



## Kent Rutter

**Partner**  
**Houston**

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**PRACTICES** Appellate, Litigation, Aviation

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Kent Rutter is an accomplished appellate advocate who has practiced at Haynes Boone for more than 25 years.

Kent is recognized as a leading Texas appellate lawyer by *Chambers USA*, praised by clients as a “terrific writer” who is “easy to work with” and “achieves great results” (Chambers and Partners, 2018-2024). In the past year alone, those results include:

- In the Texas Supreme Court, Kent presented oral argument and won a unanimous reversal in a critical decision for the railroad industry, clarifying the types of warnings that railroads must provide to drivers at the thousands of locations where private roads cross railroad tracks in rural Texas.
- In the Twelfth Court of Appeals in Tyler, Kent presented oral argument and won a unanimous reversal in a historic dispute involving an 1872 agreement that required a railroad to build a repair shop and employ local residents at “forever,” resulting in a cost savings to the client of \$180 million.
- In the First Court of Appeals and a trial court in Houston, Kent successfully represented Apple as lead appellate counsel in multi-district litigation arising from the Astroworld music festival tragedy, obtaining results that were hailed by Law360 as among the “biggest rulings in 2024.”

A recognized leader of the appellate bar, Kent has chaired the three largest organizations for appellate lawyers in Texas: the Texas Association of Civil Trial and Appellate Specialists (TACTAS) (2020-2021); the Appellate Section of the State Bar of Texas (2019-2020), and the Appellate Practice Section of the Houston Bar Association (2010-2011).

Kent is board certified in civil appellate law by the Texas Board of Legal Specialization. He is also a prolific author and speaker who has won the Outstanding Law Review Article Award from the Texas Bar Foundation twice, first as co-author of “Reasons for Reversal in the Texas Courts of Appeals,” an empirical study of the factors that most frequently result in reversal in the Texas appellate courts, and second as co-author of “Summary Judgments in Texas,” which has been recognized as one of the ten most-cited articles by appellate courts nationwide. He has given presentations to hundreds of trial lawyers, appellate lawyers, and in-house counsel, often co-presenting with members of the federal and state judiciary.

Kent is also active in the community at large. As a longtime 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 has supported a wide array of organizations that serve families in need.

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## QUALIFICATIONS

### EDUCATION

- J.D., University of Michigan Law School, 1996, *cum laude*; Contributing Editor, *University of Michigan Journal of Law Reform*
- B.A., Duke University, 1993

### CLERKSHIPS

- Judge David Hittner, United States District Court, Southern District of Texas, 2000

### ADMISSIONS

- Texas

### COURT ADMISSIONS

- United States Supreme Court
  - U.S. Court of Appeals for the Fifth Circuit
  - U.S. District Court for the Eastern District of Texas
  - U.S. District Court for the Southern District of Texas
  - U.S. District Court for the Western District of Texas
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## PUBLICATIONS AND SPEAKING ENGAGEMENTS

- “Appellate Update,” HBA/HBF Bench Bar Conference (April 2024) [with Justice Brett Busby and Justice Julie Countiss]
- “Summary Judgments in Texas: State and Federal Practice,” co-author, State Bar of Texas Advanced Trial Strategies Course (February 2024)
- “Summary Judgments in Texas,” co-author, 62 *South Texas Law Review* 99 (2023)
- “[The Use of Scattergrams to Challenge Extreme Verdicts: A Case Study](#),” co-author, *The Texas Lawbook* (September 19, 2023)
- “Substance Over Form: Developments in Summary Judgment Practice,” co-author, State Bar of Texas Advanced Civil Appellate Practice Course (September 2023)
- “Substance Over Form: Developments in Summary Judgment Practice,” co-author, State Bar of Texas Advanced Civil Trial Course (July/October 2023)
- “Mandamus, Mandamus, Mandamus!,” presenter, Harris County Civil District Judges’ Conference (July 2021)
- “Appeals, Interlocutory Appeals, and Mandamus,” presenter, Harris County Civil District Judges’ Conference (January 2021)
- “Lady Justice: Women of the Court,” moderator, Texas Association of Civil Trial and Appellate Specialists meeting (November 2020) [with Justice Eva Guzman (TX), Chief Justice Bridget

McCormack (MI), Justice Beth Walker (WV) and Justice Rhonda Wood (AR)].

