

**COYT RANDAL JOHNSTON**  
**JOHNSTON TOBEY BARUCH, P.C.**  
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Born in Wheeler, Texas because the hospital in Shamrock was full. Author of the book *Robbed at Pen Point*, published poet, passionate guitar player, father of eight children (all temporarily self-sufficient), and founding member of Blue Collar Crime, a Texas blues brotherhood of four lawyers and a guitar legend (who needs four lawyers). [www.bluecollarcrime.com](http://www.bluecollarcrime.com).

Randy Johnston began his career practicing law with two large institutional law firms, one in Houston and one in Dallas. He left and formed his own firm in 1981 and has been practicing with his own firm every since.

### **EDUCATION**

The University of Texas School of Law, Juris Doctor with Honors

Honors: Chairman, Legal Research Board  
Clerk, Lt. Governor's Conference on Ethics in Government

Brigham Young University, Bachelor of Arts Degree

Major: English  
Honors: Track Scholarship (intermediate hurdles)  
Associate Editor, Wye Magazine (campus literary publication)  
President, English Circle (Club of English Majors)

Pampa High School, Pampa, Texas

### **LICENSES/CERTIFICATIONS**

Licensed by the State Bar of Texas and Federal Courts in Texas

Board Certified: "Civil Trial Law," Tex. Bd. of Legal Specialization, 1981 – present

Texas Board of Legal Specialization, Member 1983-1985

Personal Injury Advisory Commission, Member 1993-2000

Practice limited to litigation, specializing in professional liability.

### **ACKNOWLEDGMENTS/HONORS**

2012 "*Texas Trial Legends Award*" from Dallas Bar Association's Tort & Insurance Practice Section.

2010 “A Standing Ovation Award” from staff of the State Bar: outstanding volunteer to the State Bar CLE Program.

Dallas Bar Association - Presidential Citation for Law Jam 2; program for fundraising for legal aid for the poor.

Texas Lawyer – “*The GoTo Guide*” 2007, for Legal Malpractice in Texas

D Magazine - Best Lawyers in Dallas

Texas Monthly - Texas’ Super Lawyers

Who’s Who in American Law

## **PROFESSIONAL ORGANIZATIONS**

The National Trial Lawyers – “Top 100 Civil Plaintiff Attorneys”  
Member

International Academy of Trial Lawyers  
Fellow, 2009

American Board of Trial Advocates  
President, Dallas Chapter 2004

Dallas Bar Association  
Chairperson, Business Litigation Section, 2000

Dallas Bar Foundation  
Charter Life Fellow

Dallas Trial Lawyers Association  
President, 1999

Texas Bar Foundation  
Life Fellow

Texas Trial Lawyers Association  
Member

## **SPEECHES**

*Ethical Issues in Pre-Trial & Trial Investigations*, Dallas Bar Ethics Fest, 2016

*Asleep at the (Ignition) Switch?* The Texas General Counsel Forum, 2016

*Litigating a Malpractice Case*, State Bar of Texas Webcast, 2016

*Latest Developments in Ethics and Malpractice in Texas*, Denton Bar, 2016

*Litigating a Malpractice Case*, State Bar of Texas Webcast, 2015

*Reptile and Rules of the Road*, Trial Skills, 2015

*Ethics Not a Game (Show)*, State Bar of Texas’s 25<sup>th</sup> Entertainment Law Institute, 2015

*Trying Legal Malpractice Cases*, Legal Malpractice Program, 2015

*Proving Up a Business Case*, State Bar of Texas Business Disputes, 2015

*Attorney Client Disclosure Rules and Those Pesky Ethics*, Legal Seminar on Ad Valorem Taxation Conference, 2015

*Knowing Where the Ice is Thin*, Dallas Bar, 2015

*Malpractice*, State Bar of Texas's 38<sup>th</sup> Advanced Civil Trial Course, 2015

*General Motors Ignition Switch Issue*, General Counsel Forum, 2015

*The Art of Business Litigation: A conversation*, Texas Lawyer, 2015.

