

Cynthia Timms

Partner

Dallas

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Cynthia has handled more than 100 appeals, including landmark cases in the U.S. Supreme Court and major federal circuits, securing decisive verdicts on behalf of clients across various industries.

OVERVIEW

Cynthia brings extensive experience in civil appellate law spanning a broad spectrum of appellate matters, including oil and gas, class action proceedings, arbitration, intellectual property, punitive damages, and other civil business disputes. Her clients range from oil and gas companies to banks, telecommunications corporations, and sports trading card companies.

Cynthia provides clients with a deep understanding of appellate law, meticulous preparation, and persuasive advocacy. Her dedication to helping clients achieve the best possible results, combined with her active participation in professional organizations, makes her a trusted advisor in appellate litigation.

REPRESENTATIVE MATTERS

- With a group of attorneys, obtained a decision by the Texas Supreme Court to reverse a multimillion-dollar judgment and to better define the circumstances in which Texas allows interest to be compounded.
- Represented a prominent university in procuring affirmances on appeal of judgments dismissing student claims.
- Worked with a team of attorneys in persuading the Eleventh Circuit to affirm the dismissal of the lead plaintiff's complaint in a putative class action.
- Worked with other attorneys to procure the affirmance of a \$2.5 million judgment in favor of the victim of clergy sexual abuse.
- Represented a credit agency in obtaining the affirmance of the dismissal of a complaint concerning inaccuracies in the plaintiff's credit report.
- Represented a life insurance company in convincing the Eleventh Circuit to consider the face value of life insurance policies in determining the amount in controversy for class action purposes.
- Participated with a team of attorneys in securing the Texas Supreme Court review of the Fifth Circuit's refusal to enforce an arbitration provision.
- Co-wrote a brief in the Texas Supreme Court that resulted in the construction of a will as a matter of law in favor of the firm's client.

- Represented a syringe manufacturer and patent owner in preserving error during patent trials and then in largely upholding the judgment before Federal Circuit Court of Appeals.
- Represented a charitable institute with an unusual arbitration provision in securing a reversal by the Eighth Circuit Court of Appeals of a district court refusal to enforce the arbitration provision.
- Represented a pharmaceutical company in a landmark case before the Texas Supreme Court that had the effect of severely limiting the use of the tort of intentional infliction of emotional distress in Texas.
- With others as the firm, convinced a Texas appellate court to affirm the refusal to dismiss a case under the Texas Citizens Participation Act.
- Represented an oil and gas company in securing a reversal of a judgment involving the improper application of judgment interest laws.
- Represented a transportation logistics company in reversing a significant breach of contract judgment. The court of appeals rendered for the client.
- Represented Mary Kay Inc. in appealing a \$2 million judgment involving employment-related claims by a former beauty director. The court of appeals reversed and rendered judgment in favor of the client.
- Co-wrote a brief in a Texas Supreme Court case of *Transportation Insurance Co. v. Moriel* that had the effect of rewriting the law of punitive damages and gross negligence in Texas.
- Represented a gas franchise company in obtaining a judgment on appeal following a trial court judgment of \$12 million based on a number of legal theories. The Texas Supreme Court rendered judgment for the client.
- Represented a number of clients in challenging class certifications in interlocutory appeals both in state and in federal court.
- Represented oil and gas companies in a significant number of lawsuits and appeals involving title disputes as to large tracts of producing properties.

