



Jesse R. Pierce

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BIOGRAPHY

Jesse Pierce has more than 40 years of litigation experience and has tried many types of cases in state and federal courts of Texas and other states. He specializes in civil trials of cases dealing with complex energy and commercial issues. Mr. Pierce is Board Certified in Civil Trial Law by the Texas Board of Legal Specialization and is a Commercial Arbitrator for American Arbitration Association. He is licensed to practice in Texas, Oklahoma, Arkansas, Michigan, Pennsylvania, and Ohio.

Mr. Pierce represents both plaintiffs and defendants, and has represented clients in many types of complex litigation, including oil and gas, environmental, product liability, interpretation and enforcement of contracts, temporary restraining orders, trade secrets, franchising, real estate, ERISA claims, securities and corporate matters, franchising disputes, copyright and entertainment matters, and a variety of fraud, usury, and Deceptive Trade Practices matters, and has extensive experience in class action litigation. Mr. Pierce frequently lectures at continuing legal education seminars and was a drafter of the Texas Pattern Jury Charges for Oil and Gas Cases.

REPRESENTATIVE EXPERIENCE

Mr. Pierce has handled a number of appeals to the Texas Supreme Court. During his first year of practice, he had a successful appeal of a contested probate matter in *Hall v. White*, 525 S.W.2d 860 (Tex. 1975). He also victoriously argued a complex engineering malpractice case involving the design of electronic microprocessor devices in 1993, *Texas Instruments, Inc. v. Teletron Energy Mgmt. Inc.*, 877 S.W.2d 276 (Tex. 1994) (rehearing overruled). He effectively appealed a multi-party lease termination and adverse possession case, *Natural Gas Pipeline Company of America, et al. v. Pool*, 124 S.W.3d 188 (Tex. 2003).

Among the other appeals he handled during the early years of his practice were:

- *City of Pasadena v. Richardson*, 523 S.W.2d 506 (Tex. Civ. App.—Houston [14th Dist.] 1975) (civil rights)
- *Gaal v. BASF Wyandotte Corp.*, 533 S.W.2d 152 (Tex. Civ. App.—Houston [14th Dist.] 1976) (trade secrets)
- *Best Steel Buildings, Inc. v. Hardin*, 553 S.W.2d 951 (Tex. Civ. App.—Tyler 1978) (wrongful death)
- *Pan American Life Insurance Co. v. Youngblood*, 569 S.W.2d 951 (Tex. Civ. App.—Tyler 1978) (insurance)

- Claude Regis Vargo Ent., Inc. v. Bacarisse, 578 S.W.2d 524 (Tex. Civ. App.—Houston [14th Dist.] 1979) (commercial)
- C&W Manhattan Associates v. Lively, 588 S.W.2d 671 (Tex. Civ. App.—Beaumont 1979) (commercial)

In the late 1970s, Mr. Pierce began to handle complex oil and gas, land and commercial cases. He handled a number of cases for major oil companies involving disputes with royalty owners and disputes between gas producers and pipeline companies for clients such as Chesapeake Energy, Texaco, Shell, Pennzoil-Quaker State, Mobil and Superior Oil Company. Cases he has tried and appealed are:

- Dunn v. Davis, 590 S.W.2d 752 (Tex. Civ. App.—Houston [1st Dist.] 1979) (land title)
- First City Nat'l Bank v. Hardy, 620 S.W.2d 732 (Tex. Civ. App.—Corpus Christi 1981) (oil and gas)
- Amoco Oil Co. v. Hardy, 628 S.W.2d 813 (Tex. App.—Corpus Christi 1981) (class action)
- Superior Oil Co. v. City of Port Arthur, 628 S.W.2d 94, (Tex. App.—Beaumont 1981) (constitutional challenge to annexation)
- Superior Oil Co. v. City of Port Arthur, 726 F.2d 203 (5th Cir. 1984) (constitutional challenge to annexation)
- Gulf Oil Corp. v. Fuller, 695 S.W.2d 769 (Tex. App.—El Paso 1985) (discovery privilege issues)
- Enterprise Int'l, Inc. v. Corporacion Estatal Petrolera Ecuatoriana, 762 F.2d 464 (5th Cir. 1985) (commercial, Foreign Sovereign Immunities Act)
- Wadsworth Bus. Ctr. v. Connell, 775 S.W.2d 663 (Tex. App.—Dallas 1989) (real estate)
- Chevron U.S.A., Inc. v. Kennedy, (Tex. App.—El Paso 1991) (class action)
- NL Inds., Inc. v. GHR Energy Corp., 940 F.2d 957 (5th Cir. 1991) (commercial)
- Lee v. WalMart Stores, Inc., 943 F.2d 554 (5th Cir. 1991) (commercial)
- Parten v. Cannon, 829 S.W.2d 327 (Tex. App.—Waco 1992) (oil and gas)
- GeoSouthern Energy Corp. v. Chesapeake Operating, Inc., 274 F.3d 1017 (5th Cir. 2001) (dispute among working interest owners)
- GeoSouthern Energy Corp. v. Chesapeake Operating, Inc., 241 F.3d 388 (5th Cir. 2001) (dispute among working interest owners)
- Law v. Natural Gas Pipeline Company of America, 65 S.W.3d 121 (Tex. App.—Amarillo 2001, pet. denied) (lease termination)
- Moore Landrey, LLP v. Hirsch & Westheimer, P.C., 126 S.W.3d 536 (Tex. App.—Houston [1st Dist.] 2003, no pet.) (contract)
- C.M. Asfahl Agency v. Tensor, Inc., 135 S.W.3d 768 (Tex. App.—Houston [1st Dist.] 2004, no pet.) (contract)and
- DX Terminals, Ltd. v. Bayer Corporation, 214 S.W.3d 586 (Tex. App.—Houston [14th Dist.] 2006, pet. denied) (contract).

During the 1980s, Mr. Pierce also represented a number of both debtors and lenders in corporate reorganization cases, In re Charter Oil Co., 63 B.R. 662 (Bankr. M.D. Fla. 1986).

Mr. Pierce has extensive experience in the trial of environmental cases. In 1991, he represented Monsanto Corporation in the trial and successful appeal of a Superfund case involving over two hundred homeowners, Barras v. Monsanto Co., 831 S.W.2d 859 (Tex. App.—Houston [14th Dist.] 1992).

In the late 1990s, Mr. Pierce represented Mitchell Energy Corporation in the trial and successful appeal of several water pollution cases involving hundreds of millions of dollars in claims, Mitchell Energy Corp. v. Bartlett, 958 S.W.2d 430 (Tex. App.—Fort Worth 1997).

PRACTICE AREAS

- Commercial Disputes Litigation
- Energy Litigation
- Toxic Tort Litigation
- Environmental Litigation
- Trade Secrets and Non-Compete Litigation
- Appellate Litigation
- Domestic Arbitration/ADR
- Securities Litigation

AWARDS AND RECOGNITION

- Selected Lawyer of the Year, Oil & Gas Law – Houston, Best Lawyers, 2011
- Recognized in Chambers USA for Energy & Natural Resources Litigation, 2009-2015
- Recognized in Lawdragon 500 Leading Lawyers in America for Toxic Torts
- Recognized in Texas Super Lawyers for Business Litigation, 2003-2015
- Selected for inclusion in Best Lawyers as leading practitioner in Commercial, Natural Resources, and Oil & Gas Litigation, 2008-2016
- Recognized in Texas Super Lawyers Business Edition as leading practitioner in Litigation, 2011-2014
- Recognized in Texas Super Lawyers Corporate Counsel Edition, 2008-2010
- Selected Top 100 Lawyers in the Houston area, Super Lawyers, 2008-2010 and 2012-2015
- Selected Top 100 Lawyers in Texas, Super Lawyers, 2008 and 2010
- Selected Energy & Natural Resources Expert, Global Law Experts, 2013-2015
- Martindale-Hubbell® "AV Preeminent" Rating
- Order of the Coif, University of Texas Law School

