



BELLNUNNALLY

Mark A. Shoffner

Partner

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BUSINESS-MINDED AND HIGHLY RESPONSIVE, MARK SEEKS TO LEARN AND UNDERSTAND EACH CLIENT'S ENTERPRISE TO BETTER SERVE AS A VALUABLE PARTNER IN ACHIEVING ITS GOALS. FOCUSED ON PROVIDING PRACTICAL ADVICE, HE SEEKS POSITIVE RESULTS BY COMBINING TACTICAL STRATEGY AND MAXIMUM EFFICIENCY.

Working with businesses in all industries and high-level executives, Mark represents and counsels clients in employment law and litigation matters.

Employment Counsel and Litigation

Mark defends and advises companies on all matters related to the employer-employee relationship, including claims brought under the federal and state trade secrets laws (DTSA and TUTSA), the wage and hour laws (FLSA), and state and federal anti-discrimination statutes (Title VII, ADEA, ADA, Equal Pay Act).

Mark has also prosecuted and defended cases for clients seeking to enforce or invalidate post-employment restrictions, including noncompete and nonsolicitation agreements.

In addition to his dispute-based practice, Mark regularly counsels executives on matters related to employment agreements, equity agreements and severance contracts. He advises clients on employment best practices, including regular review of employee handbooks and policies.

Commercial Litigation

An experienced litigator, Mark has represented clients in a variety of industries, including real estate and construction, financial services, and oil and gas. For these clients, he has handled matters ranging from partnership and breach of contract disputes to construction litigation and the defense of environmental claims.

Representative Experience

Employment Claims (Discrimination and Wage and Hour)

- Successfully represented a Texas-based financial institution against allegations of age discrimination, resulting in the Travis County District Court granting summary judgment and dismissing the claims with prejudice. After full briefing on appeal, the Texas Third Court of Appeals in Austin affirmed this outcome, securing a complete victory.
- After a full arbitration on the merits, successfully defended a Dallas-based oil and gas company against claims asserted by a former employee under Title VII for pregnancy discrimination and retaliation and a separate claim under the Equal Pay Act. After the arbitrator entered a take-nothing judgment, the former employee filed a motion to vacate the award in court. After extensive briefing, a federal judge denied the motion and affirmed the arbitration victory.
- Represented a major Dallas-based transportation company in a FLSA collective action, successfully enforcing post-litigation arbitration agreements and a class action waiver.
- Represented a taxicab company in FLSA wage and hour litigation and a separate proceeding before the National Labor Relations Board.
- Defended a nationwide radio operator and billboard company in an arbitrated employment dispute.
- Defended a national timeshare company in FLSA class action wage and hour litigation.

Noncompetes, Nonsolicitation and Trade Secrets

- After a full arbitration on the merits, successfully defended three individuals against claims made by national public accounting firm for misappropriation of trade secrets, breach of fiduciary duty and violation of restrictive covenants. The individual clients also asserted counterclaims against their former employer for breach of fiduciary duty and breach of the partnership agreement. After a five-day hearing, the arbitrator entered an award in favor of the clients, including the recovery of damages on the breach of fiduciary counterclaim.
- Prosecuted a case on behalf of a major insurance benefits company in which the court granted injunctive relief and enforced a contract prohibiting solicitation of clients and employees.
- Represented a hospital chain in a breach of fiduciary duty and misappropriation of trade secrets matter.
- Represented a food manufacturer in a trade secrets dispute.
- Represented a national security integration company in enforcement of customer nonsolicitation agreements.

General Litigation

- Successfully secured a favorable outcome for a Texas-based chemical solutions company in an unpaid-wage suit totaling more than \$600k.
- Defended independent board members of a Las Vegas-based REIT against breach of fiduciary duty claims asserted by a bankruptcy trustee.
- Represented a Boston-based commercial finance company in construction litigation against a general contractor and subcontractors.
- Represented a financial services company in a partnership dispute, conspiracy and breach of fiduciary duty case.
- Represented an oil and gas corporation in a *qui tam* action regarding alleged environmental contamination in the Gulf of Mexico.

