KELLY HART

ATTORNEYS AT LAW

JOHN H. CAYCE JR.
Partner

john.cayce@kellyhart.com
P: (817) 878-3597 F: (817) 878-9280

Fort Worth



BIOGRAPHY

John H. Cayce, Jr. is the former Chief Justice of Texas' Second Court of Appeals. During his fifteen years of public service as a state appellate judge, he sat twice as a Justice on the Supreme Court of Texas by appointment of Governors Bush and Perry and held various state-wide leadership positions within the judiciary, including Chair of the Council of Chief Justices. Prior to his election to the bench in 1994, Mr. Cayce had risen to prominence as one of the state's top appellate attorneys having successfully argued many significant cases in both state and federal courts. A board certified specialist in appellate law and former Supreme Court of Texas briefing attorney, his writings on appellate procedure have been cited with approval by Texas courts and used as course material in law schools.

Upon returning to private practice, Mr. Cayce was named one of the Top 100 lawyers in Texas and Dallas/Fort Worth by Thomson Reuters, which is published in *Texas Monthly* magazine. He has been chosen as a Texas Super Lawyer every year since 2011. *U.S. News and World Reports* has included Mr. Cayce on *The Best Lawyers in America*® ranking every year since 2014. Mr. Cayce was also voted by his peers as among the city's best appellate attorneys in polls conducted by *Fort Worth, Texas* magazine and *360 West* magazine.

Mr. Cayce has actively served the legal profession and advised the Texas judiciary in many capacities, including service on the Supreme Court of Texas Advisory Committee, the Texas Judicial Council, and the Texas Board of Law Examiners. He is immediate past president of the Tarrant County Bar Association.

In addition to his professional activities, Mr. Cayce commits much of his time to church and community service. He is a co-founder of NewDay Services for Children and Families, a non-profit organization that works with the Tarrant County family and juvenile court systems to assist children and parents affected by divorce and juvenile crime. In 2009, he received NewDay's first "Community Servant Award" in recognition of his contributions and continued support of its work. Having served in the U.S. Navy Seabees during the Vietnam conflict, he has volunteered his time to assisting other veterans through legal clinics sponsored by the Tarrant County Bar Association's chapter of the Texas Lawyers For Texas Veterans program.

EXPERIENCE AND HIGHLIGHTS

Partner, Kelly Hart & Hallman, LLP, 2010-PresentCo-Chair, Appellate Section, 2010-2015
Chief Justice, Second Court of Appeals, 1995-2009
Justice, Texas Supreme Court (sitting by special commission)*In re George and In re Epic Holdings*, 28 S.W.3d 511 (Tex. 2000)*Hyundai Motor Co. v. Vasquez*, 189 S.W.3d 743 (Tex. 2006)

Partner, Shannon, Gracey, Ratliff & Miller, LLP, 1987-1994Co-Chair, Appellate Section, 1991-1994
Associate, McDonald, Sanders, Ginsburg, Maddox, Newkirk, and Day, LLP, 1983-1986
Briefing Attorney, Texas Supreme Court, 1982-1983

