

Brandy Wingate Voss

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Board Certified—Civil Appellate Law

Texas Board of Legal Specialization

BRANDY WINGATE VOSS

EXPERIENCE AND CERTIFICATIONS

Board Certified by the Texas Board of Legal Specialization in Civil Appellate Law. 2009-Present.

Certified Mediator in Civil Cases, Manouso Mediation Training & Alternative Dispute Resolution Center

Certified Mediator in Suits Affecting the Parent-Child Relationship and Other Family Disputes, Mediation Dynamics

Law Offices of Brandy Wingate Voss, PLLC, McAllen, Texas. Member/owner March 2016-Present. Representing clients before the Texas Supreme Court, Texas Court of Criminal Appeals, intermediate courts of appeal, and before the Texas Judicial Panel on Multi-District Litigation. Providing trial support, including drafting and arguing dispositive pretrial and post-verdict motions, drafting and arguing jury charges, providing error preservation assistance at trial, and advising clients on preservation of trade secrets at trial.

University of Texas Rio Grande Valley, Edinburg, Texas. Adjunct Professor August 2016-May 2019, January 2021-present. Past Courses: Constitutional and Criminal Law, CRIJ 3310; Criminal Evidence & Proof, CRIJ 3316; Court Systems & Practices, CRIJ 1306.

Smith Law Group LLLP, McAllen, Texas. Partner July 2015-February 2016; Of counsel Jan. 2011-June 2015. Represented clients before the Texas Supreme Court, Texas Court of Criminal Appeals, intermediate courts of appeal, and before the Texas Judicial Panel on Multi-District Litigation. Provided trial support, including drafting and arguing dispositive pretrial and post-verdict motions, drafting and arguing jury charges, providing error preservation assistance at trial, and advising clients on preservation of trade secrets at trial.

Thirteenth Court of Appeals, Corpus Christi/Edinburg, Texas. Senior Staff Attorney to Justice Gina M. Benavides January 2007-December 2010. Drafted opinions, research memoranda, and CLE papers, supervised briefing attorney, and assisted Justice Benavides in preparation for oral arguments.

Law Office of Brandy M. Wingate, McAllen, Texas. Solo practitioner November 2006-December 2006. Handled oral argument of medical malpractice case before the Texas Supreme Court, *In re McAllen Med. Ctr., Inc.*, 275 S.W.3d 458 (Tex. 2008) (orig. proceeding).

Jenkins & Gilchrist, P.C., Dallas, Texas and Mission, Texas. Associate September 2003-November 2006. Represented clients before the Federal Courts of Appeal for the Fifth and Third Circuits, the Supreme Court of Texas, and the Texas intermediate appellate courts, including briefing and presenting oral argument. Represented media clients before the Texas courts in defamation and libel cases, and before the Attorney General in open records matters.

Supreme Court of Texas, Austin, Texas. Law Clerk to Chief Justice Thomas R. Phillips August 2002-August 2003. Drafted opinions, research memoranda, speeches, and law review articles for the former Chief Justice.

EDUCATION

Baylor University School of Law, J.D., magna cum laude, 2002

Activities: Editor in Chief, Baylor Law Review 2001-2002; Lead Articles Editor, Baylor Law Review 2000-2001; Member, Baylor Law Review 1999-2000

Awards: James P. Alexander Memorial Award for Outstanding Performance in Practice Court Program 2001-2002; President's Award for Outstanding Scholarship 2002; Baylor Law School Outstanding Student Award Fall 2001; Baylor Law Review Scholarship 2001-2002

Advocacy: Baylor Moot Court Team Captain/Brief Writer, 2001-2002; Regional Finalist 2001, ABA National Appellate Advocacy Competition

Texas A&M University, B.A. Anthropology, 1999

BAR MEMBERSHIPS

State Bar of Texas, admitted 2002
Northern District of Texas
Southern District of Texas
Fifth Circuit Court of Appeals

PROFESSIONAL ORGANIZATIONS AND LEADERSHIP

Texas Supreme Court Rules Advisory Committee: Member Dec. 2011-Dec. 2014

Texas Bar College: Director 2022-2025

State Bar of Texas Appellate Section: Committee Member 2012-2020; Co-Editor in Chief of *The Appellate Advocate* 2009-2012; Associate Editor 2006-2009

