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## **CURRICULUM VITAE**

### **Education**

J.D., Texas Law School Texas Law Review Hildebrand Moot Court Champion	1981
B.A., Georgetown Univ., Washington, D.C. magna cum laude	1977

### **Experience**

Roach & Newton, L.L.P. (founding partner) (formerly Cook & Roach, L.L.P.) Civil trials, appeals, mediations, and arbitrations concerning insurance coverage, fraud and fiduciary duty, contract and lease litigation, energy industry disputes, partnership disputes, products liability, construction and engineering disputes, contribution and indemnity, environmental/toxic torts, premises liability, employment, and anti-trust Mediator, moderator of settlement conferences, and arbitrator	1993 —
Mayor, Day, Caldwell & Keeton L.L.P. (partner/associate) Civil trial and appeals concerning products liability, engineering malpractice, insurance coverage, environmental/toxic torts, premises liability, medical malpractice, employment, and commercial litigation Head of appellate group	1983-1993
Ryan & Marshall (associate) Civil trial and appeals concerning medical malpractice, products liability, insurance, premises liability litigation, and environmental/toxic torts	1983
Vinson & Elkins (associate) Civil trial and appeals concerning antitrust, securities, environmental, commercial disputes, and civil rights litigation	1981-1983

## Professional Activities, Appointments, and Honors

- Fellow, American Academy of Appellate Lawyers
- Adjunct Professor of Law, Univ. of Houston Law Center 1990 —  
Appellate Advocacy (Adjunct Awards in 1999, 2002, and 2007), (By Invitation Only) Advanced Insurance Appeals
- Adjunct Professor of Law, University of Texas Law School 2000 —  
Appellate Advocacy (Started the UT class)
- Board Certified in Civil Appellate Law by Texas Board of Legal Specialization
- Board Certified by the American Board of Trial Advocates
- Board Certified in Personal Injury Trial Law by Texas Board of Legal Specialization
- Named in Chambers USA Leading Lawyers in America – Insurance Law and Appellate
- Named in Texas Best Lawyers in Appellate and Insurance
- Named in Best Lawyers in America – Appellate Law
- Named in Best Lawyers in America – Insurance Law
- Named in Texas Super Lawyer 2004 —
- Named to 100 Best Houston Area Lawyers in Texas Monthly 2007 —
- Tier 1 ranking in *U.S. News – Best Lawyers* “Best Law Firms”
- Special Appellate Disciplinary Counsel to State Bar of Texas 2015 —
- Frequent author/lecturer on CLE topics, including: appellate advocacy and procedure, pretrial and trial procedure, insurance coverage and litigation, contract disputes, products liability, ADR, litigation budgets, and ethics for State Bar of Texas, American Bar Association, Houston Bar Association, Univ. of Texas, Univ. of Houston, South Texas, and SMU law schools
- Member: Products Liability Advisory Council (Amicus Writer)  
Insurance Information Council (National Policyholder only)  
International Association of Defense Counsel (Amicus Comm.)  
Federation of Defense and Corporate Counsel  
Texas Association of Defense Counsel (Amicus Comm.)  
Fifth Circuit Bar Association  
Defense Research Institute  
American Arbitration Association  
American Bar Association  
Houston Bar Association

Travis County Bar Association  
 Travis County Appellate Section  
 College of the State Bar of Texas

Chair:	Council of Chairs of the State Bar of Texas	2007-2008
Chair:	Appellate Section of State Bar of Texas	2006-2007
Chair:	Appellate Section of Houston Bar Association	2000-2001
Council Member: and Officer:	Appellate Section of State Bar of Texas	1994-1997; 2000-
Council Member and Officer:	Appellate Section of Houston Bar Association	1993-
Chair:	State Bar Survey of all Texas Appellate Judges	1995-1997
Co-Chair	State Bar Appellate Sec. Annual Meeting Comm.	1998-1999
Chair:	Jury Orientation Video Committee of Houston Bar Association Administration of Justice Committee	2004-
Chair:	Annual Meeting Committee of ABA Appellate Advocacy Section; ABA Committee; Tort and Insurance Practice Section, ABA	1999-2001
Chair:	Judicial Liaison Committee, Insurance Section of State Bar of Texas	2000-2001
Course Director:	State Bar of Texas Advanced Appellate Seminar	2008
Co-Chair:	University of Texas Insurance Law Seminar	1998
Board of Editors:	Defense Counsel Journal	1990-1993
Member:	Dist. 4I Grievance Comm., State Bar of Texas	1993-1998
Fellow:	Texas Bar Foundation Foundation of the IADC Houston Bar Foundation The Texas Supreme Court Historical Society	
Staff:	U.S. Supreme Court U.S. Senate Nutrition Committee	1977 1975-1977

Listed:                   Who's Who in American Law  
                              Who's Who in the World  
                              Who's Who in Academia

