

Fifth Circuit

Consummate appellate attorneys abound in the Fifth Circuit, and especially in Texas where firms market themselves as appellate boutiques, and attorneys market themselves as board-certified appellate specialists. Around the Gulf South region, maritime law remains popular for many firms, and post-hurricane insurance litigation a boon for some.

Fifth Circuit litigation firms – Louisiana

Highly recommended

McGlinchey Stafford

Phelps Dunbar

Recommended

Adams and Reese

Barrasso Usdin Kupperman Freeman & Sarver

Stone Pigman Walter Wittmann

Susman Godfrey

Fifth Circuit Litigation Stars - Louisiana

Stephen Kupperman

Barrasso Usdin Kupperman Freeman & Sarver

Michael Fontham

Stone Pigman Walther Wittmann

Craig Isenberg

Barrasso Usdin Kupperman Freeman & Sarver

Alston Johnson

Phelps Dunbar

Michael Rubin

McGlinchey Stafford Law Firm

Martin Stern

Adams and Reese

Highly recommended firms

McGlinchey Stafford

McGlinchey Stafford operates from nine offices across the US. Founded in 1974, this primarily commercial law firm boasts a formidable appellate practice. McGlinchey Stafford was founded to provide innovative business solutions for its clients. The firm represents clients in matters involving commercial transactions, constitutional law, education matters, labor and employment law, lending law, taxation, and several others. The firm's appellate department handles all corresponding appeals in these practice areas, and it is strengthened by seasoned veterans and newer talent, some of whom have clerked for state and federal appellate judges,

Michael Rubin, former President of the US Federal Fifth Circuit Bar Association and member of the National Academy of Appellate Lawyers, is also often retained by governmental agencies for representation in connection with major constitutional issues affecting the state, such as Louisiana education finance. Although located in the Baton Rouge office, Rubin also litigates appeals outside of Louisiana and the Fifth Circuit. He, like many of the firm's appellate team members, has held bar committee appointments, presented, published, and edited papers and journals on federal and state appellate issues. Some of his more than 300 lectures and papers are often cited as authoritative by federal appellate courts. In this way, Rubin's work as a litigator, writer and editor is effective in representing clients on specific matters, and also serves to shape evolving legal traditions. His knowledge and veteran experience across the many practice areas of McGlinchey Stafford adds visibility and deep, technical skill to the matters appealed by the firm.

Phelps Dunbar

Phelps Dunbar's skilled appellate attorneys litigate civil and criminal matters in state and federal appellate courts. The firm was founded in New Orleans in 1853 and currently maintains offices in major cities throughout the Southeast, including New Orleans and Baton Rouge. Primarily recognized for its commercial litigation practice, the firm's collective appellate acumen is rooted in decades of appellate

litigation across the Second, Fourth, Fifth, Ninth and Eleventh Federal Circuit Courts of Appeal, and before the US Supreme Court. As a Southeast-based firm, Phelps Dunbar's appellate attorneys most regularly appear in the Fifth and Eleventh Circuits. Many of the firm's appellate attorneys are former Fifth Circuit federal clerks, and one is a former US Supreme Court Clerk. Phelps Dunbar's appellate attorneys involve themselves in cases at all levels of the litigation for plaintiffs and defendants, often operating at the trial level to properly preserve the record in anticipation of an appeal and often handle appeals and applications for review for clients represented at the trial level by other firms. They defend the firm's trial court judgments and seek review of judgments adverse to their clients.

Phelps Dunbar recently litigated federal appeals involving land disputes and landholder claims worth \$30 million, a commercial lease dispute, a multimillion-dollar legal malpractice action, and a products liability suit involving very serious injuries. **Alston Johnson III** is the managing partner of the firm's Baton Rouge office and comes highly recommended by his peers in Louisiana for appellate litigation. Johnson's appellate practice is particularly focused in the areas of tort litigation, insurance coverage and litigation, and administrative law. He has handled class-action suits at the state and federal levels regarding post-hurricane insurance coverage issues.

Recommended firms

Adams and Reese

The appellate advocates at Adams and Reese are organized into a distinct practice group, rather than a diffuse assortment of practice area specialists who handle their own appeals. Serving a diverse array of industries, including communication, insurance, oil and gas, manufacturing and government and public bodies, the appellate team involves itself at all stages of the litigation. At the pre-trial level, the firm's appellate attorneys are often enlisted to develop strategies, preserve the record in anticipation of appeals, and respond to dispositive motions. **Martin Stern** has argued state and federal appeals, including *pro bono* appeals. In *Kennedy v. Louisiana*, Stern was part of the *pro bono* team successfully arguing at the Supreme Court against one of the last vestiges of the death penalty for non-homicide crimes.

Barrasso Usdin Kupperman Freeman & Sarver

Boutique firm Barrasso Usdin Kupperman Freeman & Sarver litigates appeals arising mainly from its own trial work. The lawyers at Barrasso Usdin focus on handling complex civil cases throughout the Gulf South, and in addition to handling their own appeals, they are often referred to clients who retained separate counsel for the trial phase. The

firm's appellate work comprises approximately 20%–30% of its litigation practice, and no attorney at the firm handles exclusively appeals. Founding member **Stephen Kupperman** concentrates in the fields of class actions and complex litigation, commercial litigation, contract disputes, securities litigation and enforcement, and appeals. A client of three years states that “Barrasso Usdin is a great firm, and was selected for our appeal after extensive interviews with other New Orleans firms. Steve Kupperman did the work and he did a great job. The firm is very professional and good communicators.” **Craig Isenberg** also represents clients in a variety of complex litigation matters at the trial and appellate levels. He has tried cases in federal and state courts in Louisiana and in other jurisdictions.

