

# Andrew F. Newman

SHAREHOLDER

Dallas, TX | 214.661.5506  
[afnewman@polsinelli.com](mailto:afnewman@polsinelli.com)



Andrew Newman provides focused, responsive representation to clients in complex commercial litigation matters. He represents clients across the technology, lending, retail and manufacturing industries and advises them throughout all phases of the litigation process.

Andrew litigates business disputes involving software development, licensing, contract claims, real estate, construction and franchise agreements. He regularly helps clients manage nationwide litigation dockets, developing consistent and efficient strategies across multiple jurisdictions and partnering with Polsinelli colleagues across offices.

Andrew has experience across a broad range of business disputes. In the technology sector, Andrew works with IT providers to prosecute and defend disputes arising from failed software development projects and license disputes. He also advises franchisors in litigation with franchisees, with a particular emphasis on commercial lease, real estate and franchise agreement disputes. For manufacturing clients, Andrew handles contract disputes, warranty claims, fraud and deceptive trade practices (DTPA) claims. Andrew also advises on litigation strategy and risk in M&A transactions, and represents lenders, private equity portfolio companies, and banking institutions in high-stakes disputes involving loan enforcement and related contract claims.

Andrew has lead trial experience in both state and federal courts and has arbitrated disputes before the American Arbitration Association (AAA).

## Education

- The University of Texas at Austin School of Law (J.D., *with honors*, 2007)
  - Associate Editor, Texas Law Review
- The Johns Hopkins University – Carey Business School (M.A., 2004)
  - Teaching
- The University of Texas at Austin (B.A., 2001)
  - English

## Bar Admissions

## Capabilities

- Commercial Litigation
- Real Estate Litigation
- Litigation
- Construction

- Texas

## Court Admissions

- U.S. District Court, Northern District of Texas
- U.S. District Court, Eastern District of Texas
- U.S. District Court, Southern District of Texas
- U.S. District Court, Western District of Texas
- U.S. Court of Appeals, Fifth Circuit
- U.S. Supreme Court

## Memberships

- Teach for America, DFW Region, Alumni Board
- City of Dallas Judicial Nominating Committee
- Dallas Independent School District, Budget Review Commission

## Recognition

- Named *Best Lawyer in Dallas*, D Magazine, 2022
- Named *Super Lawyers Texas* "Rising Star," 2014-2017

# Matters

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- Lead counsel representing a privately-held global industrial company in defense of a negligence claim in which the jury returned a unanimous decision in our client's favor after just 30 minutes of deliberation.
- Representation of global IT services provider in breach of contract dispute over software implementation.
- Representation of software consulting firm in arbitration dispute over software development project.
- Representation of lenders in numerous loan enforcement actions against borrowers and guarantors.
- Counsel for global franchisor in numerous commercial leasing disputes.
- Lead counsel in software licensing disputes regarding license compliance.
- Representation of nationwide retailer in consumer data privacy litigation based on use of pixel-tracking web analytics.
- Successful defense of nationwide health and fitness chain in a consumer class action lawsuit involving contract disputes and dues and fees paid.
- Advised national telecom company on merger with prepaid wireless carrier to ensure compliance with antitrust regulations.
- Advised national telecom company on merger with nation's largest direct broadcast satellite service provider to ensure compliance with antitrust regulations.
- Counsel in a state court jury trial for an environmental waste disposal company, resulting in a complete defense verdict, as well as damages for the client for its breach of fiduciary duty and fraud claims, and recovery of client's attorneys' fees.
- Representation of a global supplier of oil field services in breach-of-contract dispute relating to a long-term sand supply agreement.
- Representation of third-party vendors in defense of clawback claims brought by the receiver appointed to collect assets for the benefit of the creditors of an international bank.

- Successful defense of the guarantor of a loan secured by an aircraft in a deficiency suit brought by the bank by claiming the collateral was mishandled by the bank, resulting in a favorable settlement.
- Representation of a manufacturer of engineered roofing systems in a dispute over a roofing guarantee; obtained a favorable settlement for the client in the suit pending in federal court in Arizona; successfully prosecuted claims on behalf of the same company against the manufacturer of defective adhesive in AAA arbitration in Dallas, resulting in a favorable settlement.
- Representation of a Korean biotech company in breach-of-contract dispute over a stem-cell technology license and purchase agreement.
- Successful defense of highway safety product manufacturer in multiple actions alleging claims of design defect and negligence.
- Obtained a significant trial victory for local ministries in a lawsuit against the City of Dallas to invalidate an ordinance restricting clients' ability to share food with the homeless.