



## Coby D. Smith

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### Practices

Appellate

Litigation

Construction

### Clerkship

Briefing Attorney for the Honorable H. Tod Weaver, Justice of the Second Court of Appeals of Texas

### Education

**J.D.** Texas Tech University School of Law, 1993, *with highest honors*, Order of the Coif

**B.B.A.** Angelo State University, 1989, *with honors*

### Bar Admissions

**Coby Smith** has practiced over 20 years representing clients in state district and appellate courts in a broad range of legal issues. He has appeared before the Texas Supreme Court, the Texas Court of Criminal Appeals and courts of appeal throughout Texas. As an appellate attorney, he works closely with trial counsel on summary judgment motions, expert witness challenges, jury charges, post-trial motions, writs of mandamus and prohibition, direct and interlocutory appeals, writs of certiorari, superseding and enforcing judgments, and requests for attorneys' fees.

Mr. Smith maintains an active trial practice representing defendants in personal injury lawsuits, including vehicular accidents, workplace injuries, premises liability, and medical negligence. He also represents businesses and individuals in commercial litigation.

Mr. Smith was recognized by Thomson Reuters in *Texas Monthly* in 2006 as a Rising Star in the area of Personal Injury Defense – signifying a high degree of peer recognition and achievement in his practice area.

### Professional Recognition

Texas Rising Star for Personal Injury Defense by Thomson Reuters, *Texas Monthly* (2006)

Associate Editor, Texas Tech Law Review

State of Texas, 1993

U.S. District Court,  
Northern District of  
Texas

**Memberships**

State Bar of Texas

Tarrant County Bar  
Association

Tarrant County  
Appellate Bar  
Association

Finalists, American Bar Association National Appellate  
Advocacy Competition

**Experience**

*Weaver and Tidwell, LLP v. The Guaranty Company of  
North America*, No. 05-12-00750-CV (Tex. App.—Dallas,  
2014, pet. filed)

Successfully obtained a reversal of a \$2.6 million judgment  
against client in a professional negligence case involving  
accountants.

*Sweet v. Flow Force Plumbing, LLC*, 2014 Tex. App.  
LEXIS 5125 (Tex. App. – Dallas 2014, no pet. h.)

Court of Appeals affirmed summary judgment, holding that  
there was no evidence of any alleged act or omission causing  
injury to plaintiff.

*Ex parte Masonheimer*, 2007 Tex. Crim. App. LEXIS 373  
(Tex. Crim. App. 2007)

Texas Court of Criminal Appeals reversed court of appeals  
and found that murder defendant was entitled to a double  
jeopardy bar based on prosecution’s pattern of withholding  
Brady materials.

*Welborn v. Ferrell Enterprises*, 376 S.W.3d 902 (Tex.  
App.—Dallas 2012, no pet.)

Appellate court affirmed trial court’s denial of motion to  
reinstate lawsuit.

*Guerra v. M.H. Equities, LTD*, 2012 Tex. App. LEXIS 4735  
(Tex. App.—Fort Worth 2012, no pet.)

Appellate court affirmed summary judgment involving  
mobile home owner who defaulted under sales contract and  
security agreement.

*Gejewski v. Jackson*, 351 S.W.3d 608 (Tex. App.—Fort  
Worth 2011, no pet.)

Appellate court reversed trial court’s refusal to dismiss

lawsuit in healthcare liability case.

*Ranchers & Farmers Mutual Insurance Co. v. Stahlecker*,  
2010 Tex. App. LEXIS 8797 (Tex. App.—Beaumont 2010,  
no pet.)

Court of Appeals reversed trial court's denial of motion to  
compel arbitration.

*FWT, Inc. v Haskin Wallace Mason Prop. Mgmt., L.L.P.*,  
301 S.W.3d 787 (Tex. App.—Fort Worth 2009, pet. denied)  
Appellate court affirmed summary judgment invalidating  
right of first refusal in sell of \$1.7 million property.

*Fowler v. Fowler*, 2008 Tex. App. LEXIS 4145 (Tex.  
App.—Fort Worth 2008, no pet.)

Appellate court affirmed trial court's judgment in family law  
case.

*Gilliam v. Wilson*, 2003 Tex. App. LEXIS 1826 (Tex.  
App.—Eastland 2003, pet. denied)

Appellate court affirmed summary judgment based on  
statute of limitations where there was no common-law right  
to bring the action and appellant's claim was based on  
wrongful death and survival statute.

## Publications

“Statute of Limitation Is Tolled on Legal Malpractice Case  
Until All Appeals of Underlying Suit Are Exhausted:  
*Hughes v. Mahaney & Higgins*,” *Texas Tech Law Review*  
(1992)