



**Fifth Court of Appeals  
State of Texas**

DAVID EVANS  
JUSTICE

**Curriculum Vitae of David Evans  
January 2020**

**Judicial**

- **Justice, Fifth Court of Appeals (November 2019—current)**
  - Appointed by Governor Greg Abbott in November 2019
- **District Judge, 95<sup>th</sup> Judicial District Court (March—November 2019)**
  - Appointed by Governor Greg Abbott in February 2019
  - Confirmed by Texas Senate in March 2019
- **Visiting Judge (January—March 2019)**
  - Visiting appellate justice (assigned to Fifth Court of Appeals)
  - Visiting trial judge (assigned in Dallas and Collin Counties)
- **Justice, Fifth Court of Appeals (2013-2018)**
  - Authored approximately 695 opinions, including dissents and concurrences
  - Authored three majority opinions for thirteen-justice en banc Court
  - Participated in approximately 1,900 opinions
  - Oversaw the renovation of the Merrill Hartman Courtroom for the Court, together with Justice Whitehill
- **District Judge, 193rd Judicial District Court, Dallas, Texas, 1999—2006**
  - Local Administrative District Judge of Dallas County, 2004, 2005, 2006
  - Presiding Judge, Civil District Courts of Dallas County, 2003
  - Member, Texas Supreme Court’s Task Force on Jury Assembly & Administration, 2006
  - Drafted initial version of statute that reformed abusive litigation tactics by changing tertiary and subsequent recusal motion procedures (TEX. CIV. PRAC. REM. CODE § 30.016)

- Drafted initial version of statute that reformed abusive litigation tactics by automatically severing, any suit against a judge added to a case already pending before that judge (TEX. CIV. PRAC. REM. CODE § 30.017)
- Member, Civil Case Management Software Team 1996-2006 (review available software; selection of software [Odyssey])
- Acting District Courts Services Administrator, 2005-2006
- Construction, Renovation & Move Liaison between the Civil & Family District Courts and Dallas County's internal and external construction management for new courthouse wing and renovation of existing courthouse
- Network and Desktop support for Civil District Judges, Associate Judges and Administrators
- **Judge, County Court of Dallas County at Law No. 1, 1995-1998**
  - Participated in drafting local rules for statutory county courts in Dallas County adopted by Texas Supreme Court
  - Drafted initial version of statute that increased jurisdiction of statutory civil county courts in Dallas County (TEX. GOVT. CODE § 25.0592(a), (c))
  - Drafted initial version of statute that made more final the judgments of statutory county courts in Dallas County (TEX. GOVT. CODE § 25.0592(d))
  - Drafted initial version of statute that gave jurisdiction over license suspension cases to statutory criminal county courts in Dallas County (TEX. GOVT. CODE § 25.05939(a))

### **Private Practice: Civil, Business Trials and Appeals**

- Law Office of David Evans, Sept. 2010 – Dec. 2012; mediation, arbitration, appellate and civil litigation
- Of Counsel to Law Office of Stephen Malouf, PC, Jan. 2007 – Aug. 2010 business litigation
- David Evans attorney at law 1987-1994 (solo and two person partnerships) business litigation
- Associate, Haynes and Boone, Dallas, Texas, 1984-1987

### **Honors & Associations**

- Serjeant of the Inn, William 'Mac' Taylor Inn of Court, Jan. 2020
- Hero Award, American Board of Trial Advocates – Dallas 2019
- Resolution Supporting Living Organ Donations, Dallas County Commissioners Court, 2019
- Master of the Bench, William "Mac" Taylor Inn of Court, 2017—current
- Trial Judge of the Year 2005, American Board of Trial Advocates – Dallas
- 2002 Outstanding Judicial Pro Bono Services, Dallas Bar Association & Dallas Volunteer Attorney Program
- Barrister, Patrick Higginbotham Inn of American Inns of Court, 1996-1998

- Life Fellow, Texas Bar Foundation, 1998
- Life Fellow, Dallas Bar Foundation, 2006—current
- Member, Curriculum Committee, Texas Center for the Judiciary, 2002-2003
- Instructor, Texas College for Judicial Studies, May, 2002, May, 2003
- Adjunct Instructor in Law, Trial Techniques Program, Emory University Law School, 1998, 2000