Rated:                   AV by Martindale-Hubble

## **Publications and Presentations**

1. “Lessons Learned: Contract Interpretation Strategies That Actually Work with Trial and Appellate Judges”  
Presentation for Dallas Bar Association TIPS, Advanced Insurance Law CLE, Dallas, TX  
(January 5, 2021)
2. “Judge-Centric Argument in Coverage Cases on Key Legal Rulings – What To Do and Not To Do In the Courtroom”  
Paper and panel of trial and appellate judges for State Bar of Texas, 16<sup>th</sup> Annual Advanced Insurance Law, San Antonio, TX  
(June 6-7, 2019)
3. “Oral Argument from Both Sides”  
Paper and presentation with Court of Appeals Justice Bill Boyce for UT Advanced Conference State and Federal Appeals, Austin, TX  
(June 15, 2018)
4. “Oral Argument: Lessons Learned from Teaching and Judging”  
Paper and presentation for HBA Appellate Practice Section, Houston, TX  
(November 9, 2017)
5. “Issues That are Important to Corporate and Company Policyholders”  
Paper and presentation for State Bar of Texas, San Antonio, TX  
(June 8, 2017)
6. “Preparing and Delivering a Persuasive Oral Argument in the Texas Supreme Court: A Court-Centric Approach”  
Paper and presentation for State Bar of Texas, Austin, TX  
(April 28, 2017)
7. “Appellate Oral Argument: Mastering Techniques of Persuasion”  
Panelist for live webinar, Strafford Publications, Worldwide Web  
(April 6, 2017)
8. “Impressions of More Experienced Fifth Circuit Judges”  
panel moderator at AAAL Fall Meeting, San Antonio, TX  
(October 1, 2016)
9. “Handling Your First Oral Argument: A Court-Centered Approach”  
Paper and presentation for State Bar of Texas, Austin, TX  
(April 15, 2016)
10. “Oral Argument Revisited”  
panel at Houston Bar Association luncheon, Houston, TX  
(November 12, 2015)
11. “Appellate Oral Argument: Mastering Techniques of Persuasion”  
Panelist for live webinar, Strafford Publications, Worldwide Web  
(September 29, 2015)
12. “Ethics – Engagement Letters for Appellate Attorneys”  
paper and presentation for the 29<sup>th</sup> Annual Advanced Civil Appellate Practice Course 2015, State Bar of Texas CLE, Austin, TX  
(September 10, 2015)
13. “Recent Developments in Texas Insurance Law”  
paper and presentation for 4<sup>th</sup> Annual Advanced Trial Strategies Course, Austin, TX  
(February 26, 2015)
14. “Appellate Oral Argument: Mastering Techniques of Persuasion”  
paper and presentation for Strafford Publications, Worldwide Web  
(September 30, 2014)

15. "Mistakes Even the Best Trial Lawyers Make: A View from the Appellate Bar"  
panelist for a live webcast production, TexasBar CLE, Austin, TX  
(September 23, 2014)
16. "Fraud and Exemplary Damages: A New Approach"  
paper and presentation for 6<sup>th</sup> Annual Damages in Civil Litigation, TexasBar CLE, Dallas, TX  
(February 6, 2014)
17. "Lessons Learned from *Lennar*"  
paper and presentation for 18<sup>th</sup> Annual Insurance Law Institute, UT CLE, Austin, TX  
(November 7, 2013)
18. "Ethics Scope of Representation and Engagement"  
paper and presentation for the 23<sup>rd</sup> Annual Conference on State and Federal Appeals, UT CLE, Austin, TX  
(June 13, 2013)
19. "How to Prepare and Deliver an Effective Oral Argument"  
paper and presentation for the Practice Before the Texas Supreme Court, TexasBar CLE, Austin, TX  
(April 12, 2013)
20. "Coordination Between In-House and Outside Counsel in Handling a Major Loss Investigation with Insurers' Agents"  
paper and presentation for the 10<sup>th</sup> Annual Advanced Insurance Law Course, TexasBar CLE, Dallas, TX  
(April 11, 2013)
21. "Exceptional Oral Arguments: Tips and Techniques"  
paper and presentation for the State Bar of Texas CLE webcast, Austin, TX  
(March 27, 2013)
22. "Fraud and Punitive Damages"  
paper and presentation for Damages in Civil Litigation Course, TexasBar CLE, Houston, TX  
(March 8, 2013)
23. "What Civil Litigators Need to Know About Insurance to Avoid Malpractice"  
paper and presentation for Advanced Civil Trial Course 2012, TexasBar CLE, Houston, TX  
(October 17-19, 2012)
24. "Oral Argument - Patterns Seen in a Survey of Judicial Questioning"  
paper and presentation for 26<sup>th</sup> Advanced Civil Appellate Practice Course, TexasBar CLE, Austin, TX  
(September 6-7, 2012)
25. "Exemplary Damages"  
paper and presentation for Damages in Civil Litigation Course, TexasBar CLE, Dallas, TX  
(February 16-17, 2012)
26. "Oral Argument: A Court-Centered Approach,"  
paper and presentation for Handling Your First Civil Appeal 2012, TexasBar CLE, Austin, TX  
(February 10, 2012)
27. "Insurance Update"  
paper and presentation for 28<sup>th</sup> Annual Litigation Update Institute, State Bar of Texas, Dallas, TX  
(January 19-20, 2012)
28. "Insurance Law Roundtable"  
paper and panelist for the State Bar of Texas Insurance Webcast, Austin, TX  
(December 14, 2011)
29. "Amicus Briefing: Making Friends and Influencing Decisions,"  
paper and panel moderator for the State Bar of Texas Advanced Insurance Law Course, Dallas, TX

(April 14-15, 2011)

30. "Your First Oral Argument: A Court-Centered Approach,"  
paper and presentation for Handling Your First Civil Appeal, TexasBar CLE, Austin, TX  
(February 18, 2011)
31. "Disappearing Fraud in Contract Cases,"  
paper and presentation for the State Bar of Texas 24<sup>th</sup> Annual Advanced Civil Appellate Practice Course Program,  
Austin, TX  
(September 2-3, 2010)
32. "How *Forest Oil* affects *Schlumberger* and Disclaimers of Reliance in Texas,"  
paper and presentation, Harris County Judicial Education Conference, Houston, TX  
(August 11, 2010)
33. "Gross Negligence and Exemplary Damages: Recent Developments and Cutting-Edge Issues,"  
paper and presentation for the 20<sup>th</sup> Annual Conference on State and Federal Appeals, Austin, TX  
(June 3-4, 2010)
34. "Strategies for Damages and Attorney Fees,"  
paper and presentation for the Texas Bar CLE, Dallas, TX  
(February 18-19, 2010)
35. "Law-Based Case Management: A New Paradigm for Reducing Complex Litigation Costs and Increasing Profitability,"  
paper and presentation for State Bar of Texas, 23<sup>rd</sup> Annual Advanced Civil Appellate Practice Course Seminar,  
Austin, TX  
(September 9-11, 2009)
36. "Law-Based Case Management: A New Paradigm for Reducing Complex Litigation Costs and Increasing Profitability,"  
paper and presentation with In-House Counsel and Trial Attorneys to Harris County Civil District Judges' Annual  
CLE Retreat, Bastrop, TX  
(August 4-6, 2009)
37. "The Role of Appellate Counsel in Case Management,"  
paper and presentation for Corporate Counsel/Appellate Counsel CLE, State Bar of Texas, Houston, TX  
(May 6, 2009)
38. "Texas Supreme Court Justices on Court Centered Advocacy,"  
paper and moderator for State Bar of Texas, Practice Before the Texas Supreme Court Seminar, Austin, TX  
(April 17, 2009)
39. "When and How to Seek an Error Correction Opinion from the Texas Supreme Court,"  
paper and presentation for State Bar of Texas, Practice Before the Texas Supreme Court Seminar, Austin, TX  
(April 17, 2009)
40. "Duty to Defend: The Eight Corners Rule, Notice & Insurer Response, Bad Faith & Extra-Contractual Damages,"  
paper and presentation for University of Houston Law Foundation, Houston, TX (April 16-17, 2009; Dallas, TX  
(April 23-24, 2009)
41. "Secrets to Winning Appeals,"  
paper and presentation for State Bar of Texas, 22<sup>nd</sup> Annual Advanced Civil Appellate Seminar, Austin, TX  
(September 4-6, 2008)
42. Moderator and Course Director, State Bar of Texas, 22<sup>nd</sup> Annual Advanced Civil Appellate Practice Course, Austin, TX  
(September 4-6, 2008)