Stone Pigman Walther Wittmann

Stone Pigman Walther Wittmann, founded in 1929, is considered to be especially effective and efficient in matters involving products liability, securities, and intellectual property. The firm's attorneys have appealed matters in several Federal Circuit courts, and have argued before the US Supreme Court. **Michael Fontham**, one of the leading attorneys in public utility law, comes recommended by his peers in the area of appellate litigation. In addition to litigating matters on behalf of the Louisiana Public Service Commission before the US Court of Appeals for the DC Circuit, he has also litigated equal employment litigation suits before the US Supreme Court.

Fifth Circuit litigation firms – Mississippi

Highly recommended

Bradley Arant Boulton Cummings

Brunini Grantham Grower & Hewes

Wise Carter Child & Caraway

Recommended

Butler Snow O'Mara Stevens & Cannada

Forman Perry Watkins Krutz & Tardy

Phelps Dunbar

Fifth Circuit litigation stars – Mississippi

Wayne Drinkwater

Bradley Arant Boulton Cummings

John Henegan

Butler Snow O'Mara Stevens & Cannada

Luther Munford

Phelps Dunbar

Joseph Sclafani

Brunini Grantham Grower & Hewes

Michael Wallace

Wise Carter Child & Caraway

Highly recommended firms

Bradley Arant Boulton & Cummings

Bradley Arant Boulton & Cummings maintains offices in several federal circuits, including Washington DC. “I chose to retain Bradley Arant based on personal referrals, experience, and prior record. Bradley Arant's appellate team offers exceptional writing and advocacy experience, and they get results. Other firms don't compare,” says a client of two years. As one of the biggest firms in the Southeast, with approximately 370 attorneys, the firm boasts formidable bench strength and depth.

Wayne Drinkwater, located in the firm's Mississippi office in the Fifth Circuit, regularly heads the firm's largest and most high-profile federal appeals inside and outside of the Fifth Circuit. In 2010, he successfully headed the firm's appellate team on behalf of Southern Farm Bureau Life Insurance Company. Here, in *Badger v. Southern Farm Bureau Life Insurance Co.*, the firm successfully appealed to the Eleventh Circuit for a reversal of a \$45 million liability judgment. The decision was impactful

beyond the monetary judgment reversal because the Eleventh Circuit held that the district court had erred in instructing the jury that Southern Life, as the buyer of a security in an arm's-length transaction, had a duty to disclose transaction-related information “directly” to its counterparty's shareholders. Drinkwater is a former US Supreme Court clerk. He served in this capacity for Chief Justice Berger from 1976-1977, and he has brought this experience to bear on the more than 30 state and federal appeals he has argued across circuits. In addition to appellate litigation, Drinkwater is also involved in practice areas involving general litigation, business and commercial litigation, products liability, environmental and toxic tort. He makes substantial contributions to the community beyond work for high-paying clients, maintaining a *pro bono* practice handling cases on behalf of abused and neglected children.

Brunini Grantham Grower & Hewes

Brunini Grantham Grower & Hewes is one of the largest and most well known firms in Mississippi. The firm handles primarily defense litigation, with appellate work comprising approximately 10%-15% of the firm's litigation practice. In addition to preserving the trial record in anticipation of an appeal and litigating appeals after a decision has been rendered, Brunini Grantham's appellate attorneys are hired to pursue interlocutory appeals and rare writs of mandamus. Client praise for the firm runs deep: “Over the decade, Brunini has handled hundreds of claims for us. I chose them because I wanted a formidable firm that had the ability to try and win hard cases in difficult jurisdictions. Over the decade, Brunini has performed admirably.” Another client notes that “The groundwork [Brunini has] done for our cases has been instrumental to the overall strategy we implement in the litigation, which relies upon the readiness and willingness to try any case anywhere.”

Brunini's appellate practice is largely comprised of eight attorneys dedicating a substantial portion of their litigation practice to handling appeals. **Joseph Sclafani** in particular dedicates the majority of his work to handling appeals, at state and federal levels. Sclafani joined the firm in 2003 and in addition to his appellate practice, also handles commercial litigation, intellectual property, and personal injury, mass torts and products liability. “Joseph Sclafani is highly intelligent and has an excellent sense of the law and how to help his clients,” trumpets one such happy client. In 2010, Sclafani was involved in a high-stakes appeal to the Supreme Court of Mississippi, in which he represented the defendants, Koppers. In this case, the Mississippi Supreme Court affirmed on appeal the award of summary judgment obtained by Brunini from the lower court of Grenada County, Mississippi. At issue was millions of dollars worth of claims in punitive

damages brought by hundreds of plaintiffs against Brunini’s client.

Wise Carter Child & Caraway

Wise Carter Child & Caraway maintains a broad litigation practice from three offices throughout Mississippi. Handling corporate, litigation and regulatory cases, the firm has represented clients in state and federal courts for more than a century. The specific practice areas handled by the firm’s staff of more than 50 attorneys include environmental litigation, insurance defense, personal injury, and products liability matters. The firm’s appellate attorneys have appeared before the Supreme Court of the US, the US Court of Appeals for the Fifth Circuit and the Federal Circuit, the Supreme Court of Mississippi, and the Court of Appeals of the State of Mississippi. Wise Carter’s attorneys have served the state of Mississippi and federal judiciaries as clerks to presiding justices, and one member of the firm served for 10 years as a Justice of the Supreme Court of Mississippi. The firm employs the procedural knowledge garnered in this capacity, bringing it to bear on its many successful appeals.

Michael Wallace, former clerk to US Supreme Court Justice William F Rehnquist, handles appellate litigation for the firm and comes highly recommended by his peers. He is a member of the American Academy of Appellate lawyers, and operates out of the firm’s Jackson Office. Wallace litigates commercial claims, constitutional claims, and election disputes at the trial and appellate level.

