

Gary D. Eisenstat

Curriculum Vitae/Biography

Overview

Gary Eisenstat is a Texas-based mediator with over twenty-five years of mediation experience, bolstered by his more than forty years of experience as a seasoned trial lawyer. He mediates and has litigated all types of disputes ranging from the most complex commercial, contractual, real estate, and securities disputes to shareholder and fiduciary duty conflicts, as well as suits over the enforcement of restrictive covenants (non-compete and non-solicitation provisions). He also mediated and has extensive litigation experience handling theft of trade secret and intellectual property disputes, and business tort cases. Eisenstat mediates and has also tried significant employment disputes, including allegations of wrongful termination, discrimination, retaliation, and wage/hour violations under federal and state laws.

Eisenstat mediates disputes, and has represented clients, in most major industries, including technology, aerospace and defense, automotive, transportation, and logistics, manufacturing, distribution, energy, retail, healthcare, hospitality, food and beverage, finance, securities, banking, insurance, and real estate, as well as legal and accounting.

Mediation Philosophy

Eisenstat is known for his studied approach to mediation, with attention to detail, a thorough grasp of the facts as presented, along with a deep understanding of the relevant substantive, procedural, and evidentiary laws, from which he brings a practical approach to even the most complex of problems. Having tried cases in federal and state courts throughout the country and in arbitration, including handling appeals at the federal and state level, Gary understands what can happen at trial or on appeal, and what various outcomes might or are likely to occur when cases are not resolved. His extensive litigation background allows him to quickly understand the issues, risks, and pressures facing the parties and counsel on all sides. Eisenstat also pays particular attention to the goals and motives of the parties, and what resonates with them to facilitate a resolution. With this, Eisenstat helps guide the parties toward durable, practical, and workable agreements, solutions, and resolutions, given the risks, costs, and uncertainties of proceeding to a trial or final arbitration hearing.

Mediation clients describe Gary as highly prepared, engaged, energetic, thorough, thoughtful, and a quick study of the issues, personalities, obstacles, and possible solutions. He brings to each mediation his evaluative, reality-based approach to understanding conflicts and trials, helping parties understand the strengths and weaknesses of their positions, while creating space for productive dialogue. His style is grounded in neutrality, respect, and a deep commitment to helping parties bring closure to, move forward from, and conclude their disputes.

Arbitration and Settlement Counsel

Eisenstat also serves as an arbitrator in commercial and employment disputes, where he is known for his fair and efficient handling of arbitrations and deep understanding of substantive law issues. As settlement counsel, Eisenstat advises on settlement strategies and tactics, allowing lead trial counsel to focus on litigation without the distraction of settlement discussions and issues.

Certifications, Employment History, and Bar Admissions

Eisenstat is Board certified in Labor & Employment law by the Texas Board of Legal Specialization, and is Fellow in the prestigious College of Labor & Employment Lawyers. He is also a Member of the Association of Attorney Mediators.

Prior to forming Eisenstat Mediation, PLLC, Eisenstat was a shareholder for over ten years in the Dallas office of Ogletree Deakins, an international labor and employment firm, where he served for many years as co-founder and steering committee member of the firm's highly regarded Trial Practice Group, which trains its attorneys on all aspects of trial practice. Prior to that, Eisenstat was a partner with Figari & Davenport, LLP, one of Dallas' original and premier commercial litigation boutiques, where he practiced law for almost 29 years, trying commercial litigation and employment disputes in federal and state courts throughout the United States.

Eisenstat is a Member of the State Bar of Texas, admitted to practice in 1985, and admitted to practice in the Northern, Southern, Eastern, and Western Districts of Texas in the United States Federal District courts, along with the Bars of the United States Court of Appeals for the Fifth Circuit Court, and the United States Supreme Court.

Recognition & Credentials

- **Texas Super Lawyer**, every year since 2003
- **Best Lawyers in America**, annually since 2008, including in mediation, labor and employment, and commercial litigation.
- Named among the **Top 100 Lawyers in Texas** and **Top 100 Lawyers in Dallas** annually since 2015

Speaking, Teaching, Training & Writing

Gary is a frequent speaker and lecturer throughout the United States on negotiation and dispute resolution, employment law, and commercial litigation. He has also served as an:

- Adjunct Professor, **University of North Texas College of Law** — Negotiations & Client Counseling.
- Frequent Guest Lecturer, **SMU Dedman School of Law** — ADR and mediation practice.
- Co-author, **Annual Survey of Texas Civil Procedure**, *SMU Law Review* (1997–2014).
- Co-Chair (since 2024), **University of Texas School of Law Corporate Counsel Institute** CLE program; planning committee member and speaker for more than two decades.

Education

Boston University School of Law — J.D., 1985 **University of Colorado** — B.S., Business Administration, 1982.

Contact

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