Texas Young Lawyers Association: District 13 Director 2011-2015; Member Services Committee 2007-2008; State Moot Court Competition Committee 2009-2011, 2015-2018

Hidalgo County Bar Association: Immediate Past-President 2012-2013; President 2011-2012; President-Elect 2010-2011; Treasurer, 2009-2010; Director 2007-2009; Chairperson, Women's Section 2007-2008; Chairperson, Appellate Section 2007-2008

State Bar of Texas Local Bar Services Committee: Member 2008-2012

Hidalgo County Young Lawyers Association: Secretary 2008-2009; Director 2006-2008

PROFESSIONAL AWARDS

Recognized as a Texas Super Lawyer in appellate practice in the 2014, 2015, 2016, 2017, 2018, 2019, 2020, and 2021 Thomson Reuters Texas Super Lawyers Edition printed in Texas Monthly, and as a Texas Super Lawyer in appellate practice in the 2016 Business Edition of Texas Super Lawyers

Recognized as a Rising Star in appellate practice in the 2006, 2007, 2008, 2012, 2013, and 2014 Thomson Reuters Texas Super Lawyers Rising Stars Edition printed in Texas Monthly

Stars of the Bar Award, State Bar of Texas: co-authored a series of eight articles entitled Anatomy of an Appeal: TRAPS (Texas Rules of Appellate Procedure) for the Trial Lawyer, recognized as best substantive series in a bar association newsletter

Stars of the Bar Award, State Bar of Texas: co-authored of a series of two articles entitled Review of Arbitration Awards After Hall Street, recognized as best substantive series in a bar association newsletter

Hidalgo County Bar Association Board of Directors, Outstanding Board Member Award 2008-2009 and 2009-2010

PUBLICATIONS

Brandy M. Wingate & Dan Worthington, *2009 Legislative Preview*, The Appellate Advocate, State Bar of Texas Appellate Section Report, Vol. 21 No. 3, p. 161 (Spring 2009)

Brandy M. Wingate & Robert B. Gilbreath, *Review of Arbitration Awards After Hall Street Associates v. Mattel: The Supreme Court Says “No” to Contractual Expansion . . . and to “Manifest Disregard of the Law”?*, The Appellate Advocate, State Bar of Texas Appellate Section Report, Vol. 20 No. 4, p. 277 (Summer 2008)

Brandy M. Wingate & Tina S. Koch, *Would You Swear to That? Problems With Verifying a Petition for Writ of Mandamus*, The Appellate Advocate, State Bar of Texas Appellate Section Report, Vol. 19 No. 4, p. 26 (Summer 2007)

Contributing author to Texas Lawyer’s Professional Ethics (4th ed. 2007)

CONTINUING LEGAL EDUCATION SEMINARS

Brandy Wingate Voss & Melissa G. Thrailkill, *Redistricting and Gerrymandering in Texas*, State Bar of Texas 16th Annual Soaking Up Some CLE: A South Texas Litigation Course, May 13-14, 2021

Brandy Wingate Voss, *The Five W’s of Chapter 18 Affidavits: Percolating Issues under Chapter 18*, State Bar of Texas Advanced Civil Appellate Seminar presentation September 11, 2020

Brandy Wingate Voss, *The Five W’s of Chapter 18 Affidavits: Percolating Issues under Chapter 18*, State Bar of Texas Advanced Personal Injury presentation July 29, 2020

Brandy Wingate Voss, *The Five W’s of Chapter 18 Affidavits: Percolating Issues under Chapter 18*, Capital Area Trial Lawyers Association presentation December 10, 2019

Brandy Wingate Voss, *Civil Appeals v. Criminal Appeals*, El Paso Bar Association 23rd Annual Civil & Criminal Trial Practice Seminar, February 14, 15, & 16, 2019

Brandy Wingate Voss, *Civil Appeals v. Criminal Appeals*, State Bar of Texas Civil Appellate Practice 101, September 5, 2018

Brandy Wingate Voss & Martie Garcia Vela, *Personal Injury Jury Charges*, State Bar of Texas Soaking Up Some CLE: A South Padre Island Litigation Seminar, May 17, 2018