Recommended firms

Butler Snow O’Mara & Cannada

Butler Snow O’Mara Stevens & Cannada is a Mississippi-based law firm with a nationally recognized appellate and written advocacy practice. The firm’s appellate attorneys involve themselves at all stages of the litigation, often operating as integral parts of the trial team to shape and preserve the record from the earliest stages of litigation. The firm handles appeals in all federal circuits and at the state level. **John Henegan** comes recommended as an appellate attorney by his peers. A Fellow of the American Academy of Appellate Attorneys, Henegan has successfully argued numerous state and federal appeals on substantive and procedural grounds. Henegan litigates and appeals cases relating to antitrust and intellectual property, complex commercial litigation, media defense, and telecommunications. Prior to joining the firm, he served as a chief of staff for the governor of Mississippi. Henegan also handles *pro bono* appeals, once successfully obtaining a habeas corpus writ finding that an indigent, mentally ill inmate detained in prison is incompetent to be executed in accordance with the strictures imposed by the Eight Amendment of the US Constitution.

Forman Perry Watkins Krutz & Tardy

With about 18 partners in total, Forman Perry Watkins Krutz & Tardy is a Mississippi-based law firm primarily representing defendants and the occasional commercial litigation plaintiff. The firm’s appeals lawyers practice at both the state and federal levels, in all districts of Mississippi and nationwide depending on needs of a client. Forman Perry has nine attorneys in Jackson, Mississippi, and one in its office in New Orleans, Louisiana, and its appellate practice specifically consists of complex post-trial motions as well as collaborative involvement at the trial level to preserve the record in anticipation of appeal and handling of dispositive motions. The firm’s appellate practice is not defined by a distinct group. Rather, the attorney litigating the case will generally handle the appeal. Almost all of the firm’s appellate work comes from its own trial work, and occasionally firm attorneys will come in only at the appellate level to offer a fresh set of eyes of the issues.

Phelps Dunbar

Phelps Dunbar, in addition to coming highly recommended in Louisiana, is also recommended for its appellate practice in Mississippi. The firm’s skilled appellate attorneys litigate civil and criminal matters in state and federal appellate courts, and its collective appellate acumen is rooted in decades of appellate litigation across the Second, Fourth, Fifth, Ninth and Eleventh Federal Circuit Courts of Appeal, and before the US Supreme Court. As a Southeast-based law firm, Phelps Dunbar’s appellate attorneys most regularly appear in the Fifth and Eleventh Circuits. Many of the firm’s appellate attorneys are former Fifth Circuit federal clerks, and one is a former United States Supreme Court Clerk. Phelps Dunbar recently litigated federal appeals involving land disputes and landholder claims worth \$30 million, a commercial lease dispute, a multimillion-dollar legal malpractice action, and a products liability suit involving very serious injuries. **Luther Munford** is a senior partner in the general litigation group in the Jackson office and comes highly recommended by his peers in the state. Munford represents news media clients, litigates constitutional issues, and handles state and federal appeals, and he holds the distinguished honor of having clerked for Supreme Court Justice Harry Blackmun from 1978-1979.

Fifth Circuit litigation firms – Texas

Highly recommended

Alexander Dubose & Townsend

Andrews Kurth

Baker Botts

Beck Redden & Secrest

Gibson Dunn & Crutcher

Haynes and Boone

Hankinson & Levinger

Locke Lord Bissell & Liddell

Thompson & Knight

Vinson & Elkins

Recommended

Bracewell & Giuliani

Cooper & Scully

The Holman Law Firm

Pendery Law Firm

Pillsbury Winthrop Shaw Pittman

Smith Law Group

Smyser Kaplan & Veselka

Strasburger & Price

Fifth Circuit litigation stars – Texas

Deborah Alsop

Thompson & Knight

Douglas Alexander

Alexander Dubose & Townsend

Pamela Stanton Baron

Attorney at Law

Brett Busby

Bracewell & Giuliani

Nina Cortell

Haynes and Boone

R Brent Cooper

Cooper & Scully

Kevin Dubose

Alexander Dubose & Townsend

Sharon Freytag
Haynes and Boone

David Gunn
Beck Redden & Secrest

Deborah Hankinson
Hankinson & Levinger

Mike Hatchell
Locke Lorde Bissell & Liddell

James Ho
Gibson Dunn & Crutcher

David Holman
The Holman Law Firm

P Michael Jung
Strasburger & Price

Jeremy Kernodle
Haynes and Boone

Thomas Leatherbury
Vinson & Elkins

Jeffrey Levinger
Hankinson & Levinger

Lynne Liberato
Haynes and Boone

Julia Pendery
Pendery Law Firm

Thomas Phillips
Baker Botts

Russell Post
Beck Redden & Secrest

D Todd Smith
Smith Law Group

Craig Smyser
Smyser Kaplan & Veselka

Scott Stolley
Thompson & Knight

Macey Reasoner Stokes
Baker Botts

Steven Susman
Susman Godfrey

Stephen Tipps
Baker Botts

Roger Townsend
Alexander Dubose & Townsend

Larry Veselka
Smyser Kaplan & Veselka

Marie Yeates
Vinson & Elkins

Highly recommended firms

Alexander Dubose & Townsend

Alexander Dubose & Townsend is a highly regarded appellate boutique specializing in all levels of litigation. The firm boasts substantial bench depth and strength, employing many board-certified appellate specialists. **Douglas Alexander, Kevin Dubose, and Roger Townsend** are founding members of the firm and all come highly recommended by their peers for appellate litigation. Austin-based Alexander has served as the Chair of the Appellate Section of the State Bar of Texas and is an adjunct professor of Appellate Advocacy at the University of Texas School of Law. Doug Alexander is an appellate specialist, and has been Certified in Civil Appellate Law by the Texas Board of Legal Specialization since 1990. He makes a substantial contribution to the legal profession outside of litigation, often writing and speaking on issues pertinent to appellate practice.

