispute cases, as well as in commercial, contract or other types of disputes. Where litigation is needed, she has served as first- and second-chair trial attorney in a variety of matters. In addition to trials, April's work includes preliminary matters such as temporary restraining orders, temporary injunctions and other emergency motions at trial and appellate levels. She has also arbitrated claims to conclusion, collecting on arbitration awards as well as on judgments following trial and appeal.

April is a former briefing attorney for the Texas Third Court of Appeals in Austin and handles appeals for appellants, appellees and amici. Her experience includes motion practice, mandamus filings, briefing for all parties, and appellate argument. She has worked on matters before the Supreme Court of Texas and before appellate courts across the state and in the United States Court of Appeals for the Fifth Circuit.

Geographically, April primarily practices in Austin, Houston and the Dallas area, although much of her work has been in San Antonio, Laredo, the Rio Grande Valley and across South Texas.

Representative Experience

Professional Liability Litigation

April's experience in this area includes:

- Assisting in defending a large law firm against a lawsuit that involved issues of foreign law and claims of malpractice and breach of fiduciary duties.
- Representing a large Texas firm regarding time-sensitive questions about ongoing legal advice to a client with immediate employment, contract, trade secret and intellectual property concerns.
- Representing a large Texas firm in lawsuits in federal, state and bankruptcy courts, defending against allegations of negligence and legal malpractice.
- Assisting in the successful defense of an individual Texas attorney in response to grievances filed. The grievances were resolved in the attorney's favor.
- Representing a large Texas firm in bankruptcy and state courts in defense of allegations of fraud, misappropriation of funds, and breaches of duties to parties and court.
- Defending a large Texas firm in state court against claims of conspiracy and breach of fiduciary duty, in matters concerning transactional representation and healthcare law.
- Defending a large Texas firm and individual attorneys in state court against claims of legal malpractice regarding family law and property law matters.
- Defending an attorney and firm in state court against claims regarding breaches of duties of loyalty and care. The claims alleged multiple representations of a business entity and principals in real estate and business matters, and were settled before trial.
- Representing an attorney defendant in a state court suit involving allegations of legal malpractice in connection with an administrative matter and dealings with a Texas agency.
- Representing multiple defendants in removals of legal malpractice claims and changes of venue to appropriate courts.
- Defending attorneys in discovery, depositions, or other assaults on attorney-client privilege claims.

Trust, Estate & Probate Litigation

April's experience in this area includes:

- Obtaining a partial summary judgment and favorable outcome in final trial of a probate matter, representing the executor in an individual capacity.
- Work on family disputes, representing family members, including trustees and beneficiaries, in South Texas disputes involving trusts, family businesses, real estate, mineral interests, partitions and family partnerships.
- Representing family members working with executor in probate matter concerning dispute involving family limited partnership, trust and real estate issues, mineral interests and cattle business.
- Defending executors in state court suits in multiple counties regarding the probate of wills and claims of impropriety.
- Representing beneficiaries under wills in probate litigation. Many of these matters have been resolved through mediated settlement agreements before trial.

- Advising executors and beneficiaries in probate matters, frequently avoiding litigation concerning same.
- Representing beneficiaries of trusts in disputes concerning fiduciary duties.
- Representing numerous trustees and trust companies in matters involving trusts and in defense against beneficiary claims, including matters in Travis, Dallas, and Webb counties.
- Obtaining a successful family settlement agreement following the probate of a will in a South Texas matter that involved competing claims to a homestead, ranch, real property, equipment, funds and family business.
- Successfully obtaining a mediated settlement agreement that resolved disputes over timberland in trust.
- Representing prospective guardians and family members seeking and opposing guardianship in proceedings in Travis, Webb, and Hays Counties for proposed wards who were mentally incapacitated, underage, and/or elderly.
- Defending a will contest concerning claims of lack of testamentary capacity and undue influence.
- Resolving litigation with family settlement agreements, including agreements concerning issues of trust termination and distributions.