MEMBERSHIPS

- Litigation Counsel of America
- American Board of Trial Advocates
- The Center for American and International Law – Oil & Gas Practice Committee
- Council of the Oil, Gas & Energy Resources Law Section of the State Bar of Texas
- State Bar of Texas
- Oklahoma Bar Association
- Arkansas Bar Association
- Pennsylvania Bar Association
- American Bar Association
- Houston Bar Association

PUBLICATIONS

- "How to Deal with the Expert Witness." Texas Bar CLE, 2015
- "The Use and Perils of Sight Drafts in Leasing Transactions," 59th Annual Rocky Mountain Mineral Law Institute, 2013

- "Recent Developments in Oil and Gas Law," 8th Annual Energy Litigation Conference, The Institute for Energy Law, 2009
- "Protecting Company Secrets and Rights to Compete: When Employer and Employees Clash in the Oilfield," 60th Annual Conference on Oil and Gas Law, Institute for Energy Law, 2009
- "Recent Developments in Oil and Gas Law," 7th Annual Energy Litigation Conference, The Institute for Energy Law, 2008
- "Termination of Oil, Gas, and Mineral Leases: Savings Clauses and Defensive Doctrines," Texas State Bar webcast panelist, 2008
- "Termination of Oil, Gas, and Mineral Leases: Savings Clauses and Defensive Doctrines," 26th Advanced Oil, Gas and Energy Resources Law Course, Texas State Bar Association, 2008
- "Oil and Gas Pattern Jury Questions and Instructions," Oil, Gas & Energy Resource Law Section of the State Bar of Texas, September 14, 2005
- "Current Issues in Gas Royalty Litigation," Arkansas State Bar Association Oil, Gas & Energy Law Seminar, 2005
- "Termination of Oil, Gas & Mineral Leases: The Temporary Cessation of Production & Production in Paying Quantities Doctrines," State Bar of Texas Oil, Gas and Energy Resources Law Section Report, Vol. 27, No. 4, June 2003
- "Common Law Claims in Environmental Contamination cases," Advanced Environmental Law Course, State Bar of Texas, 1997
- "Standards of Appellate Review," Houston Bar Association Appellate Practice Institute, 1996
- "Current Issues in Controversies Between Royalty Owners and Energy Companies," Section of Natural Resources, Energy, and Environmental Law, American Bar Association, 1993

COURT ADMISSIONS

- Supreme Court of the United States
- Second Circuit Court of Appeals
- Fifth Circuit Court of Appeals
- Eighth Circuit Court of Appeals
- Tenth Circuit Court of Appeals
- United States District Court for the Eastern District of Texas
- United States District Court for the Northern District of Texas
- United States District Court for the Southern District of Texas
- United States District Court for the Western District of Texas.
- United States Bankruptcy Court for the Eastern District of Texas
- United States Bankruptcy Court for the Northern District of Texas
- United States Bankruptcy Court for the Southern District of Texas
- United States Bankruptcy Court for the Western District of Texas
- United States District Court for the Eastern District of Oklahoma
- United States District Court for the Western District of Oklahoma
- United States District Court for the Northern District of Oklahoma
- United States District Court for the Northern District of Ohio
- United States District Court for the Eastern District of Arkansas
- United States District Court for the Western District of Arkansas
- United States District Court for the Middle District of Pennsylvania
- United States District Court for the Eastern District of Pennsylvania
- United States District Court for the Western District of Pennsylvania

EDUCATION

- J.D., with honors, University of Texas Law School, Order of the Coif, 1974
- B.A., Austin College, 1971