

## Joanne Early Of Counsel

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Joanne Early is a member of the firm's Business Litigation & Dispute Resolution and Government Solutions Practice Groups. She is an experienced trial lawyer who represents clients in complex civil litigation in state and federal courts as well as arbitration proceedings, with more than 30-years' experience representing manufacturers, retailers, service providers, and government contractors. Joanne has successfully tried or obtained summary judgment in cases alleging breach of contract, fraud, breach of fiduciary duty, deceptive trade practices, tortious interference, theft of trade secrets, negligence, negligent recall, strict product liability, negligent entrustment, equitable estoppel, and seeking equitable remedies. She also has significant appellate experience.

Joanne collaborates with her clients to identify their objectives, develop effective strategies, and efficiently achieve the best possible outcomes. Clients appreciate her deliberative approach to solving problems and her tireless efforts on their behalf.

Joanne serves as the Professional Responsibility Partner for Foley's Texas offices and has been the pro bono coordinator for Foley's Dallas office for more than 10 years.

### Representative Experience

#### Government Solutions/Government Contracts

- Trial counsel for a government contractor in a request for equitable adjustment arising from increased costs of performance on a 10-year maintenance contract. The client prevailed in both liability and damage phases of a bifurcated trial proceeding before the Armed Services Board of Contract Appeals in Leesburg, Virginia.
- Part of a three-lawyer trial team that successfully defended a government contractor against claims of fraud, breach of contract, and breach of fiduciary duty asserted by a competitor whose proposal was not selected for a government contract. After a jury trial in federal court in Amarillo, Texas, the plaintiff

recovered only \$1 in damages. Judgment was affirmed on appeal.

- Defended government contractor against breach of contract, breach of the duty of good faith, promissory estoppel, and unjust enrichment claims asserted by a competitor who alleged the client was contractually obligated to submit a bid with the claimant.

### **Representing Manufacturers/Suppliers in Commercial Disputes**

- Successfully defended a manufacturer of machine tools against claims of deceptive trade practices, breach of contract, and fraud. After a jury trial in Dallas County, Texas, obtained a judgment awarding plaintiff only \$1 in damages.
- Successfully defended a retailer in a breach of contract case filed by one of its suppliers, obtained summary judgment on breach of contract claims (representing 99% of the monetary damages sought by plaintiff), and tried the remaining claims to a jury in federal court in El Paso, Texas.
- Part of a three-lawyer trial team that successfully represented a gas processing company in breach of contract claims against its customer in a four-week bench trial in Dallas County, Texas.
- Obtained summary judgment for a distribution company and two of its officers/shareholders against allegations of breach of fiduciary duty, theft of trade secrets, tortious interference, and fraudulent transfer.
- Obtained summary judgment for a distributor of automotive refinishing products against a competitor's claims of violations of Texas antitrust laws and tortious interference.

### **Representing Manufacturers/Suppliers in Defense of Tort Claims**

- Successfully defended a bicycle supplier in an eight-week jury trial in Marin County, California, filed by children from across the country who claimed to have sustained brain damage, facial scarring, broken teeth, and other injuries as a result of defective front wheel quick-release mechanisms on bicycles.
- Obtained summary judgment on claims of more than 200 plaintiffs seeking to recover money damages for personal injuries allegedly caused by exposure to chemicals and hazardous materials at a job site.
- Obtained summary judgment against tort claims filed by seven plaintiffs alleging wrongful death and personal injuries during an explosion in an industrial plant in Mexico.
- Obtained dismissal on forum non-convenient ground for a product supplier sued under product liability and negligence theories in connection with a vehicular collision and subsequent explosion that killed 37 people and injured hundreds.
- Successfully defended an employer and employee against claims of wrongful death of a customer at a company-sponsored hunting event. Obtained a complete defense verdict after a jury trial in federal court in San Antonio, Texas.

### **Representing Financial Institutions**

- Obtained summary judgment for a financial institution against claims of deceptive trade practices and violations of the Home Solicitation Act.

- Obtained summary judgment on a breach of contract claim filed by plaintiffs seeking to recover a finder's fee from a financial institution, related to the purchase of loan portfolios.
- Obtained summary judgment for a financial institution against usury and breach of contract claims.

### Pro Bono Clients

Throughout her career, Joanne has helped clients on a pro bono basis in a variety of matters, including challenging prison conditions, undertaking family law cases, helping tenants avoid eviction, and regularly volunteering at the legal clinic for veterans.

- Successfully defended a security guard in a criminal jury trial against charges that he unlawfully fled from the police.
- Obtained asylum for a woman from Mexico and her two young daughters.
- Obtained asylum for a woman from Honduras and her two young daughters.
- Worked with the Innocence Project and Foley colleagues in a successful habeas proceeding on behalf of a woman wrongfully convicted of murder.

### Awards and Recognition

- Recognized, AV<sup>®</sup> Preeminent<sup>™</sup> 5.0 out of 5 Peer Review Rated, Martindale-Hubbell<sup>®</sup> PEER REVIEW RATINGS<sup>™</sup>
- Certified as Trial Advocacy Teacher by the National Institute of Trial Advocacy

### Affiliations

- Member, State Bar of Texas
- Member, American Bar Association
- Member, Dallas Bar Association
- Member, Texas Center for Legal Ethics and Professionalism
- Fellow, Texas Bar Foundation
- Adjunct Professor, Trial Advocacy, Southern Methodist University Dedman School of Law (2011-2018)

### Community Involvement

- Society of St. Vincent de Paul, Volunteer
- Town and Gown Club of Southern Methodist University
  - President (2017–2018)
  - Secretary (2014–2016)
  - Member (2013–Present)

### Sectors

- [Retail](#)

### Practice Areas



FOLEY & LARDNER LLP

- [Business Litigation & Dispute Resolution](#)
- [Government Solutions](#)
- [Litigation](#)

## Education

- Southern Methodist University Dedman School of Law (J.D., 1989)
- Southern Methodist University (B.A., 1984)

## Admissions

- Texas (1989)
- Texas State Courts (1989)
- U.S. District Court for the Eastern, Northern, Southern and Western Districts of Texas
- U.S. Court of Appeals for the Fifth Circuit (1992)