



## Alex Kaplan Partner

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### Overview

Alex Kaplan is a leading commercial trial and appellate lawyer and a member of Susman Godfrey's Executive Committee. Kaplan represents clients in a wide range of antitrust, energy, financial, technology, and M&A related disputes. He also advises clients on internal and external investigation matters.

A gifted advocate, strategist, and analyst, Kaplan represents clients in their most complex and high-value disputes in courts across the US and domestic and international arbitrations. He has an impressive record of success, recovering more than \$1.5 billion in settlements or judgments for plaintiff-side clients, and defeating exposures for multiples of that figure for defense-side clients. His wins have been reported in *The Wall Street Journal*, *The New York Times*, *The American Lawyer*, *Houston Chronicle*, *Texas Lawyer*, and *Law360*.

***Kaplan is "cool, calm, and capable of dominating extremely complicated cases," and "simply smarter, faster, more aggressive (when appropriate) and more strategically astute than competitors."***

As quoted in *Legal 500* 2021 analysis

Clients and peers describe Kaplan as a "forceful advocate" (*The Legal 500*) and "extremely smart" (*Benchmark Litigation*). In its 2022 rankings, *Chambers USA* recognized Kaplan for his skill in antitrust matters, complex arbitrations, and class actions, with a client reporting that Kaplan "is a very good trial lawyer," who provides "top-notch legal advice and good trial strategy, and he is also incredibly responsive." He has received numerous other recognitions for his work:

- Selected by peers for *The Best Lawyers in America* (*U.S. News*) for commercial litigation (2017-2023)
- Selected for *Lawdragon's* 500 Leading Litigators in America (2022)
- Selected by *Benchmark Litigation* for its "Litigation Star" list (2022 – 2023) and "40 and Under Hot List" (2017-2020), client and peer selections of the "best and brightest law firm partners who stand out in their practices" and "handle major cases"
- Named by *The Legal 500* as a "Next Generation Partner" in both commercial disputes (2019 – 2020) and energy litigation (2019-2022)
- Selected by *Law360* as a "Rising Star" in energy (2017), one of only five lawyers nationally (and the only litigator) to receive that honor, with *Law360* reporting that Kaplan has "carved out his place in Houston's litigation scene over the past several years through wins for big players."
- Named to the *Texas Super Lawyers* (Thomson Reuters) list from 2013-2022

Kaplan excels at presenting complex matters in clear terms that resonate with judges, juries, and arbitrators. His writing has been featured in leading books on effective advocacy. A brief he wrote with Steve Susman in the securities litigation arising from Bank of America's acquisition of Merrill Lynch was featured in *Point Made: How to Write Like the Nations' Top Advocates* (University of Chicago Press). And a *Daubert* motion he wrote for an actuarial malpractice case was described as "devastating," an example of how to "frontload critical facts so that trial judges can assess the relevant issues quickly," in *The Art of Advocacy* (Noah Messing, Yale Law School Writing Instructor).

Kaplan joined Susman Godfrey in 2005 and was elected to the partnership just four years later. Over his 15-plus years at Susman Godfrey, Kaplan has served in a number of roles, including as the youngest partner on the Executive Committee, National Hiring Partner, and Chair of the Docket Committee, responsible for staffing client engagements across all offices.

Before joining Susman Godfrey, Kaplan was a law clerk for Judge Jerry E. Smith on the US Court of Appeals for the Fifth Circuit. He graduated with high honors from the University of Texas School of Law, where he was elected Editor in Chief of the *Texas Law Review*.