General Litigation

April's experience in state and federal court includes:

- Assisting in the representation of a business to protect and maintain trade secrets, including litigation of matters involving breach of contract, employment and misappropriation of trade secrets. Some matters resolved through settlement, while others involved representation through federal trial and appeal.
- Representing a Central Texas business in defending against breach of contract claims made by a former independent contractor. The lawsuit resolved successfully by settlement before trial.
- Defending landowners against claims made by a mining company regarding contractual interpretation, delay rentals and termination issues. Assisted with temporary restraining order and temporary injunctions proceedings and successfully litigated the matter through trial the ensuing appeal.
- Representing a plaintiff in a breach of contract and fraud lawsuit followed by arbitration. The matter related to the purchase of a business and was resolved by settlement prior to the final arbitration hearing. Settlement payments were ultimately obtained through defendant's bankruptcy proceedings.
- Representing a plaintiff investor in arbitration before the Financial Industry Regulatory Authority (FINRA), asserting claims for fraud and unsuitable investment advice. The arbitration resulted in an award for her client of the full investment amount.
- Representing minor plaintiffs against an amusement park and a children's products manufacturer in two personal injury matters that involved permanent physical injuries. The matters were resolved by obtaining settlements before trial.
- Participating in a trial team defending a business against claims of breach of contract, in which the plaintiffs sought millions of dollars in damages. The matter was related to a joint project regarding internet portal and computer links, and was ultimately resolved by settlement before trial.
- Assisting in the representation of a municipality in litigation against a gas-plant construction company, asserting and defending against construction-law and breach-of-contract claims,

including calculation of delay, warranties and fitness of work. The matter was resolved through settlement before trial.

- Assisting in the defense of a mining company in a labor lawsuit regarding time and hour requirements and compensation claims of employees.
- Representing a small business as plaintiff in asserting claims of fraud and embezzlement against a departing employee.
- Assisting in advising a small business regarding employee termination, misuse of company property, and misappropriation of trade secrets.
- Representing a commercial lessor in multiple lawsuits involving breach of lease. Obtained various recoveries from the defendant lessees, through settlement or summary judgment.
- Assisting in the defense of a commercial lessor in disputes regarding fitness or warranty of premises. The matters resolved by settlement before trial.
- Defending a commercial lessor against claims regarding easements, roads and road repair. The matter was successfully resolved through a mediated settlement agreement before trial.
- Counseling business and consumer lenders regarding fair debt collection issues, collections, claims under the Deceptive Trade Practices Act, and related litigation. April has obtained final judgments as well as settlements, sequestrations, and collection of debts for a variety of lenders, in matters such as Small Business Administration loans, secured loans for equipment, vehicles, and other purposes to businesses and individuals.
- Participating in team representation of landowners whose property had been taken by eminent domain, before special commissioners and in litigation to ensure that the clients received fair compensation.

Appellate

April's significant experience in this area includes:

- Handling the appeal of a mining dispute after successful trial on the merits, including preparing the appellee brief and presenting the oral argument to state appellate court.
- Handling the appeal of a business supplier's collection matter, after successfully obtaining summary judgment, including preparing the appellee brief. The client prevailed and recovered 100% of the judgment sought and obtained in the collections process.
- Handling briefing for an appellant in an oil and gas matter following summary judgment. Handling briefing for an appellant in a probate matter following dismissal.
- Preparing an ongoing series of emergency motions at appellate court and obtaining stays and suspension of temporary orders pending trial in the underlying matter. April successfully obtained relief for the client defendant in a state court suit pending trial. The matter was successfully resolved by settlement before trial.
- Participating in a team briefing and arguing an appeal to the United States Court of Appeals for the Fifth Circuit in a diversity matter regarding breach of contract and trade secret law.
- Participating in a team working on a variety of mandamus proceedings in state and federal courts. Preparing and coordinating submission of amicus briefing for various clients in state appellate courts.

Oil & Gas/Energy Litigation

April participated in a team representing oil and gas operators in multiple matters. Some matters have involved oil and gas production royalty disputes and a variety of lessor complaints. Other matters involved contract requirements, rights of lessors and lessees, environmental issues and claims, and issues related to continuous development requirements and proration units.

South Texas

April has assisted South Texas clients with a variety of matters, including a breach-of-contracts matter involving international shipping, as well as various other breach-of-contract claims. Other issues have involved fraud, partnership disputes, family disputes, torts and personal injury, wrongful death, appeals and real estate matters. April has appeared in both federal and state courts in the region.

Corporate & Business Transactions

As a team member and team coordinator, April assisted with preparation for acquisitions or mergers of large business entities. She also has experience assisting in due diligence work and compliance with Department of Justice requirements.

