

TEXAS

Local litigation firms

Highly recommended

Baker Botts

Beck Redden & Secrest

Fulbright & Jaworski

Gibbs & Bruns

Lynn Tillotson Pinker & Cox

McKool Smith

Smyser Kaplan & Veselka

Susman Godfrey

Vinson & Elkins

Recommended

Andrews Kurth

Bracewell & Giuliani

Haynes and Boone

Jones Day

King & Spalding

Locke Lord Bissell & Liddell

Mayer Brown

Reynolds Frizzell Black Doyle Allen & Oldham

Sutherland Asbill & Brennan

Thompson & Knight

Yetter Coleman

Local litigation stars

Thomas Ajamie

Ajamie LLP
Commercial Litigation

Eric Albritton

Albritton Law Firm
Intellectual Property

John Anaipakos

Baker Botts
Commercial Litigation, Energy, Professional Liability

Mark Baker

Fulbright & Jaworski
International Arbitration

Glenn Ballard, Jr

Bracewell & Giuliani
Commercial Litigation, Intellectual Property

Nicolas Barzoukas

Weil Gotshal & Manges
Intellectual Property

Samuel Baxter

McKool Smith
Intellectual Property

Vance Beagles

Weil Gotshal & Manges
Class Actions, Commercial Litigation, Securities

Jerry Beane

Andrews Kurth
Antitrust, Commercial Litigation, Insurance

David Beck

Beck Redden & Secrest
Commercial Litigation

Van Beckwith

Baker Botts
Antitrust, Commercial Litigation, International Arbitration

Vineet Bhatia

Susman Godfrey
Commercial Litigation

Doak Bishop

King & Spalding
International Arbitration

John Bowman

King & Spalding
International Arbitration

George Bramblett, Jr

Haynes and Boone
Business Torts, Commercial

Scott Brister

Andrews Kurth
Appellate

Kay Lynn Brumbaugh

Andrews Kurth
Antitrust

Robert Burford

Burford Hawash Meade & Gaston
Commercial Litigation

Otis Carroll

Ireland Carroll & Kelley
Intellectual Property

John Carter

Vinson & Elkins
Commercial Litigation

Johnny Carter

Susman Godfrey
Antitrust, Commercial, Intellectual Property, Securities

Douglas Cawley

McKool Smith
Intellectual Property

Jerry Clements

Locke Lord Bissell & Liddell
Commercial Litigation

Rachel Giesber Clingman

Sutherland Asbill & Brennan
Aviation, Energy, Insurance

Nina Cortell

Haynes and Boone
Appellate, Commercial Litigation

Trey Cox

Lynn Tillotson Pinker & Cox
Commercial Litigation

Stephen Crain

Bracewell & Giuliani
Energy, Intellectual Property, Internal Investigations

Tom Cunningham

Cunningham Darlow
Commercial Litigation, Energy, Oil & Gas

Alistair Dawson

Beck Redden & Secrest
Antitrust, Commercial Litigation

William Dawson

Gibson Dunn & Crutcher
Intellectual Property, Oil & Gas, Professional Liability, Securities

Otway Denny, Jr

Fulbright & Jaworski
Commercial Litigation, Mass Tort

Karl Dial

Fulbright & Jaworski
Commercial Litigation, Intellectual Property, Securities



Stephen Dillard

Fulbright & Jaworski
Commercial Litigation, Products Liability

Jennifer Doan

Haltom & Doan
Intellectual Property

Murray Fogler

Beck Redden & Secrest
Appellate

Jean Frizzell

Reynolds Frizzell Black Doyle Allen & Oldham
Commercial Litigation

Thomas Fulkerson

The Law Offices of Tom Fulkerson
Commercial Litigation, Intellectual Property, Oil & Gas

David Genender

Baker Botts
Commercial Litigation, Products Liability

Robin Gibbs

Gibbs & Bruns
Commercial Litigation

Mark Giugliano

Gibbs & Bruns
Commercial Litigation

Mark Glasser

Baker Botts
Commercial Litigation, Securities

Lee Godfrey

Susman Godfrey
Bankruptcy, Commercial

Michael Goldberg

Baker Botts
Commercial Litigation, International Arbitration,
White-Collar Crime

Melanie Gray

Weil Gotshal & Manges
Bankruptcy, Commercial

David Gunn

Beck Redden & Secrest
Appellate

Cliff Gunter

Bracewell & Giuliani
Antitrust, White-Collar Crime

Rusty Hardin

Rusty Hardin & Associates
Civil Litigation, Criminal Litigation

Robert Harrell

Fulbright & Jaworski
Commercial, Intellectual Property, Securities

Grant Harvey

Gibbs & Bruns
Commercial Litigation

Gregory Huffman

Thompson & Knight
Antitrust

Thomas Jackson

Jones Day
Antitrust

Lee Kaplan

Smyser Kaplan & Veselka
Intellectual Property

John Kim

The Kim Law Firm
Commercial Litigation, Personal Injury, Products
Liability

William Knoll III

Mayer Brown
Commercial Litigation

Peter Kraus

Waters & Kraus
Commercial Litigation, Pharmaceutical, Toxic Tort

Kevin Kudlac

Weil Gotshal & Manges
Intellectual Property

Mark Lanier

The Lanier Law Firm
Civil Litigation

Lewis LeClair

McKool Smith
Commercial, Intellectual Property

Michael Lynn

Lynn Tillotson Pinker & Cox
Commercial Litigation

James Maloney

Baker Botts
Commercial Litigation, Securities

Neal Manne

Susman Godfrey
Commercial Litigation, Energy

Kenneth Marks

Susman Godfrey
Commercial Litigation

Sydney McDole

Jones Day
Commercial Litigation, Products Liability

Michael McKool

McKool Smith
Commercial, Intellectual Property

Barry McNeil

Haynes and Boone
Antitrust

Robert Meadows

King & Spalding
Products Liability, Toxic Tort

David Noteware

Thompson & Knight
Energy, Franchise

Yvette Ostolaza

Weil Gotshal & Manges
Commercial Litigation

Kathy Patrick

Gibbs & Bruns
Securities

Rod Phelan

Baker Botts
Intellectual Property

Michael Powell

Locke Lord Bissell & Liddell
Antitrust, Appellate, Commercial Litigation

Hugh Ray

McKool Smith
Bankruptcy

Barrett Reasoner

Gibbs & Bruns
Commercial Litigation

Joe Redden, Jr

Beck Redden & Secrest
Intellectual Property, Products Liability

James Reeder, Jr

Vinson & Elkins
Antitrust, Commercial Litigation, Securities

Tracie Renfree

King & Spalding
Commercial Litigation, Environmental, Products
Liability, Toxic Tort

