JEFFERSONCANO



Emma Cano

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Areas of Practice

Litigation/Trial Practice

Business/Commercial Litigation

Franchise Litigation

Occupational Safety and Health Act (OSHA) and Workplace Disasters

Education

J.D., Texas Tech University School of Law, 2002, *magna cum laude,* Order of the Coif; *Texas Tech Law Review,* Casenote/Comment Editor

B.A., University of Texas at Austin, 1999, *with honors*

Bar Admissions

Texas

Court Admissions

Supreme Court of the United States

U.S. Court of Appeals for the Fifth Circuit

U.S. District Court for the Western District of Texas

U.S. District Court for the Eastern District of Texas

U.S. District Court for the Northern District of Texas

U.S. District Court for the Southern District of Texas

Languages

English

Spanish

Emma Cano has extensive experience in all aspects of litigation: early case assessment, alternative dispute resolution procedures, all facets of discovery (including e-discovery), motion practice, pre-trial preparation, trial and settlement. She has tried more than 20 cases to jury verdict and various others before the bench, and has successfully defeated claims on summary judgment on behalf of her clients. Although Emma litigates cases throughout the state, her fluency in Spanish and Hispanic roots uniquely position her to litigate cases throughout Central and South Texas.

Emma's practice focuses on complex commercial litigation with experience litigating matters in both federal and state courts. Her cases cover a range of commercial issues, including fraud, partnership disputes, franchise-related controversies, contract and construction disputes, bond claims, insurance coverage disputes and other litigation matters. Emma has defended numerous catastrophic injury and fatality claims in a variety of industries and has represented businesses in numerous tort matters. Additionally, Emma has represented franchisors in various industries including, tax preparation companies, auto services and food service companies.

While Emma frequently represents clients in all types of business disputes resulting in litigation, she also has broad experience litigating in the following areas:

Occupational Safety and Health and Workplace Disasters. In recent years, Emma has handled more than 50 OSHA investigations, many of which resulted from industrial accidents and employee fatalities, for clients such as drilling contractors, construction companies, manufacturers, electrical contractors, and oil and gas-related companies. Emma's unique experience in this area allows her to effectively counsel clients on responding to workplace disasters and dealing with and responding to OSHA's involvement in their business operations. She has repeatedly obtained dismissal of citations against clients involved in OSHA proceedings.

Oil and Gas Litigation. Emma has regularly litigated matters arising from oil and gas projects throughout south Texas. She has represented drilling operators, contractors and oilfield services companies in various litigation disputes including contract disputes, royalty disputes and tortious interference claims. Emma has represented numerous companies in lawsuits involving oil and gas-related accidents and employee fatalities.

Selected Client Representations

- Represented plaintiff landowner against various oil and gas entities relating to environmental contamination resulting from oil and gas drilling operations on the property. Claims involved allegations of fraud, negligence, trespass and gross negligence. The case resulted in a confidential settlement after the first week of trial before a Nueces County jury.
- Represented plaintiff shareholders of technology company against acquiring company and certain officers and directors of technology company for breach of fiduciary duty, fraud, and conspiracy to defraud in the sale, which resulted in a favorable settlement for plaintiff shareholders during the second week of trial before a Bexar County jury.
- Served as local trial counsel representing multimedia conglomerate in a dispute with noteholders who had issued notices of default on more than $6 billion in debt. Assisted in obtaining temporary restraining order rescinding the notices of default and, after an expedited trial on the merits, won a declaratory judgment that the indentures governing the multimedia company's notes permitted the challenged transaction and also won a permanent injunction rescinding the notices of default.
- Obtained favorable jury verdict in federal court for Fortune 500 steel manufacturer/distributor in breach of warranty claim asserted against manufacturer of faulty industrial electrical equipment.
- Handled the post-trial and appellate matters arising from a $281 million Dimmit County jury verdict in 2013 awarded to the family of an Eagle Ford shale worker killed in a motor vehicle accident. Following intense post-trial proceedings and negotiations, the company fully settled all claims arising from the personal injury lawsuit relating to a vehicle and truck accident in the Eagle Ford Shale. The jury initially awarded $281 million in damages, which were later reduced as a result of post-trial motions, including a remittitur of $105 million.
- Successfully defended, in the 5th Circuit Court of Appeals, an award of damages and attorneys' fees in connection with claims for breach of express and implied warranties in the sale of industrial equipment that never performed properly.
- Obtained full defense verdict for large retail grocer in negligence action tried before a jury in state court.

