



KENT RUTTER

Partner

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PRACTICES: Appellate, Litigation, Appellate Case Evaluation and Advice, Energy Appeals, Technology and Intellectual Property Appeals, Tort and Products Liability Appeals

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EDUCATION AND CLERKSHIPS

- J.D., University of Michigan Law School, 1996, *cum laude*; Contributing Editor, *University of Michigan Journal of Law Reform*
- B.A., Duke University, 1993
- Judge David Hittner, United States District Court, Southern District of Texas

ADMISSIONS

- Texas

COURT ADMISSIONS

- United States Supreme Court
- U.S. Court of Appeals for the Fifth Circuit
- U.S. District Court for the Southern District of Texas
- U.S. District Court for the Eastern District of Texas
- U.S. District Court for the Western District of Texas

Kent Rutter is an accomplished appellate advocate with more than 20 years of experience. He serves as the elected chair of the Appellate Section of the State Bar of Texas, an organization of more than 2,000 attorneys that promotes the role of appellate lawyers in Texas, enhances their skills, and improves appellate practice in Texas. As a civil appellate specialist who is board certified by the Texas Board of Legal Specialization, Kent additionally serves as President of the Texas Association of Civil Trial and Appellate Specialists (TACTAS), an organization of board-certified attorneys. Kent is a former chair of the Appellate Practice Section of the Houston Bar Association and was the course director of the 2014 Advanced Civil Appellate Practice Course presented by the State Bar of Texas. He was recognized by *Chambers USA*, Chambers and Partners, in Texas for Litigation: Appellate, 2018-2020. Kent was selected for inclusion in *Texas Super Lawyers*, Thomson Reuters, 2012-2019; recognized in *Best Lawyers in America*, Woodward/White, Inc., for Appellate Practice, 2019-2020; and was recognized in 2015 as one of the top 100 lawyers in Houston by *Texas Super Lawyers*, Thomson Reuters.

Kent often advises Haynes and Boone's clients regarding the chances of reversal in a potential appeal. His analysis draws on his experience in the appellate courts and from co-authoring an award-winning empirical study of the factors that most frequently result in reversal in the Texas appellate courts. Kent is often asked to lecture on the topic of evaluating appeals, as well as other areas of appellate practice, and has given presentations to hundreds of trial lawyers, appellate lawyers, and in-house counsel.

Kent is also active in the community at large. As a long-time member of the Alexis de Tocqueville Society of the United Way of Greater Houston, Kent has mentored young professionals with an interest in bettering their communities and supported a wide array of organizations that serve families in need.

Professional Recognition

- Ranked in *Chambers USA*, Chambers and Partners, Litigation: Appellate, Texas, 2018-2020
- Recognized in *Best Lawyers in America*, Woodward/White, Inc., for Appellate Practice, 2019-2020
- Board Certified in Civil Appellate Law, Texas Board of Legal Specialization
- Selected for inclusion in *Texas Super Lawyers*, Thomson Reuters (2012-2019); Named to the list of Top 100 Houston Super Lawyers (2013-2015)

- Named one of "Houston's Top Appellate Lawyers" by *H Texas* magazine, H Texas Partners (2009, 2010 and 2015)
- Selected for inclusion in *Texas Super Lawyers - Rising Stars Edition*, Thomson Reuters (2004-2011)
- Award for "Outstanding Law Review Article," presented by the Texas Bar Foundation (2004)

Professional and Community Activities

- Chair, Appellate Section of the State Bar of Texas (2019-2020)
- President, Texas Association of Civil Trial and Appellate Specialists (2019-2020)
- Chair, Appellate Practice Section of the Houston Bar Association (2010-2011)
- National Association of Railroad Trial Counsel
- Special Assistant Disciplinary Counsel, Texas Commission for Lawyer Discipline
- Member, Alexis de Tocqueville Society, United Way of Greater Houston
- Fellow, Texas Bar Foundation
- Life Fellow, Houston Young Lawyers Foundation

Selected Publications and Speeches

- "Results of the 2020 Texas Appellate Judicial Survey," UT Law CLE 30th Annual Conference on State and Federal Appeals (June 2020)
- "Reasons for Reversal in the Texas Courts of Appeals," co-author, 57 Hous. L. Rev. 671 (2020)
- "Reasons for Reversal in the Dallas Court of Appeals and Beyond," co-presenter, Dallas Bar Association Appellate Section (March 2020)
- "PI On Appeal: Overview and the Shifting Trends," co-author, *The Houston Lawyer*, January/February 2020.
- "Reasons for Reversal in the Texas Courts of Appeals," co-author, State Bar of Texas Advanced Civil Appellate Practice Course, Austin, TX, September 2019.
- "Texas Appellate Court Panel," moderator, Annual Summer CLE, Harris County Democratic Lawyers Association, June 18, 2019.
- "Fifth Circuit Update: Insights and Recent Decisions," presenter, HBA Federal Practice Section, Houston, Texas,