43. "Trend in Texas Supreme Court's Insurance Coverage Cases,"  
paper and presentation for State Bar of Texas, CLE Webinar, Austin, TX  
(June 23, 2008)
44. "The Role of the Appellate Specialist on the Trial Team,"  
paper and presentation at Waste Management's Outside Counsel Conference, Las Vegas, NV  
(June 13-14, 2007)
45. "A Candid Conversation: What Appellate Lawyers and Justices Want to Know But Are Afraid to Ask,"  
paper and presentation at Houston Bar Association Appellate Section CLE, Houston, TX  
(May 17, 2007)
46. "The Power of Persuasion: Oral Argument in the Supreme Court,"  
paper and presentation at State Bar of Texas' CLE Program on Practice Before the Texas Supreme Court, Austin TX  
(April 27, 2007)
47. "How to Get an Appellate Oral Argument and What to Do Once You Get It,"  
paper and presentation at Houston Bar Association 2007 Civil/Appellate Bench Bar Conference, Galveston, TX  
(April 13-14, 2007)
48. "Recent Developments in Insurance Matters,"  
paper and presentation at South Texas College of Law Advanced Civil Trial Law Conference, Houston, TX  
(February 22, 2007)
49. "Effective Appellate Advocacy: A Demonstration Appellate Oral Argument in an Insurance Coverage Dispute,"  
policyholder's advocate and panelist in demonstration appellate oral argument to Justices of the California and Texas  
Supreme Court, International Association of Defense Counsel, Pebble Beach, CA  
(February 17-22, 2007)
50. "Protecting Insurance Coverage,"  
panel presentation at PLAC 2006 Fall Conference, Colorado Springs, CO  
(October 18-20, 2006)
51. "Amicus Practice in the Texas Appellate Courts"
52. "Saving Appellate Oral Argument from Withering on the Vine,"  
paper and presentation at Tarrant County Bar Association Appellate Section, Ft. Worth, TX  
(September 13, 2006)
53. "Emerging Issues in Insurance Law,"  
paper and presentation at State Bar of Texas 20<sup>th</sup> Annual Advanced Civil Appellate Practice Course, Austin, TX  
(September 7-8, 2006)
54. "Insurance Coverage After Frank's Casing: New Problems and Issues,"  
paper and presentation at State Bar College Summer School, Galveston, TX  
(July 20-22, 2006)
55. "The Duty to Defend and the Respective Perspectives of Insureds and Insurers,"  
paper and presentation at University of Houston Law Center Advanced Insurance and Tort Claims Course,  
Dallas, TX (June 22-23, 2006), Houston, TX (June 29-30, 2006)
56. "Insurance Coverage: What Litigators Need to Know,"  
paper and presentation at HBA Litigation Section's All Day Seminar, Houston, TX  
(May 16, 2006)



57. "Transitioning from Trial to Appeal and Post Trial Motions,"  
paper and presentation at Federal Court Practice Seminar, Houston, TX (May 5, 2006), San Antonio, TX (May 12, 2006)
58. "Navigating the New Waters of Settlement after Frank's Casing,"  
paper and presentation to Dallas Bar Alternative Dispute Resolution Section, Dallas, TX (February 13, 2006)
59. "Excess Underwriters vs Frank's Casing: A Texas Lawyer Roundtable,"  
published panel discussion in Texas Lawyer magazine (January 30, 2006)
60. "Insurance Year in Review for 2005,"  
article published in Texas Lawyer magazine (December 2005)
61. "Coverage Disputes After Frank's Casing: New Problems and Issues,"  
paper and presentation for University of Houston Law Foundation, Dallas, TX (October 2005)
62. "Unsettling the Dynamics of Settlement,"  
article published in the *Texas Bar Journal* (October 2005)
63. "Lessons Learned Regarding Appellate Mediation,"  
paper and presentation at State Bar of Texas 19<sup>th</sup> Annual Advanced Civil Appellate Practice Course, Austin, TX (September 8-9, 2005)
64. "Appellate Practice: Managing the Relationship with the Client and the Trial Attorney,"  
panel presentation at Dallas Bar Association Appellate Section, Dallas, TX (June 16, 2005)
65. "Oral Argument,"  
authored chapter for "Texas Supreme Court Practice Manual", State Bar of Texas publication (April 2005)
66. "From Initial Interview to Engagement Letter: Handling the Appellate Client and the Trial Lawyer,"  
panel presentation at Houston Bar Association Appellate Practice Seminar, Houston, TX (February 23, 2005)
67. "10 Keys to Breaking an Impasse in an Appellate Mediation,"  
paper and presentation to Houston Bar Association ADR Section, Houston, TX (February 8, 2005)
68. "Controlling Total Legal Costs through Early Jury Charge Formulation, Focused Discovery, and Early Mediated Settlement"  
paper and presentation at University of Houston Trial Tactics CLE seminar, Houston, TX (December 2, 2004), Dallas, TX (December 9, 2004)
69. "Malpractice Exposure for Lawyers in Insurance Related Matters,"  
panel discussion at University of Texas, 9<sup>th</sup> Annual Insurance law Institute, Houston, TX (November 11-12, 2004)
70. "Uncorking the Law of Wine!"  
presentation at University of Houston Law Foundation, Houston, TX

