

Rising Star: Susman Godfrey's Rob Safi

Law360 (August 28, 2018, 12:52 PM EDT) -- Susman Godfrey LLP partner Robert S. Safi has successfully represented both major companies and landowners in disputes in the oil and gas industry, including helping Hess Corp. defeat litigation involving more than \$400 million in damages, making him one of five energy attorneys honored as a Law360 Rising Star.

WHY HE ENJOYS PRACTICING ENERGY LAW:

Safi said that as a young lawyer at Susman Godfrey he generally worked on a wide variety of cases, though, being based in Houston, he always had an energy case or two on his docket. However, around the time he made partner about six or seven years ago, his practice began to increasingly involve cases that touched on the energy industry, he said.

While this change partly stemmed from the fact that those happened to be the matters he was hired on as a partner, he really enjoys his energy cases for a number of reasons, Safi said.

“First of all, the energy business, and in particular the oil and gas business, is filled with a lot of big personalities,” Safi said. “A lot of egos, a lot of self-made men and women, and they’re like characters in a story, working on a case.”

He went on to say that he also liked that the cases always involved a “real dispute between real people,” which made the work interesting, and that he enjoyed the complexity of the business and issues surrounding it.

“It’s got a lot of layers to it and that translates into a lot of angles that can be pursued in litigation, a lot of opportunities for good lawyering to carry the day,” Safi said. “And I also like it because every

RISING
 ★★★★★
STAR



Rob Safi
Susman Godfrey

Age: 40

Home base: Houston

Position: Equity Partner

Law school: The University of Texas School of Law

First job after law school:
 Clerk to Chief Judge Vaughn Richard Walker of the U.S. District Court for the Northern District of California

case you learn something new.”

Safi said that he tends to get drawn into the business when he’s working on his cases, noting that he’ll even find himself paying attention to oil prices almost as much as his clients.

“That roller coaster of the market is one that the business people ride on a day-to-day basis in conducting their businesses, but litigations tend to go along for the ride too,” Safi said. “So I feel like I’m a part of the business.”

ONE OF THE BIGGEST CASES OF HIS CAREER:

Recently, Safi helped secure a win for Hess Corp. at the Tenth Circuit in a dispute with Spring Creek Exploration & Production Company LLC and Gold Coast Energy LLC over oil and gas drilling agreements in North Dakota. Safi served as the lead attorney for Hess’ defense in the case, which initially alleged more than \$400 million in damages.

“Frankly, it was a challenging case on liability,” Safi said.

Hess had essentially purchased the liability when it acquired another company that held a number of leaseholds in North Dakota years ago, Safi said. He said that he worked on a couple of cases for Hess that stemmed from transactions and events that had happened before that purchase.

“These were cases where the facts weren’t good, but my client was white as a lily,” Safi said. “They had just bought this liability,” Safi said.

In the case involving Spring Creek and Gold Coast, Safi helped score a number of victories at the district court before all the claims were successfully dismissed. The defense was able to reduce the alleged damages by more than \$100 million and win summary judgment on the plaintiff’s biggest claim, which involved a nine-figure “working interest” damage theory.

The defense was also able to secure summary judgment on the plaintiff’s breach of confidentiality claim, which Safi said was tricky because the defense couldn’t dispute that the alleged improper disclosure by the officers of the company Hess acquired had occurred.

Spring Creek and Gold Coast appealed the lower court’s rulings, but the Tenth Circuit affirmed the judgment in February. Safi had argued the appeal as well.

“We had a very successful run of motions practice in that case and seeing that play out where we won most of the motions, I got to argue the appeal in the Tenth Circuit, that was a great experience,” Safi said. “And then having all that get affirmed at the end of the day after a few years of litigation and a lot of decisions along the way was very satisfying.”

“That kind of experience in the driver’s seat in a big case — there’s really no substitute for that in a young lawyer’s professional development,” Safi added.

OTHER NOTABLE CASES:

Safi is currently serving as the lead counsel for hundreds of landowners in a more than \$100 million class action seeking to recover allegedly unpaid bonuses from Royal Dutch Shell affiliates for oil and gas leases in the Utica Shale. Shell attempted to compel arbitration based on a clause in the leases, but the district court denied the request in February, holding that the payment of the bonuses was a condition for the plaintiffs to be bound by the agreement.

“We knew when we got involved in the case that that would be a card that Shell would play early, but we figured out why they’re wrong and why the clauses shouldn’t be enforced,” Safi said. “And we managed to prevail on that issue in the district court.”

The arbitration denial is currently being appealed at the Sixth Circuit, where Safi will argue for the plaintiffs.

Safi is also representing Mirada Energy LLC in a dispute over a joint operating agreement with Oasis Petroleum Inc. Safi said that Mirada hired him to pursue their more than \$100 million in claims because of their familiarity with his work for Hess in the case that he won at the Tenth Circuit.

“They brought me a big important problem of theirs where they were cut out of participating in the big midstream infrastructure build out that Oasis is developing up in North Dakota,” Safi said. “It’s a big case for Mirada, it’s a big case for Oasis, and you’ve got good lawyers on both sides.”

HIS MOTIVATION:

Safi said that when he interviewed at Susman Godfrey 15 years ago as a second-year law student, the firm’s managing partner Neal S. Manne asked him why he wanted to be a trial attorney.

“I told him because I want to win,” Safi said.

He said that though he's changed over the years, he is still motivated by "the thrill of victory."

“I’ve matured a little since then — I’ve matured a lot since then — but finding a way to win and relishing in victory really are what drive me as a litigator,” Safi said.

— *As told to Danielle Nichole Smith*

Law360's Rising Stars are attorneys under 40 whose legal accomplishments belie their age. A team of Law360 editors selected the 2018 Rising Stars winners after reviewing more than 1,200 submissions. This interview has been edited and condensed.

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