#### PROMINENT WINS

- [Won summary judgment for Vitol](#), in federal court in San Juan, against claims by Puerto Rico's electric power utility seeking to nullify six fuel-supply contracts and recover \$3.89 billion in payments. The court also granted summary judgment for Vitol for the full amount of its counterclaim (\$41.4 million). Kaplan was named "[Litigator of the Week](#)" by *The American Lawyer* for this landmark win. Read more in [Law360](#) and [Texas Lawbook](#).
- After a month-long trial, [secured more than \\$300 million](#) — one of the largest shareholder oppression recoveries in the U.S — for minority shareholders in Promega Corp., on claims related to control, governance, liquidity, and valuation. At the conclusion of the trial, the judge stated that she was "strongly leaning to find oppression here." Successfully resolved the case, while the court was preparing its final judgment, with Promega acquiring our clients' shares for a very substantial premium over the pre-suit redemption price and the valuation Promega argued at trial. ([Texas Lawyer](#), *Wisconsin State Journal* reporting – [filing](#), [trial](#), and [resolution](#))
- Won complete dismissal for Vitol of \$10 billion antitrust case filed in federal court in Miami by a litigation trust, represented by David Boies, asserting claims on behalf of the Venezuelan national oil company. Susman Godfrey was tapped to take the lead in briefing and arguing the motion to dismiss for the multi-party joint defense group, and Kaplan led the firm's work on this matter. Dismissal affirmed by U.S. Court of Appeals for the Eleventh Circuit. ([Wall Street Journal](#), [Law360](#))
- Won \$19.4 million final award (100% of damages sought, plus interest) for Eni Petroleum in International Centre for Dispute Resolution arbitration over cost allocation among working-interest partners for deepwater Gulf of Mexico oil exploration and production activities under joint operating agreement.
- Won defense verdict, after four-week jury trial, in \$40 million dispute over ownership of Water Exploration Co. and later won unanimous decision in the Texas Supreme Court reinstating the jury's verdict after the trial court granted the plaintiffs a new trial. Plaintiffs recovered nothing and paid our client's costs. ([Texas Lawyer](#), [Law360](#))
- Won complete defense award for Solaris Midstream in International Centre for Dispute Resolution arbitration arising from the potential acquisition and development of Permian Basin ranch property. The claimant asserted contract, joint venture, and trade secret claims and sought more than \$100 million in lost profits and other damages. The arbitrator entered a final award that the claimant recover nothing on its claims and awarded fees and costs to Solaris.
- Won a landmark \$5 million jury verdict against the City of Houston in a wrongful conviction case for George Rodriguez, who spent 17 years in prison for crimes he did not commit. This was reported by the *Columbia*

*Law Review* as the first finding of municipal liability for constitutional violations attributable to forensic misconduct. ([Houston Chronicle](#), [NPR](#), [New York Times](#)).

- Won judgment as trial counsel for Walmart, after bench trial in federal court, holding that Texas laws that bar public companies from retailing liquor were unconstitutional under the Dormant Commerce Clause and Equal Protection Clause. ([Opinion](#); [Austin American Statesman](#), [Texas Tribune](#)). The U.S. Court of Appeals for the Fifth Circuit disagreed and reversed.
- Secured confidential recovery (ultimately disclosed in SEC filing as more than \$100 million) for LyondellBassell Industries in London arbitration over business interruption losses arising from Hurricane Ike. The case settled on the eve of the final evidentiary hearing after winning key disputes regarding certain insurance coverage and claim quantification issues.
- Obtained \$45 million settlement for Milwaukee County and its public employee retirement system after three weeks of trial in federal court in highly-publicized actuarial malpractice case against Mercer. ([Milwaukee Journal Sentinel](#)). The settlement was reported to be the largest professional negligence settlement in Wisconsin history and one of the largest settlements nationally from an actuary.
- Obtained \$40 million settlement for the City of Houston in an actuarial malpractice case against Towers Watson & Co. related to its actuarial advice on pension benefit changes for the Houston Firefighters Retirement Fund.
- Secured confidential settlement during trial for Chevron Phillips Chemical as plaintiff after presenting our case-in-chief in contract dispute with freight-forwarding and logistics company over foreign-exchange conversion fees on international shipments.
- Secured confidential settlement for private equity firm, after final submissions of evidence and arguments, in a complex earnout arbitration before Deloitte (as independent accounting referee) arising from the sale of a large tax-services business.
- Successfully represented Freeman Holdings in litigation to enforce preferential right to purchase certain acreage from Exxon on favorable terms, triggered by Exxon's \$1.5 billion sale of properties to Denbury Resources. ([Law360](#)).
- Successfully defended Concho Resources against lease termination claims by surface owner and lessor of 60,000 plus acre ranch in the Permian Basin.
- Successfully represented the Rockstar consortium (owned by Apple, Microsoft, Blackberry, Ericsson, and Sony) in obtaining \$900 million settlement of patent infringement suit against Google on foundational search patents acquired from Nortel ([Reuters](#)).
- Selected by trial court judge to serve as neutral mediator in complex, multi-party energy trading dispute, with competing contract, indemnity, and insurance claims. After years of unresolved litigation, Kaplan facilitated negotiation and successful resolution of all claims in just a few weeks.

