

Karen L. Hart

Partner

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STRATEGIC, AGGRESSIVE, TENACIOUS, EFFICIENT AND EFFECTIVE - JUST A FEW OF THE WORDS KAREN'S CLIENTS USE TO DESCRIBE HER LITIGATION STYLE. SHE BRINGS DECADES OF EXPERIENCE AND A DISTINCTLY INTERNATIONAL PERSPECTIVE TO HER REPRESENTATION OF CLIENTS IN BUSINESS AND REAL ESTATE DISPUTES, WHETHER CENTERED LOCALLY IN TEXAS OR WITH ASPECTS THAT HAVE TOUCHED PLACES AROUND THE GLOBE, FROM CANADA TO CHILE AND SAUDI ARABIA TO UKRAINE.

Karen brings more than 20 years of astute business and real estate advice and litigation experience to clients across a wide array of industries, including real estate (landlords and property owners, commercial tenants, brokers and others), oil and gas, international business and trade, construction (contractors, subcontractors and suppliers), banking, finance and securities, media and entertainment, technology, startups, and professional advisory services. Clients have included large companies as well as small businesses and individuals.

Commercial and Real Estate Litigation

A tireless advocate for her clients, Karen provides guidance on various business and real estate disputes. She's represented clients in state and federal trial and appellate courts throughout Texas, as well as in other jurisdictions, including before the United States Supreme Court. In addition to litigating commercial disputes in state and federal courts, including general contract and payment disputes, Karen represents clients in domestic and international arbitration proceedings.

Within the real estate sphere, Karen's experience extends to matters involving lease, purchase and sale, brokerage and property management disputes; specific performance claims; commercial evictions; lis pendens, lien and bond claims; lien priority disputes; promissory note claims; commercial foreclosures; and commercial landlord-tenant matters.

Karen also represents clients in disputes relating to commercial contracts and business operations, including bankruptcy claims; professional ethics and liability matters; bills of review; confidentiality, noncompetition and nonsolicitation agreements and related disputes and injunctive proceedings. She

has handled business tort claims, including tortious interference with contracts and business relationships, civil theft, fraud, and misappropriation of trade secrets.

When she can, Karen uses creative prelitigation negotiation and risk management techniques to keep her clients out of court. She also employs innovative asset investigation, preservation and judgment enforcement tactics, including domestications and international enforcement of judgments and arbitral awards.

International Disputes

From a South American pharmacy to a Canadian broadcasting company, Karen maintains a growing global client base. She has represented businesses in international dispute resolution, including international litigation, arbitration and mediation, as well as international judgment or arbitration award enforcement and collection. For U.S.-based and foreign clients, she has worked on international matters that have touched jurisdictions around the globe, including India, Ukraine, Colombia, Argentina, Chile, Canada, England, France and Saudi Arabia.

Practices

Litigation
Real Estate Law
International

Industries

Real Estate

Representative Experience

Reported Cases

- *Long Beach Mortg. Co. v. Evans*, 284 S.W.3d 406 (Tex. App. – Dallas 2009, pet. denied), cert. denied by *Long Beach Mortg. Co. v. Evans*, 130 S.Ct.3470 (2010)
- *Site Work Group, Inc. v. Chemical Lime Ltd*, 171 S.W.3d 512 (Tex. App. –Waco 2005, no pet.)
- *Cadle Co. v. LaCroix*, NO. CIV.A. 1:07-CV-183, 2008 WL 576991 (E.D. Tex. Feb 28, 2008) (unpublished)
- *In re Aluotto*, NO. 08-32970, ADV. 08-3250, 2009 WL 1231988 (Bankr. S.D. Tex. Apr 29, 2009) (unpublished)