- February 19, 2019 [with Judge Gregg Costa].
- "Getting to Know You: A Conversation with the New Justices of the Fourteenth Court of Appeals," moderator, HBA Appellate Practice Section, Houston, Texas, February 14, 2019 [with Justice Frances Bourliot, Justice Meagan Hassan, Justice Margaret "Meg" Poissant, Justice Charles Spain, and Justice Jerry Zimmerer].
- "[Fifth Circuit Update](#)," co-author, TexasBarCLE's 32nd Annual Course: Advanced Civil Appellate Practice, Austin, Texas, September 6, 2018.
- "Why Trial Courts Get Reversed," Harris County Civil Judicial Education Conference, Austin (August 2018)
- "Questions from Wasson Interests vs. City of Jacksonville," State Bar of Texas Advanced Government Law Course, San Antonio (July 2018)
- "Legislative Update: Appellate Practice," *The Houston Lawyer* (September 2017)
- "The Colonel Versus the Judge," *Journal of the Texas Supreme Court Historical Society* (Fall 2016) [with Judge Mark Davidson]
- "Chief Justices Panel: the State of the Courts of Appeals," State Bar of Texas Advanced Civil Appellate Practice Course, Austin (September 2015) [with Chief Justice Jim Wright, Chief Justice Kem Thompson Frost, Chief Justice Sandee Bryan Marion, and Chief Justice Jeff Rose]
- "Summary Judgment Motions and Responses: A Practical Checklist," *The Advocate* (Fall 2015)
- "Attorneys' Fees on Appeal: What You Need to Know," Houston Bar Association Appellate Practice Section, Houston (August 2015)
- "Getting the Judgment Right," Harris County Civil District Judges' Judicial Education Conference, San Antonio (August 2015)
- "Results of the 2015 Judicial Survey," *The Appellate Advocate* (Summer 2015)
- "Results of the 2015 Judicial Survey," 25th Annual Conference on State and Federal Appeals, UT Law CLE (June 2015)
- "Women and the Texas Supreme Court: Through the Lens of History," Association of Women Attorneys, Houston (September 2014) [with Justice Eva Guzman]
- "Women and the Texas Supreme Court: Through the Lens of History," Houston Bar Association Appellate Practice Section, Houston (November 2013) [with Justice Eva

- Guzman]
- “Women and the Texas Supreme Court,” State Bar of Texas – History of Texas Supreme Court Jurisprudence 2013, Austin (April 2013) [with Justice Eva Guzman]
 - “The Realities Behind The Numbers: A Closer Look at Why Judgments Are Reversed,” Houston Bar Association Appellate Practice Section, Houston (October 2012) [with Justice Tracy Christopher]
 - “Disqualified! Covering the Basics of Summary & Default Judgment Through Evaluation of Reasons for Reversal,” Texas Judicial Education Conference, Houston (September 2012)
 - “Reasons for Reversal In Texas Courts of Appeals,” Annual Harris County Civil Judges’ CLE, Houston (August 2012)
 - “Reasons for Reversal In Texas Courts of Appeals,” State Bar of Texas 11th Annual Advanced In-House Counsel Course, Dallas (August 2012)
 - “Reasons for Reversal In Texas Courts of Appeals,” Tarrant County Bar Association – Business Litigation Section (July 2012)
 - “Reasons for Reversal In Texas Courts of Appeals,” State Bar of Texas 35th Annual Advanced Civil Trial Course, San Antonio, Dallas, and Houston (July, August, October 2012)
 - “Reasons for Reversal In Texas Courts of Appeals,” Houston Trial Lawyers Association, Houston (June 2012)
 - “Proving Reasonableness and Rates of Attorneys’ Fees and Costs,” Rossdale CLE, Houston (March, July 2012)
 - “Enforcing Judgments and Recovering Attorneys’ Fees,” Rossdale CLE, Houston (January 2012)
 - [Reasons for Reversal in the Texas Courts of Appeals](#), 48 Hous. L. Rev. 993 (2012) [co-author]
 - “Why Courts Reverse,” State Bar of Texas Advanced Civil Appellate Practice Course, Austin (September 2011)
 - *2011 Year in Review - Texas Supreme Court*, Texas Bar Journal (January 2012)
 - “Attorney’s Fees: Emerging Issues in Federal and State Practice”, 2011 Conference on State and Federal Appeals, Austin (July 2011)
 - *2010 Year in Review - Texas Supreme Court*, 74 Tex. B.J. 16 (January 2011)
 - “Interlocutory Appeals: Who, What, When, Where, Why and How,” State Bar of Texas 24th Annual Advanced Civil Appellate Practice Course, Austin (September 2010)
 - *Inside the Mind of an Appellate Judge: 25 Lessons from the Appellate Judicial Survey*, 73. Tex. B.J. 116 (February 2010) [co-author]
 - *2009 Year in Review - Texas Supreme Court*, 73 Tex. B.J. 33 (January 2010)
 - “[Results of the 2009 Judicial Survey](#),” State Bar of Texas 23rd Annual Advanced Civil Appellate Practice Course, Austin (September 2009)
 - *Drop the Lifetime Tenure for Justices on High Court*, Houston Chronicle, July 17, 2009 [co-author]
 - “Overview of New Discovery Rules,” Houston Paralegal Association (May 2009)
 - “Pre-Trial Dispositive Motions,” State Bar of Texas 3rd Annual Winning Before Trial Course, Houston (March 2009)
 - “Advanced Appellate Law Practice in the 1st and 14th Courts of Appeals: Navigating in the Thicket,” Houston Bar Association Appellate Practice Section, Houston (February 2009) [with Justice Terry Jennings and Justice Leslie Brock Yates]
 - *Results of the 2009 Judicial Survey*, The Appellate Advocate (2009)
 - *2008 Year in Review - Texas Supreme Court*, 72 Tex. B.J. 32 (January 2009)
 - *2007 Year in Review - Texas Supreme Court*, 71 Tex. B.J. 23 (January 2008)
 - “Practice Before the Texas Supreme Court,” State Bar of Texas Appellate Boot Camp, Austin (September 2007)
 - *2006 Year in Review - Texas Supreme Court*, 70 Tex. B.J. 40 (January 2007)
 - “Gauging the Odds on Appeal,” State Bar of Texas Appellate Boot Camp, Austin (September 2006)
 - *2005 Year in Review - Texas Supreme Court Changes*, 69 TEX. B.J. 49 (January 2006)
 - “Predicates & Objections Mandamus and Appeals,” State Bar of Texas 18th Annual Advanced Evidence & Discovery Course, Houston, Dallas, San Antonio (April, May 2005)
 - “Reasons for Reversal in Texas Courts of Appeals,” State Bar of Texas 21st Annual Litigation Update Institute, San Antonio (January 2005)
 - *2004 Legal Perspective: Texas Supreme Court Changes*, 68 Tex. B.J. 66 (January 2005)