*Tips to Avoid Legal Malpractice*, Baker Botts Clinic, 2015

*Robbed at Pen Point*, Mesquite Ambucs, 2014

*The Art of Business Litigation: A Conversation*, Texas Lawyer, 2014

*Avoiding Legal Malpractice: Traps for the Unwary*; Dallas Bar CLE Committee, 2014

*Legal Advice for Businesses*; Duncanville Rotary Club, 2014

*Dealing with Clients: Selecting, Attracting Maintaining and Firing*; Dallas Bar, 2014

*Top Ten Ways to Avoid Malpractice*; Texas Tech Extern Class Panel, 2013

*Malpractice and Ethics*; American College of Trust and Estate Counsel, 2013

*Ethics in Business Litigation*; State Bar of Texas's Business Disputes, 2013

*Malpractice Traps for the Beginning Lawyer*; Dallas Bar, 2013

*War Stories*; Peer Assistance Committee, 2013

*Top 10 Ways to Avoid Malpractice*; Arlington Bar, 2013

*Malpractice Issues*; Houston Bar Appellate Section, 2013

*In-House Counsel Summit Roundtable*; 2013

*Texas-Style Malpractice Update*; Association of Professional Responsibility Lawyers, 2013

*Danger Zones and Red Flags in Engagement Letters*, Dallas Bar Association, 2013

*Hooked on Ethics – The T & E Lawyer’s Impossible Dilemma*; 47<sup>th</sup> Annual Heckerling Institute on Estate Planning, 2013

*Malpractice*; State Bar of Texas’s Sex, Drugs and Surveillance Course, 2013

*Ethics Considerations for Solo & Small Firms Attorneys*; Dallas Association of Young Lawyers, 2012

*Presentation on the firm’s pending case before the Supreme Court*; Texas Lawyer’s Insurance Exchange’s National Association of Bar Related Insurance Companies Annual Meeting, 2012

*The Trial of Wyatt Earp (Anatomy of a Trial)*, Litigation Institute for Trial Training, 2012

*Robbed at Pent Point*, Kansas City Association of Financial Professionals’s Finance and Treasury Conference, 2012

*Legal Ethics and Malpractice Issues for Appellate Lawyers*, State Bar of Texas’s 26<sup>th</sup> Annual Advanced Civil Appellate Practice, 2012

*Client as Consumer: Handling the Legal Malpractice Claim*; State Bar of Texas’s Advanced Consumer and Commercial Law Course, 2012

*Navigating the Minefield – Avoiding Malpractice Claims and Grievances*; 14<sup>th</sup> Annual State Bar College Summer School, 2012

*Why I Sue Lawyers*; North Dallas Bar Association, 2012

*Current Ethical Issues*, Women Lawyer’s of Tarrant County, 2012

*Ethical Consideration of Social Media*; Law and Media, 2012

*Law Practice Management*; Dallas Minority Attorney Program, 2012

*How to Avoid Being Robbed at Pen Point*, TEXPO Striving for Excellence, 2012

*Legal Malpractice – Ethics Presentation*, Intellectual Property Law Course, 2012

*Judicial Ethics Code*, Judicial Independence Panel, 2012

*Protecting Yourself from Scams*, American Association of University Women, 2012

*Death Penalty Panel*, SMU Dedman School of Law’s American Constitution Society, 2012

*Advertising Rules for Attorneys*, Tarrant County Bar Association’s Diversity Committee, 2012

*Tips From the Trenches: The Top Ten Things that Get Young Lawyers In Trouble for Malpractice and Lesson in Avoidance*, Dallas Association of Young Lawyers' Leadership Class and Professionalism Presentation, 2011

*I Think You Made A Mistake: Watch What I Will Do To You Now!*, American College of Trust & Estate Counsel's Fall Meeting, 2011

*What Every Business Tort Lawyer Should Know About Legal Malpractice*, State Bar of Texas' Business Torts Institute, 2011

*Liability for Government Lawyers*, Regional Assistant Attorney General's RAAnGer Roundup in Big D, 2011

*Top Ten Ways to Avoid Being Sued*, Collin County Bar Ethics Seminar, 2011

*How Family Law Attorneys Can Best Avoid Being Sued*, Dallas Bar Association's Family Law Bench Bar Conference, 2011

*Malpractice Traps*, State Bar of Texas, Webcast 2011

*Blazing New Trails in Professional Liability*, Professional Underwriter Society Panel International Conference, 2010

*Malpractice Trends*, State Bar of Texas's 33<sup>rd</sup> Annual Advanced Civil Trial Course, 2010

*Ethics Jeopardy*, Bench Bar Conference, 2010

*Legal Malpractice Traps*, National Employment Lawyer's Association, 2010

*What Partnership and LLC Drafting Errors are Likely to Make you a Malpractice Target*, Dallas Bar Association's Tax Section, 2010

*Avoiding Malpractice Pitfalls in Probate Litigation*, Tarrant County Probate Litigation Section, 2010

*Ethics from the Judges' Perspective*, Panel Moderator, Dallas Association of Young Lawyers Sumer CLE Day, 2010