#### **CURRENT CASES**

- Representing Vitol in antitrust suit filed by the California Attorney General in San Francisco and related class action (*In Re California Gasoline Spot Market Antitrust Litigation*) arising from the trading of gasoline and related products.
- Representing major provider of automotive dealership management systems in complex antitrust arbitration in Chicago.
- Defending EnerVest in litigation in South Texas over disputed royalty and back-in after payout interest on oil and gas properties in the Eagle Ford.

In addition to his law practice, Kaplan currently serves as a member of the University of Texas School of Law Alumni Executive Committee and a director of the Texas Law Review Association. Kaplan has also taught as

an adjunct law professor (civil procedure) at the University of Houston Law Center and has served in numerous leadership and volunteer roles for the Houston Bar Association, including arbitrating matters for the Fee Disputes Committee, co-chairing the Speakers Bureau, planning the Civil Bench-Bar conference, and teaching public school students about the Rule of Law.

## Education

- University of Texas School of Law, JD (with high honors)
  - Editor in Chief, *Texas Law Review* (Vol. 81)
- University of Colorado at Boulder, BA

## Clerkship

- United States Court of Appeals for the Fifth Circuit (Judge Jerry E. Smith)

## Representative Clients

- Apache
- City of Houston
- Chevron Phillips Chemical
- Concho Resources
- Eni Petroleum
- Encana Corp.
- Expedition Water Solutions
- IntercontinentalExchange (ICE)
- LyondellBassell Industries
- Milwaukee County
- Nabors Industries
- Targa Resources
- Vitol
- Various private equity firms and portfolio companies

\* *References available on request*

## Honors and Awards

- 500 Leading Litigators in America (2022, *Lawdragon*)
- Recognized Litigator: Texas Antitrust Litigation, *Chambers USA* (2022)
- *Best Lawyers in America*-Commercial Litigation (*U.S. News*, [2017](#), [2018](#), [2019](#), [2020](#), [2021](#), [2022](#), [2023](#))
- “[Next Generation Partners](#)” for Commercial Disputes (2019, 2020, 2021, 2022) & Energy (2019, 2020) by *The Legal 500* (Legalease)

- “40 and Under Hot List,” *Benchmark Litigation* ([2017](#), [2018](#), [2019](#), [2020](#))
- “[Rising Star](#)” in Energy (*Law360*, 2017)
- “Future Star,” *Benchmark Litigation* ([2016](#), [2017](#), 2021, [2022](#), [2023](#))
- “Texas Super Lawyer,” *Law & Politics Magazine* (2013-2022)
- “Rising Star,” *Law & Politics Magazine* (2007-2012)
- “Professionals on the Fast Track,” *H Texas Magazine* (2009)
- Elected Life Fellow, Texas Bar Foundation
- University of Texas School of Law Honors:
  - Editor in Chief, *Texas Law Review* (Vol. 81)
  - Order of the Coif
  - Endowed Presidential Scholarship
  - Dean’s Award in Antitrust
  - Dean’s Award in Admiralty
  - Winner, Judge John R. Brown National Moot Court Competition

