



Barry Barnett Partner

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Overview

Clients and colleagues call Barry Barnett an “incredibly gifted lawyer” (Chambers and Partners) who is “magic in the courtroom” (Who’s Who Legal). In 2020, Lawdragon named him one of the 500 “best of the best” lawyers in the United States. And Best Lawyers honored him as “Lawyer of the Year” in Houston for Patent Litigation (2020) and Bet-the-Company Litigation (2019 and 2017). With offices in Dallas, Houston, and New York, he has successfully navigated complex matters for sophisticated business clients across the United States for more than three decades.

Trial counsel

Barnett’s credentials match his knowledge and skill. He is, for example, a Fellow in the American College of Trial Lawyers, an Elected Member of the American Law Institute, and an honors graduate of Yale University and Harvard Law School. With more than three decades of trial and appellate work representing both plaintiffs and defendants, he is master strategist in commercial litigation.

Barnett focuses on complex matters, especially ones involving antitrust, energy, or intellectual property. He has represented major corporations and institutions like Alaska Airlines, Cisco Systems, KKR, Vistra Energy, and Yale University. He’s also battled for clients against behemoths such as Abbott Labs, Apple, AT&T, Comcast, JPMorgan Chase, Samsung, and Visa.

Barnett projects a compelling courtroom presence. His performance before the Supreme Court in *Comcast Corp. v. Behrend* prompted the Court to withdraw the question on which it had granted review. The judge in a patent infringement trial called him “one of the best” and his opening statement the finest he had ever seen. Another trial judge told Barnett minutes after a jury returned a favorable verdict that he was one of the two best trial lawyers he’d ever come across—adding that the other one was dead.

Complete package

Barnett can handle a case from start to finish. He’s tried cases to verdict and then briefed and argued them when they went before appellate courts, including the Third, Fifth, and Tenth Circuits, the Supreme Court of Louisiana, and even (in the case of *Comcast Corp. v. Behrend*) the Supreme Court of the United States.

Barnett is a sought-after public speaker, serving on panels and talking on topics like the hottest claims, trial of class actions, and techniques for streamlining litigation. He also comments on trends in commercial

litigation and the implications of major rulings for outlets such as NPR, Reuters, Law360, [Corporate Counsel](#), and The Dallas Morning News. He's even appeared on [Frontline](#).

Hard-graders

Clients and other hard graders have praised Barnett for his courtroom skills and legal acumen.

"Barry Barnett was magnificent in trying this case," said Energy Future Holdings' general counsel after Barnett led a trial team that defeated \$500 million claims relating to power plants, a lignite mine, and an aluminum smelter. "We couldn't ask for more able trial counsel."

A client in a \$100 million oil and gas case, which Barnett's team won at trial and held on appeal, said Barnett and his team "presented a rare combination of strong legal intellect, common sense about right and wrong, and credibility in the courtroom."

Chambers and Partners [calls](#) him "an incredibly gifted lawyer" who [earns](#) "widespread praise from peers", "particularly [for] his notable courtroom skills." Lawdragon honored him in 2020 as one of the 500 "best of the best" lawyers in the United States. Who's Who Legal says he does "a fantastic job for his clients". And Best Lawyers named him the 2020 Lawyer of the Year for Patent Litigation and the 2019 and 2017 Lawyer of the Year for Bet-the-Company Litigation in Houston.

Keeping perspective

Barnett appreciates that clients face many pressures. Managing the stress is important, especially in matters that take years to resolve. He encourages clients to call him whenever they have a question or concern and to keep the inevitable ups and downs in perspective. He wants them to know that he will do his level best to help them achieve their legitimate goals. He also strives to foster trust and to make working with him a pleasure. Winning makes that easier.

Superb clients

A wide range of business clients have entrusted their critical matters to Barnett, including the ones you see below.

Public Companies:

- Alaska Airlines
- Cisco Systems
- Encana Oil & Gas
- Hinduja Global
- KKR & Co.
- Neiman Marcus
- Trammell Crow Company
- Texas Instruments
- Vistra Energy
- Whiting Petroleum

Private Companies:

- Duane Reade
- Joulon Holdings
- Luminant Generation
- Mewbourne Oil & Gas
- Morris & Dickson Co.
- Oak Hill Capital
- Olympia Minerals
- TXU Energy
- Valor Equity

Personal

Barnett knows how to get along with all sorts of people. A son of a roughneck and a Texas native, he grew up in Nacogdoches, the oldest town in Texas. While co-captaining his high school varsity football team, he also served as the Editor of Key Club's Texas-Oklahoma District and sang in the East Texas All Region Choir. His wide-ranging experience helps him connect with clients, judges, jurors, witnesses, and even opposing counsel.

