



Jay A. Ferguson

Attorney



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Biography

Jay Ferguson has a broad litigation background with experience in commercial litigation, insurance litigation, trade secrets, professional liability, and general liability cases. He vigorously represents and advocates for clients in hearings, mediations, and depositions, and has negotiated numerous positive settlements on behalf of clients. Prior to joining Shields Legal, Jay was a litigation associate in a national AmLaw 100 law firm.

Education

- J.D., Southern Methodist University, Dedman School of Law, 2014
 - Science and Technology Law Review
- B.S., Management, Tulane University, 2011

Admissions

- State Bar of Texas
- United States District Court, Northern District of Texas

Clerkships

- Judicial Extern to the Honorable Harlin D. Hale (Ret.), United States Bankruptcy Judge for the Northern District of Texas (Jan. – May 2013)
- Judicial Intern to Judge Rita Gruber, Arkansas Court of Appeals (May – July 2012)

Practice Areas

- Insurance Litigation
- Complex Commercial Litigation
- General Liability Litigation
- Trade Secret Litigation

Representative Work

- Defended national client in bankruptcy adversary complaint concerning breach of contract and the classification of debt vs. equity
- Successfully defeated motion to remove notice of *lis pendens* in matter that concerned a property dispute and corporate malfeasance for regional client
- Obtained dismissal of breach of fiduciary claim by motion to dismiss on procedural and res judicata grounds
- Obtained TRO for property owner in matter concerning dispute over control of a hotel development
- Represented property owner in appeal of bankruptcy §363 sale order successfully limiting issues on appeal
- Obtained summary judgment for client in premises liability case that concerned alleged assault by security company
- Represented lender in property foreclosure and guaranty suit in California state court and obtained summary judgment that awarded client \$3.5MM in damages
- Obtained summary judgment for clients in professional liability matter resulting in dismissal of all claims in \$2MM+ case concerning life expectancies
- Represented national digital marketing company in defense of non-compete and trade secret matter regarding outgoing employees of rival company
- Represented property owner in construction dispute as to ownership of materials from failed construction of hotel. Successfully secured return of materials to property owner

Publications

- Jay A. Ferguson, "United States Supreme Court Considers Degree of Misconduct to Constitute "Defalcation,"" *State Bar of Texas Bankruptcy Law Section Newsletter*, March 2013
- Jay A. Ferguson, *Janvey v. Democratic Senatorial Campaign Comm., Inc.:* Ponzi Schemes and Fraudulent Transfers Go Hand in Hand, *Federal Bar Association, Dallas Chapter Fall 2013 Newsletter*

Affiliations

- State Bar of Texas, Antitrust and Business Litigation and Litigation sections
- Dallas Bar Association
- Dallas Association of Young Lawyers

Accolades

- Recognized in the 2024 and 2025 editions of *Best Lawyers: Ones to Watch® in America* for Commercial Litigation