## Experience by Practice Area

### ENERGY

- Won complete defense award for Solaris Midstream in International Centre for Dispute Resolution arbitration arising from the potential acquisition and development of Permian Basin ranch property. The claimant asserted contract, joint venture, and trade secret claims and sought more than \$100 million in lost profits and other damages. The arbitrator entered a final award that the claimant recover nothing on its claims and awarded fees and costs to Solaris.
- Won \$19.4 million final award (100% of damages sought, plus interest) for Eni Petroleum in International Centre for Dispute Resolution arbitration over cost allocation among working-interest partners for deepwater Gulf of Mexico oil exploration and production activities under joint operating agreement.
- Defended Concho Resources against claims for lease termination by surface owner and lessor of 60,000 plus acre ranch in the Permian Basin; successfully resolved case, with client retaining all leased acreage.
- Represented private-equity backed saltwater disposal firm in commercial arbitration (International Institute for Conflict Prevention & Resolution) against major energy company for breach of take-or-pay contract for saltwater disposal services in the DJ Basin. Settled the case on favorable terms, including monetary and commercial terms, shortly before the final arbitration hearing.
- Represented former operator of prolific Rocky Mountain natural gas field in arbitration (International Institute for Conflict Prevention & Resolution) brought by non-operating party that funded large drilling program under an earning and development agreement. The non-operating party asserted various representation and warranty claims related to pressure depletion and drilling costs, and numerous complaints regarding drilling and completion strategies and techniques. The case settled after extensive fact and expert discovery and pre-hearing briefing and on the eve of the final hearing for a single-digit percentage of the amount sought by the claimant.
- Represented Targa Resources in litigation against Plains Gas Solutions regarding take-or-pay contract for NGL fractionation. Plains filed suit claiming it was excused by force majeure, based on the closure of a pipeline, from delivering certain minimum quantities or paying deficiency fees, and Plains alleged that Targa conspired with the pipeline operator to close the line and starve Plains’ processing plant of gas, causing more than \$100 million in damages. Targa asserted counterclaims based on Plains’ failure to deliver or make the required deficiency payments, and successfully resolved the case on terms Plains insisted be kept confidential, although Plains later alleged in a post-settlement filing against the pipeline

operator that it caused Plains “to owe millions in deficiency fees to Targa.”

- Successfully represented Freeman Holdings in litigation to enforce preferential right to purchase certain acreage from Exxon on favorable terms, triggered by Exxon’s \$1.5 billion sale of properties to Denbury Resources. Kaplan argued and defeated Exxon’s motion for summary judgment, resulting in the recognition of Freeman’s preferential right (*Law360*).
- Represented Targa Resources as the plaintiff in Louisiana state court dispute over management of jointly-owned natural gas processing plant. Obtained commercial resolution after defeating EnLink’s attempt to remove the case to federal court and its motion to dismiss.
- Defended EOG in Texas state court suit alleging tortious interference with Canadian firm’s transaction to develop oilfield off the coast of Trinidad. Successfully settled the case after extensive international discovery, and while our motion for summary judgment was pending, for nuisance value (less than half a penny on the dollar of damages sought by plaintiff).
- Represented Enterprise against various contract and tort claims asserted by Marathon regarding the dedication of natural gas processing rights for offshore natural gas. Settled the case on highly favorable terms shortly after the arbitrator ruled in our favor of a key choice of law issue and granted our motion for summary judgment against most of Marathon’s claims, including its principal claim for \$45 million in alleged lost profits.
- Successfully represented Apache in litigation regarding the competing exercise of preferential purchase rights on major oil and gas assets in the Permian Basin. The dispute arose in connection with Apache’s acquisition of Permian assets from BP and Concho’s acquisition of Marbob Energy’s interest in those same assets. Settled the dispute on commercial terms favorable to Apache, with Apache securing operatorship and 60% ownership of the disputed assets, after Apache filed a motion for summary judgment (written by Kaplan) to establish the priority of Apache’s exercise of its preferential rights.

#### ANTITRUST

- Won complete dismissal for Vitol of \$10 billion antitrust case filed in federal court in Miami by a litigation trust, represented by David Boies, asserting claims on behalf of the Venezuelan national oil company. Susman Godfrey was tapped to take the lead in briefing and arguing the motion to dismiss for the multi-party joint defense group, and Kaplan led the firm’s work on this matter. Dismissal affirmed by U.S. Court of Appeals for the Eleventh Circuit. (*Wall Street Journal*, *Law360*).
- Successfully defended Targa Resources in antitrust suit, in federal court in Houston, alleging monopolization and refusal to deal claims related to NGL fractionation services in Southwest Louisiana; obtained dismissal after expedited discovery.
- Won complete dismissal with prejudice of putative antitrust class action against Vitol, alleging more than \$500 million in purported damages, related to fuel-oil supply contracts for the Puerto Rico Electric Power Authority.

