

Jeff Oldham
Partner

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About Jeff

Jeff Oldham is an experienced appellate attorney who has presented oral argument in the U.S. Supreme Court, Texas Supreme Court, federal appellate courts nationwide, and state courts of appeals throughout Texas. A former U.S. Supreme Court clerk, Jeff is a board-certified appellate specialist who has handled high-stakes appeals in a wide variety of subject matter areas, with a particular emphasis on energy and complex commercial litigation. He also regularly works with trial counsel to formulate pretrial and trial strategy, write dispositive motions, prepare jury charges, preserve error at trial, and handle post-trial proceedings.

Jeff has experience at the highest levels of state and federal government. He previously served as a law clerk to Chief Justice William H. Rehnquist of the U.S. Supreme Court and to Judge J. Harvie Wilkinson of the U.S. Court of Appeals for the Fourth Circuit. Jeff also worked as Counsel to the U.S. Attorney General in the U.S. Department of Justice. Most recently, following a decade of appellate practice at Bracewell, he served for more than three years as General Counsel in the Office of the Governor of the State of Texas before returning to Bracewell. As General Counsel, Jeff advised the Governor and his staff on a wide variety of issues and managed all litigation involving the office, including a substantial number of appeals.

Among his various honors, Jeff was named a *Law360* Appellate MVP in 2015. He has been a frequent speaker and writer about appellate issues and is a Fellow in the Texas Supreme Court Historical Society.

Recent Notable Matters

BMC Software, Inc v. IBM Corp. (5th Cir.) — Defending a $1.6 billion judgment obtained by BMC Software, Inc. against IBM for fraud and violating a licensing agreement. Presented oral argument for BMC in the Fifth Circuit in September 2023, and led the team briefing the appeal. Also led the legal briefing and appellate preservation during the two-week trial that resulted in the judgment.

Carl v. Hilcorp Energy Company (5th Cir.) — Defending a judgment dismissing a class-action lawsuit against Hilcorp Energy Company alleging underpayment of royalties from natural gas leases. Presented oral argument for Hilcorp in the Fifth Circuit in December 2022, and led the team briefing the appeal.

In re Weatherford International, LLC, et al. (Tex.) — Representing two Weatherford entities in Supreme Court of Texas in seeking mandamus relief from order denying the entities' motion to dismiss for forum non conveniens.

Apache Corp. v. Apollo Exploration, LLC, 670 S.W.3d 319 (Tex. 2023) — Successfully represented Apache in Supreme Court of Texas to obtain reversal in case in which plaintiffs sought damages in excess of $1.1 billion over a disputed asset sale to Apache.

In re Kent Kaddatz, No. 02-23-00336-CV (Tex. App.—Fort Worth 2023) — Successfully obtained mandamus relief from order requiring pre-suit deposition.

Baker Botts L.L.P. v. ASARCO LLC, 576 U.S. 121 (2015) — Prevailed in the U.S. Supreme Court on behalf of ASARCO in a dispute over whether a Bankruptcy Code provision authorized Baker Botts LLP to recover legal fees that it incurred in litigating against ASARCO over its bankruptcy fees. Presented oral argument and led the team briefing the case in the Supreme Court, which ruled in ASARCO's favor and resolved a significant legal issue that applies in every bankruptcy in the country.

In re KBR, Inc. Burn Pit Litigation, 893 F.3d 241 (4th Cir. 2018) — Successfully defended on appeal the dismissal of Plaintiffs' claims for injuries allegedly sustained from open-air burn pits. The MDL proceeding included 57 cases from 42 states including national class actions.

Equistar Chemicals, LP v. Westlake Chemical Corp., 739 F. App'x 628 (Fed. Cir. 2018) — successfully defended on appeal a jury verdict of non-infringement for Westlake in a case involving allegations of patent infringement relating to a process for making polyolefin based adhesive resins with damages sought in excess of $30 million. Led the team briefing the case in the Federal Circuit

Branzan Alt. Inv. Fund, LLP v. The Bank of New York Mellon Trust Co., 677 F. App'x 496 (10th Cir. 2017) — Successfully defended a major banking and trust company on appeal after the dismissal of a class action lawsuit brought against the company, which served as trustee of an oil and gas royalty trust, on behalf of trust unitholders. Presented oral argument and led the team briefing the case in the Tenth Circuit.