Representative Matters

Real Estate Litigation

- Represents health care property owners and asset managers in litigation involving medical-office buildings (MOBs) and other medical-related properties.
- Handles litigation concerning various property holdings, including in cases involving city, county and state entities, for a national storage company.
- Represents commercial property owners and commercial tenants in federal and state commercial eviction lawsuits and related appeals, in breach of lease cases and in cases involving real estate receiverships.
- Represents oil and gas companies, including industrial contractors and subcontractors, in contract and construction disputes.
- Obtained declaratory judgment of priority of receiver's lis pendens claim, quieting title in receiver over a competing lien claimant and prevailing at every level of appeal, including the U.S. Supreme Court.
- Attained judgment for a supplier in a suit on account and to foreclose a construction lien and bond claims in Louisiana state court, creatively domesticating judgment in Texas for collection.
- Resolved a national restaurant chain's constructive eviction claims.
- Obtained judgment in a breach of lease case and litigated a hotly contested, complex garnishment of connected parent and subsidiary accounts.
- Resolved breach of restrictive use covenant for owner of regional shopping center.

Business Litigation

- Defended a medical clinic against a competitor's assertion of tortious interference, civil theft, and misappropriation of trade secrets arising from physician noncompetition agreements, ultimately achieving settlement and dismissal of claims.
- Secured injunctive relief protecting a small business from a larger competitor's wrongful interference with customer contracts/relationships through a business disparagement campaign arising from a software ownership dispute.
- Obtained judgment on the promissory note and an order of foreclosure on a luxury houseboat involved in dealer fraud.

International Disputes

- Secured settlement and payment after obtaining a judgment on behalf of a Canadian broadcasting company against another organization in a broadcast dispute through garnishment of multiple accounts post-judgment.

- Litigated complex subordinated-promissory-note claims for a Canadian production company.
- Defended a South American pharmacy chain in an employment and trade secret misappropriation case in federal court.
- Litigated negligence claims arising from an international shipment stolen from a Customs Centralized Examination Station (CES).
- Obtained award against a French distributor of surgical lenses manufactured in U.S. in international commercial arbitration.

Noteworthy

- Serves as Bell Nunnally's General Counsel
- Serves on Bell Nunnally's Diversity & Inclusion Committee
- Selected by attorney peers as a Texas Super Lawyer[®], Thomson Reuters, 2022–2023
- Named one of the "Best Lawyers in Dallas" by *D Magazine*, 2022-2023
- Named one of the "Litigation Stars" in the *Benchmark Litigation Guide*, 2021–2024
- Featured in Best Lawyers[®]' Texas' Best Lawyers, 2020
- Texas Diversity Council, "Dallas Top 50 Women Lawyers Award," 2017
- Leadership Council on Legal Diversity Fellow, 2017
- Selected by attorney peers for inclusion in *The Best Lawyers in America*[®], 2017–2024
- American Bar Association Section of Litigation Outstanding Subcommittee Chair Award for the Real Estate, Condemnation & Trust Litigation Committee, 2016
- *Texas Lawyer*, [Winning Women Award Honoree](#), 2014
- *Dallas Business Journal*, [Women in Business Award Honoree](#), 2012
- Selected by attorney peers as a Texas Monthly Rising Star[®], *Texas Monthly*, 2006–2007, 2011–2014
- North Texas District Export Council, Member of the Year, 2013
- CREW Dallas Outstanding New Member Award Recipient, 2011
- National American Inns of Court Outstanding Program Award, "Separation of Church & State," 2005
- Law clerk, Hon. Hayden Head, Jr., U.S. District Court, Southern District of Texas, Corpus Christi, 2001–2002