Brandy Wingate Voss & Allegra Hill, *Becoming Superman: Transitioning from Verdict to Appeal in Federal Court with Superhuman Strength*, State Bar of Texas Advanced Civil Trial Course, July 21, 2017

Brandy Wingate Voss, Kristalee Guerra Mata, & Allegra Hill, *Mandamus 101*, State Bar of Texas Soaking Up Some CLE: A South Padre Island Litigation Seminar, May 18-19, 2017

Brandy Wingate Voss & Allegra Hill, *Recovering Attorney's Fees as Damages*, State Bar of Texas 9th Annual Damages in Civil Litigation, February 16-17, 2017

Brandy Wingate Voss & Laura P. Haley, *Transfer Proceedings Before The Judicial Panel on Multidistrict Litigation*, State Bar of Texas Advanced Civil Appellate Practice Course, September 10-11, 2015

Brandy M. Wingate, *The Paper Trail: Rules Regarding Missing Clerk's and Reporter's Records*, Texas Association of Appellate Court Attorneys Conference, May 30, 2012
Austin, Texas

Brandy M. Wingate & Jeremy Gaston, *Transitioning from Trial to Appeal and Post-Trial Motions*, State Bar of Texas Federal Court Practice Course, May 14, 2010 & May 20, 2011

Brandy M. Wingate, *Rehearing Practice in the Courts of Appeal: They Heard You the First Time, and Other Rules of Thumb*, Panel Member, State Bar of Texas Advanced Civil Appellate Practice Course, September 2-3, 2010

Brandy M. Wingate & V. Elizabeth Kellow, *Review of Arbitration Awards After Hall Street*, State Bar of Texas Advanced Civil Appellate Course, September 9-11, 2009

Brandy M. Wingate & William J. Chriss, *Attorney Advertising in Texas After the 2005 Rules Changes*, State Bar of Texas Advanced Civil Trial Course, July 29-31, 2009; State Bar of Texas Advanced Civil Appellate Course, September 9-11, 2009

Brandy M. Wingate, Staff Attorney Panel Member, State Bar of Texas Advanced Civil Appellate Practice Course, September 4-5, 2008

Brandy M. Wingate, *Recent Trends in Mandamus Practice*, State Bar of Texas Soaking Up Some CLE: A South Padre Island Litigation Seminar, May 15-16, 2008; Corpus Christi Bar Association's Advanced Civil Appellate Law Seminar, January 25, 2007

Brandy M. Wingate & Robert B. Gilbreath, *Crafting the Court's Charge*, 17th Annual Conference on State and Federal Appeals, May 31 – June 1, 2007

REPRESENTATIVE CASES

V-Tech Services, Inc. v. Street, No. 05-5136, 215 Fed. Appx. 93 (3d Cir. 2007) (affirming Rule 12(b)(6) dismissal of RICO claims)

Elizondo v. State, 487 S.W.3d 185 (Tex. Crim. App. 2016) (reversing murder conviction and remanding for new trial)

Royston, Rayzor, Vickery, & Williams, LLP v. Lopez, 467 S.W.3d 494 (Tex. 2015) (reversing order denying motion to compel arbitration)

Zorrilla v. Aypco Constr. II, LLC, 469 S.W.3d 143, 146 (Tex. 2015) (reversing award of punitive damages and applying punitive damages cap)

Medical City Dallas, Ltd. v. Carlisle Corp., 251 S.W.3d 55 (Tex. 2008) (reversing court of appeals and holding that attorney's fees are available for breach of express warranty claim)

In re Fraudulent Hospital Lien Litig., No. 15-0360 (Tex. Jud. Panel Multi-District Litig. 2015) (granting motion to transfer to MDL pretrial court)

Gonzalez v. Gonzalez, No. 13-20-00532-CV, 2022 WL 2163881 (Tex. App.—Corpus Christi—Edinburg June 16, 2022, no pet. h.) (affirming judgment after bench trial)

Matter of Marriage of Campero, No. 13-20-00415-CV, 2022 WL 869807 (Tex. App.—Corpus Christi—Edinburg Mar. 24, 2022, no pet.) (affirming trial court's enforcement of mediated settlement agreement)

Matter of C.C.C., No. 13-21-00371-CV, 2022 WL 710143 (Tex. App.—Corpus Christi—Edinburg Mar. 10, 2022, no pet.) (mem. op.) (reversing juvenile court's certification of defendant as an adult for prosecution and rendering judgment dismissing prosecution).

