



Craig Brinker

Of Counsel

craig.brinker@wilsonelser.com

Dallas, TX – 214.698.8008

Craig Brinker has more than 25 years of experience handling complex and diverse litigation, representing individuals, companies and professionals at all levels in the Texas courts. His practice has been devoted primarily to commercial litigation and professional malpractice, in which he has prosecuted and defended claims for broker-dealers, investment advisers, insurance agents, lawyers and real estate professionals, among others. He often counsels clients on risk avoidance issues and is called upon regularly to provide in-house continuing education seminars. Craig has successfully settled or tried to conclusion a multitude of cases in state and federal court as well as in arbitration hearings before FINRA and AAA panels. He also has handled non-subscriber litigation.

Craig's vast knowledge of the business community and the financial ramifications of various legislation – in force and pending – puts him in tune with the needs of his clients. He has the ability to quickly spot areas of contention, help his clients deflect the consequences, and devise strategies to resolve issues in and out of the courtroom.

Financial Institutions

Craig counsels his clients regarding proposed rules and their business and financial implications and helps them understand new rules, revising existing policies where appropriate. He represents investment advisers, registered representatives, broker-dealers, accountants, pension plans and financial industry firms in all phases of litigation in federal and state courts as well as in nationwide FINRA arbitration and FINRA Department of Enforcement proceedings. Craig litigates claims involving the Securities Act of 1933, Securities Exchange Act of 1934, Investment Advisors Act of 1940, blue sky laws, tax and antitrust laws, attestation engagements, self-regulatory organization statutes, and employment and partnership disputes.

Commercial Litigation

Craig has broad experience with business law and the ability to formulate contracts that

Services

- Commercial Litigation
- Employment & Labor
- Financial Services
- Insurance & Reinsurance Coverage
- Life, Health, Disability & ERISA
- National Trial Team
- Professional Liability & Services
- Securities
- Securities Industry Professionals
- Canada

can withstand potential challenges. He provides innovative legal strategies and successfully litigates matters within designated time frames and budgets. Craig helps his clients negotiate in business disputes, guiding them past personal, business and reputational risks. Serving large and small businesses, he is adept at selecting a preferred approach, from litigation, arbitration and mediation through the appeals process.

Professional Liability & Services

Craig provides direct defense for professionals on individual cases in courts, before regulatory bodies, and in arbitrations and mediations. He handles cases involving errors and omissions insurance, miscellaneous professional liability insurance and other forms of coverage. Craig provides all associated services, such as litigation, practice and risk management, regulatory, investigations and ethics, associations and networks, and transactional matters. He has represented securities brokers, investment advisory representatives, accountants, attorneys, insurance agents and others in professional malpractice and errors and omissions claims. Craig also litigates on behalf of real estate brokers, appraisers, trust deed servicing agents, surveyors, title insurance companies, title abstractors and home inspectors, among other industry professionals. He understands the complex issues facing real estate professionals at every stage in the acquisition or sale of real property and is keenly aware of the scrutiny and myriad challenges real estate professionals deal with in today's market.

Education

- University of Texas School of Law (J.D., 1980)
 - with honors
- Trinity University (B.A., 1977)
 - summa cum laude

Bar Admissions

- Texas

Court Admissions

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

Professional Affiliations

- Dallas Bar Association
- DRI: The Voice of the Defense Bar, Professional Liability Committee
- Claims and Litigation Management Alliance (CLM)

- College of the State Bar of Texas

Awards & Honors

Selected for inclusion in *The Best Lawyers in America®*, 2024-2026

Representative Matters

Successfully negotiated settlement of a \$2 million “affinity fraud” claim and dismissal of adversary proceeding in bankruptcy court.

Obtained \$1.3 million judgment against individual and corporate defendants under the Uniform Fraudulent Transfer Act by proving that the defendants transferred more than \$2.5 million in assets in avoidance of a prior judgment.

Prevailed in unanimous take-nothing decision by an arbitration panel in favor of registered representative and broker/dealer in \$9 million security case alleging fraud and violations of state and federal securities law.

Publications

Q2 2025

By Any Other Name: Rules Limiting Alternative Pleading in Professional Liability Actions

Professionally Speaking

Q2 2025

Professionally Speaking

February 25, 2025

Texas Supreme Court Rejects Repackaging of Professional Claims

Client Wins

Brinker and Heydari Secure Summary Judgment in Legal Malpractice Case

Craig Brinker (Partner–Dallas, TX) and Meina Heydari (Associate–Washington, D.C.) obtained dismissal of a legal malpractice and gross negligence case in the 401st District Court of Collin County, on behalf of Wilson Elser’s clients, a law firm and two attorneys. Our clients had represented the plaintiff in an earlier child custody case. The pro se plaintiff alleged that in the underlying matter, the attorneys failed to adequately represent her during a contested temporary orders hearing in a Suit Affecting the Parent-Child Relationship (SAPCR) action involving custody and support issues concerning her minor son, and sought actual and exemplary damages.

Craig and Meina filed a no-evidence motion for summary judgment under Texas Rule of Civil Procedure 166a(h)(3), arguing that because the plaintiff's claims turned on her attorneys' litigation strategy in a complex family-law proceeding, expert testimony was required to establish the breach and causation elements of her claims. They further argued that the plaintiff's failure to designate any experts, despite receiving a thirty-day extension of the designation deadline, warranted dismissal. Craig and Meina also successfully opposed the plaintiff's invocation of the "common knowledge" exception and request for additional discovery, establishing that the absence of expert testimony was a dispositive deficiency that further discovery could not cure. The court granted Wilson Elser's motion and dismissed the plaintiff's claims against all three defendants with prejudice.