- “Protecting Your Client’s Case for Appeal and Avoiding Malpractice,” Houston Bar Association (November 2004)
- “Case Evaluation With an Eye Toward the Appeal,” Union Pacific Railroad Company (September 2004)
- “Why Appellate Courts Reverse,” Houston Bar Association Appellate Practice Institute, May 2004 (with Justice Evelyn Keyes)
- “Who’s Winning and Who’s Losing: An Analysis of Appellate Court Decisions,” Travis County Bench Bar Conference (April 2004)
- “Why the 1st & 14th Courts of Appeals Reverse,” Houston Bar Association Litigation Section (January 2004)
- *Appellate Law: Broad-Form Submission Narrowed*, 67 Tex. B.J. 21 (January 2004) [co-author]
- “Reasons for Reversal in the Dallas Court of Appeals,” Dallas Bar Association Appellate Section (December 2003)
- “Why Courts Reverse,” State Bar of Texas, Advanced Civil Practice Course, Austin (September 2003)
- “Why Courts of Appeals Reverse,” State Bar of Texas 2nd Annual Advanced In-House Counsel Course, San Antonio (August 2003)
- *Evaluating Appeals by the Numbers*, 66 Tex. B. J. 768 (October 2003) [co-author]
- *Reasons for Reversal in the Texas Courts of Appeals*, 44 S. Tex. Law Rev. 431 [co-author]
- “Why Courts Reverse in Personal Injury Cases”, State Bar of Texas 19th Annual Advanced Personal Injury Law Course, Dallas, Houston, San Antonio (June, July, August 2003)
- “Reasons the Fort Worth and Dallas Courts of Appeals Reverse,” Tarrant County Bar Association Appellate Section (May 2003)
- “Reasons the 1st & 14th Courts of Appeals Reverse,” Houston Bar Association Appellate Practice Section (January 2003)
- “Why Courts of Appeals Reverse,” State Bar of Texas Advanced Civil Appellate Practice Course, Austin (September 2002)
- “Perfecting the Appeal,” State Bar of Texas LAU Seminar (September 2002)
- “Court of Appeals Panel Discussion,” University of Texas School of Law, 11th Annual Conference on State and Federal Appeals, Austin (June 2002) [with Justice Tracy Christopher, Justice H. Hollis Horton, III, and Justice Sue Walker]
- “Fifth Circuit Update”, University of Texas School of Law, 12th Annual Conference on State and Federal Appeals, Austin (June 2002)
- *The Texas Supreme Court Goes to War: The Colonel Versus the Judge*, 65 Tex. B.J. 142 (February 2002) [with Judge Mark Davidson]
- *The Texas Supreme Court Goes to War: The Colonel Versus the Judge*, 65 Tex. B.J. 142 (February 2002) [with Judge Mark Davidson]
- *Texas Supreme Court Goes to War: Texas Women Respond to the Court’s Call to Duty*, 65 Tex. B.J. 18 (January 2002) [co-author Judge Mark Davidson]
- “Preserving Error at Trial,” Civil Appeals for Trial Lawyers, South Texas College of Law (December 2001) [with Justice Dale Wainwright]
- *The Making of a Justice: The 1958 Joe Greenhill/Sarah T. Hughes Race for the Supreme Court*, 63 Tex. B.J. 961 (November 2000) [with Judge Mark Davidson]