Activities and Memberships

- Commercial Real Estate Women (CREW) – Dallas
 - Board of Directors, 2014–2016
 - Chair of Various Committees
 - Member
- American Bar Association (ABA)
 - Litigation Section Member
 - i) Real Estate Condemnation Trusts Litigation Committee, Co-Chair, 2019–present
- North Texas District Export Council (NTDEC)
 - Chair, 2013–2015
 - Vice Chair, 2012
 - Appointed Member of the NTDEC by the U.S. Department of Commerce, 2010
- National Association of Credit Management (NACM), NACM Southwest
 - Member
- International Council of Shopping Centers (ICSC)
 - Member
- State Bar of Texas
 - Member
- Dallas Bar Association
 - Member
- Dallas Young Lawyers Association
 - Foundation Life Fellow
- Patrick E. Higginbotham American Inn of Court
 - Barrister, 2017–2021
 - Associate

- Texas Winds Musical Outreach
 - Board of Directors (Past-President)
 - Advisory Board Member

Publications

- "Big Loopholes in Texas Attorney Fees Recovery Law Closed in Much-Anticipated Legislative Update," *The Journal of Real Estate, Condemnation, and Trust Litigation*, ABA Section of Litigation; September 21, 2021.
- "Cannabis Regulation and Cannabis Derived Products," USA Chapter of the Legalink guidebook, co-author; 2021.
- "Cannabis Laws in the U.S. and Europe Continue to Evolve," Legalink; September 2020.
- "[All Things Credit. All Things Legal](#)," *NACM Business Credit* magazine, author; May 2020.
- "Impacts of COVID-19 on Commercial Leasing," Bell Nunnally Client Alert, co-author; April 3, 2020.
- "COVID-19 Issues and Answers for NACM Members," Bell Nunnally Client Alert, co-author; March 20, 2020.
- "[Commercial Eviction](#)," LexisNexis, author; March 2020.
- "Hemp, It's Not Just for Hippies Anymore. Texans, are you ready?" *Dallas Business Journal*, author; October 2019.
- "[New Legislation Would Give Cannabis Businesses Access to Federal Banks](#)," *NACM Business Credit* magazine, quoted; April 2019.
- "[A Credit Manager's Guide to Effective Demand Letters](#)," *NACM Business Credit* magazine, author; May 2019.
- "Keep Calm and Credit On! Successfully Navigating, Negotiating and Resolving Customer Account Disputes," *NACM Business Credit* magazine, author; March 2018.
- "[Properly Document Your Deal and Avoid Pitfalls of Casual Contracting](#)," *NACM Business Credit* magazine, author; May 2017.
- "[Dance Like No One is Watching; Email Like It May One Day Be Read Aloud in a Deposition](#)," *NACM Business Credit* magazine, author; February 2017.

- "Tips to Ensure the Acceleration Clause in Your Lease is Enforceable," *The Journal of Real Estate, Condemnation, and Trust Litigation*, ABA Section of Litigation; January 2017.
- "[What Real Estate Investors Should Know about Tenant Safety and Security](#)," *Dwell Finance Blog*, interviewed; July 2016.
- "[Post Judgment Collection Strategies: Know Your Basic Options](#)," *NACM Business Credit* magazine, author; April 2016.
- "What Texas Property Owners Need to Know about Open Carry," *The Journal of Real Estate, Condemnation, and Trust Litigation*, ABA Section of Litigation; February 2016.
- "Saddle Up with New Eviction Rules in Texas Justice Courts," *The Journal of Real Estate, Condemnation, and Trust Litigation*, ABA Section of Litigation; June 1, 2015.
- "Eviction: Not the End of the Road for Landlords and Tenants," *The Journal of Real Estate, Condemnation, and Trust Litigation*, ABA Section of Litigation; May 20, 2015.
- "[Arbitration, the Good, the Bad, and the Ugly](#)," *NACM Business Credit* magazine, author; May 2015.
- "Partnerships & Joint Ventures: Legal Obligations and How to Deal with Them," Chapter 2, *NACM Manual of Credit & Commercial Laws*; 2014 & 2015 Editions
- "[Leggo My Alter Ego! What You Need to Know About Piercing the Corporate Veil](#)," *NACM Credit Congress*, so-author; July 2014.
- "[What You Need to Know About the Commercial Eviction Process](#)," *Dallas Bar Association Headnotes*, Vol. 39, No. 9, author; September 2013.
- "[Fraudulent Transfer Is The Bomb! Fallout From In Re Dynegey](#)," *Law360*, co-author; December 5, 2012
- "[Getting Paid on Foreign Country Judgments: Recognition and Enforcement in the United States](#)," *Bloomberg BNA's The United States Law Week*, co-author; June 5, 2012
- "[Section 52.0012 Resolves Few Homestead Release-of Lien Issues](#)," *Texas Lawyer*, author; March 2011
- "[Inside Texas Attorney Ethics: Referendum Breakdown](#)," *Law360*, author; March 2011
- "[Lis Pendens: What Owners and Claimants Need to Know to Effectively and Legally Protect and Defend Their Real Property Rights](#)," *The Real Estate Finance Journal*, author; Summer 2011
- "Texas Lockouts: Do Them Right and Avoid a Tenant Tangle," *Sterling Education Services Inc., The Sterling Blog*; August 11, 2011