Edinburg Consol. Indep. Sch. Dist. v. Ayala, No. 13-20-00570-CV, 2021 WL 5828945 (Tex. App.—Corpus Christi—Edinburg Dec. 9, 2021, no pet.) (mem. op.) (affirming denial of special appearance)

Ford Motor Co. v. Lopez, No. 13-19-00480-CV, 2021 WL 3869733, at *1 (Tex. App.—Corpus Christi Aug. 31, 2021, no pet. h.) (mem. op.) (affirming denial of special appearance)

JNM Express, LLC v. Lozano, No. 13-19-00374-CV, 2021 WL 1567233 (Tex. App.—Corpus Christi Apr. 22, 2021, no pet. h.) (affirming multi-million dollar verdict for injured employee)

Flores v. Villarreal, No. 13-20-00309-CV, 2020 WL 5050638 (Tex. App.—Corpus Christi Aug. 17, 2020, no pet. h.) (mem. op.) (successfully defended summary judgment in election contest)

CVK Enterprises, L.L.C. v. Pullen, No. 13-20-00047-CV, 2020 WL 6602153, at *1 (Tex. App.—Corpus Christi Nov. 12, 2020, no pet.) (affirming denial of TCPA motion)

In re Sw. Pub. Serv. Co., No. 13-19-00111-CV, 2020 WL 1887762 (Tex. App.—Corpus Christi Apr. 16, 2020, no pet.) (mem. op.) (mandamus granted reversing death penalty sanctions)

Maradiaga v. Becker, No. 13-19-00042-CV, 2020 WL 582158 (Tex. App.—Corpus Christi Feb. 6, 2020, no pet.) (mem. op.) (affirming negligence damages award)

Garcia v. Rodriguez, No. 13-18-00655-CV, 2020 WL 2610927 (Tex. App.—Corpus Christi May 21, 2020, no pet.) (mem. op.) (affirming turnover order)

In re Pena, No. 13-18-00627-CV, 2019 WL 943371 (Tex. App.—Corpus Christi Feb. 26, 2019, no pet.) (mem. op.) (granting mandamus vacating order extending post-judgment deadlines and orders rendered after plenary power expired)

Lara Munoz v. Castillo, No. 13-18-00451-CV, 2020 WL 1856476 (Tex. App.—Corpus Christi Apr. 9, 2020), *supplemented sub nom.* 2020 WL 1887807 (Tex. App.—Corpus Christi Apr. 14, 2020, no pet.) (mem. op.) (affirming multi-million dollar jury verdict in trucking accident case)

Kim v. Kim, No. 13-18-00269-CV, 2020 WL 1060577 (Tex. App.—Corpus Christi Mar. 5, 2020, no pet.) (mem. op.) (affirming default judgment rendered after death penalty sanction)

Aldrete v. City of McAllen, No. 13-16-00587-CV, 2018 WL 1417485 (Tex. App.—Corpus Christi Mar. 22, 2018, pet. denied) (mem. op.) (reversing plea to the jurisdiction)

Owsley v. Owsley, No. 13-17-00025-CV, 2017 WL 5953097 (Tex. App.—Corpus Christi Nov. 30, 2017, no pet.) (mem. op.) (reversing default judgment)

In re L.F., No. 02-17-00310-CV, 2017 WL 4684025 (Tex. App.—Fort Worth Oct. 19, 2017, orig. proceeding) (mem. op.) (granting mandamus requiring trial court to dismiss suit affecting parent-child relationship)

McClain v. McClain, No. 13-15-00449-CV, 2017 WL 1455089 (Tex. App.—Corpus Christi Apr. 20, 2017, no pet.) (mem. op.) (affirming order dismissing claims)

In re Rodriguez, No. 13-16-00411-CV, 2017 WL 395257 (Tex. App.—Corpus Christi Jan. Feb. 27, 2017, orig. proceeding) (mem. op.) (reversing order denying pleading amendment and denial of jury trial)