Aspire Commodities LP v. GDF SUEZ Energy N.A. (ENGIE), 640 F. App'x 358 (5th Cir. 2016) — Successfully defended GDF SUEZ on appeal in a first-of-its-kind case that involved novel legal and regulatory issues and that *Law360* recognized as one of its Biggest Energy Rulings of 2016. Presented oral argument and led the team briefing the case in the Fifth Circuit in defending dismissal of the case.

McManaway v. KBR, 852 F.3d 444 (5th Cir. 2017) — Successfully defended on appeal the dismissal of claims seeking over $500 million for alleged exposure to sodium dichromate at a water-treatment facility in Iraq.

Adhikari v. KBR, 845 F.3d 184 (5th Cir. 2017) — Successfully defended on appeal the dismissal of plaintiffs' claims under the Trafficking Victims Protection Reauthorization Act, the Racketeering Influenced and

Corrupt Organizations Act, the Alien Tort Statute, and for common-law negligence.

Spitzer v. Weatherford, 2017 WL 5623588 (Tex. App.–Houston (1st Dist.) November 21, 2017, dism'd) — Represented Weatherford on appeal of a $36 million judgment against it for a breach of contract theory not previously recognized under Texas law. Case settled on appeal.

Cardoni v. Prosperity Bank, 805 F.3d 573 (5th Cir. 2015) — Prevailed in substantial part on appeal from an adverse temporary injunction ruling in a dispute with former employees over enforcement of the parties' noncompete and non-solicitation agreements. Presented oral argument and led the team briefing the case on behalf of Prosperity Bank in the Fifth Circuit.

Hourani v. Mirtchev, 796 F.3d 1 (D.C. Cir. 2015) — Prevailed on appeal in defending the dismissal of RICO claims alleging extortion and money laundering against Bracewell's clients. The case addressed significant issues about the application and extraterritorial effect of RICO and the scope of the act-of-state doctrine. Led the team briefing the case in the D.C. Circuit.

Forest Oil Corp. v. El Rucio Land and Cattle Co., 518 S.W.3d 422 (Tex. 2017) — Successfully defended, in both the court of appeals and on the merits in the Supreme Court of Texas, the confirmation of an arbitration award of more than $27 million arising out of environmental contamination claims.

Bixby v. KBR, Inc., 603 F. App'x 605 (9th Cir. 2015) — Prevailed on appeal from an $80 million judgment against KBR arising out of claims alleging exposure to sodium dichromate by 150-plus National Guardsmen at a water-treatment facility in Iraq. The Ninth Circuit resolved the case in KBR's favor just a week after oral argument, reversing a roughly $80 million judgment in its entirety based on lack of personal jurisdiction.

Phillips v. Carlton Energy Grp., LLC, 475 S.W.3d 265 (Tex. 2015) — Successfully defended on appeal a judgment in favor of Carlton Energy Group in a large business dispute involving breach of, and tortious interference with, contracts regarding a gas lease. The trial court signed a judgment of approximately $50 million in Carlton Energy Group's favor, which the Supreme Court of Texas ultimately affirmed.

Elizondo v. The Krist Law Firm, 415 S.W.3d 259 (Tex. 2013) — Prevailed on appeal, including in the Supreme Court of Texas, in defending the dismissal of a significant legal malpractice case.

Indemnity Ins. Co. of N.A. v. W&T Offshore, Inc., 756 F.3d 347 (5th Cir. 2014) — Obtained reversal of a district court's dismissal of claims brought by W&T Offshore against its excess insurers over damages arising out of Hurricane Ike.

Funeral Consumers Alliance, Inc. v. Serv. Corp. Int'l, 695 F.3d 330 (5th Cir. 2012) — Prevailed on appeal on behalf of SCI in an antitrust suit alleging damages in excess of $1 billion, successfully defending the district court's rulings denying class certification and dismissing most of the individual claims.

Hagy v. Equitable Prod. Co., 541 F. App'x 316 (4th Cir. 2013) — Prevailed on appeal on behalf of a Baker Hughes subsidiary in a fracking-related lawsuit, obtaining affirmance of a take nothing judgment for the client.

