

KELLY HART

ATTORNEYS AT LAW

MARIANNE M. AULD Managing Partner

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Fort Worth



BIOGRAPHY

Marianne M. Auld is the managing partner of Kelly Hart and the chair of the firm's Appellate section. She has briefed and argued dozens of appeals in both state and federal courts of appeals.

Ms. Auld began her career as a law clerk on the United States Court of Appeals for the Fifth Circuit. Following her clerkship, she joined Kelly Hart as an associate in the firm's litigation section, where she worked on a wide range of civil matters for clients including governmental entities and both publicly-traded and privately-held companies. Later, she served as a tenured professor of law at Baylor Law School, where she taught, among other courses, civil procedure, remedies, and appellate brief writing.

Ms. Auld rejoined Kelly Hart in 2008 as a partner in the firm's appellate section. Since that time, she has worked primarily on complex civil appeals involving labor disputes, antitrust matters, oil and gas issues, and claims against Class I railroads. She has also worked with trial teams involved in high stakes litigation to ensure that clients are well-positioned for resulting appeals.

Outside of the office, Ms. Auld serves on a number of boards, including the Board of Directors for the Fort Worth Chamber, Fort Worth Museum of Science and History, Fort Worth Symphony, Day Resources Center for the Homeless, and BBVA Compass Bank.

EXPERIENCE AND HIGHLIGHTS

- *Malinski v. BNSF Ry. Co.*, 805 F. App'x 579 (5th Cir. 2020)
- *CLC Roofing, Inc. v. Helzer*, 594 S.W.3d 414 (Tex. App.—Fort Worth 2019, no pet.)
- *Energy Transfer Partners, L.P. v. Enter. Prods. Partners, L.P.*, 593 S.W.3d 732 (Tex. 2020)
- *BNSF Ry. Co. v. Baca*, No. 02-17-00168-CV, 2018 WL 1528573 (Tex. App.—Fort Worth March 29, 2018, no pet.)(mem. op.)
- *City of San Antonio, Texas v. Hotels.com, L.P.*, 876 F.3d 717 (5th Cir. 2017)
- *Permian Power Tong, Inc. v. Diamondback E&P, LLC*, No. 12-16-00092-CV, 2017 WL 2824311 (Tex. App.—Tyler June 30, 2017, pet. denied)
- *BNSF Ry Co. v. Eppl*e, No. 07-15-00355-CV, 2016 WL 7010581 (Tex. App.—Amarillo June 2, 2017, pet. denied)
- *Van Houten v. City of Fort Worth*, 827 F.3d 530 (5th Cir. 2016)
- *In re Nat'l Lloyds Ins. Co.*, No. 13-15-00521-CV, 2016 WL 552112 (Tex. App.—Corpus Christi Feb. 10, 2016, orig. proceeding [mand. denied])

- *BNSF Ry. Co v. Phillips*, 485 S.W.3d 908 (Tex. 2015)
- *Abraham & Veneklasen Joint Venture v. Am. Quarter Horse Ass'n*, 776 F.3d 321 (5th Cir. 2015)
- *In re Hayward*, 480 S.W.3d 48 (Tex. App.—Fort Worth 2015, no pet.)
- *Lermon v. Minyard Food Stores, Inc.*, No. 05-13-00034-CV, 2014 WL 6466840 (Tex. App.—Dallas Nov. 19, 2014, pet. denied)
- *HMC Hotel Props. II Ltd. P'ship v. Keystone-Tex. Prop. Holding Corp.*, 439 S.W.3d 910 (Tex. 2014)
- *Burnett Ranches, Ltd. v. U.S.*, 753 F.3d 143 (5th Cir. 2014)
- *BNSF Ry. Co. v. Wipff*, 408 S.W.3d 662 (Tex. App.—Fort Worth 2013, no pet.)
- *Mitchell v. Ballard*, 420 S.W.3d 122 (Tex. App.—Texarkana 2012, no pet.)
- *Harris v. BNSF Ry. Co.*, 393 S.W.3d 789 (Tex. App.—El Paso 2012, no pet.)
- *U-Haul Int'l, Inc. v. Waldrip*, 380 S.W.3d 118 (Tex. 2012)
- *Helmerch & Payne Int'l Drilling Co. v. BOPCO, L.P.*, 357 S.W.3d 801 (Tex. App.—Eastland 2011, no pet.)
- *Faust v BNSF Ry. Co.*, 337 S.W.3d 325 (Tex. App.—Fort Worth 2011, pet. denied)
- *Wine Country Gift Baskets.com v. Steen*, 612 F.3d 809 (5th Cir. 2010)
- *Martin v. Martin*, No. 02-08-00490-CV, 2010 WL 2331448 (Tex. App.—Fort Worth 2010, pet. denied)
- *Winegar v. Martin*, 304 S.W.3d 661 (Tex. App.—Fort Worth 2010, no pet.)
- *Bandera Drilling Co. v. Sledge Drilling Corp.*, 293 S.W.3d 867 (Tex. App.—Eastland 2009, no pet.)
- *Farlow v. Harris Methodist Fort Worth Hosp.*, 284 S.W.3d 903 (Tex. App.—Fort Worth 2009, pet. denied)

