

## Trials Group Of The Year: Gibbs & Bruns

By **Cara Salvatore**

Law360 (January 21, 2022, 4:29 PM EST) -- Houston trial boutique Gibbs & Bruns LLP had a big year with trial wins for two different high-ranking employees in oil and gas industry disputes, making it one of **Law360's 2021 Trials Groups of the Year**.



The single-office litigation boutique, which has 16 partners and 31 lawyers total, likes to keep things small, and it believes its work and wins are bearing out that strategy, said partner Barrett Reasoner.

"We're a litigation boutique that only does one thing and have been that way for years, and have resisted kind overtures to join with bigger outfits, or clients [saying], 'Well, why don't you get an office here?'" Reasoner said.

"Having one base really makes for a great esprit de corps and quality control of our work," he added. The firm's core member is well-known Texas litigator Robin Gibbs, who founded Gibbs & Bruns with a team of trial lawyers in 1983.

That strategy paid off in a trial Reasoner helped lead last spring, defending a former chief engineer at FMC Technologies whom the energy-exploration-equipment company accused of **taking trade secrets** to a competitor. The competitor, Dril-Quip, also was a defendant, represented by another firm.

FMC accused Richard Murphy and Dril-Quip of using proprietary knowledge to create a subsea tree system — a massive piece of equipment lowered to the ocean floor and connected to a subsea wellhead to direct the flow of oil and gas.

The subsea tree system in this lawsuit also has the feature of self-orienting to the wellhead, saving drillers from having to manually align parts using expensive equipment. Jurors were told that self-alignment saves \$3 million to \$4 million per wellhead.

FMC told jurors that Murphy had been spearheading FMC's development of such a system before he left. The jury ended up agreeing with the defendants that the things FMC thought were trade secrets actually were not, Reasoner said.

"That was something we spent a lot of time on" at trial, he said. "FMC had not believed or treated these as trade secrets, [and] they really weren't when you looked at all of the other information that was out there in the industry."

Reasoner said COVID-19 made for some interesting trial prep. The lawyers brainstormed together in person, but some pretrial hearings and many depositions were done via Zoom with lawyers appearing from the firm's offices. And in part because of a highly accelerated pretrial schedule, depositions sometimes overlapped.

"There were simultaneous depositions going on with different people on their computers down the hall from one another," Reasoner said. "So it was a very hectic time."

Jury selection was held at Houston's NRG Arena for COVID-19 safety. The trial took place inside a Harris County courtroom but public access was by livestream.

Elsewhere, the firm also won a case for David Dunwoody, former president of oil and gas company EnVen Energy Corp., in a breach of contract case Dunwoody brought after he and the company parted ways.

Dunwoody's relationship with his co-founder soured, and feeling squeezed out of the company, he decided to resign in 2019, said Anthony Kaim, Dunwoody's defense lawyer at Gibbs & Bruns.

Under Dunwoody's contract, he had to prove that he had "good reason" to resign — a contractually defined term — and that he was therefore owed severance.

Dunwoody's testimony at trial was absolutely critical in convincing the jury he did have good reason to resign, said Kaim.

"Every aspect of his involvement and everything he did throughout his tenure at EnVen was relevant. And so it was very important for the jury to see

David, to hear all the transactions that he took the company through, all the hiring he did, and really believe and understand how he was able to drive EnVen's success," Kaim said.

On the verdict form, the jury was given multiple options as to how Dunwoody had good reason, and needed to find only one for Dunwoody to win — but it actually found two, according to Kaim. He was awarded the roughly \$8 million in contract severance and benefits he had sought.

Kaim said the case fit into the firm's business nicely because "we are, in my view, a trial firm."

"If there is a significant dispute, our client can be on the plaintiff side or the defense side, and we are comfortable trying the case," he said. "From the top with Robin all the way down to even our most junior associates, every lawyer here wants to try cases and is able to try cases."

--Additional reporting by Michelle Casady. Editing by Andrew Cohen.