(November 3, 2004)

71. "Insurer's Duty to Defend in Texas: The "Eights Corners" Rule,"  
paper and presentation at Insurance Law for Attorneys Representing Insurers, University of Houston Law Foundation, Houston, TX  
(October 21-22, 2004)
72. "Emerging Issues in Insurance Law,"  
paper and presentation at State Bar of Texas 27<sup>th</sup> Annual Advanced Civil Trial Course,  
Dallas, TX (August 25-27, 2004), Corpus Christi, TX (September 22-24, 2004), Houston, TX (November 10-12, 2004)
73. "Common Issues in Appeals of Civil Jury Trials,"  
State Bar of Texas Appellate Section video program and paper for all court of appeals staff attorneys, 2004
74. "Analysis of a Successful Petition for Review to the Texas Supreme Court,"  
paper and presentation at State Bar of Texas Advanced Civil Appeal CLE Seminar, Austin, TX  
(September 9-10, 2004)
75. "Transitioning from Trial to Appeal and Post Trial Motions,"  
paper and presentation at State Bar of Texas CLE seminar on Federal Court Practice,  
San Antonio, TX (May 14, 2004), Houston, TX (May 21, 2004)
76. "Oral Argument in the Supreme Court: A Court-Centered Approach,"  
paper and presentation at State Bar of Texas CLE seminar on Practice Before the Texas Supreme Court, Austin, TX  
(April 16, 2004)
77. "Post-Oral Argument Critique of Live Appellate Argument of Actual Insurance Coverage Appeal to 1<sup>st</sup> Court of Appeals,"  
paper and panel presentation at South Texas College of Law Texas Insurance Law Symposium,  
Houston, TX  
(January 23, 2004)
78. "Offers of Settlement Under H.B.4: Offensive & Defensive Tricks & Traps,"  
paper and panel presentation at South Texas College of Law Texas Insurance Law Symposium, Houston, TX  
(January 22, 2004)
79. "The Impact of H. B. 4 Offers of Settlement on *Stowers* Issues;  
paper and presentation at University of Houston Law Foundation Insurance Law for Attorneys Representing Insurers, Houston, TX (December 5, 2003), Dallas, TX (December 11, 2003)
80. "Do Bad Construction Facts Really Make Bad Law? An Appellate Lawyers' View of Construction Law Cases in the Texas Supreme Court,"  
paper and presentation at Houston Bar Association Construction Law Seminar, Houston, TX  
(November 20, 2003)
81. "Show Me the Money: Determining Insurers' Duty to Pay for Judgments or Settlements,"  
paper and presentation at University of Texas Law School Insurance Law Institute, Austin, TX  
(November 14, 2003)
82. "Controlling Total Legal Costs Through Focused Discovery and Early Mediated Settlement,"  
paper and presentation at University of Houston Law Foundation General Practice Institute, Houston, TX  
(September 26, 2003)
83. "Insurance Issues from the Trial Lawyer's Perspective: What Coverage Lawyers Want Trial Lawyers to Know about

- Getting Insurance Coverage,”  
paper and presentation at State Bar of Texas 26<sup>th</sup> Annual Advanced Civil Trial Course, Austin, TX (August 29, 2003), Dallas, TX (October 10, 2003)
84. “Post-Oral Argument Critique of Live Oral Argument to Texas Supreme Court,”  
paper and presentation at State Bar of Texas 17<sup>th</sup> Annual Advanced Civil Appellate Practice Course, Austin, TX (September 12, 2003)
  85. Moderator of State Bar Advanced Civil Trial Course, Austin, TX  
(August 27-29, 2003)
  86. “Strategic and Ethical Considerations in Pursuing and Responding to a Mandamus of Discovery Rulings,”  
paper and presentation at University of Houston Law Foundation Advanced Civil Discovery Seminar, Houston, TX (June 20, 2003), Dallas, TX (June 27, 2003)
  87. “Appellate Briefs: The Strategy of Argument Structure,”  
paper presented to University of Texas School of Law 13<sup>th</sup> Annual Conference on State and Federal Appeals, Austin, TX  
(June 5-6, 2003)
  88. Moderator and presenter of Panel of Judges from 1<sup>st</sup> and 14<sup>th</sup> Courts of Appeals on Legislative Developments concerning  
Statewide Appellate Court Funding and Redistricting,”  
Houston Bar Association, Appellate Section CLE Meeting, Austin, TX  
(May 29, 2003)
  89. “Appellate Court Funding,”  
presentation to Travis County Bar Association, Appellate Section CLE Program, Austin, TX  
(March 27, 2003)
  90. “Oral Argument From the Supreme Court’s Point of View,”  
paper presented at State Bar of Texas CLE, Practicing Before the Texas Supreme Court, Austin, TX  
(April 4, 2003)
  91. “Insurer’s Duty to Defend in Texas: The Eight Corners Rule,”  
paper and presentation at University of Houston Law Foundation Advanced Insurance Seminar, Houston, TX  
(February 21, 2003), Dallas, TX (February 27, 2003)
  92. The Duty to Defend: The Eight Corners Rule,”  
paper and presentation at University of Houston Law Foundation Insurance Law for Attorneys Representing Insurers,  
Austin, TX  
(Dallas - October 31, 2002), (Houston, November 7, 2002)
  93. “Insurance Coverage Appeals,”  
presentation at State Bar of Texas 16<sup>th</sup> Annual Advanced Civil Appellate Practice Course, Austin, TX  
(September 13, 2002)
  94. “Critique of a Live Oral Argument to 3<sup>rd</sup> Court of Appeals,”  
presentation and critique at State Bar of Texas 16<sup>th</sup> Annual Advanced Civil Appellate Practice Course, Austin, TX  
(September 12, 2002)
  95. “The 8-Corner Rule and Duty to Defend,”  
paper and presentation at University of Texas School of Law 6<sup>th</sup> Annual Insurance Law Institute, San Antonio, TX  
(September 5-6, 2002)
  96. “The First Two Minutes: How Supreme Court Advocates Begin Oral Argument,”  
paper and presentation at University of Texas School of Law 12<sup>th</sup> Annual Conference on State and Federal Appeals,  
Austin, TX (June 6-7, 2002)