### **Educational**

- Southern Methodist University Dedman School of Law, J.D., 1984
  - Editor-in-Chief, Journal of Air Law & Commerce, 1983-1984
  - Author, *Comment, The Impact of the Federal Aviation Act of 1958 on Buyers in the Ordinary Course of Business*, 48 J. AIR L. & COM. 835 (1983)
  - Justice, Moot Court Board 1983-1984 and ABA Regional Competition Coordinator 1984
  - Member, Barristers, 1983-1984
  - Competition Coordinator, Mock Trial Club, 1981
  - Fraternity: Phi Delta Phi
- University of Connecticut, B.A. cum laude, 1977, in Philosophy and Greek
- Dallas Theological Seminary, 1977-1981, Hebrew and Greek studies

### **Community Involvement**

- Member, Dallas County Juvenile Board, 2004, 2005, 2006
- Member, Dallas County Juvenile Justice Charter School Board, 2004, 2005, 2006
- Presided over Saturday adoptions on Dallas Adoption Day 2006
- Presided over evening court cases for convenience of parties in poverty and near poverty cases

### **Personal**

- Donated one of his kidneys to retired Chief Justice Carolyn Wright and now advocates for living organ donations
- 65 years old; married 43 yrs.; two adult children
- Enthusiastic hunter, hiker and cook

### **Publications & Professional Lectures**

- Program Director, State Bar of Texas Advanced Evidence and Discovery Course, 2013
- Lecture and paper: Civil Evidence and Discovery - Supreme Court and Appellate Court Update, State Bar of Texas Advanced Evidence and Discovery Course, 2011, 2012

- Mock Trial Presentation at The Academy of American and International Law of The Southwestern Institute for International and Comparative Law a division of The Center for American and International Law, 2002 – 2010, 2012, 2013
- Lecture, Publicly Available Discovery (And Other Secrets), State Bar of Texas, 23rd Annual Litigation Update, February 2007
- Lecture: Trying the Construction Lawsuit – The View from the Bench, State Bar of Texas, Annual Construction Law Conference, March 2007
- Lecture: Saturday Morning In Court, Univ. Houston Law Foundation, May 2005; May 2006
- Lecture and Paper: Saturday Morning In Court, Univ. Houston Law Foundation, May 2005; May 2006
- Lecture, Exemplary Damages [under HB4], 2005 Judicial Section Annual Conference, Texas Center for the Judiciary, Sept. 2005
- Panel Presentation, Judicial Perspectives on Employment Law, Employment Law Section, Dallas Bar Association, Jan. 20, 2005
- Panel Presentation: Technology in the Courtroom, Litigation in the High Tech Industry, State Bar of Texas, March 5, 2004
- Lecture, Observations from the Bench and Bar about Voir Dire, Trial Skills Study Group, Dallas Bar Association, Sept. 10, 2004
- Lecture and paper: “Fun on Friday Afternoons” – Judicial Forms & Outlines for Temporary Restraining Orders and Temporary Injunctions, Texas College for Judicial Studies of the Texas Center for the Judiciary, May 8, 2003
- Trial Presentation at Suing and Defending Governmental Entities 2002, State Bar of Texas, July 25-26, 2002
- Lecture and paper: “Post Judgment: It’s Not over ‘Til It’s Over” – Judicial Forms for Post Judgment Collection Remedies, Texas College for Judicial Studies of the Texas Center for the Judiciary, May 24, 2002
- Lecture, Observations from the Bench and Bar about Voir Dire, Trial Skills Study Group (initial meeting), Dallas Bar Association, Jan. 15, 2002
- Lecture: Alternative Dispute Resolution, SMU, Feb. 21, 2000
- Lecture: Mediation in Courts of Changed Jurisdiction and Case Loads, 1999
- Lecture and Paper: Internet Jurisdiction – Personal Jurisdiction in Texas Courts Resulting from Use of the Internet, Wednesday, March 24, 1999
- Lecture: Tips from the Bench Regarding Personal Injury Trials
- Lecture and Paper: “That Thing You Do So Well” Infrequently – Default Judgments & Extraordinary Remedies at the Commencement of Suit, Irving Bar Association, 1997
- The Jurisdiction of the Dallas County Civil Courts, Dallas Bar Association’s “Friday Clinic” at the Belo Mansion, Friday, December 5, 1997
- Draft article: Jurisdiction of Texas Courts – Personal & Subject Matter Jurisdiction and Special Appearance Practice, Texas Civil Litigation Guide, for Inns of Court publishing project, Lawyers Cooperative Publishing, June 2, 1997

- Lecture and papers: Commercial Litigation after Judgment: “Now What Do We Do?” The Use of Turnover Orders in Commercial Litigation, Business Litigation Section, Dallas Bar Association, July, 1992; updated for Dallas Bar Association’s “Friday Clinic,” September, December 1995

