

W. Stephen Benesh
Partner

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About Steve

Steve Benesh is a seasoned business litigator in his 36th year of practice at Bracewell. He currently serves as President Elect of the State Bar of Texas and is a former Chair of the Texas Bar Foundation.

Steve brings his experience and judgment to bear in helping his clients resolve their issues, whether that means vigorously protecting those interests in the courtroom or working collaboratively to reach a common-sense solution outside the courtroom. He has represented clients in diverse matters, including securities, class action, business torts, fraud, breach of fiduciary duty, deceptive trade practices, breach of contract, and products liability. Steve has first-chair jury and non-jury trial experience representing plaintiffs and defendants in state and federal courts, as well as arbitration and mediation experience.

Steve's qualities have been described by sources quoted by *Chambers USA.* "Stephen is practical and business-oriented, he anticipates issues well and his work product is great," says one source. "He is a results-oriented lawyer," says another. In addition to his ranking in *Chambers USA* in Texas Litigation: Securities and General Commercial (2023), Steve is recognized by BL Rankings, *Best Lawyers* (2009-2024) in the areas of Bet-the-Company Litigation, Commercial Litigation, Banking and Finance Litigation and Construction Litigation. In addition, he has been honored by the same publication four times as Austin Lawyer of the Year in Banking and Finance litigation (2014, 2016, 2024) and Construction Litigation (2022). In *The Legal 500 United States,* Steve is recommended in Energy Litigation: Oil and Gas (2023); Dispute Resolution - General Commercial Disputes (2023); Dispute Resolution - Securities Litigation: Defense (2018, 2020-2023); Construction (including Construction Litigation) (2016-2018); and Construction (2013 – 2014).

Recent Notable Matters

National banking association — sought and won dismissal of all claims brought by trust investor against client in securities case in Colorado federal court

Oil and gas royalty trusts — sought and won dismissal of all claims against clients in class action, securities case in Oklahoma federal court

Internet advertising company — obtained favorable arbitration award on behalf of client in connection with claim brought by competitor relating to "click-thru" internet marketing technology

Investor — obtained jury verdict in Houston federal court against private mint for misminting of Belarusian rubles, based on vital testimony derived during Steve's examination of the Belarusian Prime Minister at trial

National homebuilding company — lawsuits across Texas brought by competitors, landowners, homebuyers and regulatory entities, obtaining favorable dismissals and settlements

Federal defense contractor — variety of claims in several states arising from aircraft construction and shipbuilding activities

Military support services company — obtained dismissal of claims asserted in Texas state court against a Dubai-based provider of support services for U.S. military installations, relating to an incident in Afghanistan

Industrial manufacturer — chemical and petrochemical operations in Texas, obtaining numerous dismissals and settlements

National automobile leasing company — variety of lawsuits across Texas brought by regulatory entities, customers, landowners and third-parties, obtaining favorable dismissals and settlements

Investor and investment management company — obtained lucrative settlement in Texas lawsuit on behalf of renowned Hollywood actor and his management company in connection with investments in multi-family housing

International technology manufacturer/distributor of touch-screen displays — variety of claims by customers, retailers, component part providers and other third-parties, obtaining favorable dismissals and settlements

Commercial construction company — lawsuits across southwestern U.S. brought by customers, subcontractors, landowners, competitors and governmental entities, obtaining favorable dismissals and settlements

Funeral and cemetery services company — variety of lawsuits across Texas brought by landowners, regulatory entities and customers, obtaining favorable dismissals and settlements

National retailer — variety of product claims asserted by customers

Industrial battery manufacturer — successful representation of manufacturer of industrial batteries in two lawsuits arising out of catastrophic fire at wind generation facility on Oahu, Hawaii

Publications and Speeches

"Dealing With Opposing Counsel the Ted Lasso Way," *Austin Lawyer*, October 2022.

"Understanding Recent Changes to AIA Form Contracts," *Construction Executive*, November 28, 2017.

“The Impact of Full Disclosure,” *Construction Today*, April 17, 2017.

"Bench Strength-Preparing New Attorneys for the Courtroom," *Austin Lawyer*, Dec 2016/Jan 2017.

"Denied Rule Petitions in Texas Will Have No Day in Court," Law 360, July 30, 2014.

"Finally, Clarity On Spoliation Under Texas Law," *Law360*, July 11, 2014.

Education

The University of Texas School of Law, J.D.
1987

The University of Texas at Austin, Bachelor of Business Administration
1984

Noteworthy

Chambers USA, Texas Litigation: General Commercial, 2023

The Legal 500 United States, Energy Litigation: Oil and Gas, 2023; Dispute Resolution - General Commercial Disputes, 2023; Dispute Resolution - Securities Litigation: Defense, 2018, 2020 - 2023; Construction (including Construction Litigation), 2016 - 2018; Construction, 2013 - 2014

BL Rankings, *Best Lawyers*, 2009 - 2024; Austin Lawyer of the Year, Litigation - Banking and Finance, 2014, 2016, 2024; Austin Lawyer of the Year, Litigation - Construction, 2022

Lawdragon Inc., *Lawdragon 500 Leading Litigators in America*, Commercial Litigation, Including Business and Energy, 2024

Thomson Reuters, *Texas Super Lawyers*, 2006 - 2013, 2016 - 2023

Thomson Reuters, *Super Lawyers*, Corporate Counsel Edition, 2008 - 2013

American City Business Journals, *Austin Business Journal* , Person of Power, 2006; Best of Business Attorneys, 2004, 2005

State Bar of Texas, Presidential Citation for Outstanding Service, 2014

Austin Bar Association, President's Award for Outstanding Service, 2002, 2003

Internet Brands, Inc., *Martindale-Hubbell® AV® Preeminent™ Rating*

Affiliations

State Bar of Texas, President-Elect, 2023 - Present; Annual Meeting Chair, 2014; Board of Directors, 2008 - 2011, 2023 - Present

Texas Bar Foundation, Chair, 2023; Board of Directors, 2010 - 2011, 2017 - 2023; Sustaining Life Fellow

Texas Legal Protection Plan, Chair, 2013 - 2014; Board of Directors, 2011 - 2015

Austin Bar Association, President, 2006 - 2007; Board of Directors, 2004 - 2008

Austin Bar Foundation, Chair, 2007 - 2008; Board of Directors, 2011; Life Fellow

Robert W. Calvert American Inn of Court, President, 2020 - 2021; Executive Committee, 2014 - 2022

Leadership Austin, Chair, 2008 - 2009; Board of Directors, 2005 - 2010

Bar Admissions

Texas