Kevin Dubose is based in the Houston office and was a solo practitioner before founding his current firm. A member of the American Academy of Appellate Lawyers, DuBose also makes substantial contributions to the legal profession, aside from litigation, through his writing and speaking engagements. Roger Townsend, also based in Houston, is recommended by peers in the Fifth Circuit for appellate litigation. He is an appellate specialist and has been certified in civil appellate law by the Texas Board of Legal Specialization for more than 20 years. Townsend currently serves as treasurer to the American Academy of Appellate Lawyers and is a member of the Council of Appellate Lawyers in the Appellate Judges Conference of the Judicial Division of the American Bar Association. He is licensed to practice law before all Texas state courts, as well as the US Supreme Court, the US Courts of Appeals for the Second, Fourth, Fifth, Ninth, and Eleventh Circuits, as well as the US District Courts for the Eastern and Southern Districts of Texas. Before founding Alexander Dubose & Townsend, Roger Townsend established and led the appellate group as a partner in the Litigation Department of Fulbright & Jaworski.

Andrews Kurth

The appellate attorneys at Andrews Kurth understand that not all appellate attorneys have expertise in every substantive area of law likely to invoke appeals. Appellate attorneys, often substantive generalists who work closely with trial lawyers, are known for their procedural acumen and ability to adapt to learning curves on subject matter they would not otherwise be familiar with. The appellate department at Andrews Kurth fills the gap in the appellate market, with appellate attorneys who have substantive expertise in employee benefits, managed care, health care, intellectual property litigation,

toxic torts, premise liability, complex bankruptcy matters, and energy litigation.

Scott Brister is a former appellate court judge, which gives him unique insight into the appellate practice. In choosing to retain Andrews Kurth for the past year, one client notes that “I considered the appellate experience of Scott Brister, his fees, and the ease with which I could work and communicate with him. Scott Brister has extremely valuable appellate experience, especially at the Texas Supreme Court level. Scott was able to craft a response to a petition for review that focused on the issues he believed were priority for the Court. He was able to do this because of his prior service as a Justice on the Court and because one of the most pertinent cases at issue was authored by him when served on the Court. In my opinion, other firms were not as passionate or supportive about the positions we were positing.”

Baker Botts

Houston-based national firm Baker Botts has long been championed for its appellate expertise. In addition to influential appellate litigation, Baker Botts regularly co-authors influential amicus briefs in the US Supreme Court. Recently the firm authored one for the VFW, American Legion, and Military Order of the Purple Heart in the high-profile case involving an Establishment Clause challenge to a World War I memorial in the Mojave Desert. The Court ruled in favor of Baker Botts’ brief, which was cited an unusually high 12 times by the various opinions of the Court, including by the lead opinion. The firm also maintains offices in Austin and Dallas.

Macey Reasoner Stokes is head of the firm’s appellate practice group. She handles a wide variety of civil appeals in state and federal courts, including the US Supreme Court, the US Courts of Appeals for the Fifth, Tenth and Eleventh Circuits. Her legal and appellate acumen is often employed at the trial stage for making interlocutory appeals and for preserving the trial court record in anticipation of an appeal. Stokes has been involved with a number of successful federal appeals over the course of the past few years. In 2010, she participated in a successful appeal of a judgment on a jury verdict against oil and gas refiners. The firm represented Shell Oil in a suit brought by a franchised dealer, Mac’s Shell Service. The appeal was heard before the US Supreme Court and resulted in the court’s first opinion construing the Petroleum Marketing Practices Act. **Thomas Phillips**, retired Chief Justice of the Supreme Court of Texas, joined the firm’s Austin office in September 2005, after serving as a judge for nearly 25 years. Since returning to practice and working with Baker Botts, he has represented dozens of clients in state and federal appeals on a wide variety of commercial, personal injury, regulatory and constitutional issues. **Stephen Tipps** served as head of the firm’s appellate practice group

from 1999 to 2007. As an appellate practitioner, Tipps has argued a number of significant cases before the US Court of Appeals for the Fifth Circuit, the Supreme Court of Texas, and a number of the intermediate Texas courts of appeals.

Beck Redden & Secrest

Beck Redden & Secrest is a Texas-based litigation boutique with a highly recommended appellate practice. **David Gunn** and **Russell Post** are certified in civil appellate law by the Texas Board of Legal Specialization. Most of the remaining members of the appeals group are not “specialists” per se but their practice is composed entirely of appellate work. Gunn is widely recognized as one of the top appellate lawyers in the Fifth Circuit. “David Gunn is the best appellate attorney in Texas,” says a client, emphasizing that “other large national law firms don’t compare to the work done by this firm.” Another client notes “The level of experience and professionalism demonstrated by David Gunn provides a value that resulted in much confidence in him and the firm. David was forthright with regard to the specifics of the case. He possesses the ability to communicate well with the Justices both in the oral as well as the written communications he develops.” Another client reiterates, the sentiment, noting that “David was masterful in front of the jury and did an excellent job cross-examining the witnesses. Beck Redden’s appellate lawyers are excellent at their craft, and the firm was originally chosen based upon recommendations of their peers in Texas.”

In 2010 in the Fifth Circuit Court of Appeals, the firm successfully represented American International Specialty Lines Insurance Company on an issue of first impression where the court concluded that a standard-form exclusion for obligations arising under worker’s compensation law does not exclude coverage for negligence claims against Texas employers who elect not to subscribe to the Texas worker’s compensation system. In the same year, the firm also successfully represented a well known law firm against securities fraud claims. Having prevailed in the district court, Beck Redden attorneys successfully defended their client when the decision was appealed to the Fifth Circuit.