Chris Reynolds

Reynolds Frizzell Black Doyle Allen & Oldham
Commercial Litigation, Intellectual Property

Steven Roberts

Sutherland Asbill & Brennan
Insurance

Sean Royall

Gibson Dunn & Crutcher
Antitrust, Appellate, Commercial Litigation,
Intellectual Property

Travis Sales

Baker Botts
Commercial Litigation, Products Liability,
Professional Liability

Richard Sayles

Sayles Werbner
Commercial Litigation

Stephen Scheve

Baker Botts
Commercial Litigation, International Arbitration,
Products Liability

Robert Schick

Vinson & Elkins
Products Liability

William Sims, Jr

Vinson & Elkins
Antitrust, Commercial Litigation, Intellectual Property

Reginald Smith

King & Spalding
Commercial Litigation, International Arbitration

Craig Smyser

Smyser Kaplan & Veselka
Commercial Litigation

David Sterling

Baker Botts
Commercial Litigation, Professional Liability,
Securities

Karl Stern

Vinson & Elkins
Commercial Litigation, International Arbitration, Oil &
Gas, Securities

Theodore Stevenson III

McKool Smith
Intellectual Property

Daniel Stewart

Vinson & Elkins
Bankruptcy

John Strasburger

Weil Gotshal & Manges
Bankruptcy, Commercial Litigation, Products Liability

Harry Susman

Susman Godfrey
Commercial Litigation

Stephen Susman

Susman Godfrey
Commercial Litigation

Michael Sutton

Locke Lord Bissell & Liddell
Intellectual Property

Irvin Terrell

Baker Botts
Antitrust, Commercial Litigation, Securities

Jeffrey Tillotson

Lynn Tillotson Pinker & Cox
Commercial Litigation

Terry Tottenham

Fulbright & Jaworski
Products Liability

Larry Veselka

Smyser Kaplan & Veselka
Appellate, Commercial Litigation

Patricia Villareal

Jones Day
International Arbitration, Securities

Robb Voyles

Baker Botts
Commercial Litigation, Products Liability

Vincent Walkowiak

Fulbright & Jaworski
Products Liability

Johnny Ward

Ward & Smith
Intellectual Property

Mark Wawro

Susman Godfrey
Antitrust, Commercial Litigation

Gene Williams

Shook Hardy & Bacon
Insurance, Products Liability

Paul Yetter

Yetter Coleman
Commercial Litigation

Marie Yeates

Vinson & Elkins
Appellate

Damon Young

Young Pickett
Intellectual Property

Future stars

Fields Alexander
Beck Redden & Secrest

Clayton Bailey
Baker & McKenzie

Sydney Ballesteros
Gibbs & Bruns

Shelbi Barnhouse
Carrington Coleman Sloman & Blumenthal

Hunter Barrow
Thompson & Knight

Bradley Benoit
Bracewell & Giuliani

Brent Benoit
Locke Lord Bissell & Liddell

Frank Brame
Vinson & Elkins

Jonathan Bridges
Susman Godfrey

Daniel Charest
Susman Godfrey

Brad Coffey
Beck Redden & Secrest

Vijay D'Cruz
Locke Lord Bissell & Liddell

Tricia DeLeon
Bracewell & Giuliani

Jennifer Rudenick Ecklund
Thompson & Knight

Andrew Ehmke
Haynes and Boone

Brett Govett
Fulbright & Jaworski

Tonya Gray
Andrews Kurth

Joseph Grinstein
Susman Godfrey

Kenneth Held
Vinson & Elkins

Scott Humphries
Gibbs & Bruns

David Jones
Beck Redden & Secrest

Matthew Moran
Vinson & Elkins

Jennifer Poppe
Vinson & Elkins

Russell Post
Beck Redden & Secret

Jason Powers
Vinson & Elkins

Joshua Roseman
Jones Day

Brian Ross
Gibbs & Bruns

Richard Stewart
Adams and Reese

Katherine Strahan
Andrews Kurth

Mark Trachtenberg
Haynes and Boone

Justin Waggoner
Smyser Kaplan & Veselka

Charles Walker Jr
Fulbright & Jaworski

David Woodcock
Vinson & Elkins



Texas

Tort reform changed Texas litigation in a big way a few years ago, rendering some products liability areas dead, while doctors flocked to the state seeking its strong medical malpractice protection. East Texas remains a hotbed of intellectual property litigation, even if the number of cases brought there has slowed the courts down, contrary to its “Rocket Docket” image. The oil and gas industry remains the engine driving Texas litigation, particularly as hydraulic fracturing opens up large natural gas fields previously unavailable. In recent years, lawyers note that the industry has been involved in substantially more antitrust and international arbitration matters.

Highly recommended firms

Baker Botts

Houston-based Baker Botts has been around, under various names, since 1840, growing in prominence along with the oil industry in the early 1900s. Baker Botts has several partners with high-level government experience and has built a significant reputation in white-collar defense and government investigations, due to strong connections to both Presidents George HW Bush and George W Bush, who once worked in the mailroom. The firm is also noted for its strength in oil and gas, antitrust, and commercial litigation. The Houston office is particularly strong in energy litigation, with strong connections in most key energy markets worldwide.