- Two successful summary judgments and representation of individual and corporate entities in complex partnership dispute involving allegations of breach of fiduciary duties, breach of contract, and misappropriation, where adverse party claimed loss of partnership interest worth $70 million.
- Repeated representation of employers in defending against gross negligence litigation arising from industrial fatalities in a wide variety of industries.
- Obtained summary judgment on behalf of a client defending against allegations of gross negligence arising from employee fatality.
- Representation of franchisors in franchise-related litigation.
- Represented franchisor company in successfully enforcing forum selection clause of franchise agreement.
- Repeated representation of national construction aggregate supplier in payment bond litigation, contract disputes and claims for payment.
- Repeated representation of large retail grocery company in customer initiated litigation throughout South Texas.
- Repeated representation of large restaurant company in customer initiated litigation throughout the State of Texas.

Selected Honors

- Recognized in *The Best Lawyers in America*© (a BL Rankings, LLC publication), 2019-2023 (Commercial Litigation)
- Awarded the *Rising Star Award* by Texas Tech University School of Law (2017)
- Recognized in *S.A. Scene*, Outstanding Women in Law 2021, 2023; Best SA Lawyers 2021-23 (Business Litigation); 2020 (Appellate); 2017 (Business Litigation); 2012 (Civil Litigation Defense); 2011 (General Litigation)
- Awarded *Pedro "Pete" Serrano Leadership Award* by the Texas Young Lawyers Association and State Bar of Texas (2013)
- Named by the *San Antonio Business Journal* as one of its "40 Under 40" rising stars for 2010
- Selected as the *Outstanding Young Lawyer* by the San Antonio Young Lawyers Association (2008)
- Selected as the *Belva Lockwood Outstanding Young Lawyer* by the Bexar County Women's Bar Foundation (2008)

- Named a Texas Super Lawyer (2021, 2022, 2023) and "Rising Star" (2007, 2008) (a Thomson Reuters service) in Business Litigation

Recent Publications/Presentations

- "Building Bridges and Overcoming Obstacles", Co-Presenter at the *Texas Minority Counsel Program* Texas Bar CLE (2022) and to the Montgomery County Bar Association (2023)
- "Litigation Holds" Author and Presenter at the *Business Disputes*, Texas Bar CLE (2022), to the Women and Law Section of the State Bar of Texas (2023) and to the Bexar County Women's Bar Association (2023)
- "Rule 91a: Early Disposition Tool Update" Author and Presenter at the *Summer School: Sun, Sand, and CLE for the General Practitioner* Texas Bar CLE (2022)
- Moderated In-House Counsel Panel presentation at the *2022 Annual Meeting: Business Law and Corporate Counsel Section CLE* Texas Bar CLE (2022)
- "Social Media Evidence" Author and Presenter at the *Advanced Consumer & Commercial Law* Texas Bar CLE (2021)
- "Litigation Holds" Author and Presenter at the *In-House Counsel 101* Texas Bar CLE (2021)
- "The Apex Deposition: Handling Corporate Representative Depositions and Protecting and Defending Your Senior Management" Author and Presenter at the *Advanced In-House Counsel* Texas Bar CLE (2020)
- "Rule 91a: Early Disposition Tools or the Mean Green Mother from Outer Space?" Author and Presenter at the *Litigation Update Institute* Texas Bar CLE seminar (2019).
- Moderated the Federal Judges Panel presentation at the *Advanced Civil Trials Course*, Texas Bar CLE (2019).
- "Handling Voluminous Discovery—Practical Considerations," Author and Presenter at the 30th *Annual Advanced Evidence and Discovery Course* (2017).
- "Electronic Filing and Electronic Service: Understanding the New Court Mandates for Civil Cases," Author and Presenter at the 38th Annual *Advanced Civil Trial Course* and Texas Bar CLE Planning Committee Member (2015).
- "Preparing for Trial and Trial," Presenter at the *Arc of a Case* program sponsored by the Federal Courts Committee of the San Antonio Bar Association (2014 and 2015).

