



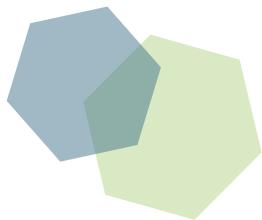
APPELLATE

BRACEWELL

Appellate

Bracewell's appellate practice and lawyers are recognized nationally by publications such as *Chambers & Partners USA* and *Legal 500 US*. The group is headed by one of Texas' most experienced appellate lawyers, and includes a former law clerk on the U.S. Supreme Court and former law clerks on other federal and state appellate courts. Our lawyers have briefed and presented oral argument before the U.S. Supreme Court, the Supreme Court of Texas, federal courts of appeals nationwide, and state appellate courts throughout Texas. Bracewell's appellate team has a wealth of experience in high-stakes commercial cases and in a wide variety of subject-matter areas, including energy, environmental, insurance, and intellectual property.

Clients rely on Bracewell's appellate lawyers to analyze legal issues rigorously and creatively, write briefs that are sophisticated yet readable, and efficiently use the limited time at oral argument to persuade judges on the most critical points. We are frequently sought to handle appellate work from clients represented in the trial courts by other firms. We also regularly join a client's legal team early in order to shape strategy and preserve error with a view towards success on appeal.



“Bracewell LLP’s team is experienced across the full scope of appellate matters, with its clients typically drawn from the energy, military and financial services sectors.”

— ***The Legal 500 United States (2016)***

Our recent notable matters include advising on the following:

ASARCO LLC

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. Bracewell’s appellate lawyers led the briefing and argued the case in the Supreme Court. The Supreme Court ruled in ASARCO’s favor and resolved a significant legal issue that applies in every bankruptcy in the country.

KBR, Inc.

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. Bracewell’s appellate lawyers served as appellate counsel at trial and were lead counsel on appeal. The Ninth Circuit resolved the case in KBR’s favor just a week after oral argument, reversing the judgment in its entirety based on lack of personal jurisdiction. Bracewell also represents KBR in cases involving similar issues in other appellate and district courts.

Mann Frankfort

Prevailed in the Supreme Court of Texas in a significant covenant not to compete case on behalf of the accounting firm.

GDF SUEZ Energy North America (ENGIE)

Prevailed on appeal on behalf of GDF SUEZ 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. After Bracewell’s trial team obtained dismissal of the suit, which alleged claims arising out of regulated activity by GDF SUEZ in the Texas electricity markets, Bracewell’s appellate lawyers led the briefing and argued the case in a successful defense of that ruling in the Fifth Circuit.

The Bank of New York Mellon Trust Company, N.A.

Prevailed on appeal in defending the dismissal of a class action lawsuit brought against The Bank of New York Mellon Trust Company, which served as trustee of an oil and gas royalty trust, on behalf of all unitholders of the trust. After Bracewell’s trial team secured dismissal of the suit, Bracewell’s appellate team led the briefing and argued the case in the Tenth Circuit.

Carlton Energy Group, LLC.

Prevailed on appeal 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. The case is pending on remand in the court of appeals.

Prosperity Bancshares, Inc.

Prevailed in substantial part in the Fifth Circuit on behalf of Prosperity Bank from an adverse temporary injunction ruling in a dispute with former employees over enforcement of the parties’ non-compete and non-solicitation agreements.

Economic advisory company and its president

Prevailed in the D.C. Circuit 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.

The Krist Law Firm, PC and Ronald D. Krist

Prevailed on appeal, including in the Supreme Court of Texas, in defending the dismissal of a significant legal malpractice case.

W&T Offshore, Inc.

Prevailed in the Fifth Circuit by obtaining 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.

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