97. "The Effective Use of an Appellate Lawyer at Trial,"  
paper and presentation to Houston Bar Association Appellate Section, Houston, TX  
(May 29, 2002)
98. "Appellate Law," televised appearance on TCTV, Austin, TX  
(May 20-25, 2002)

99. "Control Plans and Limits on Discovery: Ten Keys to Developing an Effective Discovery Strategy and Budget,"  
paper and presentation at University of Houston Law Foundation Advanced Civil Discovery Seminars,  
Dallas, TX (April 12, 2002), Houston, TX (April 25, 2002)
100. "Settlement Strategies in the Appellate Court:,"  
panel presentation at South Texas College of Law Advanced ADR Training for Trial and Appellate Lawyer and  
Mediators; Houston, TX (April 11, 2002)
101. "Using an Appellate Specialist in the Trial Court,"  
paper and panel presentation at International Association of Defense Counsel Mid-year Meeting, Tucson, AZ  
(February 7, 2002)
102. "Insurance Coverage Issues in Intellectual Property Litigation,"  
paper and presentation at Houston Intellectual Property Law Association 17<sup>th</sup> Annual Institute on Intellectual  
Property Law, Galveston, TX (November 9, 2001)
103. "Technology Risks and Liabilities: Are You Covered?" SMU Law Review; Volume 54, No. 4,  
Fall, 2001
104. "Litigation: Ten Keys to Developing an Effective Discovery Strategy and Budget,"  
paper and presentation at Stromar Educational Services Hot Topics and Ethics Institute, Houston, TX  
(October 31, 2001)
105. "Appellate Lawyers' Case Management Responsibility,"  
panel presentation with Chief Justices of 1<sup>st</sup> and 14<sup>th</sup> Courts of Appeals at 2<sup>nd</sup> Annual Institute on Responsible  
Dispute Resolution, Houston, TX  
(October 25, 2001)
106. "The Cleavers Go to Austin - A Dramatization of Real-World Advocacy Issues in the Texas Supreme Court,"  
paper and presentation at State Bar of Texas 15<sup>th</sup> Annual Advanced Civil Appellate Practice Course, San Antonio,  
TX (September 20-21, 2001)
107. "Appellately Incorrect,"  
panel presentation with appellate judges and attorneys at State Bar of Texas 15<sup>th</sup> Annual Advanced Civil Appellate  
Practice Course, San Antonio, TX  
(September 20-21, 2001)
108. "Introduction of Hon. Albert Gonzales, Counsel to the President," Houston Forum/CSPAN, Houston, TX  
(Sept. 7, 2001)
109. "The Top Ten Reasons for Hiring an Appellate Specialist in the Trial Court,"  
moderator and appellate mediator in panel presentation with judges, lawyers, and clients at American Bar  
Association, 2001 Annual Meeting, Chicago, IL  
(August 4, 2001)
110. "Appellately Incorrect,"  
panel presentation with appellate judges and attorneys at State Bar Convention, Austin, TX  
(June 15, 2001)
111. "Preparing for Oral Argument: A Survey of Appellate Lawyers and Justices on Different Methods of Preparation,"  
presentation at University of Texas School of Law 11<sup>th</sup> Annual Conference on State and Federal Appeals, Austin,  
TX  
(May 9-11, 2001)

112. "Appellate Error Preservation at Trial: Summary Judgments, Jury Charges, and Post-Verdict Motions,"  
 moderator of three panels of trial and appellate judges and lawyers at Houston Bar Association, 2001 Civil Trial-Appellate Bench Bar Conference, Galveston, TX  
 (April 27-28, 2001)
113. "Appellate Motions for Rehearing"  
 moderator of panel of appellate judges and lawyers at Houston Bar Association Appellate Institute: Practicing Before the First and Fourteenth Courts of Appeal, Houston, TX,  
 (April 6, 2001)
114. "Strategies for Appellate ADR of Insurance Coverage Issues,"  
 moderator and mediator in panel presentation at American Bar Association Insurance Coverage Litigation Committee Annual Midyear Program, Bernalillo, NM  
 (February 23, 2001)
115. "Handling the Appellate Case,"  
 demonstration oral argument and settlement conference, at First Court of Appeals, Houston, TX  
 (November 3, 2000)
116. "Insurance Coverage for Emerging E-Commerce Risks and Liabilities,"  
 moderator and panel presentation at University of Texas School of Law 5th Annual Insurance Law Institute, San Antonio, TX (August 24-25, 2000)
117. "Appellate Ethics,"  
 film and presentation at University of Texas School of Law 10th Annual Conference on State and Federal Appeals, Austin, TX (June 7-8, 2000)
118. "Business Litigation Under the New Discovery Rules,"  
 paper and presentation at Stromar Educational Services Civil Litigation Seminar, Houston, TX  
 (February 23, 2000)
119. "Ambiguities and Unanswered Questions in the New Rules: Looking Toward the First Appellate Decisions,"  
 paper and presentation at University of Houston Law Center Advanced Civil Discovery Seminars, Dallas, TX (January 27-28, 2000), Houston, TX (February 3-4, 2000)
120. "Potential Appellate Issues in the New Discovery Rules,"  
 paper and presentation at Dallas Bar Association Appellate Section Meeting, Dallas, TX  
 (January 20, 2000)
121. "Oral Argument,"  
 authored chapter for "Texas Appeals Practice Guide" West Publishing, publication date scheduled for 2002
122. "What Not to Say in Oral Argument: A Video Presentation and Discussion,"  
 Demonstration oral argument and panel discussion at South Texas College of Law Fear and Loathing on Appeal Seminar, Houston, TX (December 2, 1999)
123. "Cutting Edge Insurance Claims,"  
 paper and presentation at South Texas College of Law Texas Insurance Law Symposia, Houston, TX  
 (November 11-12, 1999)
124. "Intellectual Property and Techno Tort Claims,"  
 paper and presentation at University of Texas School of Law 4th Annual Insurance Law Institute, Dallas, TX  
 (October 7-8, 1999)
125. "Mandamuses,"  
 Mock Robinson hearing and presentation at State Bar of Texas 13th Annual Civil Appellate Practice Course, Austin, TX (Oct. 7-8, 1999)