When **Rod Phelan** takes a case, peers know it will receive the full attention it deserves. “Rod Phelan is a scorched-earth, no-stone-unturned, aggressive litigator,” says a competitor. Another adds, “Rod Phelan [is a] terrific lawyer, works very hard, is very smart, is a good writer, and is very much at ease in the courtroom.” **Travis Sales** focuses his practice on products liability, representing clients like Merck, AstraZeneca and BASF. “Travis Sales should move up to litigation star,” says a peer. “He specializes in big defense cases, like product defect cases. [He] defended the Vioxx case and got a very good defense result.” Working out of Dallas, **Van Beckwith** draws praise for his intelligence and creativity. “Van Beckwith’s command of the facts is extraordinary and effective,” says a competitor. “He developed a very creative case against us.” Beckwith handles commercial and class-action matters, particularly for the food and beverage industries.

Beck Redden & Secrest

Established in 1992, Beck Redden & Secrest quickly established itself as a premier litigation boutique. “All the lawyers there are absolutely top-notch,” says a competitor. The firm has represented major clients like 3M, ExxonMobil and Cameron International.

Over the course of his career, **David Beck** has firmly established himself as one of the top litigators in the country. “David Beck is

an outstanding trial lawyer who is well known and respected throughout Texas and the nation,” says a client. Peers are equally impressed, praising his talent, as well as his integrity. “David Beck is one of the preeminent trial lawyers in Texas,” says a competitor. “David brings intellect and integrity that few others can bring; juries trust him, because he is honest as the day is long.” **Joe Redden, Jr** and **Fields Alexander** recently represented Cooper Cameron against claims that its frac mandrel infringed on a patent owned by Duhn Oil Tool. The judge ruled that Duhn’s patent was invalid, due to being anticipated or obvious. When Dr. Ebrahim Bagherzadeh had a dispute with his former employer, Marcus Oil & Chemical, over \$20 million he claimed he was owed for relinquishing his intellectual property rights to a new technology he invented, he turned to **Murray Fogler**, who won him the full payment, plus attorney’s fees. “Murray Fogler is a superb lawyer,” says a peer. “He’s low-key, but extremely effective in the defense of a case.” **David Gunn** is widely respected for his appellate practice. “My go-to appellate lawyer is David Gunn at Beck Redden,” says a competitor. “He is terrific and cerebral.”

Fulbright & Jaworski

Founded in Houston in 1919 by a railroad regulation expert, Fulbright & Jaworski now has over 900 lawyers in 17 offices in the US, Europe, Asia and Middle East. The Houston office has over 250 lawyers known for their expertise in antitrust, intellectual property, mass tort, products liability and securities matters. Within Texas, the firm also has offices in Austin, Dallas and San Antonio.

Mark Baker co-heads the firm’s international department, as well as its arbitration and ADR practice group. Peers consider him a leading voice on international disputes. “Mark Baker has done a remarkable job of specializing in international arbitration and being one of the leaders of that.” Working out of the Dallas office, **Karl Dial** handles complex commercial matters with seeming ease. “Karl Dial is a highly regarded commercial litigator in Dallas,” says a competitor. “He is one of the best complicated commercial guys I have seen. [He] makes

complex matters simple.” A certified public accountant, Dial handles director and officer liability, securities, legal and accounting malpractice, information technology, and intellectual property litigation. Noted for his products liability practice, **Steve Dillard** chairs the firm’s global litigation department. “Steve Dillard is one of the guys in products liability,” says a competitor. “He is successful, well regarded by the judges, and has been doing this for a long time; clients trust him.” A partner in the Houston office since 1978, Dillard has recently devoted his practice to environmental, groundwater contamination, chemical exposure, and toxic and mass tort cases, including class actions.

Gibbs & Bruns

With around 30 lawyers, Gibbs & Bruns operates as a lean litigation boutique, taking and winning big cases, both as a plaintiff and defendant. The firm touts its plaintiffs experience, claiming that approaching all cases with a plaintiff’s mentality give it an edge. “We are still a client and would look to them for representation in significant commercial disputes, either as a defendant or plaintiff,” says a client. “The firm is recognized as a true trial firm with a highly competent appellate and legal research capability.” Another adds, “I believe they have the best plaintiff’s lawyer reputation in Texas for serious business disputes.”

While **Kathy Patrick** epitomizes the bulldog litigator image, multiple peers who worked alongside her also felt she was the smartest lawyer involved in the case. “She beat the tar out of us in a case,” says a competitor. “We settled.” Patrick recently represented 22 mortgage-backed securities investors who sued Bank of America to force them to buy back the investments, securing a, \$8.5 billion settlement that surprised industry analysts who expected a longer fight. When Texas billionaire Trevor Rees-Jones sold his energy company in 2006, it came as a surprise to former minority shareholder Bobbitt Noel, Jr, who recently allowed Rees-Jones to buy out his shares based on what he claimed was a much lower valuation of the company. **Grant Harvey** took the case, and in May 2011, a judge handed down a \$196 million judgment, citing fraud and breach of fiduciary duty. Specializing in complex commercial litigation, **Barrett Reasoner** draws praise for his approach. “Barrett Reasoner is professional, respectful of opponents, but aggressive and hones in on the issues very quickly,” says a competitor.

Lynn Tillotson Pinker & Cox

Operating out of Dallas, Lynn Tillotson Pinker & Cox has been drawing the attention of fellow litigators recently. “Lynn Tillotson gets overlooked,” one competitor says, with another adding, “In the Dallas marketplace, they show up in all the high-end stuff.” The firm represents *Fortune 500* corporations, major financial institutions and prominent

individuals, including Southwest Airlines, Visa and American General Finance. “By God, they try cases,” marvels a competitor.

Having handled over 90 civil and criminal jury trials and over 100 non-jury matters, **Michael Lynn** brings a wealth of experience to his matters, winning over \$300 million for his clients over the years. “Mike Lynn is fantastic,” says a peer. In the past few years, **Jeffrey Tillotson** has handled complex commercial matters in over a dozen major multi-party cases brought in courts in nine different states for some of the country’s largest financial and commercial companies. **Trey Cox** specializes in disputes between businesses. In 2010, he obtained a multimillion-dollar arbitration award for two executives on their breach of contract claims and secured a take-nothing verdict for a real estate developer accused of unjust enrichment. “Trey Cox is a youngish, very smart, very well regarded commercial lawyer who does a fair amount of plaintiffs work, but big in defense, too,” says a competitor.