Reported Decisions

- *Fanatics SPV, LLC v. Panini Am., Inc.*, No. 05-24-00059-CV, 2025 WL 414747 (Tex. App.—Dallas Feb. 6, 2025, pet. filed).
- *Samson Exploration LLC v. Bordages*, __ S.W. 3d __, 2024 WL 2869049 (Tex. June 7, 2024).
- *Todd v. Southern Methodist Univ.*, No. 05-21-00702-CV, 2022 WL 16918362 (Tex. App.—Dallas Nov. 14, 2022, no pet. h.).
- *Stancu v. Southern Methodist Univ.*, No. 05-21-00666-CV, 2022 WL 2763354 (Tex. App.—Dallas July 15, 2022, pet. denied).
- *Robinson v. Wells Fargo Bank, N.A.*, No. 21-11011, 2022 WL 1652768 (5th Cir. May 24, 2022).
- *Anderson v. Wilco Life Ins. Co.*, 17 F. 4th 1339 (11th Cir. 2021).
- *Zia Ul-Haq Sheikh v. Jane Doe*, 2021 WL 2947663 (Tex. App.—Dallas June 30, 2021, no pet.).
- *Barron as Trustee of 3001 Decatur Trust v. Fort Worth Trans. Auth.*, 2021 WL 1323415 (Tex. App.—Fort Worth Apr. 8, 2021, pet. denied).
- *Samson Exploration, LLC v. Hooks*, 2020 WL 5552143 (Tex. App.—Beaumont, Sept. 17, 2020, no pet.).
- *Phoneternet, L.L.C. v. LexisNexis Risk Solutions*, 816 Fed. Appx. 909 (5th Cir. June 3, 2020).
- *ConocoPhillips Company v. Ramirez*, 599 S.W. 3d 296 (Tex. 2020).
- *Anderson v. Wilco Life Ins. Co.*, 943 F. 3d 917 (11th Cir. 2019) (wrote briefs without appearing as counsel).
- *Archer and White Sales, Incorporated v. Henry Schein, Incorporated*, 935 F. 3d 274 (5th Cir. 2019).
- *Retractable Technologies, Incorporated v. Becton Dickinson & Company*, 919 F. 3d 869 (5th Cir. 2019).
- *Henry Schein, Inc. v. Archer and White Sales, Inc.*, 139 S. Ct. 524 (2019).
- *Dickson v. Gospel for ASIA, Inc.*, 902 F. 3d 831 (8th Cir. 2018).
- *Archer and White Sales, Inc. v. Henry Schein, Inc.*, 878 F. 3d 488 (5th Cir. 2017).
- *Samson Exploration, LLC v. T.S. Reed Properties, Inc.*, 521 S.W. 3d 766 (Tex. 2017).
- *Retractable Technologies, Incorporated v. Becton Dickinson & Company*, 842 F. 3d 883 (5th Cir. 2016).

- *Hooks v. Samson Lone Star, Limited Partnership*, 457 S.W. 3d 52 (Tex. 2015).
- *Retractable Technologies, Inc. v. Becton Dickinson and Co.*, 757 F. 3d 1366 (Fed. Cir. 2014).
- *In re AMR Corp.*, 491 B.R. 372 (Bkrtcy. S.D.N.Y. 2013).
- *Samson Lone Star, Ltd. P'ship v. Hooks*, 389 S.W. 3d 409 (Tex. App.—Houston [1st Dist.] 2012, pet. granted).
- *U.S. v. Wilson*, 659 F. 3d 947 (9th Cir. 2011).
- *Retractable Technologies, Inc. v. Becton, Dickinson and Co.*, 653 F. 3d 1296 (Fed. Cir. 2011).
- *Exel Transp. Servs. Inc. v. Aim High Logistics Servs. LLC*, 323 S.W. 3d 224 (Tex. App.—Dallas 2010, pet. denied).
- *Lamajak, Inc. v. Frazin*, 230 S.W. 3d 786 (Tex. App.—Dallas 2007, no pet.).
- *In re Rogers*, 200 S.W. 3d 318 (Tex. App.—Dallas 2006, orig. proceeding).
- *Dallas County v. Gonzales*, 183 S.W. 3d 94 (Tex. App.—Dallas 2006, pet. denied).
- *Calpine Producers Servs., L.P. v. Wiser Oil Co.*, 169 S.W. 3d 783 (Tex. App.—Dallas 2005, no pet.).
- *Geodyne Energy Income Prod. P'ship I-E v. Newton Corp.*, 161 S.W. 3d 482 (Tex. 2005).
- *Robinson v. Texas Auto. Dealers Ass'n*, 387 F. 3d 416 (5th Cir. 2004).
- *Mary Kay Inc. v. Woolf*, 146 S.W. 3d 813 (Tex. App.—Dallas 2004, pet. denied).
- *Hoffmann-La Roche Inc. v. Zeltwanger*, 144 S.W. 3d 438 (Tex. 2004).
- *O'Sullivan v. Countrywide Home Loans, Inc.*, 319 F. 3d 732 (5th Cir. 2003).
- *Southern Union Co. v. City of Edinburg*, 129 S.W. 3d 74 (Tex. 2003).
- *Henry Schein, Inc. v. Stromboe*, 102 S.W. 3d 675 (Tex. 2002).
- *Comstock Oil & Gas Inc. v. Alabama and Coushatta Indian Tribes of Texas*, 261 F. 3d 567 (5th Cir. 2001).
- *Fina, Inc. v. ARCO*, F. 3d 266 (5th Cir. 2000).
- *Thedford v. Union Oil Co. of Calif.*, 3 S.W. 3d 609 (Tex. App.—Dallas 1999, pet. denied).
- *Feathers v. Chevron U.S.A., Inc.*, 141 F. 3d 264 (6th Cir. 1998).
- *TUCO Inc. v. Burlington Northern R. Co.*, 960 S.W. 2d 629 (Tex. 1997).
- *United States v. Marks*, 949 S.W. 2d 320 (Tex. 1997).
- *Scottish Heritable Trust, PLC v. Peat Marwick Main & Co.*, 81 F. 3d 606 (5th Cir. 1996).
- *Transportation Ins. Co. v. Moriel*, 879 S.W. 2d 10 (Tex. 1994).