- “Results of the 2020 Texas Appellate Judicial Survey,” co-author, State Bar of Texas Advanced Civil Appellate Practice Course (September 2020).
- “Motions for Summary Judgment in Consumer and Commercial Cases,” speaker, State Bar of Texas Advanced Consumer and Commercial Law Course (August 2020).
- “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 [with Justice Frances Bourliot, Justice Meagan Hassan, Justice Meg Poissant, Justice Charles Spain, and Justice Gerald Zimmerer].
- “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]

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## PROFESSIONAL AFFILIATIONS AND ENGAGEMENTS

- Chair, Appellate Section of the State Bar of Texas (2019-2020)
- President, Texas Association of Civil Trial and Appellate Specialists (2020-2021)
- Chair, Appellate Practice Section of the Houston Bar Association (2010-2011)
- National Association of Railroad Trial Counsel
- Member, Alexis de Tocqueville Society, United Way of Greater Houston
- Sustaining Life Fellow, Texas Bar Foundation
- Fellow, Houston Bar Foundation



- Life Fellow, Houston Young Lawyers Foundation
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## SELECTED CLIENT REPRESENTATIONS

- Currently serves as lead counsel in the Texas Supreme Court in a mandamus proceeding involving the doctrine of forum non conveniens and courtroom technology.
- Currently serves as lead counsel in the Houston First Court of Appeals in an appeal arising from a \$557 million verdict in a wrongful-death case.
- Currently represents a leading developer and manufacturer of veterinary products in an appeal on remand from the Texas Supreme Court, challenging a judgment in excess of \$51 million in a patent licensing dispute.
- Currently serves as lead counsel in the Texas Supreme Court in a mandamus proceeding involving a statute of repose in a wrongful-death case arising from a helicopter accident.
- Currently serves as lead counsel in the Houston First Court of Appeals in an appeal concerning whether companies, by registering to do business in Texas, become subject to personal jurisdiction in Texas.
- Currently represents a pipeline owner in the Iowa appellate courts in a dispute arising from a penalty assessed by the Iowa Utilities Commission.
- Currently serves as counsel in the New Mexico Court of Appeals in an appeal raising issues regarding jury charge practice and the Federal Employers' Liability Act.
- Won a unanimous reversal in the Texas Supreme Court in a critical decision for the railroad industry, clarifying the types of warnings that railroads must provide to drivers at the thousands of locations where private roads cross railroad tracks in rural Texas.
- Won a unanimous reversal in the Tyler Court of Appeals in a historic dispute involving a 150-year-old agreement that required a railroad to build a repair shop and employ residents of a locality "forever," resulting in a cost savings of \$180 million.
- Successfully represented a leading technology company as lead appellate counsel in the trial court and the Houston First Court of Appeals in multi-district litigation arising from the Astroworld music festival tragedy, obtaining results that were hailed by *Law360* as among the "biggest rulings in 2024."
- Served as lead counsel in the Fifth Circuit in an appeal involving premises liability and negligent activity claims, resulting in a favorable settlement.
- Served as appellate counsel in the trial court in a multiple-fatality aviation accident case involving experts, responsible third parties, and presumptions pertaining to product defect claims, resulting in settlement.
- Represented a real estate management company in the Houston First Court of Appeals and as appellate counsel at trial in a \$40 million contract and fraud dispute that was featured on Texas Lawbook's annual list of the "Ten Most Important Commercial Cases," resulting in settlement.
- Served as lead counsel in the Texas Supreme Court and appellate counsel at trial on behalf of an aircraft manufacturer in a multiple-fatality aviation accident case that presented issues involving personal jurisdiction and expert testimony, resulting in settlement.
- Won affirmance in the El Paso Court of Appeals of a defense verdict in a wrongful-death case, defeating arguments pertaining to spoliation, judicial bias, experts, and testimony from corporate representatives.
- Represented website developer in the Fifth Circuit and as appellate counsel at trial in case involving RICO claims and allegations of trade-secret theft and computer fraud.
- Persuaded the Dallas Court of Appeals to overturn a \$110 million fraud verdict in favor of a borrower who claimed that a bank employee made misrepresentations during loan renewal negotiations.
- Obtained a favorable decision from the Missouri Court of Appeals that created precedent regarding the preemption of state-law claims under the Federal Railroad Safety Act and the

Locomotive Inspection Act.

- Won reversal in the Texas Supreme Court in an 8-1 decision that created precedent by recognizing the common-law doctrine of *ferae naturae*, under which landowners are not liable for injuries caused by wild animals or insects.

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## AWARDS AND RECOGNITIONS

- Ranked in *Chambers USA*, Chambers and Partners, Litigation: Appellate, Texas (2018-2024)
- Recognized in *Best Lawyers in America*, Woodward/White, Inc., for Appellate Practice (2019-2025)
- Ranked in *The Legal 500 U.S.*, Legalease Ltd., (2024)
- Board Certified in Civil Appellate Law, Texas Board of Legal Specialization
- Selected for inclusion in *Texas Super Lawyers*, Thomson Reuters (2012-2020, 2022, 2024); Named to the list of Top 100 Houston Super Lawyers (2013-2015, 2020)
- 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, 2024)