### **Sample of Cases Handled in Private Practice**

- *In re Ahrens & Deangeli, P.L.L.C.*, No. 05-08-00793-CV, 2008 WL 2455618 (Tex. App.—Dallas June 19, 2008, orig. proceeding) (denial of mandamus regarding intervention)
- *Ahrens & DeAngeli, P.L.L.C. v. Flinn*, 318 S.W.3d 474 (Tex. App.—Dallas 2010, pet. denied) (no personal jurisdiction over alleged conspirator acting outside of Texas causing injury to a Florida resident by means of conspiring in Texas)
- *Amend v. Poff*, 765 F.2d 141 (5th Cir.), *cert. denied*, 474 U.S. 849 (1985) (state court summary judgments did not violate the constitutional right to jury trial)
- *Benham v. Driegert*, 853 F. Supp. 951, 953 (N.D. Tex. 1994), *aff’d*, 38 F.3d 569 (5th Cir. 1994) (holding that candidacy is not a fundamental right and Texas’ election ballot requirement that judges be licensed lawyers does not violate U.S. Const. equal protection clause)
- *Besing v. Moffitt*, No. 882 S.W.2d 79 (Tex. App.—Amarillo 1994, writ denied) (request for findings of fact and conclusions of law does not extend appellate deadlines for final summary judgment)
- *Cadle Co. vs. Schultz*, 779 F. Supp. 392 (N.D. Tex. 1991) (allegations of fraudulent transfers by use of the mail stated a RICO claim)
- *Cadle Co. v. Schultz*, No. 05-90-01285-CV (Tex. App.—Dallas 1991) (orig. proceeding; motion for contempt in appellate court)
- *Hunt-Stephens Invests. v. Ellisor & Tanner, Inc.*, 739 S.W.2d 933 (Tex. App.—Dallas 1987, writ ref’d n.r.e.) (trial court’s submission of comparison of contract, tort and warranty liability was error)
- *Pavilion Nat’l Bank v. RTC (In re: Thomas)*, 1990 Bankr. LEXIS 2763 (U.S. Bankr., N.D. Tex., Dallas Div’n 1990), *aff’d* (N.D. Tex. 1991) (borrowers’ proof met 12 U.S.C. § 1823(e) and *D’Oench, Duhme & Co., Inc. v. FDIC*, 315 U.S. 447 (1942) and borrower had truthfully completed loan form, but additional finding that borrower leant himself to scheme to defraud negated borrower’s use of homestead exemption from lien claim)
- *In re Four Sevens Oil Co.*, No. 05-08-00768-CV, 2008 WL 2764506 (Tex. App.—Dallas 2008, orig. proceeding) (mandamus standard not met re denial of venue transfer)
- *In re Gulf Coast Bus. Dev. Corp.*, 247 S.W.3d 787, 794 (Tex. App.—Dallas 2008) (trial court’s discretion to consolidate cases limited if prejudice results)
- *Gulf Coast Bus. Dev. Corp. v. Texas Hematology/Oncology Center, P.A.*, No. 05-07-01593-CV (Tex. App. - Dallas 2008) (appeal of injunction of eviction case while dispute about leasehold rights pending)

- *Methodist Hosps. of Dallas v. Miller*, 405 S.W.3d 101 (Tex. App.—Dallas 2012 no pet.) (commissioned officers did not prove they were private peace officers within meaning of Tex. Educ. Code Ann. § 51.214 or that Tex. Civ. Prac. & Rem. Code Ann. § 51.014(a)(5) authorized their interlocutory appeal of the denial of their status)
- *Rader v. Capezzuto*, No. 05-92-02870-CV, 1993 WL 459965 (Tex. App.—Dallas 1993, writ denied) (summary judgment for non-parties to lease reversed for factual dispute over mutual mistake)
- *Schultz v. Fifth Court of Appeals*, 810 S.W.2d 738 (Tex. 1991) (original mandamus proceeding appellate court has exclusive jurisdiction to hear contempt proceedings for failure to comply with turnover order after filing of supersedeas bond)
- *S & A Marinas, Inc. v. Leonard Marine Corp.*, 875 S.W.2d 766 (Tex. App. – Austin 1994, writ denied) (specific document did not comprise binding agreement to which the parties intended to be immediately bound)
- *Schultz v. Cadle Co.*, 825 S.W.2d 151 (Tex. App. – Dallas 1992), writ denied, 852 S.W.2d 499 (Tex. 1993) (per curiam) (error in turnover of wages)
- *Schwartz v. City of Grand Prairie*, 484 U.S. 831 (U.S. 1987) (denying of petition for writ of certiorari; claim of government “takings” by temporary building moratorium)