AWARDS

- *Chambers USA*: Litigation: Appellate, Texas (2017-2025)
- *Best Lawyers in America®*: Appellate (2013-2026)
- *Super Lawyers®*: Texas, Appellate (2003-2020)
- *D Magazine*, Best Lawyers in Dallas (2012)
- *D Magazine*, Best Women Lawyers in Dallas (2010)

TOP AREAS OF FOCUS

- Appellate + Supreme Court
- Class Action
- Energy
- Intellectual Property
- Litigation + Trial

PROFESSIONAL/COMMUNITY INVOLVEMENT

- Co-head of State Chairs Committee, American Bar Association Council of Appellate Lawyers (2019-2025)
- Co-chair, Summit Marketing Committee, American Bar Association Council of Appellate Lawyers (2020)
- President, Texas Supreme Court Historical Society (2021)
- Chair, State Bar of Texas Court Rules Committee (2021)
 - Chair, Appellate Rules Subcommittee (2019-2020)
- Chair, State Bar of Texas Appellate Section (2014)
 - Led group in lobbying the Federal Advisory Committee on Appellate Rules to enact more lenient restrictions on proposed word limits for federal appellate briefs
 - Chair-elect (2013)
 - Vice chair (2012)
 - Council member (2004-2006)
- Texas Board of Legal Specialization Civil Appellate Exam Commission (1997-2004)
- Chairman, Dallas Bar Association Appellate Section (1994)
- Board of directors, Dallas Arboretum (1996-2004)

EDUCATION AND CERTIFICATIONS

EDUCATION

- University of Oklahoma College of Law, J.D., Order of the Coif
- Oklahoma State University, B.S.Ch.E.

BAR ADMISSIONS

- Texas

COURT ADMISSIONS

- Texas Supreme Court
- Supreme Court of the United States
- U.S. Court of Appeals, Federal Circuit
- U.S. Court of Appeals, Third Circuit
- U.S. Court of Appeals, Fifth Circuit
- U.S. Court of Appeals, Sixth Circuit
- U.S. Court of Appeals, Eighth Circuit
- U.S. Court of Appeals, Ninth Circuit
- U.S. District Court, Eastern District of Texas
- U.S. District Court, Northern District of Texas

LANGUAGES

- French

SPEAKING ENGAGEMENTS

- Moderator, "Texas Supreme Court Panel," State Bar of Texas 33rd Annual TXCLE Advanced Civil Appellate Practice, September 2019.

