

Mark Trachtenberg in Law360: 5th Circ. Finds Squire Patton Partner Wasn't Biased Arbitrator

September 16, 2020 Mark Trachtenberg, Lynne Liberato, Natasha Breaux

PRACTICES Litigation, Appellate, Energy Litigation

Haynes Boone Partner [Mark Trachtenberg](#) talked with *Law360* about a Fifth Circuit decision holding that the firm's client, Squire Patton Boggs LLP Partner D. Patrick Long, did not act improperly while serving as an arbitrator in a dispute between OOGC America LLC and Chesapeake Energy.

Trachtenberg, along with Haynes Boone Partner [Lynne Liberato](#) and Associate [Natasha Breaux](#), represented Long.

Here is an excerpt:

In a unanimous, published opinion Monday, a three-judge panel said a district court wrongly held Squire Patton's D. Patrick Long shouldn't have served as an arbitrator in a dispute between OOGC America LLC and Chesapeake over allegedly excessive fees related to Texas and Colorado oil and gas production. The district court said Long had lied and covered up his ties to FTS International Inc., a third-party oilfield services company used by Chesapeake, and was too biased to have arbitrated the matter.

But the Fifth Circuit said that was wrong. The court held that although Long had long-standing business and personal connections to FTS, he could serve as an arbitrator. Arbitrators determined early on that FTS isn't a Chesapeake affiliate, and even if it were, FTS was paid a fair rate for its work and didn't stand to benefit from the arbitration outcome, the court said.

Because FTS is not an affiliate, Long's actions aren't cause to invalidate the awards, the panel held.

The judges remanded the suit with instructions to confirm the arbitration awards within 30 days.

"The Fifth Circuit's opinion is a complete vindication for Mr. Long," his attorney, Mark Trachtenberg of Haynes Boone LLP, told *Law360* on Tuesday. "The court agreed he did nothing wrong in his role as an arbitrator in the underlying case. The district court's accusations against him were totally out of line, and we are glad that the Fifth Circuit agreed."

The arbitration was initiated to hash out a dispute regarding fees that Chesapeake charged. Both OOGC and Chesapeake jointly hold oil interests in the Eagle Ford Shale in South Texas, as well as an oilfield in Colorado, with Chesapeake acting as the operator for the project, according to the suit. OOGC claimed during the arbitration that Chesapeake charged excessive fees and overpaid affiliates, and sought as much as \$210 million, according to the opinion.

Long is represented by Lynne Liberato, Mark Trachtenberg and Natasha Breaux of Haynes Boone.

To read the full article, click [here](#).