Presentations

- "Arbitration, Mediation, Litigation...Oh My!" NACM Southwest All South Credit Conference, presenter; September 25, 2023.
- "The Evolution of Attorney-Client Privilege for In-House Counsel," Association of Corporate Counsel Annual In-House Symposium, presenter; April 6, 2023.
- "Cryptocurrency, NFT's and the Metaverse: Office of the Future?" National Association of Credit Management Southwest All South Conference, October 11, 2022.
- "Cannabis Law 101" and "Cannabis Ethical Considerations," ABA Litigation Section Regional Cannabis Law Conference, Chicago, IL, September 12, 2022.
- "Ethics and Communication in the Credit Department," National Association of Credit Management; May 11, 2022.
- "NACM All South Conference - Lucky 7's Webinar Series," National Association of Credit Management; November 11, 2021.
- "BNM Practice Management Essentials," CLE Presentation for Bell Nunnally; October 20, 2021.
- "Lien Waivers- Effective Management and Best Practices," National Association of Credit Management, Kansas City; October 12, 2021.
- "[The Essentials: Credit Applications and Guaranty Agreements](#)," National Association of Credit Management Southwest, April 28, 2021.
- "[Help Your Attorney Help You! Ensuring All Those I's Are Dotted and T's Are Crossed](#)," National Association of Credit Management Southwest 2020 All South Digital Summit; October 20, 2020.
- "COVID-19 Impact on Cannabis: Industry Insights and Expectations," American Bar Association; August 5, 2020.
- "Joint Agreement - a Quick Primer," NACM Southwest; May 18, 2020.
- "COVID-19 - Impact on Oklahoma and Arkansas," NACM Southwest; April 8, 2020.
- "COVID-19: Force Majeure, Impossibility and Frustration of Purpose," American Bar Association Litigation Section panel; moderator; March 31, 2020.
- "COVID-19 Impact on Texas: Know Your Legal Rights," NACM Southwest; March 27, 2020.
- "COVID-19 Business Legal Alert: Navigating the New Normal," Richardson Chamber of Commerce; March 26, 2020.