Ortiz v. Ortiz, No. 13-15-00556-CV, 2016 WL 6124642 (Tex. App.—Corpus Christi Oct. 20, 2016, no pet.) (mem. op.) (affirming order appointing receiver)

In re Grande Garbage Collection Co., LLC, No. 04-16-00450-CV, 2016 WL 5922394 (Tex. App.—San Antonio Oct. 12, 2016, orig. proceeding) (granting mandamus to reverse contempt order)

Hoke v. Campbell Grp., LLC, No. 13-14-00215-CV, 2016 WL 1633076 (Tex. App.—Corpus Christi Apr. 21, 2016, pet. denied.) (reversing summary judgment and remanding for trial)

Double Diamond-Delaware, Inc. v. Alfonso, No. 13-14-00324-CV, 2016 WL 192115 (Tex. App.—Corpus Christi Jan. 14, 2016, no pet.) (reversing venue ruling)

Macias v. Gomez, No. 13-14-00017-CV, 2015 WL 9487510 (Tex. App.—Corpus Christi Dec. 29, 2015, no pet.) (mem. op.) (affirming summary judgment in legal malpractice case)

Creative Artists Agency, LLC v. Las Palmas Race Park, LLC, No. 13-14-00015-CV, 2015 WL 6652655 (Tex. App.—Corpus Christi Oct. 29, 2015, no pet.) (mem. op.) (affirming order refusing to compel arbitration)

State v. Marra, No. 13-13-00449-CR, 2015 WL 392752 (Tex. App.—Corpus Christi Jan. 29, 2015, no pet.) (mem. op.) (affirming dismissal of prosecution on limitations grounds)

Macias v. Gomez, No. 13-14-00139-CV, 2014 WL 7011372 (Tex. App.—Corpus Christi Dec. 11, 2014, no pet.) (mem. op.) (affirming summary judgment in breach of fiduciary duty case between members of a limited liability company)

In re Estate of Luthen, No. 13-12-00576-CV, 2014 WL 6632952 (Tex. App.—Corpus Christi Nov. 24, 2014, no pet.) (mem. op.) (reversing summary judgment in will contest)

Palacios v. State, No. 13-11-00254-CR, 2014 WL 3778170 (Tex. App.—Corpus Christi July 31, 2014, no pet.) (reversing and rendering judgment of acquittal of official oppression by justice of the peace)

Wright v. The Modern Grp., Ltd., No. 13-12-00293-CV, 2013 WL 4714930 (Tex. App.—Corpus Christi Aug. 30, 2013, pet. denied) (mem. op.) (affirming summary judgment)

Bracamontes v. Bracamontes, No. 13-11-00779-CV, 2013 WL 3895361 (Tex. App.—Corpus Christi July 25, 2013, pet. denied) (mem. op.) (reversing divorce decree)

In re Emex Holdings, LLC, No. 13-11-00145-CV, 2013 WL 1683614 (Tex. App.—Corpus Christi Apr. 18, 2013, orig. proceeding) (mem. op.) (obtaining en banc reconsideration)

Marra v. State, No. 13-11-00772-CR, 2013 WL 1363694 (Tex. App.—Corpus Christi Apr. 4, 2013, no pet.) (reversing conviction and rendering judgment of acquittal)

Hearn v. Snapka, No. 13-11-00332-CV, 2012 WL 7283791 (Tex. App.—Corpus Christi Dec. 28, 2012, pet. denied) (affirming summary judgment in legal malpractice case)

In re Waste Mgmt., No. 13-11-00197-CV, 2011 WL 3855745 (Tex. App.—Corpus Christi Aug. 31, 2011, orig. proceeding) (mem. op.) (denying mandamus seeking to prevent discovery)

In re UBS Fin. Servs. Inc., 241 S.W.3d 179 (Tex. App.—Fort Worth 2006, orig. proceeding)
(compelling arbitration)

Humane Soc’y of Dallas v. Dallas Morning News, 180 S.W.3d 921 (Tex. App.—Dallas 2005,
no pet.) (summary judgment affirmed for defendant media company in libel suit)