AlcatelLucent USA Inc. v. Overstock.com, 505 F. App'x 957 (Fed. Cir. 2013) — Successfully defended Overstock.com, including in the Federal Circuit, against a patent infringement suit, which resulted in a judgment finding no infringement and invalidating certain patent claims.

Publications and Speeches

"A Conversation with Fifth Circuit Judge Andy Oldham," by Hon. Andrew S. Oldham & Jeffrey L. Oldham, *Houston Bar Association Appellate Practice Section*, July 2023

"Percolating Appellate Conflicts Among The Texas Appellate Courts: Challenges for Trial Advocacy," *State Bar of Texas Advanced Civil Trial Course*, 2017

"U.S. Supreme Court: Recent 'Bill of Rights' Cases and the Scalia Impact," *State Bar of Texas Annual Meeting*, July 2017 and *State Bar of Texas 11th Annual Bill of Rights Course: Litigating the Constitution*, May 2017.

Education

Northwestern University School of Law, J.D.
2003 – *magna cum laude, Order of the Coif*

University of Tulsa, B.S.B.A.
2000 – *summa cum laude, with honors*

Certifications

Board Certified, Civil Appellate Law, Texas Board of Legal Specialization, 2010-2024

Noteworthy

Chambers USA, Texas Litigation: Appellate, 2018

The Legal 500 US, Dispute Resolution - Appellate: Courts of Appeals, 2016 - 2018, 2023; Litigation: Supreme Court and Appellate, 2014

Portfolio Media, Inc., *Law360*, MVP of the Year, Appellate, 2015

Euromoney Institutional Investor PLC, *Benchmark Litigation*, US National Future Star, 2023 - 2024; Texas Future Star, 2023 - 2024

Euromoney Institutional Investor PLC, *Benchmark Litigation*, 40 & Under Hot List, 2017 - 2018

BL Rankings, *Best Lawyers*, Appellate Practice, 2014 - 2018, 2024

Thomson Reuters, *Texas Super Lawyers*, 2013 - 2017

Thomson Reuters, *Texas Super Lawyers* , Rising Stars, 2010 - 2012

Law Clerk to Chief Justice William H. Rehnquist of the U.S. Supreme Court, 2004 - 2005

Law Clerk to Judge J. Harvie Wilkinson of the U.S. Court of Appeals for the Fourth Circuit, 2003 - 2004

Northwestern University School of Law, John Paul Stevens Award (first in class), 2003

Northwestern University School of Law, *Northwestern University Law Review*, Coordinating Articles Editor, 2003

University of Tulsa, Faculty Honor Medal (first in class), 2000

Affiliations

Texas Supreme Court Historical Society, Fellow

U.S. Supreme Court Historical Society, Member

Houston Bar Association, Board of Directors, 2022 - present

Law360, Appellate Editorial Advisory Board, 2022 - present

Houston Volunteer Lawyers, Board of Directors, 2023 – present

Houston Bar Association's Professionalism Committee, Co-Chair, 2023 - present

Houston Dispute Resolution Center, Board Member, 2022 - 2023

Houston Bar Association Appellate Section, Vice Chair, 2017 - 2018; Secretary, 2016 - 2017; Treasurer, 2015 - 2016; Council Member, 2012 - 2018; Member

State Bar of Texas Appellate Section, CLE Committee Co-Chair, 2014 - 2017; Member

Texas Bar Foundation, Sustaining Life Fellow; Houston Nominating Committee, 2011 - 2017

Houston Bar Foundation, Sustaining Life Fellow

Houston Lawyer Referral Service, Board, 2012 - 2018; President-Elect, 2017-2018; Treasurer, 2015 - 2016, 2013 - 2014

Houston Bar Association's The Houston Lawyer, Editorial Board, 2012 - 2018; Associate Editor, 2017 - 2018

Houston Bar Association's Project TRAIN Committee, Administration of Justice Committee, 2017 - 2018; CLE Committee, Co-Chair, 2014 - 2015; Seminars Subcommittee Co-Chair, 2013 - 2014

Bar Admissions

Texas