Gibson Dunn

Gibson Dunn & Crutcher has 17 offices worldwide, with appellate attorneys in each office. The firm’s appellate attorneys argue appeals in every district, at the state and federal level. The majority of the firm’s appellate practice is located in Washington DC, and business and constitutional disputes are some of the more common issues handled by the firm’s celebrated appellate attorneys.

James Ho, former Solicitor General of Texas, comes highly recommended by his peers in the Fifth Circuit. As a government lawyer, he has

extensive experience counselling government officials on highly complex legal issues and cases. His oral and written appellate advocacy skills are nationally regarded, and he has been repeatedly recognized by legal organizations as one of the most skilled appellate advocates in the country. He was hired by Gibson Dunn in December 2010 and currently works out of the firm’s Dallas office. Ho has brought his extensive litigation skills, honed as the state’s chief appellate and Supreme Court litigator, to bear on Gibson Dunn’s revered appellate practice.

Haynes and Boone

Haynes and Boone’s appellate practice is comprised largely of 19 attorneys who dedicate the entirety of their practice to appellate litigation. This dedication is consistent with Texas’ tradition of having a clearly defined appellate bar when compared to other jurisdictions and circuits. Even in Texas, where appellate litigation is often a defined practice area, Haynes and Boone distinguishes itself with the bench depth and specialization within its appellate practice. For example, one attorney is dedicated to crafting effective jury instructions where no pattern exists, and another specializes in judgment enforcements pending appeal.

Lynne Liberato, based in Houston, comes recommended by peers in the Fifth Circuit. She has led appellate teams in some of the most substantive issues litigated in her jurisdiction and nationwide, and she has received recognition for her commitment to her profession and to public service. An author and litigator, Liberato positively impacts her profession and the appellate bar in Texas by making consistent and substantial contributions to the body of law and theory. **Mark Trachtenberg** is also viewed with respect by peers for his rising profile in state and federal appeals matters.

Hankinson & Levinger

Hankinson and Levinger crafted its practice in the Texas tradition of a defined appellate bar and appellate practice groups. The firm is an appellate law firm, rather than a law firm with an appellate practice group. Together, the practitioners offer a strategic approach to appeals at all phases of litigation. In addition to handling litigation at the appellate stage, the firm also works at the earliest stages of litigation to preserve the record for appeal, form a litigation strategy in anticipation of appeal, and handle dispositive motions.

Jeffrey Levinger and **Deborah Hankinson**, firm co-founders, are certified in civil appellate law by the Texas Board of Legal Specialization. They come recommended by their peers in the Fifth Circuit, and bring diverse yet pertinent backgrounds to bear on the firm’s mission. Hankinson is a former jurist on the Fifth District Court of Appeals in Dallas. She returned to practice in 2002, and currently serves her firm in many capacities. Levinger is known for his skill in

drafting and arguing jury charges. As an appellate lawyer, he has handled varied practice areas from legal malpractice, intellectual property, and products liability.

Locke Lord Bissell & Liddell

Locke Lord Bissell & Liddell maintains a diverse litigation practice. In addition to appeals, the firm handles an extensive array of international law cases, health care, corporate, finance, and energy litigation. The firm is based in Texas and was brought forth from the 2007 merger between Texas-based Locke Liddell & Sapp and Chicago’s Lord Bissell & Brook. In Texas, the firm maintains locations in Austin, Dallas and Houston. Operating at all stages of litigation when called on for an appeal, the firm prides itself on being a full-service firm with appellate being a separate practice group.

Mike Hatchell, Of Counsel, is head of the firm’s appellate practice and is well regarded by his peers at other Texas firms. Hatchell is a member of the American Academy of Appellate Lawyers. Like all great appellate attorneys in the state of Texas and in the Fifth Circuit, Hatchell contributes to the state’s strong appellate tradition through litigation at the state and federal level, and through his speaking and writing engagements.

Thompson & Knight

Thompson & Knight is known for its expertise in handling high-stakes appeals throughout Texas and the Southwest. With appellate attorneys in Dallas, Houston, and Austin, the firm’s appellate attorneys have built a reputation based on bench strength and ability to adapt to learning curves regarding appeals referred to them from outside. Several of the firm’s appellate attorneys are board certified in Civil Appellate law by the Texas Board of Legal Specialization.

A client of Thompson & Knight notes that “The firm is known for oil and gas expertise, and **Scott Stolley** was recommended to me as a good appellate lawyer. His strengths are being able to simplify complex legal concepts into plain, easy-to-read language. I also think he does a good job prioritizing the most important aspects of the case so as not to lose the reader in the details. I would use him again if I had another appeal to file.” Another client enthuses, “We have been using Thompson & Knight for more than 12 years and we are still a client. For appellate matters, we use **Deborah Alsup** in the Austin office. We would also use various lawyers involved in the preliminary stage (agency of district court). We use Thompson & Knight for a variety of matters including employment, toxic tort and general commercial litigation.”

Vinson & Elkins

With an appellate practice formed in 1990, Vinson & Elkins' appellate lawyers handle litigation for longtime clients, as well as special issues for clients referred to them at the appellate stage. The attorneys in this practice group prepare and respond to post-verdict motions; review the trial record; analyze and research legal issues; and, of course, prepare appellate and amicus briefs. Like all formidable and strategic appellate practitioners, the attorneys in Vinson and Elkins' appellate practice prepare pre-trial and trial motions and briefing in anticipating of maintaining a well preserved record for impending appeal. Based in Texas, the firm operates throughout the Southwest, and is equally effective in other federal courts of appeal and before the US Supreme Court. "I selected Vinson & Elkins because of their experience and success in defending the types of litigation and in the appellate work our company is most involved. I also chose them because of their responsiveness, creativity, strategic capability, and their ability to set and manage a budget. I would definitely use their litigation and appellate team again," cheers a satisfied client.