Barnett is steady and loyal. He has practiced at Susman Godfrey his entire career - 35 years. He and his wife Nancy live in Dallas and enjoy spending time in Houston and New York. Their daughter works for H-E-B in Houston, and their son is a student at Columbia Law School.

As a member of Ivy League championship football teams in his junior and senior years at Yale and a parent of two Yalies, Barnett has no trouble choosing sides for The Game in November. And he knows how important fighting until the end is. On his last play from scrimmage, during the waning minutes of The Game on Nov. 22, 1980, he recovered a Crimson fumble.

Yale won, 14-0.

Education

- Yale University (B.A., Economics and History (honors), magna cum laude)
- Harvard Law School (J.D., cum laude).

Clerkship

Law Clerk to The Honorable Jerre S. Williams, United States Court of Appeals, Fifth Circuit.

Trials

To see a list of the cases Barnett has tried and get contact information for judges, arbitrators, and opposing counsel, click on this [List of Trials](#).

Honors and Distinctions

[Academy of American Legal Writers](#), Board Member (2012-2020).

[American College of Trial Lawyers](#), Fellow (2014-2020).

[American Law Institute](#), Elected Member (2007-2020).

[The Best Lawyers in America](#), Houston Lawyer of the Year in Patent Litigation (2020) and Bet-the-Company Litigation (2017 and 2019), Bet-the-Company Litigation (2010-2020), Class Actions (2015-20), Commercial Litigation (2003-2020), Litigation - Antitrust (2012-2020), Litigation - Intellectual Property (2012-2020), and Litigation - Patent (2012-2020) (Copyright by Woodward White Inc.).

[Chambers USA: America's Leading Lawyers for Business](#) in Antitrust and [General Commercial Litigation](#) (2007-2020).

[Martindale-Hubbell AV \(highest\) rating](#) (1995-2020).

[Texas Super Lawyer](#) in Business Litigation, Antitrust Litigation, Class Action/Mass Torts, and Energy & Natural Resources (variously 2003-2020), Law & Politics Magazine (Thomson Reuters).

Articles and Speeches

[Barry Barnett — NPR “Marketplace” Report](#)

[Oral argument in Comcast Corp. v. Behrend](#)

Articles

- Creator and blogger-in-chief, *The Contingency*.
- Interviews by and articles for NPR’s “[Marketplace](#)” report, [Law Blog](#) of The Wall Street Journal, Texas Lawyer, [ABA Journal](#), business torts “Hot Topics” by the Litigation Section of the Texas Bar Association, [Global Competition Review](#), Kansas City Business Journal, The Dallas Morning News, [Blawg Review](#), Texas Cable News, [D CEO](#), and [Dallas Business Journal](#).
- Author and speaker at continuing legal education seminars, including “The Hottest Oil & Gas Claims” at the [66th Annual Oil & Gas Law Conference](#), Current Issues in Multidistrict Litigation and Class Actions” at the Third Circuit Judicial Conference; “Daubert in Class Certification Hearings: The Standard After Comcast” for ABA Section of Antitrust Law; and “Current Developments in Business Litigation”, American Bar Association.

Professional Associations and Memberships

Bar Memberships

State Bar of New York.

State Bar of Texas.

Bar of the Supreme Court of the United States of America.

Bars of the United States Courts of Appeals for the Third, Fifth, and Tenth Circuits.

Bars of the United States District Courts for the Northern, Eastern, Southern, and Western Districts of Texas; the Eastern and Southern Districts of New York; the District of Arizona; and the District of Colorado.

Professional and Civic Associations

American Bar Association; Section of Litigation and Section of Antitrust Law; American Association for Justice; Dallas Bar Association; Federal Bar Association Houston Bar Association.

[Center for American and International Law](#), Executive Committee (2016-20) and Trustee (2011-2020). Yale Club of Dallas; Harvard Club of Dallas; Yale Club of New York City.

[Greenhill School](#), Addison, Texas, Trustee (2007-2013).

New-York Historical Society, Trustee (2016-2020) and Chairman's Council (2012-2020).

Life Fellow, American Bar Foundation, Texas Bar Foundation, Dallas Bar Foundation, and Houston Bar Foundation.