REPRESENTATIVE CASES

In re Murrin Bros. 1885, Ltd., 603 S.W.3d 53 (Tex. 2019)*Kinsel v. Jackson Walker LLP*, 526 S.W.3d 411 (Tex. 2017)*Crosstex N. Tex. Pipeline, L.P. v. Gardiner*, 505 S.W.3d 580 (Tex. 2016)*In re Lipsky*, 460 S.W.3d 579 (Tex. 2015)*Moncrief Oil Intern. Inc. v. OAO Gazprom*, 414 S.W.3d 142 (Tex. 2013)*Strickland v. Medlen*, 397 S.W.3d 184 (Tex. 2013)*Harwell v. State Farm Mut. Auto. Ins. Co*., 896 S.W.2d 170 (Tex. 1995)*Elbaor v. Smith*, 845 S.W.2d 240 (Tex. 1992)*London Mkt. Companies v. Schattman*, 811 S.W.2d 550 (Tex. 1991)*Henderson v. Norfolk S. Corp*., 55 F.3d 1066 (5th Cir. 1995)*McMillan v. MBank Fort Worth*, N.A., 4 F.3d 362 (5th Cir. 1993)*MBank Fort Worth, N.A. v. Trans Meridian, Inc*., 820 F.2d 716 (5th Cir. 1987)*Garrison Inv. Group LP v. Lloyd Jones Capital, LLC*, 02-19-00115-CV, 2019 WL 5996979 (Tex.
App.—Fort Worth 2019, no pet. h.)*Anderson v. Durant*, 550 S. W. 3d 605 (Tex. 2018)*N. Am. Tubular Servs., LLC v. BOPCO, L.P*., No. 02-17-00352-CV, 2018 WL 4140635 (Tex. App.—Fort Worth 2018. no pet.) (mem.op.)*CBIF Ltd. P'ship v. TGI Friday's Inc*., 05-15-00157-CV, 2017 WL 1455407 (Tex. App.—Dallas 2017, pet. denied)*City of Bedford v. Apartment Ass'n of Tarrant Cnty, Inc*., 02-16-00356-CV, 2017 WL 3429143 (Tex. App.—Fort Worth 2017, pet. denied) (mem. op.)*Walsh v. Woundkair Concepts, Inc*., 02-14-00395-CV, 2015 WL 510091 (Tex. App.—Fort Worth 2015) (mem. op.), withdrawn and superseded on denial of reconsideration en banc, 02-14-00395-CV, 2015 WL 1544004 (Tex. App.—Fort Worth 2015, pet. denied)*Cactus Well Serv., Inc. v. Energico Prod., Inc*., 02-13-00186-CV, 2014 WL 6493231 (Tex. App.—Fort Worth 2014) (mem. op.), opinion supplemented on denial of reh'g, 02-13-00186-CV, 2015 WL 293840 (Tex. App.—Fort Worth 2015, pet. denied)*Crosstex N. Tex. Pipeline, L.P. v. Gardiner*, 451 S.W.3d 150 (Tex. App.—Fort Worth 2014), aff'd, 505 S.W.3d 580 (Tex. 2016)*Jackson Walker, LLP v. Kinsel*, 518 S.W.3d 1 (Tex. App.—Amarillo 2015), aff'd and remanded sub nom. Kinsel v. Lindsey, 526 S.W.3d 411 (Tex. 2017)*Kohannim v. Katoli*, 440 S.W.3d 798 (Tex. App.—El Paso 2013, pet. denied)*Centerplace Properties, Ltd. v. Columbia Med. Ctr. of Lewisville Subsidiary, L.P*., 406 S.W.3d 674 (Tex. App.—Fort Worth 2013, no pet.)*In re Lipsky*, 411 S.W.3d 530(Tex. App.—Fort Worth 2013, no pet.)*Lipsky v. Range Prod. Co*., 02-12-00098-CV, 2012 WL 3600014 (Tex. App.—Fort Worth 2012, pet. denied) (mem. op.)*In re W.L.W*., 370 S.W.3d 799 (Tex. App.—Fort Worth 2012, no pet.)*Hinojosa v. Tarrant Cnty*., 355 S.W.3d 812 (Tex. App.—Amarillo 2011, no pet.)*Laird Hill Salt Water Disposal, Ltd. v. E. Tex. Salt Water Disposal, Inc*., 351 S.W.3d 81 (Tex. App.—Tyler 2011, pet. denied)*Allegiance Hillview, L.P. v. Range Tex. Prod., LLC*, 347 S.W.3d 855 (Tex. App.—Fort Worth 2011, no pet.)*XR-5, LP v. Margolis*, 02-10-00290-CV, 2011 WL 1103794 (Tex. App.—Fort Worth 2011, no pet.) (mem. op.)*IASIS Healthcare Corp. v. Apollo Physicians of Tex., P.A*., 13-10-00173-CV, 2011 WL 4998644 (Tex. App.—Corpus Christi 2011, no pet.) (mem. op.)*In re Cullar*, 320 S.W.3d 560 (Tex. App.—Dallas 2010, no pet.)*Conner v. Guemez*, 02-10-00211-CV, 2010 WL 4812991 (Tex. App.—Fort Worth, no pet.) (mem. op.)*Clary Corp. v. Smith*, 886 S.W.2d 570(Tex. App.—Fort Worth 1994), rev'd, 917 S.W.2d 796 (Tex. 1996)*Lacquement v. Handy*, 876 S.W.2d 932 (Tex. App.—Fort Worth 1994, no writ)*Baccus v. Am. States Ins. Co. of Tex*., 865 S.W.2d 587 (Tex. App.—Fort Worth 1993, no writ)*Miller v. World Investigation & Sec. Co*., 856 S.W.2d 594 (Tex. App.—Fort Worth 1993, writ denied)*McKenna Inv. v. Atlas Energy Corp*., 832 S.W.2d 651 (Tex. App.—Fort Worth 1992, no writ)*Shelton v. Standard Fire Ins. Co*., 816 S.W.2d 552 (Tex. App.—Fort Worth 1991, no writ)*Rhea v. Williams*, 802 S.W.2d 118 (Tex. App.—Fort Worth 1991, writ dism'd)*Brochner v. Thomas*, 795 S.W.2d 215 (Tex. App.—Eastland 1990, no writ)*A.H. Belo Corp. v. S. Methodist Univ*., 734 S.W.2d 720 (Tex. App.—Dallas 1987, writ denied)*Malone v. Carl Kisabeth Co., Inc*., 726 S.W.2d 188 (Tex. App.—Fort Worth 1987, writ ref'd n.r.e.)*Taliaferro v. Tex. Commerce Bank-Hurst*, 669 S.W.2d 172 (Tex. App.—Fort Worth 1984, no writ)