McKool Smith

McKool Smith represents both plaintiffs and defendants in complex commercial, antitrust, bankruptcy, intellectual property and white-collar crime litigation. The firm’s over 130 litigators work out of New York City, Washington DC, and three offices in Texas: Austin, Houston and Marshall. “They are very good trial lawyers,” commends a peer.

Douglas Cawley won a \$290 million judgment for i4i against Microsoft recently, convincing the judge that technology used in Microsoft Word infringed on an i4i patent. The case, which was decided by the US Supreme Court, was closely watched, as observers believe it will shape how patent cases are handled in the future. Peers refer to **Samuel Baxter** an intellectual property sage, with intimate knowledge of the Eastern District of Texas. “The man you really want to identify as the IP star over there right now is Sam Baxter,” says a competitor. “He is the true star.” **Michael McKool** handles some of the firm’s largest litigation, including work for clients like Lockheed Martin, American Airlines and Excel Communications, drawing praise beyond Texas for his commercial and intellectual property work. **Theodore Stevenson III** has over 20 years experience handling intellectual property disputes for clients like Medtronic, Ericsson and Omni Financial. “Ted Stevenson is a really fine, mostly plaintiffs, IP lawyer,” says a peer. **Lewis LeClair** draws praise from peers for his work. “Lewis LeClair is exceptional bright, a great organizer and a great leader of a team,” says a competitor. LeClair handles commercial and intellectual property matter. Another peer adds: “Lew LeClair is a stud.”

Smyser Kaplan & Veselka

Though small in size with only 13 lawyers, Smyser Kaplan & Veselka draw respect for their tireless litigation. When quizzed about

the firm’s litigation acumen, one competitor replied, “Oh yeah, now *they* go to trial.” The firm represents both plaintiffs and defendants in multimillion-dollar cases, trying cases in state and federal courts throughout the US, as well as the US and Texas Supreme Courts. The firm recently represented Del Monte Fresh Produce against a breach of fiduciary

US,” says a peer. “He is bright, engaging and very creative.” **Kenneth Marks** draws praise for his courtroom presence. “Kenny Marks is a good questioner, off the cuff and pretty thoughtful,” says a competitor. **Stephen Susman** has represented clients in high-profile cases, including Frank McCourt in his divorce proceedings, Industrial Recovery Capital

“Gibbs & Bruns clients say ‘The firm is recognized as a true trial firm with a highly competent appellate and legal research capability,’ and ‘I believe they have the best plaintiffs lawyer reputation in Texas for serious business disputes.’”

duty claim brought by James J Flanagan Shipping, seeking 10 years loft profit, worth \$5.6 million, plus \$25 million in putative damages. The dispute arose after Del Monte terminated a three-year shipping contract one year into the agreement. Flanagan alleged that Del Monte conspired with a competing company and a disloyal Flanagan employee. The firm won a take-nothing judgement.

Lee Kaplan has handled patent and trademark infringement, oil and gas, antitrust, criminal and civil fraud, Foreign Corrupt Practices Act, trade secrets, shareholders’ rights, insurance coverage, and class-action matters. He currently represents Software Rights Archive in a patent infringement case brought against Google, Yahoo!, Lycos and AOL, potentially worth over \$100 million. It is scheduled for trial in December 2011. **Craig Smyser** handles commercial and personal injury disputes. In April 2011, he won a take-nothing judgment for Celotex against claims that the company knowingly sold property contaminated by asbestos underground. The plaintiff, Warehouse Associates, claimed \$16 million damages at trial.

Susman Godfrey

Founded in 1980, Susman Godfrey is noted for its aggressive litigation, handling high-stakes matters out of Houston, Dallas, Los Angeles, Seattle and New York. The firm’s 89 litigators carry a reputation as lawyers who relish going to trial. The firm has represented clients like Gateway, MicroUnity and Luminant. The firm is a leading proponent of alternative fee arrangements, with one client stating: “We chose them on reputation and fee structure.”

Johnny Carter represents plaintiffs and defendants in wide-ranging matters. “Johnny Carter always seems to be about three steps ahead of everyone in the room,” says a competitor, Carter has represented clients like Forest Oil, Houston’s Metropolitan Transit Authority and Duramed Pharmaceuticals. **Lee Godfrey** draws exceptional praise from peers and was chosen by President Bill Clinton to serve as ambassador to Brazil in 1996. “Lee Godfrey is one of the finest trial lawyers in the

Holdings in a \$178 million victory and Sky Technologies in a patent infringement matter. One competitor intimates, “You best believe Steve Susman is a star. He doesn’t you to tell him that!” Susman is also praised for building the depth of the firm. “Steve Susman hires very smart people,” says a competitor.

Vinson & Elkins

Established in Houston in 1917, Vinson & Elkins is a prominent player in both Texas and Washington DC litigation. Long an energy powerhouse, the firm’s antitrust, intellectual property, environmental and white-collar crime practices have drawn increased attention over the years. “The firm has represented us since our inception,” says a client. “They remain one of our counsels of choice. I need litigators who understand the nature of our business and factor those realities into their thinking on litigation.”

The firm has suffered several high-profile departures recently, for health reasons and otherwise, losing litigation stars Karen Hirschman, William Dawson and Knox Nunnally, but still retains depth in its Texas litigation group. Working out of the Dallas office, **Williams Sims** carries over 37 years experience. He recently represented Baron & Budd, a leading plaintiffs firm, against claims of breach of contract, fraud, and tortious interference brought by attorney Roger Worthington, winning a dismissal with prejudice. **Marie Yeates**, noted for her appellate practice, represents the Fluor Corporation convincing an appellate court to overturn a \$100 million tortious interference verdict against the firm. The firm is currently handling the retrial. When BreitBurn Energy faced fraud charges arising out of a \$1.5 billion oil and gas properties acquisition from Quicksilver Resources, **Karl Stern** managed to settle the matter out of court. Stern, a 30-year veteran of antitrust, energy and financial litigation, is considered a standout among peers for his professionalism. “Karl Stern is a straight shooter and responsive and a pleasure to litigate against,” says a competitor. “It is rare at our level of practice to get bad apples, but Karl stands apart.”