Noteworthy

- Named one of the "Litigation Stars" in the *Benchmark Litigation Guide*, 2025
- Named to Lawdragon's "500 Leading Corporate Employment Lawyers" guide, with special recognition for litigation, 2023-2025
- Selected by attorney peers for inclusion in *The Best Lawyers in America*®, 2024–2025
- Selected for inclusion in *Texas Super Lawyers*®, Thomson Reuters, 2014–2024
- Selected by attorney peers for inclusion as *Texas Rising Stars*®, *Texas Monthly*, 2012–2014
- Served as law clerk to United States District Judge Robert G. James, Western District of Louisiana

Activities and Memberships

- Hyer Elementary School Dads Club
 - President, 2016–2017
- Louisiana Tech University Alumni Association
 - Board Member, 2014–2016
- Living for Zachary

- Board Member, 2012–2014
- State Bar of Texas
 - Member
- Dallas Bar Association
 - Member
- Texas Bar Foundation
 - Member

Publications

- "Wage Claim Disputes: In Court or Administrative Proceeding?" Dallas Bar Association Headnotes, co-author; July 2024.
- "Fifth Circuit Expands Scope of Liability for Title VII Discrimination Claims," *The Texas Lawbook*, co-author; August 30, 2023.
- "Employment Suits Drop in Texas as Pandemic Drags On," *The Texas Lawbook*, quoted; February 16, 2022.
- "Biden Administration Directs OSHA to Mandate Vaccines and Testing," *The Texas Lawbook*, co-author; September 14, 2021.
- "NDTX Enforces Arbitration Clauses Signed During Ongoing FLSA Litigation," *The Texas Lawbook*, quoted; December 23, 2020.
- "COVID-19 Update for Employers," *The Texas Lawbook*, co-author; March 27, 2020.
- "Stars Align in Texas for the Gig Economy," *The Texas Lawbook*, co-author; September 12, 2019.
- "[SB 112 – Is Change In the Future?](#)" *Texas Lawyer*, author; April 16, 2019.
- "Wage & Hour Litigation Practice Remains Strong in Texas," *The Texas Lawbook*, quoted; October 8, 2018.
- "Are non-compete agreements enforceable in a right-to-work state?" *Dallas Business Journal*, co-author; June 12, 2018.
- "Is the End Near for Employee Class Actions in the 5th Circuit?" *The Texas Lawbook*, author; March 5, 2018.

- "Caveat Recruiter: Be Aware of a Potential New Wrinkle in Age Discrimination Litigation," *Inside Counsel*, author; June 8, 2017.
- "[Texas Case Could Open Door to Broader Noncompetes](#)," *Law360*, quoted; February 28, 2017.
- "[Bell Nunnally Boosts Labor and Employment Practice](#)," *The Texas Lawbook*, mentioned; 2017.
- "[Bell Nunnally Adds Employment Partner From Andrews Kurth](#)," *Law360*, quoted; February 7, 2017.
- "Making a Federal Case Out of It: Congress Passes the Defend Trade Secrets Act of 2016," Newsletter of the Corporate Counsel Section, State Bar of Texas; Summer 2016.
- "You've Been Served – with a Subpoena," Newsletter of the Corporate Counsel Section, State Bar of Texas; Winter 2015.
- "Be Careful on Break: Privilege and the Deposition Recess," Dallas Bar Association *Headnotes*, December 2011.

Presentations

- "Employment Law 101," Swingle Collins & Associates, co-presenter; October 11, 2023.
- "Employer COVID-19 Facts & Questions for 2021," Texas Security Bank Speaker Series, speaker; April 27, 2021.
- "The Dallas Sick Leave Ordinance – Where On Earth Are We?" American Staffing Association Texas Network Seminar, speaker; August 22, 2019.

Credentials

Education

- JD, Southern Methodist University Dedman School of Law, 2002
- BA, Louisiana Tech University, 1999

Admissions

- Texas
- Supreme Court of the United States
- United States Court of Appeals for the Fifth Circuit



- United States District Courts for the Northern, Southern, Eastern and Western Districts of Texas