126. "Mandamuses for Ignoramuses,"  
presentation at State Bar of Texas Annual Meeting, Ft. Worth, TX  
(June 9-12, 1999)
127. "Business Litigation Under the New Discovery Rules,"  
paper and presentation at Stromar Educational Services Seminar on Texas Rules of Civil Procedure, Houston, TX  
(May 18, 1999)
128. "The New Control Plans and Limits on Discovery,"  
paper and presentation at University of Houston Law Foundation Civil Discovery Under the New Rules Seminar,  
Dallas, TX (February 11-12, 1999)
129. "Ten Keys to Developing an Effective Discovery Strategy and Budget Under the New Discovery Rules,"  
paper and presentation at University of Houston Law Foundation Civil Discovery Under the New Rules Seminars,  
Austin, TX (December 17-18, 1998) Houston, TX (December 10-11, 1998)
130. "Effective Strategies for Mediation of Cases Post-Verdict: Potential Strategies,"  
paper and presentation at Houston Bar Association, Houston, TX  
(October 28, 1998)
131. "The Appellate Lawyer in the Trial Court: Making a Difference,"  
authored paper for Corporate CLE Seminar, Palm Springs, CA  
(October 24, 1998)
132. "Strategic Decisions: Pre-Suit Coverage Litigation Tactics,"  
paper and presentation at University of Texas School of Law Insurance Law Institute, Austin, TX  
(September 24-25, 1998)
133. "Appealing Insurance Coverage Litigation,"  
moderated panel presentation at University of Texas School of Law Insurance Law Institute, Austin, TX  
(September 24-25, 1998)
134. "Alternative Approaches to Appellate Argument,"  
authored paper for Houston Bar Association Appellate Practice Seminar, Houston, TX  
(March 6, 1998)
135. "As We See It...A Roundtable Discussion Among Solo/Small Firm Practitioners,"  
contributor to *The Houston Lawyer*, Jan./Feb. 1998 Ed. Vol. 35, Number 4
136. "Effective Use of Appellate Lawyers at Trial,"  
moderated panel of trial judges and presented paper at Houston Bar Association Appellate Section, Houston, TX  
(January 28, 1998)
137. "Writing Appellate Briefs for Texas Courts,"  
paper and presentation at State Bar of Texas Appellate Practice Institute Seminars, Austin, TX  
(January 9, 1998) and Dallas, TX (January 23, 1998)
138. "Strategic Planning of Discovery,"  
paper and presentation at University of Houston Law Center Litigation and Trial Tactics Seminars,  
Dallas, TX (December 11-12, 1997), Houston, TX (December 18-19, 1997)
139. "New Texas Rules of Appellate Procedure,"  
panel presentation at Houston Bar Association Appellate Bench-Bar Conference, Conroe, TX  
(October 23-24, 1997)

140. "Hardball Litigation Tactics by Insurance Carriers,"  
panel presentation at University of Texas School of Law 2nd Annual Insurance Law Institute, Dallas, TX  
(October 9-10, 1997)
141. "The Appellate Specialist in the Trial Court: An Overview,"  
paper and presentation at State Bar of Texas 11<sup>th</sup> Annual Advanced Civil Appellate Practice Course, Dallas, TX  
(September 11-12, 1997)
142. "Non-Charge Preservation of Error,"  
paper and presentation at State Bar of Texas 20<sup>th</sup> Annual Advanced Civil Trial Courses, Dallas, TX  
(September 3-5, 1997), South Padre Island, TX (September 24-26), Houston, TX (November 12-14, 1997)
143. "The State Bar's Survey of Texas Appellate Judiciary,"  
paper and presentation at Houston Bar Association Appellate Practice Seminar, Houston, TX  
(August 27, 1997)
144. "Daubert/Robinson: The Procedural Considerations,"  
panel presentation at 1997 State Bar Convention Litigation Seminar, Houston, TX  
(June 27, 1997)
145. "Hot Tips in Appellate Practice,"  
moderator of panel presentation at University of Texas School of Law 7th Annual Conference on State and Federal  
Appeals, Austin, TX (June 5-6, 1997)
146. "Recoupment of Defense Costs in Insurance Coverage Litigation: An Appellate Advocacy Demonstration,"  
moderator of moot court and panel presentation at American Bar Ass'n Tort and Insurance Practice Section Meeting,  
San Antonio, TX (February 22-24, 1997)
147. "Effective Appellate Oral Argument,"  
presentation at the Garland Walker American Inns of Court, Houston, TX (October 1, 1996)
148. "Setting and Collecting Appellate Attorneys' Fees,"  
paper and presentation at State Bar of Texas 10th Annual Advanced Civil Appellate Practice Course, Austin, TX  
(September 11-13, 1996)
149. "Discovery Strategy and Budget: Use of Support Staff, Cost Control, Sequence, Etc.,"  
paper and presentation at University of Houston Litigation and Trial Tactics Seminars,  
San Antonio, TX (July 25, 1996) and Dallas, TX (July 18, 1996)
150. "The Appellate Lawyer as Trial Lawyer: Preserving and Preventing Error,"  
presentation at University of Texas School of Law 6th Annual Conference on State and Federal Appeals,  
Austin, TX (June 6, 1996)
151. "Ten Keys to Developing an Effective Discovery Strategy and Budget,"  
paper and presentation at University of Houston Advanced Business Litigation Seminars,  
San Antonio, TX (May 2-3, 1996) and Houston, TX (April 25-26, 1996)
152. "The Great Debate: Extrinsic Evidence in Environmental Insurance Coverage Litigation,"  
presentation at American Bar Association Insurance Coverage Section Conference, Tucson, AZ  
(March 15, 1996)
153. "Appellate Oral Argument,"  
paper and presentation at Houston Bar Ass'n Appellate Practice Institute, Houston, TX  
(January 19, 1996)