- "COVID-19 - Legal Update for Credit Professionals," NACM Southwest, March 25, 2020.
- "Dance Like No One is Watching But Email Like it May Be Read Aloud in a Deposition," NACM Southwest, Houston; November 2019.
- "The Life Cycle of a Creditor's Payment," NACM Southwest Chapter, Dallas; June 2019.
- "Successfully NAVIGATING, NEGOTIATING, and RESOLVING Account Disputes," NACM Southwest Chapter, Odessa; June 2019.
- "Cannabis Law: Everything You Wanted to Know but Were Afraid to Ask!" NACM's Credit Congress and Expo, Aurora; May 2019.
- "Effective Demand Letters: Securing Payment & Avoiding Liability," NACM, webinar; October 2018.
- "Keep Calm and Credit On! Successfully Navigating, Negotiating and Resolving Customer Account Disputes," NACM Southwest Chapter, Dallas; September 2018.
- "Keep Calm and Credit On! Successfully Navigating, Negotiating and Resolving Customer Account Disputes," NACM'S Credit Congress and Expo, Phoenix; June 2018.
- "Best Practices for Documenting the Deal and Customer Disputes," NACM 2017 National Credit Congress, and NACM Southwest, Dallas, Texas; 2017.
- "[Welcome to the Jungle: Judgment Enforcement](#)," NACM 2016 National Credit Congress, Las Vegas, Nevada; 2016.
- "[Art of Arbitration - Painting Your Way to Payment](#)," NACM 2015 National Credit Congress, St. Louis, Missouri; 2015.
- "Collections Executive Exchange," panel moderator, National Association of Credit Management, 2015 National Credit Congress, St. Louis, Missouri; 2015.
- "Mediating to Win," National Association of Credit Management, webinar; 2015.
- "[Leggo My Alter Ego! What You Need to Know About Piercing the Corporate Veil](#)," National Association of Credit Management, 2014 National Credit Congress, Orlando, Florida; 2014.
- "Performance Metrics Executive Exchange," panel moderator, National Association of Credit Management, 2014 National Credit Congress, Orlando, Florida; 2014.
- "Alter Ego & Piercing the Corporate Veil," National Association of Credit Management, Webinar; 2014.
- "Are you Perfected? Perfecting UCC Lien Rights," National Association of Credit Management, Webinar; 2014.

- “ESQ’ing Minds Want to Know – CREW Lawyers Tell (Almost) All,” panelist, Commercial Real Estate Women, Monthly Luncheon, Dallas, Texas; 2013.
- “Enforcing Security Interests,” National Association of Credit Management, National Credit Congress, Las Vegas, Nevada; 2013.
- “Construction Executive Session,” panel moderator, National Association of Credit Management, National Credit Congress, Las Vegas, Nevada; 2013.
- “Effective Demand Letters: Securing Payment & Avoiding Liability,” National Association of Credit Management, webinar; 2013.
- “Judgment Enforcement Options – What is in Your Collection Arsenal?” National Association of Credit Management, webinar; 2013.
- “Ethical and Liability Issues Arising from Representing Multiple Parties,” State Bar of Texas, John Huffaker Agricultural Law Course, Lubbock, Texas; 2012.
- “Liens and Bonds Through the Lens of Litigation,” National Association of Credit Management, National Credit Congress, Grapevine, Texas; 2012.
- “International Executive Credit Panel,” National Association of Credit Management, National Credit Congress, Grapevine, Texas; 2012.
- “Writing Effective Demand Letters that Get You Paid and Keep You Out of Trouble,” Lorman Education Services; 2012.
- “Commercial Evictions and the Judicial Process,” Annual Commercial Landlord-Tenant Law & Lease Negotiations Seminar, Sterling Education Services; 2011.
- “Structuring Your Business to Avoid Personal Liability,” CBD Team Networking; 2011.
- “Managing Global Credit Risk for Exporters,” Exporting with the Experts, University of Texas at Dallas; 2011.
- “Managing Credit Issues in International Trade,” Dallas African Chamber of Commerce Annual Conference; 2011.
- “International Dispute Resolution: What the Business Executives of Today and Tomorrow Need to Know,” University of Texas at Dallas, Global MBA Program; 2011.

Credentials

Education



- JD, The University of Texas School of Law, with honors, 2001
- BA, English Literature/Political Science, The University of Texas at El Paso, with highest honors, 1997

Admissions

- Texas
- Supreme Court of the United States
- United States Court of Appeals for the Fifth and Eighth Judicial Circuits
- United States Court of Appeals for the Federal Circuit
- United States District Courts for the Northern, Southern, Eastern and Western Districts of Texas