Marie Yeates and Thomas Leatherbury come recommended by their peers and clients in the Fifth Circuit "Marie Yeates and Tom Leatherbury provide incredibly creative and strategic advice, are pro-active and extremely responsive. They are a first-class team and provide me with great comfort in 'bet-the-company' matters," enthuses a client, who goes on to assert, "I am comfortable in having them present with me to our senior management team and board on material litigation matter updates as well as working with us to make decisions when facing significant and critical milestones in the case including settlement opportunities." Another client raves "Marie Yeates is an outstanding, appellate practitioner. She is bright, an effective writer, and she is very cost-conscious."

Recommended firms

Bracewell & Giuliani

Bracewell & Giuliani is an international law firm with an appellate group considered one of the top in Texas. With 470 lawyers, the firm maintains offices in Texas, New York, Washington DC, Connecticut, Seattle, Dubai, and London. Bracewell adheres to the notion that appellate victories require a skill set separate and distinct from that needed to prevail at the trial level. The firm prides itself on providing clients with a rigorous legal analysis and effective oral and written advocacy. An ability to narrow and craft the issues to the single most effective is skill what Bracewell brings to the table. The firm maintains extensive practices in all federal circuit courts of appeal, and before the US Supreme Court. Brett Busby is a former US Supreme Court clerk and comes highly

recommended by peers in the Fifth Circuit for appellate advocacy. As a Supreme Court clerk, Busby garnered extensive experience analyzing voluminous and varied *certiorari* petitions and drafting judicial opinions. This experience allows him to bring insight to how to best craft appellate briefs and arguments.

Cooper & Scully

Cooper & Scully is a trial and appellate law firm operating within Texas' tradition of defined appellate practices. The firm maintains a mid-sized staff and maintains offices in California and Texas. R Brent Cooper, firm shareholder, is certified by the Texas Board of Legal Specialization in Personal Injury Trial Law. He focuses his practice on commercial and insurance litigation, but comes highly recommended by his peers in the Fifth Circuit for his appellate advocacy skills. Cooper has litigated appeals in all Texas districts, before several Federal Circuit courts of appeal, and before the US Supreme Court. He has tried or been involved with hundreds of cases. Cooper's prolific and successful career was recognized when he was honored by the State Bar of Texas Insurance Law Section as a "True Texas Legend." Cooper also makes substantial academic contributions to the legal profession through his speaking and lecturing appointments.

The Holman Law Firm

The Holman Law Firm is an appellate boutique located in Texas and founded by David Holman, a board-certified appellate specialist. Holman comes recommended by his peers for his federal appellate advocacy skills and is known for his involvement at all stages of the litigation, often handling even pre-trial motions in anticipation of appeal. Crafting the trial record and preserving it in anticipation of appeals is one of David Holman's strengths. His litigation and appellate style is informed by his 20 years worth of legal experience. He is often retained by a myriad of clients: attorneys seeking advice on how to craft a record for appeal on behalf of clients, by individuals, and by businesses seeking his guidance in bet-the-company appeals. Holman is a frequent writer, speaker and lecturer on litigation and appellate strategy. Although the firm has fashioned itself in the Texas tradition as an appellate boutique, Holman prides himself on his ability to offer clients a full range of legal services.

Smith Law Group

The Smith Law Group was founded in 2006 by D Todd Smith, an appellate specialist based in Austin. Prior to founding The Smith Law Group, Smith worked for nearly 10 years as a member of the appellate and litigation groups at Fulbright & Jaworski. Smith is a prolific litigator, speaker, writer and blogger, posting often on his Texas Appellate Law Blog, which provides practical

advice for Texas appellate litigators, including news and information on recent legal developments affecting practice and laws in the state. His practice is statewide, focusing on civil appellate matters throughout Texas and the Fifth Circuit on behalf of plaintiffs and defendants. Smith is involved at all phases of the litigation on behalf of his clients including the original proceeding in anticipation of appeal. He maintains a significant trial court-level practice, often serving his own clients as well as consulting for other attorneys and serving as the additional counsel of record.

Strasburger & Price

Texas-based firm Strasburger & Price was founded in 1939 and prides itself on providing innovative and comprehensive solutions to complex legal issues. The firm's appellate practice is nationally recognized, and the appellate department recognizes that a jury's verdict or judge's ruling does not signify the end of the litigation. Accordingly, Strasburger's appellate department takes a comprehensive view on the appellate process, recognizing that it begins with a strategy at the initial stages of litigation. Unlike many newer boutiques in Texas and in the Fifth Circuit, Strasburger's appellate advocates have been offering superb appellate advocacy since before appellate law became a cognizable distinct practice area. Michael Jung heads the firm's appellate practice, as well as the firm's Zoning & Land Use practice. Additionally, he is a member of Strasburger's Governmental Law practice group. Jung has received many awards and recognitions for his appellate advocacy work throughout the Fifth Circuit, most notably being invited to be a Fellow of the American Academy of Appellate Lawyers.





Bradley Arant Boult Cummings is a regional law firm with a global perspective. The firm has more than 370 attorneys serving individuals, emerging businesses, and established regional, national and international companies. Clients rely on us for innovative legal services that reflect a deep understanding of their business realities.

We are one of the largest firms in the southeast, with offices strategically located in Alabama, Mississippi, North Carolina, Tennessee and the District of Columbia. These offices provide an extensive geographic base from which to serve clients on a regional basis, as well as clients located elsewhere in the country and the world. We frequently serve as national coordinating counsel, regional counsel, and statewide counsel for clients in various industries. Our lawyers work for major construction companies in Europe and Asia, for multinational pharmaceutical companies in New York and California, for major insurance and financial clients in Texas, Indiana, and Alabama and for national tire manufacturers in Tennessee and Georgia.

