

Stacey L. Barnes

## Description

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Mr. Barnes is a Senior Attorney in Litigation and Business Law at Kearney, McWilliams & Davis, PLLC. He is also a Visiting Professor at the University of Debrecen, Hungary and a former Adjunct Professor of Law at South Texas College of Law, teaching International Commercial Arbitration and Arbitration Law. Mr. Barnes also coaches domestic, international, and securities arbitration teams.

As a litigation attorney, his practice focuses in the areas of international business law, general business representation, corporate law, commercial litigation, and intellectual property law. He has experience with cases ranging from simple collection matters to patent and trademark infringement cases, international trade secret litigation, and breach of commercial contract cases. As a transactional attorney, Mr. Barnes counsels clients regarding a variety of business transactions, from basic entity formation to complex cross-border acquisitions or licensing agreements. Mr. Barnes has advised business clients on legal matters involving Canada, Mexico, St. Lucia, Italy, Germany, Britain, Ireland, France, Belgium, Netherlands, Luxembourg, Sweden, Malta, Russia, Central African Republic, Ghana, Saudi Arabia, India, Malaysia, Singapore, South Korea and the United States. He has worked for business law firms in Houston, Texas, and Milan, Italy.

As an arbitrator, Mr. Barnes is available for appointment as arbitrator for commercial, international, securities and intellectual property cases. Member of the AAA Commercial, ICDR, ICC, European Court of Arbitration, FINRA, and City of Houston arbitration rosters, Mr. Barnes has a diverse background and extensive expertise. He has served as single arbitrator, wing arbitrator, and chair of commercial arbitration panels on subjects including international commercial loan securitization, international shipping and logistics employee leasing, business acquisitions, post-acquisition price adjustments, commercial loan brokerage agreements, collateralized debt obligations, mutual fund administration, distributorship agreements, software service agreements, corporate governance, professional services fee disputes, breach of contract, breach of fiduciary duty, construction services, securities fraud, branch office contracts, and executive compensation cases. He has also served as chairman of arbitration panels for claims of large international financial institutions involving unfair competition, tortious interference with contract, and violation of non-competition covenants as well as international arbitration panels for claims involving securities options contracts and commercial loan securitization.

Mr. Barnes earned his Bachelor of Arts from the University of Texas at Austin, where he was a National Merit Scholar and a NASA Fellowship Scholar. Mr. Barnes served as a legislative aide in the House of Representatives and Senate of the State of Texas. He is a cum laude graduate of the University of Houston Law School, where he was student body Vice-President. Mr. Barnes is a member of the Houston Bar Association (Corporate Counsel and International Law sections), the State Bar of Texas (Business Law and International Law sections) and the American Bar Association (Business Law, International Law, and Intellectual Property Law sections). He is an active member of the Italy-America Chamber of Commerce, Turkish American Association for Business, Young Internationals Group (Board Member: 2004 – 2006), International Alliance, Houston World Affairs Council, and Houston Rotary Club (International Service Committee).

Stacey Barnes is licensed to practice law in Texas and in the United States District Court for the Southern, Northern, and Western Districts of Texas, as well as the United States Federal and Fifth Circuit Courts. He is based in the Houston, Texas, office for Kearney, McWilliams & Davis, PLLC.

## Representative Arbitrations

- Represented licensee in multi-party international software royalty arbitration proceeding. Obtained settlement with Chinese sub-licensee paying the great majority of amount in dispute.
- Represented Internet communications client in corporate governance and minority shareholder buy-out

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arbitration. Obtained favorable buy-out terms for client.

- Represented American investor in minority shareholder oppression arbitration proceeding against Canadian shareholder. Obtained favorable award in arbitration and confirmed award in U.S. federal court, pursuant to the New York Convention.
- Successfully represented e-commerce client in unfair competition and Internet trade secret arbitration. Obtained a dismissal of parallel suit in U.S. federal court seeking to enjoin the arbitration.
- Successfully appealed refusal to compel arbitration on behalf of manufactured housing client. Texas state appellate court reversed the trial court and compelled arbitration under the U.S. Federal Arbitration Act.
- Represented financial services client in commercial arbitration proceedings for breach of fiduciary duty and unfair competition claims, including anti-suit injunction proceedings seeking to enjoin parallel lawsuits brought in violation of arbitration clause.

