

ENERGY APPEALS

Practice

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Texas has long played a key role in the national energy industry – whether in oil and gas production, the generation of wind power or the exploration of alternative energy sources. No wonder, then, that Haynes and Boone’s extensive presence in Texas means substantial experience in energy law. Our appellate lawyers have been immersed in trial and appellate energy cases for more than two decades. We partner with trial counsel both inside and outside the firm and handle some of the most significant appeals in the industry.

Our success often begins long before we reach the appellate courts. For example, we assumed a lead role in securing a final take-nothing summary judgment in a suit seeking \$266 billion and an injunction to shut down a major oil company’s offshore platform under the False Claims Act and the Outer Continental Shelf Lands Act. In 2017, we persuaded the Fifth Circuit to affirm the judgment in its entirety.

Similarly, we obtained summary judgment in favor of an energy company on nuisance and trespass claims by 19 plaintiffs seeking damages for diminution in property values and mental anguish based on alleged emissions from a compressor station. The case traveled all the way to the Texas Supreme Court, which in 2017 affirmed the summary judgment based on the statute of limitations.

These cases are just two recent examples of the many cases in which our appellate lawyers function as an integral part of the team both in the trial court and on appeal. We provide similar services in disputes involving oil and gas leases, environmental claims, toxic torts and other energy-specific claims. Our appellate lawyers possess the substantive and procedural experience in energy law to help clients and trial counsel win at trial and on appeal. Examples of issues we have handled in oil and gas and energy-related appeals include both industry-specific subjects and universal appellate issues, such as:

- Construction of joint operating agreements
- Oil and gas claims in bankruptcy court
- Oil and gas lease terminations
- Environmental contamination claims
- Presentation of and challenges to experts’ testimony on toxicology
- Personal and subject matter jurisdiction
- Anti-suit injunctions
- Attorneys’ fees
- Arbitration
- Violations of the Statute of Frauds
- Sovereign immunity