

RESUME

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Education

- University of Texas at Austin, 1968-1972 B.A. with Honors
Plan II honors program
- University of Houston, Bates College of Law, 1972-1975
Law Review, 12th Editorial Board
Hutchison & Grundy Best Case Note Award

Licenses and Admissions

- STATE BAR OF TEXAS (May 1975)
- STATE BAR OF NEW YORK (July 2005)
- United States Supreme Court
- United States Courts of Appeal 5th Circuit 1975
- 7th Circuit 1994
- 8th Circuit 1982
- 10th Circuit 1981
- 11th Circuit 1981
- FEDERAL DISTRICT COURTS S.D.Tex. 1975; N.D. Tex.
1984; W.D. Tex. 1989; E.D. Tex. 1993; C.D. Ill.1994
- United States Tax Court 1988

Employment

- August 1975-August 1976: Law Clerk, United States Court of Appeals, Fifth Circuit Honorable Joe Ingraham
- September 1976-September 1977: Lapin Totz Mayer--Associate
- October 1977-October 1979: Harris County District Attorney's Office--Assistant District Attorney
- November 1979-January 2020): Bracewell & Patterson (a/k/a Bracewell Giuliani LLP; Bracewell LLP)--Associate, November 1979-November 1983; Partner, November 1983-present
- January 2020-present: KuhnMediator.com

Nature of Practice

o 1976-77:

As an associate at Lapin Totz & Mayer, I had a junior level real estate and small business practice under supervision of Jack Lapin and Clarence Mayer. I tried my first jury trial in county court while at Lapin Totz & Mayer.

• 1977-79:

As an assistant district attorney, I handled numerous appeals (including the first Texas capital cases following reinstatement of the death penalty); habeas corpus proceedings (including the high profile Garth Bates judicial bribery proceedings before Judge McDonald); and, felony jury trials.

- Bates v. State, 587 S.W.2d 121 (Tex. Crim. App. 1979).
- Bates v. Estelle, 483 F. Supp. 224 (S.D. Tex. 1980).
- Rummel v. Estelle, 587 F.2d. 651 (5th Cir. 1978), 590 F.2d 103 (5th Cir. 1979).
- McManus v. State, 91 S.W.2d 505 (Tex.Crim.App. 1979).

o 1979-1983:

As an associate at Bracewell, I handled first and second chair civil and criminal trial responsibilities.

- duPont v. Southern National Bank of Houston, 575 F.Supp. 849 (S.D. Tex. 1983); 771 F.2d 874 (5th Cir. 1985); cert. denied, 475 U.S. 1085 (1986).
- duPont, v. Brady & Tarpey, 646 F. Supp. 1067 (S.D.N.Y. 1986), 828 F.2d 75 (2d Cir. 1987).
- Houston Pipeline Co. v. Oxy Petroleum Inc., 597 S.W.2d 57 (Tex.App.—San Antonio 1980).
- Bleier v. Meineke Discount Muffler Shops, Inc., No. H-80-2495 (S.D. Tex. October 21, 1981); rev'd No. 81-2496 (5th Cir. June 23, 1983).
- United States v. Missouri Valley Construction Co., 704 F.2d 1026 (8th Cir. 1983).

o *1983-2005:*

As a partner at Bracewell, I tried a number of state and federal cases. The subject matter included insurance coverage disputes; franchise disputes; and, school law employment discrimination and First Amendment cases.

- Garcia v. Allstate Ins. Co., No. C-2288-87-B, 93rd District Court of Hidalgo County, Texas; rev'd No. 13-91-00149-CV (Tex App.—Corpus Christi, February 18, 1993); petition denied, No. D-360 (Tex. March 11, 1994).
- New Era of Networks, Inc., v. Great Northern Ins. Co., 2003 U.S. Dist. LEXIS 14259 (S. D. Tex. August 1, 2003).
- Plattenberg v. Allstate Ins. Co., (918 F.2d 562 (5th Cir. 1990).
- Memorial Hospital System v. Northbrook Life Ins. Co., 904 F.2d 236 (5th Cir. 1990).
- Aguillard v. Harris County Texas, 207 F.3d 226 (5th Cir. 2000): cert. denied, 531 U.S. 877 (2000).
- Meineke Discount Muffler Shops, Inc. v. Jaynes, H-89-3872 (S.D. Tex. October 31, 1991), aff'd 999 F.2d 120 (5th Cir. 1993).