AFFILIATIONS AND HONORS

PROFESSIONAL ACTIVITIES

Board Certified in Civil Appellate Law, Texas Board of Legal Specialization, 1991-present
Texas Board of Law Examiners, 2013-2017
Supreme Court Rules Advisory Committee, 2000-2002
Texas Judicial Council, 1997-2003
Chair, Council of Chief Justices, 1995-1996
Texas Center For the Judiciary, Long-Range Planning and Budget Committees

College For New Judges, Instructor, Texas Center for the Judiciary, 2008
Judicial Section, State Bar of TexasDirector, 2005-2008, 2009Appellate Judges Legislative Committee, 2005-2009
National Center For State CourtsLawyers Committee, 2011-2015
Texas Board of Legal SpecializationCivil Appellate Law Advisory Commission, 2007-2013
St. Mary's University Law Alumni AssociationDirector, 2005-2010
Texas Wesleyan University School of Law (n/k/a Texas A&M School of Law)Dean's Advisory Committee, Former Member
Fort Worth Chapter of St. Mary's University Law Alumni Association, Founding Member
Texas Lawyers for Texas Veterans Committee, Tarrant County Bar Association Chapter
Pro Bono College of the State Bar of Texas
College of the State Bar of Texas
Tarrant County Bar AssociationImmediate Past President, 2020-presentPresident, 2019-2020President-Elect, 2018-2019Vice-President, 2017-2018Secretary-Treasurer, 2016-2017Director, 2012-2016Service as chair and member of numerous committees
Tarrant County Young Lawyers Association, Former Director

MEMBERSHIPS

American Law Institute, 2001-Present
American Bar Foundation, Fellow
Texas Bar Foundation, Fellow
Eldon B. Mahon Inn of Court, Emeritus Member

HONORS

Top 100 Super Lawyer in Texas, Thomson Reuters, 2014, 2016
Top 100 Super Lawyer in DFW, Thomson Reuters, 2014, 2016
Best Lawyers in America®, *U.S. News & World Report*, 2014-2023
Top Attorney in Appellate Law, *360 West* magazine, 2017-2022
Texas Super Lawyers, Thomson Reuters, 2011-2022
Top Attorney, *Fort Worth, Texas* magazine, 2010-2022
"Power Attorney", *Fort Worth Business Press*, 2015
Outstanding Law Alumnus Award, St. Mary's University School of Law, 2019
Community Servant Award, NewDay Services for Children & Families (Founder), 2009

EDUCATION

St. Mary's University School of Law, J.D., 1982Editor in Chief, *St. Mary's Law Journal*, 1981-1982
The University of Texas at Arlington, B.A., *summa cum laude*, 1978
Abilene Christian University, 1971

ADMISSIONS

State Bar of Texas, 1982
State Bar of New Mexico, 2019
U.S. Supreme Court
U.S. Court of Appeals, Federal Circuit
U.S. Court of Appeals, Second Circuit
U.S. Court of Appeals, Fifth Circuit
U.S. Court of Appeals, Sixth Circuit
U.S. District Court, Northern District of Texas
U.S. District Court, Southern District of Texas
U.S. District Court, Eastern District of Texas

MILITARY

U.S. Navy Seabees, Naval Mobile Construction Battalion One (NMCB 1), 1973-1975

SPEECHES & PUBLICATIONS

The Lawyer's Calling to be a "Champion of Justice," Tarrant County Bar Bulletin, Nov/Dec 2021

Civil Appeals in Texas: Practicing Under the New Rules of Appellate Procedure, 49 Baylor L. Rev. 867, 1998