AFFILIATIONS AND HONORS

AFFILIATIONS

- American Bar Association
- Tarrant County Bar Association
- Tarrant County Bar Foundation, Fellow
- Texas Bar Foundation, Fellow
- Eldon B. Mahon Inns of Court, Member, Executive Committee, Master
- National Association of Railroad Trial Counsel ("NARTC")
- Bar Association of the Federal Circuit
- BBVA Compass Bank, Director
- Fort Worth Chamber of Commerce
 - Board Chair, 2021
 - Vice Chair, 2020
 - Board of Directors, 2017-2020
- Fort Worth Museum of Science and History, Board
- Fort Worth Symphony, Board
- Fort Worth Cradle to Career, Board
- DRC—Community Solutions to End Homelessness; Board, 2013-2018
- United Way of Tarrant County, Campaign Co-Chair, 2017
- Trinity Valley School; Board of Trustees, 2006-2016
- Judicial Conference of the United States Court of Appeals for the Fifth Circuit Host Committee, 2013
- National Conference of Commissioners on Uniform State Laws, 1999-2004

HONORS

- Listed in *The Best Lawyers in America*®, 2015-2021
- Named to The 400 Most Influential by *Fort Worth Inc.* magazine, 2018-2020
- Top Attorney in Appellate Law, *360 West* magazine, 2017-2020
- Texas Super Lawyers, Thomson Reuters, 2013-2020
- Top Attorney, *Fort Worth, Texas* magazine, 2012-2020
- Great Woman of Texas, *Fort Worth Business Press*, 2018
- Law Good Scout Recipient by the Longhorn Council of the Boy Scouts of America, 2017

- 20 Women to Watch in Business, *Fort Worth Business CEO* magazine, 2015
- Great Women of Texas, *Fort Worth Business Press*, 2014

EDUCATION

- Baylor University School of Law, J.D., with highest honors, 1988
 - *Baylor Law Review*, Editor-in-Chief
 - Phi Delta Phi
 - ABA Mock Trial Competition
 - National Semi-finalist
 - Regional Champion
 - National Mock Trial Team
 - Order of Barristers
- Baylor University, B.A., 1982

ADMISSIONS

- State Bar of Texas
- U.S. Supreme Court
- U.S. Court of Appeals, District of Columbia Circuit
- U.S. Court of Appeals for the Federal Circuit
- U.S. Court of Appeals, Fifth Circuit
- U.S. Court of Appeals, Eighth Circuit
- U.S. Court of Appeals, Tenth 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
- U.S. District Court, Western District of Texas

SPEECHES & PUBLICATIONS

- Women at the Top: Shattering Glass Ceilings?, Texas Women Lawyers CLE Forum, 2018, Featured Panelist
- "Admission of Evidence and Preservation of the Record," NARTC Trial College, 2018
- "Women Leaders: Refining How Fort Worth Does Business," Fort Worth Business Press Panel, 2017
- "Ethics in Professionalism in Appellate Practice," Fifth Circuit Judicial Conference, 2016
- "Judicial Writing," TAACA Briefing Attorney Seminar, 2016
- "On Being a Good Record Smith Making the Record And Winning the Verdict," NARTC Trial College, 2015
- Faculty, Baylor Law School's Academy of the Advocate, St. Andrews, Scotland, 2014
- "Preservation of Error," BNSF Railway Conference, 2010