154. "Recent Developments in Texas Environmental Insurance Law,"  
presentation at Corporate Counsel Seminar, Houston, TX  
(September 20, 1995)
155. "Persuasive Motions for Rehearing,"  
paper and presentation at State Bar of Texas Advanced Civil Appellate Practice Seminar, San Antonio, TX  
(September 14-15, 1995)
156. "Ten Keys to Developing an Effective Discovery Strategy and Budget,"  
paper at University of Houston Advanced Civil Litigation Seminars,  
Austin, TX (July 27-28, 1995) and Houston, TX (July 20-21, 1995)
157. "Oral Argument: Handling and Mishandling Questions from the Court,"  
paper and presentation at University of Texas School of Law 5th Annual Conference on Techniques for Handling  
Civil Appeals in State and Federal Court Seminar, Austin, TX  
(June 8-9, 1995)
158. "Eight Commonly Made Mistakes In Appellate Oral Argument,"  
paper and presentation at State Bar of Texas 1995 Appellate Practice Seminar, Austin, TX  
(February 9-10, 1995)
159. "Oral Argument Can Hurt You,"  
paper and presentation at State Bar of Texas 8th Annual Advanced Civil Appellate Practice Course, Houston, TX  
(September 22-23, 1994)
160. "Strategic Cooperation Between Plaintiff and Defendant During Discovery and at Trial,"  
paper and presentation at University of Houston Law Center DTPA, Consumer & Insurance Law Seminars  
Dallas, TX (July 7-8, 1994), Houston, TX (June 30-July 1, 1994)
161. "Appellate Alternative Dispute Resolution,"  
paper and presentation at University of Texas School of Law 4th Annual Conference on Techniques for Handling  
Civil Appeals in State and Federal Court Seminar,  
Austin, TX (June 16-17, 1994)
162. "Effectively Teaching Oral Argument,"  
paper and presentation at SMU Law School Seminar, Dallas, TX  
(January 29, 1994)
163. "Strategic Cooperation: Busting and Defending Deals Between Plaintiffs and Defendants,"  
paper and presentation at University of Houston Law Center Medical Device and Pharmaceutical Litigation Seminar,  
Houston, TX (January 27-28, 1994)
164. "Survey of Texas Appellate Judiciary on Oral Argument,"  
paper and presentation at Houston Bar Ass'n Appellate Practice Seminar, Houston, TX  
(November 17, 1993)
165. "Texas Rules of Civil Procedure,"  
paper and presentation at Texas Specialization Exam Review Seminar, Houston, TX  
(October 13-15, 1993)
166. "Motions for Rehearing in Texas' Courts of Appeals and Supreme Court,"  
paper and presentation at State Bar of Texas Advanced Civil Appellate Practice Course, Austin, TX  
(September 30 - October 1, 1993)
167. "Investigating the Catastrophic Accident,"  
paper and presentation at South Texas College of Law Advanced Products Liability Seminar, Houston, TX  
(June 23-24, 1993)

168. "Survey of Texas Appellate Justices on Oral Argument,"  
paper and presentation at University of Texas School of Law 3rd Annual Conference on Techniques for Handling  
Civil Appeals in State and Federal Court, Austin, TX  
(June 10-11, 1993)
169. "Discovery Strategy and Budgets,"  
paper and presentation at University of Houston Law Center Advanced Civil Discovery Seminar, Dallas, TX  
(June 10-11, 1993), Houston, TX (June 17-18, 1993)
170. "Evaluating Potential Appeals,"  
panel discussion for Houston Bar Association Appellate Practice Seminar, Houston, TX  
(February 24, 1993)
171. "Ethical Considerations in Personal Injury Litigation,"  
paper and presentation at University of Houston Law Center Advanced Personal Injury Seminar, Houston, TX  
(October 22-23, 1992)
172. "Point/Counterpoint: Theories of Appellate Oral Argument,"  
paper and presentation at State Bar of Texas Advanced Civil Appellate Practice Course, Austin, TX  
(September 10-11, 1992)
173. "Discovery Developments,"  
paper and presentation at University of Houston Law Center Advanced Civil Discovery Seminars, Houston, TX  
(June 11-12, 1992), Dallas, TX (June 18-19, 1992)
174. "Investigating Catastrophic Accidents,"  
paper and presentation at University of Houston Law Center Advanced Products Liability Litigation Seminar,  
Houston, TX (May 28-29, 1992)
175. "Discovery Developments,"  
paper and presentation at University of Houston Law Center Advanced Personal Injury Seminar, Houston, TX  
(October 24-25, 1991)
176. "Appellate Oral Argument: Mistakes Commonly Made by Even Good Advocates,"  
paper and presentation at State Bar of Texas Advanced Civil Appellate Practice Course, San Antonio, TX  
(September 19-20, 1991)
177. "Discovery Developments,"  
paper and presentation at University of Houston Law Center Advanced Civil Discovery Seminars,  
Dallas, TX (April 4-5, 1991), Houston, TX (April 11-12, 1991)
178. "Discovery Developments,"  
paper and presentation at University of Houston Law Center Advanced Personal Injury Seminar, Houston, TX  
(October 25-26, 1990)
179. "Recent Developments in Products Liability and Tort Reform,"  
presentation to American Corporate Counsel Association, Houston, TX  
(June, 1989)
180. "Discovery Developments,"  
paper and presentation at South Texas College of Law Advanced Personal Injury Seminar,  
Houston, TX (May 4-5, 1989), Dallas, TX (May 11-12, 1989)