Recommended firms

Andrews Kurth

Long a force in oil and gas litigation, Andrews Kurth has expanded its presence in antitrust and appellate recently. “We wanted competent efficient trial lawyers with common sense that could handle complicated multi-district litigation involving upstream oil and gas issues of all types,” says a client. **Jerry Beane** has over 43 years experience handling commercial and antitrust litigation. “Jerry Beane is the dean of the antitrust bar but can try IP or anything,” says a peer. **Scott Brister** heads the firm’s appellate section, and according to a client, brings “extremely valuable appellate experience, especially at the Texas Supreme Court level.”

Bracewell & Giuliani

With 470 lawyers in Texas, New York, Washington DC, Connecticut, Seattle, Dubai, and London, Bracewell & Giuliani has been serving the Texas market since 1945. The firm largely focuses on energy, labor and employment, and white-collar crime litigation. **Glenn Ballard, Jr** heads the firm’s trial section and focuses on intellectual property, real estate, banking and energy litigation. **Stephen Crain** leads the energy litigation group and has first-chair jury and non-jury trial experience representing plaintiffs and defendants. With over 40 years of experience, **Cliff Gunter III** handles complex, high-stakes, multiple-party litigation, both internationally and domestically.

Haynes and Boone

Formed in 1964 in Dallas, Haynes and Boone has over 550 lawyers, while enforcing what it calls a strict “no jerks” policy, putting clients first, focusing on teamwork and avoiding internal competition. **George Bramblett, Jr** has represented clients like Exxon-Mobil, Lincoln Property and Siemens, primarily handling commercial and tort litigation. **Nina Cortell** co-heads the firm’s appellate group and is known for handling large, complex appeals. **Barry McNeil** has worked as a trial lawyer in private practice and for the Antitrust Division of the US Department of Justice for over 40 years and is noted for his criminal antitrust defense practice.

Jones Day

Founded in 1893, Jones Day opened its Dallas office in 1981, with Houston following in 2001. The Texas offices are noted for their work in intellectual property, securities, labor and employment, and international arbitration. “They are very strong in Dallas,” says a competitor. **Patricia Villareal** handles securities and corporate governance litigation for clients like Novatel, Bell Microproducts and Electronic Data Systems. Rising star **Joshua Roseman** defends companies and their officers and directors against fraud and corruption-related allegations. “Josh

Roseman is an M&A, securities specialist, more of a rising guy,” says a competitor. “He is the guy there doing the meat of a lot of the big securities cases.”

King & Spalding

Based in Atlanta, King & Spalding has practiced law since 1885, representing clients like Chevron, Ernst & Young and Sanofi-Aventis. The firm opened its first Texas office, Houston, in 1995. Noted for his international arbitration practice, **John Bowman** primarily represents international oil companies in commercial and investment disputes. **Robert Meadows** handles commercial and tort litigation, including multimillion-dollar breach of contract and fraud claims. **Reginald Smith** handles commercial and international arbitration matters. “Reggie Smith does energy litigation,” says a competitor. “He is an exceptional lawyer. More so than other lawyers, he has the ability to distill information. He has the ability to make decisions, and he will take risks. He will give you a very quick assessment.”

Locke Lord Bissell & Liddell

Formed in 2007 by the merger of Texas’s Locke Liddell & Sapp and Chicago’s Lord Bissell & Brook, Locke Lord Bissell & Liddell traces its Texas roots back to 1891. The Texas offices are known for a strong presence in energy, natural resources and appellate litigation. **Michael Powell** handles accounting malpractice, oil and gas, energy, and appellate matters, including several cases for American Airlines. Representing clients like Baker Hughes, ION Geophysical, Technip and Shell, **Michael Sutton** focuses his practice on intellectual property litigation. Firm chair **Jerry Clements** handles commercial, intellectual property, and labor and employment matters. “Jerry Clements, she has a pretty good reputation,” says a competitor.

Mayer Brown

Founded in 1881 in Chicago after a dispute over the sale of a horse, Mayer Brown later merged with two other 19th century firms to become one of the largest law firms in the world, with over 1,600 lawyers in 21 offices. The Houston office opened in 1982 to serve oil and gas clients. Boasting over 30 years of commercial litigation and arbitration experience, **William Knull III** serves as co-chair of the international arbitration group. Knull has extensive experience in transnational and domestic disputes involving oil and gas related matters.

Reynolds Frizzell Black Doyle Allen & Oldham

Formed in late 2009 by six partners from the esteemed Texas firm Gibbs & Bruns, Reynolds Frizzell Black Doyle Allen & Oldham has developed a reputation for taking big cases, recently winning a \$43 million judgment for Matthew Minnis in a dispute

against Jacob Citrin, alleging that after a decision to dissolve their business relationship, Citrin moved assets of their joint business into his own entity, rather than pay Minnis. **Jean Frizzell** handles commercial, oil and gas, intellectual property, and partnership disputes, including the Minnis case. “Jean Frizzell is one of the best young lawyers in these parts and any parts,” says a competitor.

Sutherland Asbill & Brennan

Founded in Atlanta in 1924, Sutherland Asbill & Brennan handles education, real estate, insurance and reinsurance, and antitrust disputes. The two Texas offices carry 21 litigators. **Rachel Giesber Clingman** serves as partner in charge of the Houston office and handles litigation for energy, transportation and insurance companies. She is currently representing Transocean in relation to the oil spill in the Gulf of Mexico. **Steven Roberts** has handled energy, commercial, maritime and professional services litigation for 30 years. He is currently representing a major provider of international and domestic contract drilling services in connection with environmental damage recovery for alleged coastline pollution.

Thompson & Knight

Founded in Dallas in 1887, Thompson & Knight has around 350 lawyers around the world. The firm is noted for its energy litigation practice, while also handles matters involving labor and employment, intellectual property, real estate, and taxation. The firm has represented clients like Blue Bell Creameries, NGP Energy Capital Management and Petrohawk Energy. **Gregory Huffman** handles antitrust, commercial, criminal investigation, and mergers and acquisitions litigation. **David Noteware** handles civil litigation, including representing one of the world’s largest health care product manufacturers in regional products liability cases.