#### INTELLECTUAL PROPERTY

- Successfully represented Canrig Drilling Technology Ltd., a subsidiary of Nabors Industries, as the plaintiff in two patent infringement suits against competitors. The patent covered strategic rig-control technology that increased horizontal drilling efficiency through down-hole oscillation and orientation controls. Obtained settlements (including monetary relief and key commercial terms) shortly before trial in both cases after obtaining favorable claim construction rulings and defeating numerous defense motions, including motions to transfer venue and for summary judgment, and motions challenging patent validity.
- Successfully represented the Rockstar consortium (owned by Apple, Microsoft, Blackberry, Ericsson, and Sony) in securing settlement of \$900 million in patent infringement suit against Google on foundational search patents acquired from Nortel (*Reuters*).
- Won complete dismissal with prejudice of lawsuit filed in federal court in Miami by Enteris BioPharma against the clinical trial research firm hired by our client Stealth Pharmaceuticals. The suit alleged patent infringement, trade secret misappropriation, and tortious interference claims related to certain biotechnology formulations.

- Successfully defended Axios Systems, an enterprise management software company, in patent infringement action (Eastern District of Texas). Obtained dismissal after demonstrating substantial risk to plaintiff of noninfringement and patent invalidity findings.
- Successfully defended Calnex Solutions, a public company in the UK that provides ethernet network test and measurement solutions, in patent infringement action (Northern District of California). Obtained dismissal after demonstrating substantial risk to plaintiff of noninfringement and patent invalidity findings

#### GENERAL COMMERCIAL

- Won defense verdict, after four-week jury trial in San Antonio, in \$40 million dispute over ownership of Water Exploration Co., and then won unanimous decision in the Texas Supreme Court reinstating the jury's verdict for our client after the trial court granted the plaintiffs a new trial. Plaintiffs recovered nothing and paid our client's costs. ([Texas Lawyer, Law360](#))
- Secured confidential settlement during trial for Chevron Phillips Chemical as plaintiff after presenting our case-in-chief in contract dispute with BDP International, a freight-forwarding and logistics company, over foreign-exchange conversion fees on international shipments. Before trial, Kaplan persuaded the court to grant partial summary judgment for CPChem on liability (establishing that BDP's challenged fees were not permitted under the contract), and to grant summary judgment against BDP's counterclaims; the case went to trial on BDP's affirmative defenses and the amount of CPChem's damages.
- Secured confidential recovery (ultimately disclosed in SEC filing as more than \$100 million) for LyondellBassell Industries in London arbitration over business interruption losses arising from Hurricane Ike. The case settled on the eve of the final evidentiary hearing after winning key disputes regarding certain insurance coverage and claim quantification issues.
- Represented Lyondell in \$48 million negligence suit against Deep South Crane & Rigging, the owner/operator of one of the world's largest cranes, after its crane collapsed at Lyondell's refinery. Before Susman Godfrey was hired, the trial judge granted partial summary judgment for the crane company, holding that the economic loss rule barred Lyondell from recovering lost profits or any other non-property damages – a ruling that eliminated over 95% of Lyondell's damages. Kaplan persuaded the trial judge to overturn his prior summary judgment order on the economic loss rule, restoring Lyondell's right to seek 100% of its damages. The case settled on confidential terms shortly before trial.
- Represented co-manager of Cedar Crossing Industrial Park, one of the largest industrial parks on the Texas Gulf Coast, in a corporate governance, contract, and fiduciary duty dispute with the majority owner. Successfully resolved the dispute and management deadlock, leading to the sale of the asset and significant liquidity event for limited partners.
- Obtained dismissal for Vitol of contribution claims asserted by Oscar Wyatt, Jr., NuCoastal Corp., and Bayoil Oil in connection with claims asserted against them for violations of the US Anti-Terrorism Act arising from participation in the United Nations Oil for Food Program. All claims against Vitol were dismissed with prejudice; the court ruled there was no right of contribution under the U.S. Anti-Terrorism Act.
- Defended the manufacturer of compression equipment for a power plant in Mexico against the buyer's breach of contract and warranty suit in federal court in Florida. After extensive work with the client's technical staff, Kaplan aggressively pursued a cross-claim and developed strong liability facts against a key component-part manufacturer, which enabled the case to be resolved at an early mediation. Client paid less than it had offered the plaintiff before suit was filed and Susman Godfrey was hired.