- Speaker, “Federal Practice & Procedure,” State Bar of Texas 14 Annual TXCLE Advanced Civil Appellate Practice, September 2000.
- Speaker, “Percolating Conflicts in the Texas Appellate Courts: What Trial Lawyers Need to Know About Differing Rules in Various Jurisdictions,” State Bar of Texas 12th Annual TXCLE Advanced Consumer & Commercial Law, September 2016.
- Panelist, “Conflicts Among the Courts of Appeals: Challenges for Judges and Practitioners,” State Bar of Texas 28th Annual Advanced Civil Appellate Practice Course, September 2014.
- Panelist, “Courts of Appeals Panel, Internal Operating Procedures,” September 2014.
- Speaker, “What You Don’t Know About the Civil Practices & Remedies Code Can—And Will—Hurt You,” State Bar of Texas 26th Annual Advanced Civil Appellate Practice Course, September 2012.
- Speaker, “Mandamus Update – The Long and Winding Road: The Trip from Walker to Prudential,” 19th Annual Advanced Civil Appellate Practice Course, September 2005.
- Speaker, “Current and Recently Resolved Conflicts Among the Courts of Appeals,” Judicial Section Annual Conference, September 2004.
- Speaker, “Federal Practice & Procedure,” State Bar of Texas 16 Annual TXCLE Advanced Civil Appellate Practice, September 2002.
- Speaker, “Fifth Circuit Update,” University of Texas School of Law, 11th Annual Conference on State and Federal Appeals, May 1, 2001.
- Speaker, “Federal Practice & Procedure,” State Bar of Texas 14 Annual TXCLE Advanced Civil Appellate Practice, September 2000.

PUBLICATIONS

- Author, “The Texas Supreme Court Holds Interest Must Be Simple Absent an Express, Clear, and Specific Provision for Compounding,” Locke Lord QuickStudy, June 12, 2024.
- Co-author, “Following Removal, Make Sure Your Pleadings Comply with the Federal Rules,” Locke Lord QuickStudy, June 16, 2021.
- Co-author, “New Texas Rules Clarify When Parties May File a Motion for En Banc Reconsideration,” Locke Lord QuickStudy, June 1, 2021.
- Co-author, “Successful Plaintiffs Need to be Careful about Supersedeas Bonds in Federal Court,” Locke Lord QuickStudy, May 27, 2021.
- Co-author, “Federal Appellate Courts’ COVID-19 Orders,” Locke Lord QuickStudy, April 8, 2020.
- Co-author, “Conflicts Among the Courts of Appeals: Challenges for Judges and Practitioners,” State Bar of Texas 28th Annual Advanced Civil Appellate Practice Course, September 2014.
- Co-author, “Federal Interlocutory Appeals,” State Bar of Texas 27th Annual Advanced Civil Appellate Practice Course, September 2013.
- Author, “What You Don’t Know About the Civil Practices & Remedies Code Can—And Will—Hurt You,” State Bar of Texas 26th Annual Advanced Civil Appellate Practice Course, September 2012.
- Co-author, “*Geodyne v. Newton* – A History of the Case and its Issues,” Review of Oil and Gas Law, Energy Law Section of the Dallas Bar Association, August 2005.
- Co-author, “The Process: Internal Operating Procedures of the Texas Appellate Courts,” Special Edition of the Appellate Advocate February 2005.
- Co-author, “Current and Recently Resolved Conflicts Among the Courts of Appeals,” Judicial Section Annual Conference, September 2004.
- Co-author, “Recurring Issues in Consumer and Business Class Action Litigation in Texas,” 33 *Texas Tech Law Review* 971, October 2002.
- Author, “Federal Practice & Procedure,” State Bar of Texas 16 Annual TXCLE Advanced Civil Appellate

Practice, September 2002.

- Co-author, "Fifth Circuit Update," University of Texas School of Law, 11th Annual Conference on State and Federal Appeals, May 1, 2001.
- Author, "Federal Practice & Procedure," State Bar of Texas 14 Annual TXCLE Advanced Civil Appellate Practice, September 2000.