## Representative Litigation

- Domestic American litigation experience includes a variety of commercial and corporate topics, including breach of contract, stock options, securities fraud, litigation for corporate control, minority shareholder oppression, insurance coverage, pipeline services, international petroleum development, unfair competition, securities fraud, international nano-technology development, trademark infringement, patent infringement, and trade secrets.
- Represented client in federal court litigation involving trade secrets and copyright of geophysical oil and gas-related software. Counter-party sought to enjoin all North American and Chinese licensing of software. Obtained a settlement giving client ownership of all technology at controversy.
- Represented investors in Texas state court litigation regarding Columbian petroleum development project. Obtained a confidential settlement on behalf of clients.
- Represented investors in complex federal receivership proceedings involving hundreds of offshore asset protection entities.
- Represented former licensee in a complex trademark dispute in U.S. federal court. Obtained a confidential settlement allowing client to continue using trademarks at issue.
- Represented client in international relocation employment contract dispute in Texas state court. Obtained jury verdict in favor of client.
- Represented dietary supplement company in biochemical patent and trademark suit in U.S. federal court. Obtained a halt of production of infringing product after a successful appeal to the U.S. Court of Appeals for the Federal Circuit.  
Obtained a dismissal of individual defendants in U.S. federal court litigation involving a beverage distributorship in Saudi Arabia.
- Represented oil services technology company in international trade secret litigation in Texas state court. Obtained a dismissal of foreign patent infringement counterclaims and a confidential settlement in favor of client.
- Represented defendant in trademark infringement suit in U.S. federal court.
- Defeated a proposed injunction which would have halted a national new product rollout, and obtained a favorable settlement for client.
- Represented beverage company in trademark infringement suit in U.S. federal court. Obtained a jury verdict of intentional infringement of client's trademarks and an injunction halting infringement.
- Obtained a dismissal of all claims involving international carriage of goods against a transportation corporate client in Texas state court.

## Representative Transactions

- Negotiated, drafted, and implemented a variety of international and domestic transactions, including joint ventures, mergers, and asset and share acquisitions.
- Represented clients during corporate reorganizations and shareholder agreement modifications.
- Assisted clients in drafting and negotiating licensing and distribution agreements, branch office agreements, service agreements, and finder's fee agreements.
- Drafted and negotiated construction contracts, government service contracts, and international sales of goods and services agreements.
- Organized and performed general counsel duties for limited liability companies (LLC), corporations, partnerships, limited partnerships (LP), limited liability partnerships (LLP), professional corporations, and professional

associations, including the creation of subsidiaries for foreign businesses; duties include corporate compliance matters for a publicly traded companies, ongoing entity maintenance, and managing corporate governance.

## **Speeches & Publications**

- Eurojuris International, Use of ICDR Rules in International Arbitration, Frankfurt, Germany, 2019
- University of Silesia, Merger, Acquisition & Joint Venture Arbitrations, Katowice, Poland, 2018
- University of Debrecen, International Commercial Arbitration, Debrecen, Hungary, 2017
- University of Pardubice, International Sales of Goods, Pardubice, Czech Republic, 2016
- University of Debrecen, International Sales of Goods, Debrecen, Hungary, 2015
- U.S.-China International Business Network, Chinese Judiciary Training, Principles of Arbitration in the United States, Houston, Texas, 2015
- Tbilisi State University, Intensive International Arbitration Training, Tbilisi, Georgia, 2013
- TSU/NCADR ADR Conference, IBA Rules Regarding Evidence and Conflicts: The Basics, Pros, and Cons of Their Use, Tbilisi, Georgia, 2013
- Houston Bar Association, Contracts for the International Sales of Goods, Houston, Texas, 2013
- International Section HBA, U.N. Convention on Contracts for the International Sales of Goods, Houston, Texas, 2013
- Center for International Legal Studies, Guidelines and Soft Law in International Arbitration, Salzburg, Austria, 2012
- Chartered Institute of Arbitrators YMG Meeting, Trends in International Arbitration – Presentation of Evidence, Dublin, Ireland, 2011
- NAFTA 2022 Meeting, Drafting Multi-Tier ADR Clauses, Houston, Texas, 2010

## **Languages**

- English (native)
- Italian (conversational)
- Russian (working knowledge)
- Spanish (working knowledge)

## **Education**

- J.D., University of Houston Law Center, 1998, Cum Laude
- B.A., Political Science & Astronomy, University of Texas at Austin, 1990

## **Prior Experience**

- Lewis & Barnes: Managing Partner, International Business, Arbitration, Corporate Transactions, and Commercial Litigation
- Hanszen · Laporte: Partner, International Business, Arbitration

## **Admissions to Practice**

- Texas
- Federal
  - U.S. Northern District of Texas
  - U.S. Southern District and Bankruptcy Court of Texas
  - U.S. Western District of Texas
  - United States Court of Appeals for the Fifth Circuit
  - United States Court of Appeals for the Federal Circuit
- Appeared pro hac vice in state courts in Florida, Michigan and Montana, as well as United States District Courts

for the Central District of California, District of Maryland, District of Utah, District of Wyoming, Southern District of Florida, and Eastern District of North Carolina

## **Memberships**

- Texas Bar Association
  - International Law Section
  - Business Law Section
- Chartered Institute of Arbitrators, Member (MCI Arb)
- Institute for Transnational Arbitration, Member Advisory Board