*Legal Malpractice Traps*, State Bar College Summer School, 2010

*Attorney-Client Privilege In Dealing with Auditors*, The Center for American and International Law's 2010 Symposium: Globalization for In-house and Outside Counsel, 2010

*Malpractice Trends*, Dallas Bar Association's Trial Skills, 2010

*File Documentation, Retention and Destruction*, Collin County Bar Association's Estate Planning & Probate Section, 2010

*Top Ten Ways to Avoid Getting Sued for Malpractice*, Dallas Bar Association's Ethics Fest Program, 2010

*Preventing Legal Malpractice: Common Pre-Trial Mistakes*, State Bar of Texas's 4<sup>th</sup> Annual Spring Training: Winning Before Trial, 2010

*Grievances and Legal Malpractice*, State Bar of Texas's 2010 Advanced Medical Malpractice Course, 2010

*Land Mines, Quick Sand and Sand Traps*, Texas Wesleyan Alumni, 2010

*Legal Malpractice Update*, 26<sup>th</sup> Annual Litigation Update Institute, 2010

*Suing and Defending Financial and Legal Professionals*, UT Law's 33<sup>rd</sup> Page Keeton Civil Litigation Conference, 2009

*File Documentation, Retention and Destruction*, Dallas Bar Association's Probate Ethics Panel, 2009

*Robbed at Pen Point*, North Tarrant Bluebonnet Chapter of the International Association of Allied Professionals, 2009

*Ethical Dilemmas and Navigating the Ethical Pitfalls of Online Networking*, Dallas Association of Young Lawyer's Dinner with the Judiciary, 2009

*Ethical Considerations In Representing Closely-Held Companies*, Tarrant County Bar Association's Corporate Counsel Section, 2009

*Malpractice and Ethics Update*, State Bar of Texas's 19<sup>th</sup> Annual Entertainment Law Institute, 2009

*Ethics*, Dallas Bar Association's Annual Review of Oil & Gas Law XXIV, 2009

*Avoiding Malpractice and Ethics Violations in Consumer Practice*, State Bar of Texas's Advanced Consumer and Commercial Law Course, 2009

*Legal Malpractice Update*, State Bar of Texas's 32<sup>nd</sup> Annual Advanced Civil Trial Course, 2009

*Attorney Malpractice: What Partnerships and LLC Drafting Errors are Likely to Make you a Target*, UT CLE, 2009

*Navigating the Quagmire of Potential Claims Against Lawyers Who Represent Fiduciaries and Other Clients in an Estate, Trust, Probate and Guardianship Practice*, Spring Institute, 2009

*Lessons Every Trial Lawyer Has to Learn*, College of Law's Society of Legal Studies and Business, 2009

*Robbed at Pen Point*, Preston Center Rotary Club, 2009

*Legal Malpractice Update*, State Bar of Texas's 25<sup>th</sup> Annual Litigation Update Institute, 2009

*Ethics and Legal Malpractice in the Current Economic Crisis*, Dallas Bar Association's CLE Committee, 2008

*Ethics and Malpractice Myths and Reality*, Dallas Bar Association's Entertainment Law Section, 2008

*Real and Imagined Ethical and Malpractice Issues*, State Bar of Texas's Consumer and Commercial Law Course, 2008

*Fiduciary Litigation Update*, Tarrant County Bar Association's Navigating Troubled Waters: Legal Issues in an Uncertain Economy, 2008

*Ethics Not a Game*, 18<sup>th</sup> Annual Entertainment and Law Institute's Legal and Business Aspects of Film, Music, Sports and Digital Media, 2008

*Evaluating and Handling the Legal Malpractice Case*, State Bar of Texas's Consumer and Commercial Law Course, 2008

*Ethical and Malpractice Issues*, Review of Oil & Gas Law XXIII, 2008

*Attorney Advertising Rules Guidelines and Their Application for Websites*, State Bar of Texas: Webcast, 2008

*Malpractice Traps for the Beginning Lawyer*, Transition to Law Practice Program, 2008

*File Documentation, Retention and Destruction*, Collin County Bar Association's Estate Planning & Probate Section, 2008

*Recent Developments in Legal Ethics with Respect to Representing Healthcare Providers*, Dallas Bar Association's Healthcare Section, 2008

*Recent Developments in Legal Malpractice*, Dallas Bar Association's Annual Ethics Fest, 2008

*Ethics in the Internet*, Texas Trial Lawyer's Association: Personal Injury Seminar, 2008

*Avoiding Your Worst Nightmare-Managing to Stay Out of Trouble*, Dallas Minority Attorney Program, 2008

*Staying out of the Cross-hairs: Avoiding Malpractice Claims*, Dallas Bar Association's Ethics Committee, 2008