## Representative Clients

Anadarko Petroleum, Aluminum Company of America, British Petroleum, Chevron, Chicago Bridge & Iron, Conoco, Euclid-Hitachi, Exxon Mobil Corporation, General Electric, Helmerich & Payne, Johnson & Johnson, KB Homes, Lyondell Petrochemical, Marriott, Michelin, Mi-Jack Products, Motiva, Pakhoed, Phillips Petroleum, Raytheon, Schrader Cellars, Shell Oil, Sulzer, Temple-Inland, TruServe, Union Carbide, United Engineers & Constructors, U. S. Steel, Volvo, and Waste Management

## Selected Reported Cases

*Waste Mgmt. of Texas, Inc. v. Texas Disposal Sys. Landfill, Inc.*, 434 S.W.3d 142 (Tex. 2014)

*Gotham Ins. Co. v. Warren E & P, Inc.*, 455 S.W.3d 558 (Tex. 2014)

*Kia Motors Corp. v. Ruiz*, 432 S.W.3d 865 (Tex. 2014)

*Coinmach Corp. v. Aspenwood Apartment Corp.*, 417 S.W.3d 909 (Tex. 2013)

*Allen v. Devon Energy Holdings, L.L.C.*, No. 01-09-00643-CV, 2013 WL 273026 (Tex. App.—Houston [1st Dist.] Jan. 24, 2013, no pet.)

*Tex. Standard Oil & Gas, L.P. v. Frankel Offshore Energy, Inc.*, 394 S.W.3d 753 (Tex. App.—Houston [14th Dist.] 2012, no pet.)

*Centocor, Inc. v. Hamilton*, 372 S.W.3d 140 (Tex. 2012)

*In Re Guaranty Ins. Servs., Inc.*, 343 S.W.3d 130 (Tex. 2011)

*Evanston Ins. Co. v. ATOFINA Petrochemicals, Inc.*, 256 S.W.3d 660 (Tex. 2008)

*Guevara v. Ferrer*, 247 S.W.3d 662 (Tex. 2007)

*GuideOne Elite Ins. Co. v. Fielder Road Baptist Church*, 197 S.W.3d 305 (Tex. 2006)

*Tesco Am., Inc. v. Strong Indus., Inc.*, 221 S.W.3d 550 (Tex. 2006)

*Coastal Transport Co., Inc. v. Crown Cent. Petroleum Corp.*, 136 S.W.3d 227 (Tex. 2004)

*S. Union Co. v. City of Edinburg*, 129 S.W.3d 74 (Tex. 2003)

*Global Octanes Tex., L.P. v. BP Exploration & Oil Inc.*, 154 F.3d 518 (5th Cir. 1998)

*Bullock v. Aluminum Co. of Am.*, 843 S.W.2d 640 (Tex. App.—Corpus Christi 1992), *rev'd*, *Aluminum Co. of Am. v. Bullock*, 870 S.W.2d 2 (Tex. 1994)

*Fairfield Ins. Co. v. Stephens Martin Paving, LP*, 246 S.W.3d 653 (Tex. 2008)

*Citizens Ins. Co. of America v. Daccach*, 105 S.W.3d 712 (Tex. App.—Austin 2003), *rev'd*, *Citizens Ins. Co. of America v. Daccach* 217 S.W.3d 430 (Tex. 2007)

*Leonard v. Aluminum Co. of Am.*, 767 F.2d 134 (5th Cir. 1985)

*Nat'l Union Fire Ins. Co. of Pittsburgh, PA v. CBI Indus., Inc.*, 907 S.W.2d 517 (Tex. 1995)

*C.M. Asfahl Agency v. Tensor, Inc.*, 135 S.W.3d 768 (Tex. App.—Houston 2004, no pet.)

*Aluminum Co. of Am. v. Alm*, 785 S.W.2d 137 (Tex. 1990)

*Parks v. Dowell Div. of Dow Chem. Corp.*, 712 F.2d 154 (5th Cir. 1983)

*Mi-Jack Products, Inc. v. Braneff*, 827 S.W.2d 493 (Tex. App.—Houston [1st Dist.] 1992, no pet.)

*Motiva Enters., LLC v. St. Paul Fire & Marine Ins. Co.*, 445 F.3d 381 (5th Cir 2006) and  
*Motiva Enters., LLC v. St. Paul Fire & Marine Ins. Co.*, 457 F.3d 459 (5th Cir. 2006)

*Transoceanic Shipping Co., Inc. v. Gen. Univ. Sys., Inc.*, 961 S.W.2d 418  
(Tex. App.—Houston [1st Dist.] 1997, no pet.)

*Perenco Nigeria Ltd. v. Ashland Inc.*, 242 F.3d 299 (5th Cir. 2001)

*Gonzalez v. McAllen Med. Center, Inc.*, No. 13-00-296-CV, 2003 WL 21283132  
(Tex. App.—Corpus Christi June 05, 2003), *rev'd*,  
*Gonzalez v. McAllen Med. Center, Inc.*, 195 S.W.3d 680 (Tex. 2006)

*Goldfarb v. El Paso Corp.*, 156 Fed. App. 678, 2005 WL 3293998 (5th Cir. 2005)

*United Nat. Ins. Co. v. Hydro Tank, Inc.*, 525 F.3d 400 (5th Cir. 2008)

*Beech Aircraft Corp. v. Jinkins*, 739 S.W.2d 19 (Tex. 1987)

*Century Marine, Inc. v. Vaglica*, 27 S.W.3d 703 (Tex. App.—Beaumont 2000, pet. denied)

*Pratho v. Zapata*, 157 S.W.3d 832 (Tex. App.—Fort Worth 2005, no pet.)