Our clients work in a broad range of industries, including accounting, automotive, banking and finance, biotechnology, construction, economic development, education, emerging business, energy, equipment leasing, forest products, healthcare, insurance, manufacturing, materials and aggregate production, media and communications, mining, municipal, project and public finance, oil and gas, pharmaceuticals and medical devices, private equity, public utilities, real estate, retail, steel, technology, telecommunications, textiles, transportation, and venture capital. Each of these sectors presents unique challenges and opportunities, which demand specific legal and business experience. We meet those challenges with client and industry teams combining the talents of seasoned legal professionals from a variety of disciplines. These teams provide strategic solutions tailored specifically to our clients' industries and operations.

As a firm, we believe we have particular strengths and core competencies in the areas of construction, economic development, emerging and family owned businesses, financial institutions and services, healthcare, intellectual property, litigation, private equity, and real estate.

Whether we are helping our clients acquire real property, defend lawsuits, raise capital, comply with regulatory requirements, enter new markets, obtain and defend intellectual property rights, develop and distribute products and services, or merge or divest businesses, we treat our clients' problems as our own. When our clients are faced with disputes, we help them find the fastest and most effective solutions.

Our clients' opinions matter the most. That is why we are proud to be in the top 25 percent in the *BTI Client Relationship 100* which ranks law firms for client service and value based on recommendations from nearly 300 in-house counsel from *Fortune* 1000 companies. Our attorneys are also ranked 19 in the *BTI Client Service A-Team 2011*, another recognition of the superior service and efficiency we consistently provide for our clients. Likewise, *American Lawyer Media's* annual surveys of in-house counsel have listed Bradley Arant Boult Cummings as a Go-To Law Firm for leading financial services and technology companies. We believe that the depth of quality of our lawyers distinguishes us as a law firm: 144 (39%) of our lawyers are listed in *Best Lawyers in America*; 57 (15%) of our lawyers are recognized in *Chambers USA*; 37 (10%) of our lawyers are members of the prestigious American Colleges in their respective areas of expertise; and four of our lawyers are former United States Supreme Court clerks. In each of these cases, the percentages and relative number of lawyers so recognized are among the highest in the nation.

With our deep roots and expanded regional reach, Bradley Arant Boult Cummings is perfectly positioned to provide you with quality legal services in the fastest-growing region of the United States and beyond.

BUTLER, SNOW, O'MARA, STEVENS & CANNADA, PLLC

Firm Overview

Butler, Snow, O'Mara, Stevens & Cannada, PLLC, is a full-service law firm with more than 175 attorneys, representing clients across the United States and internationally in more than 20 countries. The firm has emerged as one of the largest in the Southeast and serves clients from offices in Mississippi (Jackson, Oxford, and Gulfport), Tennessee (Memphis and Nashville), Louisiana (New Orleans and Baton Rouge), Alabama (Birmingham and Montgomery) and Pennsylvania (Philadelphia).

Butler Snow attorneys understand that in today's business climate, clients need a law firm that understands and partners to achieve with company objectives and the experience and depth to handle significant matters. The firm offers diverse legal, business and governmental backgrounds, bringing vast experience and practical knowledge to each client they represent.

The satisfaction of the clients represented is evident in the many honors Butler Snow has received. Surveys performed by national consultants consistently rank Butler Snow among the best nationwide in service, in anticipating needs, in a commitment to help, in providing value, and in client satisfaction. Butler Snow was ranked as one of America's Top 100 law firms in the *BTI Power Rankings*. Legal decision makers at *Fortune* 1000 companies were interviewed to determine the level of service provided by law firms, along with client satisfaction perceptions. *BTI* ranked Butler Snow on the "Short List of Go-To Law Firms" and also rated the firm as a "Hidden Gem." In the latest edition of *The Survey of Client Service Performance Law Firms: The BTI Client Service A-Team*, Butler Snow was recognized as one of the nation's top law firms for client service. *Chambers USA - America's Leading Lawyers for Business* describes Butler Snow as being "one of the oldest firms in Mississippi with some of the brightest minds" that has achieved national prominence because of "sheer, unambiguous quality."

One-third of all Butler Snow attorneys are listed in *The Best Lawyers in America*®, including 116 listings in 48 practice areas, and 72 Butler Snow attorneys were named to *Super Lawyers*® and *Rising Stars*®.

Appellate and Written Advocacy Group

Astute trial attorneys (and clients) understand that successful appeals are shaped from the initial stages of litigation. Butler Snow's appellate lawyers play an integral role in all litigation, providing input and advocacy at every stage of a case. Butler Snow's appellate team has extensive trial experience, and they are equipped to handle every aspect of an appeal -- with proven results.

Over the past decade, Butler Snow appellate lawyers have briefed cases resulting in decisions that saved our clients more than \$200 million, and helped shape the litigation landscape in Mississippi, including the elimination of mass joinder of plaintiffs and the tightening of expert testimony standards.

Butler Snow lawyers routinely handle appeals involving novel or complex issues of great importance to our clients and to society. Butler Snow appellate attorneys often are asked to contribute amici briefs on issues as diverse as insurance coverage, banking regulation, defamation, and the separation of powers doctrine.

Since the firm's inception, Butler Snow has enjoyed an extensive federal and state appellate practice. Butler Snow's appellate lawyers have practiced before the United States Supreme Court, 11 of the 12 United States Circuit Courts of Appeal, and state appellate courts across the country including Mississippi, Alabama, Tennessee, Louisiana, Arkansas, New Jersey, and Michigan.