Publications & Presentations

- McGinnis Lochridge Women Attorneys from Across Our Offices Recognized as Top Women in Texas 2019 Super Lawyers (February 7, 2020)
- Co-Presenter, *Avoiding Malpractice and Fee Disputes*, presented by April Lucas and Stephen Jon Moss, the Women Lawyer's Section of the Williamson County Bar Ethics CLE event (September 19, 2019)
- Panelist, *Vocabulary Words Every Lawyer Should Know*, Travis County Women Lawyers' Association (March 5, 2019)
- Speaker, *Ethical Issues in Client Communications*, CLE conference, Travis County Women Lawyers' Association (April 5, 2018)
- Speaker, *Recent Developments in the Law Governing Trade Secrets and Non-Competes*, Labor and Employment Law Section, Austin Bar Association, Austin, Texas (November 1, 2017)
- Co-Author, *Fee Agreements and Engagement Letters* (October 27, 2017)
- Speaker, *Ethical Considerations in Engagement Agreements*, Austin Young Lawyers Association CLE Ethics Bus (October 27, 2017)
- Speaker, *Attorneys' Fees*, 40th Annual Course Advanced Civil Trial Course, State Bar of Texas, Houston, Texas (October 26, 2017)
- Co-Author, *Recent Developments in Claims Against Lawyers and Ethics*, 40th Annual Course Advanced Civil Trial Course, State Bar of Texas (Summer, 2017)
- Speaker, *Avoiding Legal Malpractice During Your Litigation*, 40th Annual Course Advanced Civil Trial Course, State Bar of Texas, Houston, Texas (October 26, 2017)
- Speaker, *Fiduciary Litigation and You Litigation and Ethics CLE Presentation*, to McGinnis

Lochridge Litigation Section, Austin, Texas (May 19, 2016)

- Speaker, *Topics in Ethics and Avoiding Malpractice Pitfalls*, Malpractice and Ethics CLE presentation, to Austin Black Lawyers Association, Austin, Texas (May 11, 2016)
- Speaker, *Ethical Considerations in Engagement Agreements*, Travis County Women Lawyers' Association Half-Day CLE event, Travis County Women Lawyers' Association, Austin, Texas (April 29, 2016)
- Speaker, Carlos Soltero and Co-Authors, April E. Lucas and Stephanie Duff-O'Bryan, *Fee Agreements and Engagement Letters, Essentials for the General Practitioner Course 2014*, State Bar of Texas, San Antonio, Texas (December 2014)
- Co-Author, *Fee Agreements and Engagement Letters, Essentials for the General Practitioner 2014*, State Bar of Texas (Winter 2014)
- Speaker, *Ethics Basics: Practical Considerations for Practice in Texas; A Stroll Through the Disciplinary Rules of Texas*, Deep in the Heart: Celebrating Texas Support for Military Spouse Attorneys, Military Spouse JD Network CLE (February 2014)
- Speaker, *Malpractice Update and Other Topics*, CLE Presentation (March 2014)
- Speaker, *Client Intake*, CLE Presentation (July 2014)
- Speaker and Co-author, *Expert and Opinion Evidence: Current Issues Involving Admissibility, Effective Direct, and Cross Examination*, Advanced Evidence and Discovery, University of Houston CLE Seminar (Spring 2009)
- Speaker and Co-author, *Expert and Opinion Evidence: Qualification, Scope and Form of Examination*, Advanced Evidence and Discovery, University of Houston CLE Seminar (2007) (Summer 2008)
- Speaker, *Wrapping Things Up So They Can Go Up: Motions for New Trial and for Judgment, How To Handle Trial Issues So That You Can Move Safely From Trial To Appeal*, McGinnis Lochridge, Appellate Practice Group CLE Seminar (February 2006)

Professional Associations & Community Involvement

- Austin Bar Association: Litigation Section, Appellate Section
- Travis County Women Lawyers' Association (Secretary)
- Texas Supreme Court Historical Society
- American Constitution Society
- Austin Legal Build

Professional Recognition

- Chambers & Partners USA, Texas: Austin & Surrounds Litigation: General Commercial, Band 1 (2020)
- Recognized among Top Women Attorneys in Texas 2020 - Super Lawyers
- Texas Super Lawyers, Thomson Reuters, In Professional Liability: Defense (2019-2020)
- Austin Monthly's Top Austin Attorneys - Civil Law Litigation (2020), Professional Malpractice Non-Medical Defense (2019)
- Texas Super Lawyers Rising Stars list, a Thomson Reuters service, General Litigation (2013-2018) and Professional Liability: Defense (2015 - 2018)

Court Admissions

- United States Court of Appeals for the Fifth Circuit
- United States District Courts for the Southern and Western Districts of Texas

Bar Admissions

- Texas

Education/Professional Background

- The University of Texas School of Law, J.D., 2004 (Order of the Coif)
- Texas A&M University, B.A., 2001 (*magna cum laude*)
- Briefing Attorney: Third Court of Appeals, the Honorable David E. Puryear (2004–05)