- Allied Bank of Texas v. Plaza DeVile Associates, No. 85-CI-05364 (45th District Court, Bexar County, Texas), 733 S.W.2d 566 (Tex. App.—San Antonio 1987); writ ref'd n.r.e, (Tex. 1987).
- Pelto v. CSX Oil & Gas, No. 01-89-00768-CV (Tex. App.—Houston [1st Dist] 1991); writ denied (Tex. 1990).
- Nichols v. Collins, 802 F. Supp. 66 (S.D. Tex. 1992); rev'd, 69 F.3d 1255 (5th Cir. 1995); cert. denied, 518 U.S. 1022.
- Right to Life Advocates, Inc. v. HISD, No. 5-86-CV-03245 (S.D. Tex. 1986).
- King v. HISD, 1987 WL 12262 (S.D. Tex. June 4, 1987).
- Roberts v. HISD, 788 S.W.2d 107 (Tex. App.—Houston (1st Dist. 1990).
- Leija v. Canutillo Independent School Dist., 887 F. Supp. 947 (W.D. Tex. 1995); 101 F.3d 393 (5th Cir. 1996), 106 F.3d 399 (5th Cir. 1997).
- In re Clarence B. Jackson, 62 F.2d 1419 (7th Cir. 1995).
- Day v. Allstate Insurance Co., 788 F.2d 1110 (5th Cir. 1986).
- Daughters of the American Revolution v. Estate of Julia Hubbard, 768 S.W.2d 858 (Tex. App.—Texarkana 1989).
- Neely v. Commission for Lawyer Discipline, 976 S.W.2d 824 (Tex. App. Houston {1st Dist.} 1998).

o *2005-2015:*

Serving as Bracewell's General Counsel, I represented the firm in the matters of ethics, risk management, client relations, professionalism, conflicts, lateral hiring, partner disputes and general legal advice on firm internal business issues. In addition to firm management responsibilities, I handled several civil and regulatory matters.

- In Re Enron Power Marketing Inc., 119 FERC ¶63,009 (2007), 2007 WL1578095.

- Roberson v. Lonzo McShan, 2005 WL 2673516 (5th Cir. 2005); on remand, No. 02-CV-4356 (S.D. Tex.) (final judgment March 7, 2007).

o *2015-present:*

Following my tenure as Bracewell's General Counsel, I pursued a civil mediation and alternative dispute resolution practice. After receiving my Mediation Training Certificate, I served as a mediator in disputes that include property damage, interstate commerce, premises liability, breach of contract, employment and negligence claims. Additionally, I have presented several training sessions during mediator conferences.

Illustrative Clients/Matters

- Insurance Companies: first party insurance defense involving coverage issues.
- Public School Districts: defense of claims relating to employment practices and statutory and constitutional violations.
- Municipalities: defense of excessive force claims.
- Energy Companies: defense of take-or-pay litigation, pricing and regulatory matters; and internal investigations and advice regarding corporate compliance.
- Law Firms: defense of matters relating to professional liability.
- Manufacturing Companies: defense of cases involving product distribution, dealer relationships, and unfair termination.
- Franchise Companies: defense of cases involving dealer termination, breach of contract, and covenants not to compete.
- Criminal Defense: defense of white collar and routine criminal matters.

Organizations and Associations

- Texas Mediator Credentialing Association
- Texas Association of Mediators
- Association of Attorney Mediator
- Texas Association of Civil Trial and Appellate Specialists, past board member and president
- Tanglewood Homeowners Association, past board member and president
- Second Baptist Church, deacon
- The Kinkaid Alumni Association, board member and president

Certifications and Memberships

- Best Lawyers, Commercial Litigation
- Board Certified, Texas Board of Legal Specialization, Civil Trial Law SBOT
- District 4 Committee on Admissions
- SBOT District 4-GG Grievance Committee
- HBA Foundation Sustaining Life Fellow
- Pro Bono College of SBOT
- College of the SBOT
- Texas Bar Foundation Fellow
- American Red Cross, Disaster Planning Certificate of Appreciation

References

- Hon. Sim Lake, 713.250.5177
- Ralph McBride, Skip@SkipMcBride.com