*Protecting Ourselves: Attorney Liability Issues*, State Bar of Texas: Webcast, 2008

*Why I Sue Lawyers*, Park Cities Club – Expert Witness Association, 2008

*Malpractice, Ethics and Fee Disputes*, State Bar of Texas: Webcast, 2007

*The Three Corner Problem*, Ethics Dilemmas in Legal Malpractice, 2007

*File Documentation, Retention and Destruction*, State Bar of Texas's Advanced Drafting: Estate Planning and Probate, 2007

*Why I Sue Lawyers*, Great American Insurance Group's CLEver! Ethics, 2007

*Internet Advertising*, Dallas Bar Association's 16<sup>th</sup> Annual Bench Bar, 2007

*Evaluating and Handling the Legal Malpractice Case*, State Bar of Texas's Consumer and Commercial Law Course, 2007

*Malpractice Prevention & Disciplinary Rules*, State Bar of Texas's 30<sup>th</sup> Annual Advanced Civil Trial Course 2007

*The Art of Cross Examination*, Dallas Bar Association's Tort and Insurance Practice Section, 2007

*Belt Update - Practical "Belts" and Suspenders Panel Discussion of How to Plan to Defend the "But Daddy Would Have Wanted to Save All Taxes" Claim*, Texas Bar's 31<sup>st</sup> Annual Estate Planning and Probate Course, 2007

*Magical Ethical Mystery Tour*, Dallas Bar Association's Annual Ethics Fest, 2007

*Belt Case* –State Bar of Texas: Webcast, 2007

*Malpractice Issues in Probate and Estate Planning*, Dallas Bar's Probate, Trusts & Estates Section, 2007

*Malpractice Traps: Advising the Insolvent Client*, State Bar of Texas's 25<sup>th</sup> Annual Advanced Business Bankruptcy Course, 2007

*Legal Malpractice Roundtable*, 2006

*Ethics Panel*, Texas Bar's 29<sup>th</sup> Annual Advanced Civil Trial Course, 2006



*Professional Liability Lawsuits and Successful Strategies*, Dallas Bar Association's Business Litigation Section, 2006

*Law & Ethics Issues for the Estate Planner*, The Center of American and International Law's 44<sup>th</sup> Annual Program on Wills, Trusts, and Estate Planning, 2006

*Belt v. Oppenheimer*, Dallas Bar Association's Probate Study Group, 2006

*Legal Malpractice Roundtable*, Texas Lawyer's Roundtable Event, 2006

*Ethics Issues for the Practicing Entertainment Lawyer*, 15<sup>th</sup> Annual Entertainment Law Institute Legal and Business Aspects of Music, Motion Pictures, and Digital Entertainment, 2005

*Malpractice, Ethical and Fee Disputes*, The San Antonio Estate Planners Council's - Estate Planning, Probate, and Guardianship Seminar, 2005

*Malpractice Exposure for Lawyers in Insurance Related Matters*, 9<sup>th</sup> Annual Insurance Law Institute. The University of Texas School of Law, 2004

*Ethics Issues in Estate Planning*; 43<sup>rd</sup> Annual Program on Wills, Trusts & Estate Planning. The Center for American and International Law, 2004

*The Cost of Being a Gunfighter*; Legal Ethics Committee of the Dallas Bar Association, 2004

*Current Legal Malpractice Issues*, Tort and Insurance Section of the Dallas Bar Association, 2004

*Ethical and Malpractice Issues for the Estate Planning and Probate Practitioner*, Texas Bar CLE presents the 28<sup>th</sup> Annual Advanced Estate Planning & Probate Course, 2004

*Legal Malpractice in Texas*, Insurance Issues. Lorman Education Services Seminar, 2004

*Ethics and Malpractice*, Collin County Probate Section, 2004

*Ethics and Malpractice*, Employment Section of the Dallas Bar Association, 2004

*Ethics and Malpractice*; Probate Section of the Dallas Bar Association, 2003

*Mediating Across the Goal Line: Medical and other Professional Malpractice*. The Alternative Dispute Resolution Section of the State Bar of Texas, 2003

*A Review of Ethics Opinions*. 19<sup>th</sup> Annual Advanced Personal Injury Law Course. State Bar of Texas, 2003

*Ethics and Malpractice for the Criminal Practitioner: DWI Seminar*. Texas Criminal Defense Lawyers Association, 2003.

*Ethics and Malpractice Issues.* Real Property Section of the Dallas Bar Association, 2003.

*“Malpractice and Ethics’ Panel Discussion”* National Law Review, Litigation Summit and Exposition, 2002.