Yetter Coleman

A litigation boutique set up to handle high-stakes business and technology litigation, Yetter Coleman has been a strong presence in Houston since 1997, though really drawing attention lately. “I’ve worked with and against them,” says a competitor. “They are top-notch folks.” The firm has drawn particular notice for its plaintiff work. “They are a good firm,” says a peer. “I think of them as mostly plaintiffs, but they do both [plaintiff and defense].” **Paul Yetter** has over 25 years of experience handling commercial, securities and intellectual property litigation. “Everyone who talks about Paul Yetter holds him in the highest regard,” says a competitor, with another adding, “Paul seems to be in all the big cases in Houston.”

AJAMIE LLP

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Ajamie LLP is a litigation boutique founded on the belief that the pursuit of excellence is integral to the practice of law. The firm's lawyers are all seasoned litigators with first-chair trial experience. We have secured landmark awards and settlements, and have amassed an impressive record of positive outcomes – winning critical victories and over \$600 million in settlements and awards.

We advise in a wide range of litigation-related practice areas, including complex business litigation, antitrust and competition law, white-collar crime, employment litigation, and international litigation and arbitration. Our firm has built a solid reputation for rendering blue-chip defense for companies of all sizes, and for providing cross-border representation in the most intricate of business litigation matters. We are lean and efficient, with the expertise and resources to represent clients worldwide – without hidden conflicts of interest.

Recognized as an elite go-to firm in securities litigation, the firm has successfully handled a number of high-profile cases, including representing companies, pension funds and shareholders seeking to recover losses in stock fraud cases, and corporations and officers and directors being sued in securities matters. Thomas Ajamie, Managing Partner, holds the distinction of winning the first- and third-largest securities arbitration awards ever handed down by the New York Stock Exchange.

The firm's successes in the last year include winning a \$112 million judgment on a civil RICO Act claim on behalf of our *Fortune 100* client. Following a two and half week trial, the jury found that the defendant committed the RICO predicate act offenses of extortion, wire fraud, and witness tampering. The jury's verdict, after trebling, resulted in the largest RICO award in Texas history, and the third largest in the history of the United States.

Also in the past year we recovered a multimillion-dollar "clawback" for another *Fortune 100* client in a case where the client's executive employees were hired away by a competitor. The departing executives had signed agreements in which they promised to pay back restricted stock and stock option awards that they received if they went to work for a competitor.

Litigation experience combined with strong business acumen leaves our lawyers uniquely qualified to advise our corporate clients in conducting sensitive internal investigations. The firm has recently led a number of such investigations for our clients.

We understand that, to be a true business partner with its clients, a law firm must provide more than just legal advice. We pride ourselves in thoroughly understanding the organizational and business objectives of our clients in order to build relationships that enable us to swiftly and successfully respond to their needs.

TOM ALAN CUNNINGHAM



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Tom Alan Cunningham has tried complex cases for over 37 years. A graduate of the University of Texas Law School, Mr. Cunningham in 1974 joined Fulbright & Jaworski, where he became a senior litigation partner. In 1998, he founded Cunningham Darlow, to focus exclusively on trials and arbitration of commercial cases. Mr. Cunningham and his firm are selective in accepting new cases to insure that his clients receive continuous, personal, focused and hands-on attention throughout every phase of the engagement.

Mr. Cunningham's extensive trial experience covers a variety of substantive areas, including energy, oil and gas, contracts, business torts, fiduciary duties, business partnerships, investment disputes, professional liability, hospitality matters, trusts, and wills. Examples of his assignments include:

- Lead trial counsel for a leading energy conglomerate in litigation over the acquisition and distribution of liquefied natural gas in Algeria and the United States;
- Lead trial counsel for an oil and gas production company in a contract action involving mineral interests in excess of \$100 Million.
- Lead trial counsel for one of the world's largest hospitality enterprises defending seven nation-wide class actions involving investments in branded hotel chains;
- Lead trial counsel for survivors of decedents in numerous cases involving fiduciary duties applicable to testamentary trusts and related matters, one of which was accepted twice for oral argument in the Supreme Court of the United States, and another was decided in the Supreme Court of Texas;
- Lead plaintiffs' trial counsel for several of the nation's largest energy and mining companies in the commercial explosive products antitrust litigation;
- Lead trial counsel for various national and international law firms defending claims of legal malpractice and other matters related to professional responsibility.
- Lead trial counsel for a major interstate gas pipeline company in a variety of cases involving gas purchase contracts, transportation agreements, coal gasification issues and gas gathering partnerships;
- Lead trial counsel in numerous cases dealing with the financing, development, and operation of commercial real estate projects;
- Arbitration counsel for an owner of an offshore mineral interest in a dispute regarding the acquisition and sale of the interest;

Mr. Cunningham is a fellow of the American College of Trial Lawyers, where he serves as chair of the Texas State committee. He is also a member of the American Board of Trial Advocates.

Mr. Cunningham is widely known as a leader in advanced technology, and as being at the forefront of e-discovery. His approach to information management significantly expands productivity and reduces costs in complex litigation, and he is a pioneer in the use of paperless technology.

CLAYTON E BAILEY**BAKER & MCKENZIE**

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Clayton E Bailey chairs the disputes resolution group of Baker & McKenzie's Dallas office, and maintains an active practice representing clients in trials and appeals of complex commercial litigation, class actions, and multi-plaintiff tort and business cases. Besides having tried cases in various federal and state courtrooms located throughout the nation, he has an impressive track record as an advocate for his clients before numerous federal and state appellate courts including the Supreme Courts of Louisiana, Mississippi and Texas, and the United States Courts of Appeals for the Fifth, Eighth, Ninth, Tenth and Federal Circuits.

Clayton also advises agribusiness companies concerning regulatory matters and serves as defense counsel in administrative enforcement actions initiated by the federal government.

Clayton graduated *magna cum laude* from Baylor University in 1990 before earning his juris doctor with honors from Southern Methodist University School of Law in 1996. He was the editor-in-chief of a law journal.