#### M&A, SECURITIES, AND FINANCIAL

- After a month-long trial, secured [more than \\$300 million](#) — one of the largest shareholder oppression recoveries in the U.S — for minority shareholders in Promega Corp., on claims related to control, governance, liquidity, and valuation. At the conclusion of the trial, the judge stated that she was “strongly leaning to find oppression here.” Successfully resolved the case, while the court was preparing its final judgment, with Promega acquiring our clients' shares for a very substantial premium over the pre-suit redemption price and the valuation Promega argued at trial. ([Texas Lawyer, Wisconsin State Journal reporting – filing, trial, and resolution](#))

- Secured a confidential settlement for private equity firm, after final submissions of evidence and arguments, in a complex earnout arbitration before Deloitte (as independent accounting referee) arising from the sale of a large tax-services business.
- Represented public company client in confidential dispute over indemnification liabilities arising from large M&A transaction; successfully resisted claimed indemnification obligations for various underlying liabilities.
- Represented Chicago Climate Futures Exchange, an electronic derivatives exchange for environmental futures, in a suit filed by former trading privilege holders regarding the sale of trading privileges. Resolved the suit on favorable terms.
- Represented US-based financial services firm in arbitration before the Center of the Chamber of Commerce Brazil-Canada (CCBC) related to alleged joint venture to launch Brazilian equities exchange. Obtained favorable resolution after asserting preliminary defenses to the claims.
- Represented Bank of America shareholders who opted out of the federal securities litigation arising from the acquisition of Merrill Lynch to prosecute individual claims under Section 14(a) of the Securities Exchange Act. Case resolved on confidential terms.
- Represented private-equity backed construction company in suit brought by former managing member and certain minority interest holders arising from a financial restructuring. Won dismissal of claims for management fees and obtained stay of plaintiffs' claims for an expedited arbitration to enjoin new equity offering. Case resolved favorably thereafter.
- Represented an investment fund in a dispute with Morgan Stanley over auction-rate securities; client recovered the complete amount of its investment.

#### PROFESSIONAL LIABILITY

- Obtained \$45 million settlement for Milwaukee County and its public employee retirement system after three weeks of trial in federal court in highly-publicized actuarial malpractice case against Mercer, the largest actuarial firm in the country, related to its actuarial advice on pension benefit changes ([Milwaukee Journal Sentinel](#)). The settlement was reported to be the largest professional negligence settlement in Wisconsin history and one of the largest settlements nationally from an actuary.
- Obtained \$40 million settlement for the City of Houston in an actuarial malpractice case against Towers Watson & Co. related to its actuarial advice on pension benefit changes for the Houston Firefighters Retirement Fund.
- Obtained confidential settlement for optical technology company in suit against accounting firm for errors and omissions in work related to the company's Form S-1 SEC Registration Statement and initial public offering.