*Trial Demonstration: Direct and Cross of Legal Malpractice Expert.* State Bar of Texas, 2002.

*Tactics-Tactics-Tactics.* Texas Trial Lawyer’s Association, 2001.

*Advanced Expert Witness Course II.* State Bar of Texas, 2001.

*Hot Tips for Hot Times: Malpractice and Fee Disputes.* Texas Trial Lawyer’s Association, 2000.

*Prejudgment and Post Judgment Interest: Damages Symposium.* Texas Trial Lawyers Association, 1999.

*Malpractice and Fee Disputes.* 15<sup>th</sup> Annual Advanced Personal Injury Law Course, State Bar of Texas, 1999.

*Legal Malpractice, Settlement Negotiations, Breach of Fiduciary Duties, and Multiple Clients,* 14<sup>th</sup> Annual Personal Injury Law Course. State Bar of Texas; 1998; 15<sup>th</sup> Annual Personal Injury Law Course, 1999.

*Proving Emotional Damages in Employment Cases: The Nuts and Bolts of Plaintiff’s Employment Litigation VI,* An Employment Law Seminar for the Plaintiff’s Employment Lawyer. The Dallas-Fort Worth Chapter of the National Employment Lawyers Association, 1998.

*Personnel Law Update.* The Council on Education in Management, 1997.

*Voir Dire and Opening Statements:* Super Store of Continuing Legal Education, State Bar of Texas, 1996.

*Masters in Trial: Examination of Plaintiff.* The Foundation of the American Board of Trial Advocates, Dallas and Fort Worth Chapters, 1996.

*Medical Devices and Drug Litigation:* Advanced Products Liability Course. Texas Trial Lawyers, 1995.

*Enforcement Panel: Recent Developments.* 17<sup>th</sup> Annual Conference on Securities Regulation and Business Law Problems. The University of Texas School of Law, The Fort Worth Regional Office of the U.S. Securities & Exchange Commission, The Texas State Securities Board, and the State Bar of Texas Section on Business Law, 1995.

*Masters in Trial : Cross-Examination of Defendant.* The Foundation of the American Board of Trial Advocates, Dallas and Fort Worth Chapters, 1995.

*Winning in Mediation: Nuts and Bolts.* Dallas Trial Lawyers Association, 1994.

*Winning in Opening Statements: Learning from the Masters.* Dallas Bar Association, 1993.

*Litigating with the Drug Companies: Discovery - Getting Down to Basics.* Texas Trial Lawyers Association, 1992.

*Arbitration of Disputes with Broker-Dealers.* 13<sup>th</sup> Annual Conference on Securities Regulation and Business Law Problems. The University of Texas School of Law, The Fort Worth Regional Office of the U.S. Securities and Exchange Commission, The Texas State Securities Board and the State Bar of Texas Section on Business Law, 1991.

*There's More to it than Title VII: The Nuts and Bolts of Plaintiff's Employment Litigation.* 8<sup>th</sup> Annual National Employment Lawyers Association Seminar.

*This Gun's for Hire, Even if we're just Dancing in the Dark.* Bank One, In-House Seminar.

## **ARTICLES AND PUBLICATIONS**

*Contributor Texas Business Litigation – Chapter 15: Ethics,* Texas Lawyer, 2014

*Beware of Limitations Traps on Legal Malpractice Claims,* Texas Lawyer, November 2013

*Attorneys' Fees Problem Area and How to Avoid Fee Disputes,* Texas Bar Journal, October 2012.

*The Disciplinary Rules That Weren't: Now What?* The Advocate, December 2011.

*Mediating Professional Liability Cases – Practical Tips for Success,* Texas Lawyer, November 2011.

*Advice From The Field,* The Advocate, Volume 55, Summer 2011.

*Robbed at Pen Point* by Randy Johnston, 2008.

*A Lawyer Who Sues Lawyers,* The Dallas Morning News, August 19, 2007.

*Coyt Randal Johnston Leaves Quite A Memorable Impression,* The Turtle Creek News, April 4, 2004.

*Curtail Voir Dire? A Practitioner Responds,* Texas Lawyer, February 24, 1997.

*Death Takes Center Stage*, Texas Lawyer, January 19, 1998.

*In Fierce Defense of Lawyer Bashing*, Dallas Business Journal, November 30, 1990.

*On Being held Accountable for Electric Forks, Inc.*, The Dallas Chapter, CPA News, April 1991.

*The Ultimate Trip*, Texas Lawyer, January 5, 1998.

*The Worst Address in Texas*, Texas Lawyer, January 12, 1998.