Since 1996, Clayton has been recognized by his peers as a Texas *Super Lawyer* and is a member of various invitation-only associations. He is a fellow of the Litigation Counsel of America.

Representative Matters

- After the nation's largest poultry producer filed bankruptcy in 2008, Clayton managed and served as lead trial counsel of a litigation team that successfully defended against nearly 400 individuals' separate claims alleging federal price fixing claims, as well as various fraud and promissory estoppel theories and consumer protection violations under Alabama, Arkansas, Florida, Georgia, North Carolina, Oklahoma and Texas law.
- Won the dismissal of RICO claims filed against an agribusiness company, a bank, an appraiser, a lawyer and a title company.
- Won the dismissal of numerous antitrust and state law claims pleaded by a municipality seeking in excess of \$28 million in damages, and later persuaded a federal circuit court of appeals to affirm the district court's decision.
- Defeated numerous requests for class certification in antitrust cases.
- Persuaded a majority of the United States Fifth Circuit Court of Appeals, sitting en banc, to reverse a district court's and an earlier panel's decisions concerning the interpretation of a federal antitrust statute. The en banc court's decision was later characterized as a "tidal wave" opinion by a sister federal circuit court.
- After being retained as appellate counsel, Clayton convinced the Mississippi Supreme Court to reverse and remand a jury verdict initially resulting in an award of \$1.65 million.
- After being retained as appellate counsel, Clayton persuaded the Louisiana Supreme Court to reverse the district court's and intermediate appellate court's interpretation of and findings of liability against a client under the Louisiana unfair trade practices and consumer protection law, which resulted in the vacatur of millions of dollars in treble damages and attorneys' fees.

THOMAS M FULKERSON**THE LAW OFFICES OF TOM FULKERSON**

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Tom began his legal career in 1983. After previous partnerships in several high-level Houston business-litigation boutiques from 1987 onward, Tom formed his firm in 2006 and welcomed Wes Lotz as his partner in 2010.

Tom's trial practice concentrates in intellectual property, oil and gas, contract, intellectual property and entertainment law disputes. Tom maintains a diverse litigation practice that encompasses oil and gas trade secret and patent issues, royalty, joint venture and joint interest disputes, civil fraud, contractual conflicts, partnership disputes and bankruptcy fraud.

Tom has represented both artists and institutional clients, including Destiny's Child, Beyoncé Knowles, Kelly Rowland and Michelle Williams, Sony Music Entertainment Inc. and Warner/Chappell Music, Inc. In his commercial trial practice, he has represented Gyrodata Inc., Exxon Mobil Corporation, FMC Technologies, Inc., Huddleston & Co., Duke Energy, EOG Resources, Inc., Celotex Corporation and Xtreme Coil Drilling Corp. as well as numerous individuals in high-profile business disputes.

Education

Baylor Law School, JD, 1983, Waco, Texas

- *Cum laude*
- Case notes and comments editor of the *Baylor Law Review*
- Winner and top speaker of the Leighton B Dawson Open Moot Court Competition

Northwestern University, BA in economics, 1980, Evanston, Illinois

- Won the National Debate Tournament in 1980
- Between 1978 and 1980, Tom won or was in the finals or semi-finals of 16 nationally-ranked tournaments and one of the top speakers at numerous competitions

Awards and Publications

- *Texas Super Lawyers*®, a Thomson Reuters service (2003-2011)
- Houston's top lawyers by *H Texas magazine* (2011)
- The Law Offices of Tom Fulkerson LLP is an AV®-rated law firm and Tom personally carries an AV® rating
- *Temporary Restraining Orders and Temporary Injunctions in Trade Secret Cases: Trends and Common Practices* (2011) (co-authored with Ethan Gibson)
- *Preparing a Witness* (2007)
- *Handling Stock Option Claims* (2006)
- *Pain-Free Witness Preparation* (2006)
- *I Know It When I see It: Phillips v. AWH Corporation and the Continuing Search for Interpretative Consistency* (2005)
- *Taking on the Hard-Core Expert* (2005)
- *Dance of the Sumo Wrestlers: Common "Headwaters" Issues in Commercial Cases* (2004)
- *Practical Deposition Techniques* (2003)

Personal Biography

Tom was born in Louisville, Kentucky, on October 18, 1958, and grew up in central Kentucky. Tom has been married to Gina Vaccaro Fulkerson since their first year of law school in 1980. They have two daughters, Kelly and Kate, and a son, Pierce. He has served on the board of St. Catherine's Montessori School in Houston, Texas, and coached little league baseball for years.

LEE KAPLAN



SMYSER KAPLAN & VESELKA

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Lee Kaplan obtained his first jury verdict as lead counsel in October 1978, when he persuaded the jury that his client's air conditioner did not cause a house fire. Within a year he had seven jury trials as lead counsel, winning six outright and in the other, admitting liability and obtaining a verdict lower than the settlement demand. With larger and more complex cases, trials are less frequent, but Mr. Kaplan still relishes the challenge of representing his clients in the courtroom.

Mr. Kaplan has tried dozens of cases in state and federal courts, representing plaintiffs and defendants. His docket has included patent and trademark infringement, antitrust, criminal and civil fraud, theft of trade secrets, shareholder rights and securities fraud claims, royalty claims, toxic tort and class action cases. He frequently handles high-tech cases, and enjoys mastering complicated business dealings or scientific concepts in order to present them concisely to judges and juries. A few years ago, he was hired as lead plaintiff counsel by a *Fortune* 20 company just four months before a patent infringement trial. His client prevailed on both patents, winning a \$9 million damages award (including \$6.5 million in price erosion damages) and a permanent injunction. The judgment was affirmed on appeal. He is both a trial and appellate lawyer. For example, he argued successfully in the Texas Court of Appeals to uphold a summary judgment dismissing all common-law and statutory claims of breach of contract, fraud, and negligence in a case alleging approximately \$400 million in actual damages plus additional punitive damages for purported design problems in a catalytic cracking unit.