#### CONSTITUTIONAL/PUBLIC LAW

- Won judgment as trial counsel for Walmart, after bench trial in federal court, holding that Texas laws that bar public companies from retailing liquor were unconstitutional under the Dormant Commerce Clause and Equal Protection Clause. ([Opinion](#); [Austin American Statesman](#), [Texas Tribune](#)). The U.S. Court of Appeals for the Fifth Circuit disagreed and reversed.
- Won landmark \$5 million jury verdict in a wrongful conviction case against the City of Houston for George Rodriguez, who spent 17 years in prison for crimes he did not commit. Susman Godfrey and The Innocence Project persuaded the Texas Court of Criminal Appeals to grant Rodriguez's habeas corpus petition and vacate his convictions based on DNA and other forensic evidence. Rodriguez then sued the City of Houston for violating his due process rights by using false scientific evidence against him during his 1987 criminal trial. After a two-week trial, in federal court in Houston, the jury found that the City's failure to supervise and train its Police Crime Lab personnel caused the constitutional violation, and that Chief of Police Lee Brown was "deliberately indifferent" to the substantial risk that the City's inadequate supervision and training would lead to similar violations. At trial, Kaplan presented Rodriguez on direct examination, cross-examined the Harris County District Attorney who prosecuted the criminal case in 1987, and handled the direct and cross-examinations of the competing medical experts. The case settled during the second round of appeals to the Fifth Circuit. This case is reported to be the first ever finding of municipal liability for



constitutional violations attributable to forensic misconduct. See 109 *Columbia Law Review* (Sidebar) 82 (2009). Read about the case, including the public apology our client received from the Mayor of Houston, here: [Houston Chronicle](#), [NPR](#), [New York Times](#)

## APPEALS

- Argued appeals on various issues (such as arbitrability, ethical duties of habeas counsel, and intervention standards) in state and federal appellate courts, including the First and Fourteenth Courts of Appeals (Texas), the Texas Court of Criminal Appeals, and the United States Court of Appeals for the Fifth Circuit.
- Argued and won appeal on issue of first impression regarding the amount of security necessary to supersede a judgment pending appeal under the Texas Civil Practice and Remedies Code. See *Texas Standard Oil & Gas LP et al. v. Frankel Offshore Energy*, 344 S.W.3d 628 (Tex. App.—Houston [14th Dist.] 2011, order) (mandamus denied).
- Won unanimous judgment in the Texas Supreme Court reinstating defense-side jury verdict for client after trial court granted plaintiffs a new trial. See *In re Davenport*, 522 S.W.3d 452 (2017).

## Practice Areas

- Antitrust (market allocation, joint ventures, price fixing, refusals to deal, monopolization)
- Energy
  - Upstream (JOAs, AMIs, royalties, lease termination, preferential rights)
  - Midstream (gathering, processing, transportation, SWD, fractionation)
  - Downstream (refining, petrochemical, trading)
  - Disputes re: environmental derivatives, carbon markets, and renewable energy credits
- M&A transaction disputes (representation and warranty matters, earnouts, working capital adjustments, indemnification)
- Corporate governance/fiduciary duty
- Securities, valuation, and financial
- Technology/IP (patent, trade secret)
- Constitutional law/civil rights
- Professional liability (actuaries, auditors, lawyers)
- Aggregate litigation (class actions, mass actions, MDL)
- Private arbitration
  - Neutral arbitrator (member of multiple panels; panel chair)
  - Ad hoc arbitrations in London, New York, Chicago, and Houston
  - Independent accounting referee proceeding
  - American Arbitration Association (AAA)
  - International Centre for Dispute Resolution (ICDR)
  - International Institute for Conflict Prevention and Resolution (CPR)
  - Arbitration Center of the Chamber of Commerce Brazil-Canada (CCBC)
- Insurance coverage (business interruption, D&O)

## Professional Activities

- Member, University of Texas School of Law Alumni Executive Committee
- Director, Texas Law Review Association
- Adjunct Law Professor (civil procedure), University of Houston
- American Bar Association
- Federal Bar Association
- Houston Bar Association
- Arbitrator, Fee Disputes Committee (Houston Bar Association)
- Co-Chair, Houston Bar Association Speakers Bureau (2018-2019)

## Admissions

- State Bar of Texas
- Supreme Court of the United States
- U.S. Court of Appeals for the First Circuit
- U.S. Court of Appeals for the Fifth Circuit
- U.S. Court of Appeals for the Eleventh Circuit
- All U.S. District Courts in Texas (Southern, Eastern, Western & Northern)
- U.S. District Court of Southern District of New York
- U.S. District Court for the District of Puerto Rico
- U.S. District Court for Eastern District of Wisconsin