

Winning Women 2014



ERICA HARRIS of SUSMAN GODFREY LLP

TEXAS LAWYER

An **ALM** Publication

September 1, 2014

Erica Harris

42

Partner

Susman Godfrey

Houston

by BRENDA SAPINO JEFFREYS

When asked which lawsuit she's most proud of, Susman Godfrey partner Erica Harris points to an infringement suit in which she secured cancellation of a company's trademark, a feat she said is unusual and difficult.

That intellectual property suit also happened to be one that Harris largely tried by herself against a trial team of four lawyers.

"It was super satisfying. It was a complete win. It was a cancellation of the other side's trademark, which is very hard to get," Harris said about the results in *Poly-America v. Stego Industries*.

She said that even though her billing rate was higher than lawyers on the other side of the suit, her client paid a lot less in fees because she tried it with assistance only from a paralegal.

But Harris, 42, has also worked on other major litigation in 15 years at Susman Godfrey, including arbitrations in 2013 for client KBR in a dispute stemming from its spin-off from Halliburton Co. in 2007. Harris' work ultimately helped KBR avoid a \$256 million tax liability to Halliburton.

"She is just a great lawyer. She's smart, hard working, dedicated and honest," said Vineet Bhatia, a partner in Susman Godfrey who worked with Harris on the KBR matter, which he characterized as a "complicated series of arbitrations."

"You'd want to be on her team," Bhatia said about Harris. "She's exactly the kind of person a client would want



JOHN EVERETT

advocating a position in a dispute in front of a jury."

Bhatia said Harris is an effective advocate who doesn't spend time on non-case-determinative issues.

"She kind of focuses in on the issues that matter and really tries to put her side's position on the issues in the best possible light," he said.

In the infringement suit, Harris

defended Poly-America from a trademark infringement suit filed by Stego Industries, which alleged Poly-America had violated its yellow color mark for a vapor barrier. A district court judge issued a declaratory judgment holding that Stego's trademark of the color yellow for a vapor barrier—plastic sheeting laid beneath concrete slab foundations—is not registrable under the Lanham Act, and Stego has no common law trademark rights to yellow vapor barrier. The judge also enjoined Stego from pursuing infringement litigation against Poly-America. In October 2012, in *Poly-America v. Stego Industries*, the U.S. Fifth Circuit Court of Appeals affirmed the lower court's ruling.

"That one was super-fun," Harris said.

Harris ended up at Susman Godfrey somewhat by chance. Harris, who earned her undergraduate degree from Rice University, went to law school at the University of Texas School of Law, where she met Harry Susman, the son of Susman Godfrey founder Steve Susman.

Harris said she was a bit naïve about the landscape of Texas firms, and hadn't even heard of Susman Godfrey until Harry Susman suggested she interview with lawyers from his father's firm who were doing on-campus interviews during the fall of 1994. Harris said the firm invited her to do a summer clerkship at Susman Godfrey, and during that clerkship she learned that the litigation boutique was quite different from large Texas firms where she had also done clerkships.

After graduating from law school, Harris said she clerked for U.S. District Judge Lee Rosenthal of the Southern

District of Texas for a year, and then spent the next year as a visiting lecturer at the University of Virginia School of Law under the John M. Olin Program in Law and Economics. Harris said she left law school thinking she would like to teach law, but her year as a lecturer "had the opposite effect."

as the "best damn lawyer in Houston" because of her abilities to quickly learn about natural gas contracts.

Manne, who helped recruit Harris, is impressed by her efficiency.

"She somehow turns the day into more than 24 hours," Manne said, noting that Harris is married with two children.

According to Neal Manne, a managing partner of Susman Godfrey, the Cannon Interests president at that time described Harris as the "best damn lawyer in Houston" because of her abilities to quickly learn about natural gas contracts.

In 1998, Harris started at Susman Godfrey in Houston as an associate, where she said the work has been "phenomenal" and diverse. She made partner in 2002.

"I like the fact I'm not super-specialized. I do have IP in my docket and I do have commercial," she said.

In 2006, Harris negotiated a favorable settlement for a client who hired her after the suit had already been filed.

In 2005, Cannon Interests, owner of a natural gas storage facility in Harris County, filed a \$15 million breach of contract suit it filed in 2005 against Kinder-Morgan Texas Pipeline. Harris substituted in for the original plaintiff's attorney in the case. In 2006, the litigation ended with a settlement. According to Neal Manne, a managing partner of Susman Godfrey, the Cannon Interests president at that time described Harris

He said he is working with Harris on an environmental contamination suit for Chevron involving a site in very rural northern Montana.

"Erica is the lead day-to-day lawyer on the case and Chevron is wowed by her," Manne said.

"She really conveys to clients that she has everything under control and she works tirelessly," he said.

Harry Susman, also a managing partner of the firm, said he and Harris were on law review together at UT School of Law, and she was "no nonsense then and still is today. 