For more information, visit www.butlersnow.com.

BUTLER | SNOW

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Since founding Smyser Kaplan & Veselka in 1995, Mr. Smyser has successfully represented multi-national oil companies, Texas' largest non-profit hospital system, class action plaintiffs and defendants, the City of Houston, the Houston Sports Authority, one of Mexico's largest resort companies, and prominent and not-so-prominent individuals in battles in federal and state courts around the country. He successfully defended Enron's chief financial officer in more than 100 civil security fraud lawsuits nationwide. He currently represents the Ecuadorian plaintiffs in the Southern District of New York in their battle to prevent Chevron from invalidating the \$18 billion judgment against Chevron for environmental pollution of the Ecuadorian rain forest. Earlier in 2011, Mr. Smyser obtained a jury verdict on behalf of Celotex, after a national law firm hired him three months before jury selection to try the real estate fraud case against another large law firm.

As trial lawyer for plaintiffs, Mr. Smyser represented David's Supermarkets in a civil fraud trial that resulted in a judgment for more than \$200 million. He prosecuted a patent infringement case on behalf of an inventor of a random number generator against major companies in the computer industry.

Mr. Smyser represents Yukos International UK and a number of individual officers of the former Yukos Oil in on-going disputes over the expropriation of Yukos Oil by the Russian government. A federal court judge in Los Angeles granted a summary judgment in a class action case for Mr. Smyser's client in a case alleging fraud in the sale of time shares in Mexico. In the Southern District of New York, Mr. Smyser represented the chairman of the board of directors of Phillip Services in a class action securities fraud case. In one of many matters handled for the City of Houston, Mr. Smyser obtained summary judgment upholding the city's sign ordinance in the face of a First Amendment challenge, a ruling affirmed in the US Fifth Circuit Court of Appeals. Another federal judge in the Southern District of Texas held that a Texas statute violated his client's constitutional rights and declared the statute unconstitutional. In international arbitration in London, Mr. Smyser successfully represented an oil field equipment manufacturer in a dispute with an Indian company over construction of a plant in Hyderabad, India.

In addition to his extensive trial court experience, Mr. Smyser has briefed and argued cases at every level of appellate court in the state and federal system, including the Texas Supreme Court and the United States Supreme Court.

Recognized by his peers as a *Super Lawyer* for years, Mr. Smyser served as president of the Houston chapter of the American Board of Advocates in 2009 and president of the Texas Association of Civil Trial and Appellate Specialists in 2007. Prior to graduating from the University of Texas Law School, where he served on the *Texas Law Review* and was chosen the outstanding advocate of his law school class, he was political editor of the *Houston Chronicle*, where he covered both the Democratic and Republican national conventions and was given an award by the Associated Press in 1974 as one of the State's outstanding reporters. Mr. Smyser obtained his undergraduate degree, with honors, from the University of Texas, Plan II, and was selected as a member of Phi Beta Kappa.

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In more than 35 years of practice, Mr. Veselka has tried some 50 jury trials to verdict. Annually selected by his peers as one of Texas' *Super Lawyers* since 2005, he has argued scores of appeals before various Texas Courts of Appeals, the Texas Supreme Court, the Wyoming Supreme Court, and the US Courts of Appeals for the Fifth, Tenth, Eleventh, and DC Circuits. He has handled cases pertaining to securities, oil and gas, real estate, breach of contract, fraud, RICO, professional liability, and various business torts and statutory claims. He has handled matters in courts and administrative agencies throughout Texas, as well as in Arkansas, Colorado, California, Illinois, Louisiana, Pennsylvania, Nevada, New York, Oklahoma, Wyoming and Washington, DC. In 1998, Mr. Veselka was brought in post-trial and before judgment to represent one of the defendants receiving adverse findings on a \$1.4 billion jury verdict; he successfully obtained a take-nothing judgment in favor of his client. Mr. Veselka co-counsels with Mr. Smyser in the representation of two Ecuadorian citizens pertaining to Chevron's attempt in the New York Federal Court to avoid collection of an \$18 billion judgment for contamination of soil and water during almost thirty years of oil and gas production operations in the rain forest. He has advised both insureds and insurers on coverage issues, and has successfully prosecuted claims for coverage and/or bad faith. Mr. Veselka has both prosecuted and defended securities and consumer class actions, as well as shareholder derivative matters. From 2007 to 2010, he led the successful defense of the special committee of the board of a public company considering an offer to take the company private. The appeals in that matter affirming the trial court dismissals of both direct shareholder class action claims and separate shareholder derivative claims clarified in his clients' favor what the nationally prominent securities plaintiff firms contended to be open areas of Texas substantive and procedural law regarding shareholder litigation. Earlier this year, Mr. Veselka was hired only six weeks before a trial when the plaintiff, Stevedoring Company, sought more than \$25 million from Del Monte Fresh Produce and obtained a take-nothing judgment.

Besides the complex civil cases which have predominated in his practice over the last 30 years, Mr. Veselka has handled white-collar criminal matters at the grand jury, pre-trial, trial and appellate stages. Since 2004, he has represented the former chairman of a global oilfield services company in an FCPA prosecution pertaining to dealings in Nigeria that has resulted in fines or restitution of more than \$1.6 billion (so far) to the US authorities. He recently conducted an investigation for a public institution into allegations of criminal violations by one of the institution's employees. He currently serves as counsel to individuals targeted by either or both the DOJ and the SEC for potential violations of criminal statutes.

Mr. Veselka served as administrative assistant to Lt. Governor Bill Hobby from January 1973 until August 1976. Mr. Veselka served as the elected chair of the Harris County Democratic Party from 1986 to 1988. He served as a gubernatorial appointee of the board of regents for Texas Southern University from 1985 to 1991.