



McKool Smith
300 Crescent Court
Suite 1500
Dallas, TX 75201
Tel: 214.978.4017
Fax: 214.978.4044

EDUCATION

- J.D., University of Chicago, 1983.
- B.A., with general and history department honors, The Johns Hopkins University, 1980.

COURT ADMISSIONS

- State of Texas
- The U.S. Court of Appeals for the Fifth Circuit
- The U.S. District Court for the Northern and Eastern Districts of Texas

BAR ADMISSIONS

- Dallas Bar Association
- American Bar Associations
- State Bar of Texas

ROBERT ELKIN

PRINCIPAL

Robert Elkin is a Principal in the Dallas office of McKool Smith whose practice deals with large, complex commercial litigation, including contracts and business torts concerning the provision of computer and telecommunications services, antitrust, securities, information technology, class actions, and appeals in state and federal court.

Mr. Elkin also has experience in a wide-range of other commercial litigation. He represented a mentally incapacitated woman in a lawsuit for breach of fiduciary duty and overreaching against her religious and financial advisors and obtained a settlement giving the woman financial independence. In a related case, Mr. Elkin obtained a landmark Fifth Circuit ruling that nonprofit organizations could be sued in a class action for price fixing under the antitrust laws. He is an author of *Indirect Purchaser Standing in Antitrust Actions: Duplicative Liability in the Energy Industry*, 11 ENERGY LAW JOURNAL 185 (1990). He has been selected to appear in *The Best Lawyers in America* for 2006 and 2007 and was voted by his peers as a Super Lawyer for 2008 in *Texas Monthly*.

REPRESENTATIVE MATTERS

Electronic Data Systems Corporation. Since 1992, Mr. Elkin has represented EDS, one of the world's largest information technology outsourcing companies, in its major contract and intellectual property disputes. In *EDS v. Computer Associates*, Mr. Elkin represented EDS in a multibillion dollar antitrust, copyright, and contract dispute with one of the world's largest software vendors. After EDS obtained an injunction and defeated the vendor's attempts to impose court supervision over EDS's computer operations, EDS obtained an enterprise-wide software licensing agreement on favorable terms. In *EDS v. Xerox*, Mr. Elkin represented EDS in a contract dispute over Xerox's attempt to cancel several hundred million dollars in services. After EDS defeated Xerox's motion to dismiss and upheld the ruling on appeal, the case settled on favorable terms. In *EDS v. WorldCom*, Mr. Elkin represented EDS in a multibillion dollar arbitration with WorldCom concerning the impact of the burst of the telecommunications bubble on the parties' ongoing contractual relationship. The dispute settled with the parties renegotiating their contract on terms favorable to EDS.

Unisys Corporation. In *Unisys v. United Space Alliance*, Mr. Elkin represented a systems integrator in connection with a contract and trade secrets dispute arising out of the space shuttle program in federal and state court in Houston, Texas, which resulted in a cash payment and business transaction for his client's benefit.

Gulf South Pipeline Company, LLP. In *Wyble v. Gulf South Pipeline*, Mr. Elkin represented an interstate natural gas pipeline against a class of landowners seeking to have a court-appointed master take control of the pipeline system due to alleged violations of the Pipeline Safety Act. After the Eastern District of Texas entered a landmark ruling denying the plaintiffs standing to bring most of their claims, the case settled on favorable terms for the pipeline company.

AWARDS & RECOGNITION

He is listed in the guide to the Best Lawyers in America and his peers named him to the Texas Super Lawyers list.