Preserving Error on Appeal: A Practical Guide for Civil Appeals in Texas, 23 St. Mary's L. J. 15 (1991) (reprinted in Texas Litigation Reader (U. T. School of Law Pub., Inc., 1992)
Questions About Appeals? Answers for Novices and Experts, Panel Discussion, Tarrant County Bar Association CLE, 2014
Stand Your Ground: The Judiciary's Fight for Self-Preservation in Times of Economic Crisis, State Bar of Texas Litigation Section, Winter, 2012
Tips From the Masters: Instruction by Reflection, Panel Discussion, Tarrant County Bar Association CLE, 2012
Five Hot Topics and Tips from Judicial VIPs, Panel Discussion, Tarrant County Bar Association CLE, 2012
Veterans and the Law Seminar, Moderator, Tarrant County Bar Association CLE, 2011
Disposition Without A Jury: Preserving Error in Bench Trials Dispositive Motions Practice, Judicial Panel, Tarrant County Bar Association CLE, 2011
Preservation of Error, Advanced Evidence and Discovery Course, State Bar of Texas CLE, 2010
The First Step of An Appeal: Preserving Error at Trial, Judicial Panel, Tarrant County Bar Association CLE, 2010
Standards of Review: A Comparison of Selected Civil and Criminal Standards, College for New Judges, Texas Center for the Judiciary, 2008
Ethics Issues as Seen from the Bench, Tarrant County Bar Association CLE, 2007
Public Service and the Law, Commencement Address, Texas Wesleyan University Law School, December 2007
Proposals for Restructuring Texas Appellate Courts, Tarrant County Bar Association Appellate Section CLE, 2007
Effective Advocacy from a Judge's Point of View, Advanced Civil Appellate Course, State Bar of Texas CLE, 2005
Court of Appeals Panel, 14th Annual Conference on State and Federal Appeals, University of Texas School of Law CLE, 2004
Looking into the Black Box: Process, Practice and Decision-Making in the Intermediate Courts, Conference on Criminal Appeals, University of Texas School of Law CLE, 2003
An Appellate Judge's Perspective of Written Advocacy, 21 The Advocate: State Bar Litigation Section Report 14, Fall/Winter 2002
Preserving the Independence of Texas State Courts in the New Millennium, Denton County Lawyer, 1999
Running the Traps: What Every Lawyer Should Know About the New Texas Rules of Appellate Procedure, Tri-County Bar Association CLE, 1998
Argument on Appeal: Tips from the Bench on How to Avoid Losing a Winnable Appeal, Tarrant County Young Lawyers Association CLE, 1997
The New Traps and the New Local Rules for the Second Court of Appeals: Rules for Practice in the 21st Century, Tarrant County Bar Association CLE, 1997
Postgame Review: Briefing and Arguing Your Case in the Court of Appeals, Scoring Extra Points in Court, Tarrant County Trial Lawyers Association CLE, 1996
The ABC's of Writing an Effective Appellate Brief, Appellate Practice In the Second District Court of Appeals: A Nuts and Bolts Seminar, Tarrant County Bar Association CLE, 1995
Good Cause: Should the Standard be Relaxed for Late Discovery Objections Under Rule 166b(4)? 56 Tex. B. J. 448, 1993
Preservation of Error: Post-Charge to Court of Appeals, 16th Annual Advanced Civil Trial Course, State Bar of Texas CLE, 1993
Complex Settlement Agreements and Their Effects in the Aftermath of Elbaor v. Smith, 6th Annual Advanced DTPA/Insurance/Consumer Law Course, State Bar of Texas CLE, 1993
The Future of Settlements After Mary Carter's Demise, 2nd Ultimate Insurance Law Seminar, State Bar of Texas CLE, 1993
Presenting the Record to the Court of Appeals: The Second Step, Appellate Practice In the 2nd District Court of Appeals: A Nuts and Bolt Seminar, Denton County Bar Association CLE, 1993
Contribution and Partial Settlement Credit in Post-Tort Reform Mixed Theory Cases: Sterling and Beyond, 1 Tex. Ins. L. J. 77 (1992)

Mandamus: Standards of Review, Procedures and Preservation of Error, 15th Annual Advanced Civil Trial Course, State Bar of Texas CLE, 1992
Requesting the Partial Settlement of Facts: Practical Tips for Avoiding the Traps of Rule 53(d), The Appellate Advocate, Fall 1991, at 6
Lender Liability In Texas (P.E.S.I., Chapter 1, 1st and 2d eds. 1987, 1988) Powered by TCPDF (www.tcpdf.org)