- Authored Chapter 7, "ESI Collection" of the *Essentials of E-Discovery* TexasBarBooks publication (2014; updated in 2020).
- "Unsigned Obligations: When are Non-Signatories Bound?" Author and Presenter at the ABA 37th Annual *Forum on Franchising* (2014).
- "The Effect of Workers' Compensation and the Exclusive Remedy Provision on Employers' Liability in Texas," Author and Presenter at the 30th Annual *Advanced Personal Injury Law Course* and Texas Bar CLE Program Planning Committee Member (2014).
- "Evidence Preservation in the Digital Age: E-Discovery and What it Means for You and Your Company," presented to the *San Antonio Corporate Counsel Section of the State Bar of Texas* (2014).
- "If It Looks Like a Duck, Walks Like a Duck, and Quacks Like a Duck: The Enforceability of Noncompetes Against Nonsignatories," Co-Author with Katie Dolan-Galaviz, *Franchise Law Journal*, Vol. 33, No. 4, Spring 2014.
- "Tips for Effective Discovery: The Rules," Author and Presenter at the *E-Discovery in Your Case* Course and Texas Bar CLE Program Planning Committee Member (2014).
- *"*e-Discovery Trends," Author and Presenter at the *Advanced Civil Trials* and Texas Bar CLE Program Planning Committee Member (2013)
- "Women in Law," Texas Bar CLE Program Planning Committee Member (2014)
- UT School of Law Center for Women In Law, Faculty Member on Effective Communications Workshop at Leadership Boot Camp (2011, 2013)
- *"*The Practical Applications of e-Discovery in Today's Lawsuit," Panelist Speaker at the *Advanced Evidence and Discovery* Texas Bar CLE Program (2012)
- *"*You Never Miss the Water 'Til the Well Runs Dry: The Competing uses for Water in a Shale Play," Co-Author of paper prepared for the South Texas College of Law 25th Annual Energy Law Institute for Attorneys and Landmen
- *"*Essential Practice Skills for New Attorneys," Texas Bar CLE Program Course Director (2008)

Selected Professional, Business and Community Activities

Emma is also committed to serving her community and has developed a passion for programs that help society's youth become productive and integral members of our community. She devotes many hours every year

serving on boards for various non-profit organizations and has been actively involved with different youth ministries at her church.

- Texas Tech Law School Foundation, Board Member (2019-present)
- State Bar of Texas Grievance Committee, District 10 Panel Member (2020-Present); District 10, Panel 2 Chair (2022-24)
- San Antonio Bar Association/Foundation, Board of Directors (2022-24)
- William S. Sessions American Inns of Court, President (2023-24); President-Elect (2022-23); Treasurer (2021-22); Secretary (2020-21); Member (2015-present);
- State Bar of Texas Corporate Counsel Section, Chair (2022-23); Vice-Chair (2020-22); Secretary (2019-20); Council Member (2017-present)
- Texas Minority Counsel Program, Steering Committee Member (2017-23); Chair (2024-25)
- Seton Home Board of Governors (2015-2021); Chair (2018-2020); Co-Chair (2016-2018); Development Committee Co-Chair (2016); Luncheon Co-Chair (2015)
- Catholic Charities, Board Member (2018-2020)
- Caritas Legal Services Advisory Board, Member (2016-2020)
- State Bar of Texas Court Rules Committee, Member (2015-2020)
- Leadership State Bar of Texas, Class of 2013
- Bexar County Women's Bar Association Foundation - President (2012); President-Elect (2011); Vice-President (2010); Treasurer (2008-2009); Board of Directors (2007-2009); Bench Brunch Goes Primetime Co-Chair (2008); Bench Brunch Auction Co-Chair (2006)
- YWCA of San Antonio - President (2011-2012); President-Elect (2010); Vice President (2008-2009); Board of Directors (2005-2012)
- Leadership Council on Legal Diversity Fellow (2013)
- Southwest Preparatory School Education Foundation - Board of Directors and Marketing Committee (2011-2013)
- San Antonio Women's Chamber of Commerce - Board of Directors (2007-2008); Director of Networking Nights Out (2007); Director of Luncheons (2008)
- North San Antonio Chamber of Commerce Leadership Lab Graduate, Class of 2005
- City of Houston Municipal Courts Prosecutor, Volunteer Prosecutor (2006-2007)
- Fellow, Texas Bar Foundation

- Fellow, San Antonio Bar Foundation
- Community Justice Program, Volunteer (2002-2017)
- St. Padre Pio of Pietrelcina Catholic Church, Parishioner and Youth Volunteer - Youth Confirmation Teacher (2010-2015); Teen ACTS Director/Co-Director (2012-2013); ACTS Team Member (2010-14)

Memberships

- State Bar of Texas
- National Association of Minority and Women-Owned Law Firms (“NAMWOLF”)
- American Bar Foundation, Fellow
- Texas Bar Foundation, Fellow
- San Antonio Bar Association
- San Antonio Bar Foundation, Fellow
- Bexar County Women's Bar Association/Foundation
- U.S. Magistrate Judge Advisory Panel for the San Antonio Division of the Western District of Texas