Mr. Kaplan has conducted a special investigation for the board of directors of a Fortune 500 corporation and has represented a special committee of a board of directors in its successful defense of litigation relating to a going-private transaction. One of his individual clients is cooperating with the US Government in a wide-ranging investigation of violations of the Foreign Corrupt Practices Act that has already led to disgorgement and fines totaling in excess of \$1 billion. Mr. Kaplan has also represented clients in numerous injunction proceedings and arbitrations, served as an arbitrator in multiple arbitrations, sometimes as a party-appointed arbitrator, and most recently as chair of the arbitration panel.

CRAIG SMYSER



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Since founding Smyser, Kaplan & Veselka in 1995, Mr. Smyser has successfully represented multi-national oil companies, Texas' largest non-profit hospital system, class action plaintiffs and defendants, the City of Houston, the Houston Sports Authority, one of Mexico's largest resort companies, and prominent and not-so-prominent individuals in battles in federal and state courts around the country. He successfully defended Enron's chief financial officer in more than 100 civil security fraud lawsuits nationwide. He currently represents the Ecuadorian plaintiffs in the Southern District of New York in their battle to prevent Chevron from invalidating the \$18 billion judgment against Chevron for environmental pollution of the Ecuadorian rain forest. Earlier in 2011, Mr. Smyser obtained a jury verdict on behalf of Celotex, after a national law firm hired him three months before jury selection to try the real estate fraud case against another large law firm.

As trial lawyer for plaintiffs, Mr. Smyser represented David's Supermarkets in a civil fraud trial that resulted in a judgment for more than \$200 million. He prosecuted a patent infringement case on behalf of an inventor of a random number generator against major companies in the computer industry.

Mr. Smyser represents Yukos International UK and a number of individual officers of the former Yukos Oil in on-going disputes over the expropriation of Yukos Oil by the Russian government. A federal court judge in Los Angeles granted a summary judgment in a class action case for Mr. Smyser's client in a case alleging fraud in the sale of time shares in Mexico. In the Southern District of New York, Mr. Smyser represented the chairman of the board of directors of Phillip Services in a class action securities fraud case. In one of many matters handled for the City of Houston, Mr. Smyser obtained summary judgment upholding the city's sign ordinance in the face of a First Amendment challenge, a ruling affirmed in the US Fifth Circuit Court of Appeals. Another federal judge in the Southern District of Texas held that a Texas statute violated his client's constitutional rights and declared the statute unconstitutional. In international arbitration in London, Mr. Smyser successfully represented an oil field equipment manufacturer in a dispute with an Indian company over construction of a plant in Hyderabad, India.

In addition to his extensive trial court experience, Mr. Smyser has briefed and argued cases at every level of appellate court in the state and federal system, including the Texas Supreme Court and the United States Supreme Court.

Recognized by his peers as a *Super Lawyer* for years, Mr. Smyser served as president of the Houston chapter of the American Board of Advocates in 2009 and president of the Texas Association of Civil Trial and Appellate Specialists in 2007. Prior to graduating from the University of Texas Law School, where he served on the *Texas Law Review* and was chosen the outstanding advocate of his law school class, he was political editor of the *Houston Chronicle*, where he covered both the Democratic and Republican national conventions and was given an award by the Associated Press in 1974 as one of the State's outstanding reporters. Mr. Smyser obtained his undergraduate degree, with honors, from the University of Texas, Plan II, and was selected as a member of Phi Beta Kappa.

LARRY R VESELKA**SMYSER KAPLAN & VESELKA**

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In more than thirty-five years of practice, Mr. Veselka has tried some fifty jury trials to verdict. Annually selected by his peers as one of Texas' *Super Lawyers* since 2005, he has argued scores of appeals before various Texas Courts of Appeals, the Texas Supreme Court, the Wyoming Supreme Court, and the US Courts of Appeals for the Fifth, Tenth, Eleventh, and DC Circuits. He has handled cases pertaining to securities, oil and gas, real estate, breach of contract, fraud, RICO, professional liability, and various business torts and statutory claims. He has handled matters in courts and administrative agencies throughout Texas, as well as in Arkansas, Colorado, California, Illinois, Louisiana, Pennsylvania, Nevada, New York, Oklahoma, Wyoming and Washington, DC. In 1998, Mr. Veselka was brought in post-trial and before judgment to represent one of the defendants receiving adverse findings on a \$1.4 billion jury verdict; he successfully obtained a take-nothing judgment in favor of his client. Mr. Veselka co-counsels with Mr. Smyser in the representation of two Ecuadorian citizens pertaining to Chevron's attempt in the New York Federal Court to avoid collection of an \$18 billion judgment for contamination of soil and water during almost thirty years of oil and gas production operations in the rain forest. He has advised both insureds and insurers on coverage issues, and has successfully prosecuted claims for coverage and/or bad faith. Mr. Veselka has both prosecuted and defended securities and consumer class actions, as well as shareholder derivative matters. From 2007 to 2010, he led the successful defense of the special committee of the board of a public company considering an offer to take the company private. The appeals in that matter affirming the trial court dismissals of both direct shareholder class action claims and separate shareholder derivative claims clarified in his clients' favor what the nationally prominent securities plaintiff firms contended to be open areas of Texas substantive and procedural law regarding shareholder litigation. Earlier this year, Mr. Veselka was hired only six weeks before a trial when the plaintiff, Stevedoring Company, sought more than \$25 million from Del Monte Fresh Produce and obtained a take-nothing judgment.

Besides the complex civil cases which have predominated in his practice over the last 30 years, Mr. Veselka has handled white-collar criminal matters at the grand jury, pre-trial, trial and appellate stages. Since 2004, he has represented the former chairman of a global oilfield services company in an FCPA prosecution pertaining to dealings in Nigeria that has resulted in fines or restitution of more than \$1.6 billion (so far) to the US authorities. He recently conducted an investigation for a public institution into allegations of criminal violations by one of the institution's employees. He currently serves as counsel to individuals targeted by either or both the DOJ and the SEC for potential violations of criminal statutes.

Mr. Veselka served as administrative assistant to Lt. Governor Bill Hobby from January 1973 until August 1976. Mr. Veselka served as the elected chair of the Harris County Democratic Party from 1986 to 1988. He served as a gubernatorial appointee of the board of regents for Texas Southern University from 1985 to 1991.