

## Warren W. Harris

Partner

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Warren Harris chairs the firm's appellate practice group. He handles high-stakes appeals in Texas and across the country. He has handled hundreds of appeals, primarily handling cases that were originally tried by other law firms. He also serves as appellate counsel in major trials to provide strategic advice, preserve of error, argue jury charges, and handle post-verdict motions.

Warren is immediate past president of the American Academy of Appellate Lawyers. Warren has received the Gregory S. Coleman Outstanding Appellate Lawyer Award from the Texas Bar Foundation. He is past president of the Houston Bar Association, past president of the Texas Supreme Court Historical Society and past Chair of the Texas Bar Foundation Fellows. Warren is also past Chair of the State Bar of Texas Appellate Section, the Houston Bar Association Appellate Practice Section, and the IADC Appellate Practice Committee. He is a frequent lecturer at legal education seminars.

Warren served as an adjunct professor in appellate advocacy at the University of Texas School of Law and the University of Houston Law Center and served as a briefing attorney for the Supreme Court of Texas. He has been appointed by the Commission for Lawyer Discipline as special assistant appellate disciplinary counsel in attorney discipline proceedings. He has also represented the United States as an Appellate Special Prosecutor.

### **Practices**

[Appellate Litigation](#)

## Experience

### ***The Board of Regents of the Univ. of Tex. System v. IDEXX Labs., Inc.*, 691 S.W.3d 438 (Tex. 2024)**

- Successfully reinstated liability finding in a \$70 million judgment in the University's favor for IDEXX's failure to pay the required royalties under a licensing agreement.

### ***Apache Corp. v. Apollo Exploration, LLC*, 670 S.W.3d 319 (Tex. 2023)**

- Successfully represented Apache in the Supreme Court of Texas to obtain reversal in case in which plaintiffs sought damages in excess of \$1.1 billion over a disputed asset sale to Apache.

### ***BMC Software, Inc. v. IBM Corp.*, 100 F.4th 573 (5th Cir. 2024)**

- Defending a \$1.6 billion judgment obtained by BMC Software, Inc. against IBM for fraud and violating a licensing agreement.

### ***Axiall Corp. v. Rescar, Inc.*, 2024 WL 2811827 (Pa. Super. June 3, 2024)**

- Successfully defended Axiall on appeal for damages to its chemical plant arising out of a chlorine release.

### ***G.G. v. Salesforce.com*, 76 F.4th 544 (7th Cir. 2023)**

- Successfully represented a human trafficking victim in overturning the dismissal of claims.

### ***In re Facebook, Inc.*, 625 S.W.3d 80 (Tex. 2021)**

- Successfully represented victims of human trafficking in state-law trafficking claims against a website.

### ***Moody Nat'l Bank v. Moody*, 2022 WL 14205534 (Tex. App.—Houston [14th Dist.] Oct. 25, 2022, pet. denied)**

- Successfully represented trust beneficiary in a breach of fiduciary claim.

### ***North Silo Resources, LLC v. Deselms*, 518 P.3d 1074 (Wyo. 2022)**

- Successfully reversed a judgment against an oil producer arising out of a mineral lease dispute.

***Westlake Chem. Corp. v. James Construction Grp.*, 650 S.W.3d 392 (Tex. 2022)**

- Successfully represented Westlake Chemical in a dispute arising out of construction of a new plant.

***Data Marketing Partnership, L.P. v. U.S. Dep't of Labor*, 45 F.4th 846 (5th Cir. 2022)**

- Successfully represented DMP in a dispute with the Department of Labor regarding a group health plan under ERISA.

***Venoco, LLC v. State of Cal.*, 998 F.3d94 (3rd Cir. 2021, cert. denied)**

- Successfully defended a bankruptcy trustee against sovereign immunity claims by the State of California in an inverse condemnation proceeding.

***Windrum v. Kareh*, 581 S.W.3d 761 (Tex. 2019)**

- Successfully obtained a reversal in the Texas Supreme Court of an adverse intermediate appellate decision that threw out a \$2 million jury award in a medical malpractice case.

***In re KBR, Inc. Burn Pit Litigation*, 893 F.3d 241 (4th Cir. 2018, cert. denied)**

- Successfully defended on appeal the dismissal of the Plaintiffs' claims for injuries allegedly sustained from open-air burn pits. The MDL proceeding included 57 cases from 42 states including national class actions.

***McManaway v. KBR*, 852 F.3d 444 (5th Cir. 2017)**

- Successfully defended on appeal the dismissal of claims seeking over \$500 million for alleged exposure to sodium dichromate at a water-treatment facility in Iraq.

***Spitzer v. Weatherford*, 2017 WL 5623588 (Tex. App.-Houston (1st Dist.) November 21, 2017, *dism'd*)**

- Represented Weatherford on appeal of a \$36 million judgment against it for a breach of contract theory not previously recognized under Texas law.

***Adhikari v. KBR*, 845 F.3d 184 (5th Cir. 2017, cert. denied)**

- Successfully defended on appeal the dismissal of plaintiffs' claims under the Trafficking Victims Protection Reauthorization Act, the Racketeering Influenced and Corrupt Organizations Act, the Alien Tort Statute, and for common-law negligence.

***Forest Oil Corp. v. El Rucio Land and Cattle Co.*, 518 S.W.3d 422 (Tex. 2017)**

- Successfully defended in the Texas Supreme Court the confirmation of an arbitration award of more than \$27 million arising out of environmental contamination claims.

***Bixby v. KBR, Inc.*, 603 F. App'x 605 (9th Cir. 2015)**

- Prevailed on appeal from an \$80 million judgment against KBR arising out of claims alleging exposure to sodium dichromate by 150-plus National Guardsmen at a water-treatment facility in Iraq. The Ninth Circuit resolved the case in KBR's favor just a week after oral argument, reversing the judgment in its entirety based on lack of personal jurisdiction.

***Phillips v. Carlton Energy Grp., LLC*, 475 S.W.3d 265 (Tex. 2015)**

- Successfully defended on appeal a judgment in favor of Carlton Energy Group in a dispute involving breach of, and tortious interference with, contracts regarding a gas lease. The trial court signed a judgment of approximately \$50 million in Carlton Energy Group's favor, which the Supreme Court of Texas affirmed.

***Cardoni v. Prosperity Bank*, 805 F.3d 573 (5th Cir. 2015)**

- Prevailed in substantial part on appeal from an adverse temporary injunction ruling in a dispute with former employees over enforcement of the parties' noncompete and non-solicitation agreements.

***Elizondo v. The Krist Law Firm*, 415 S.W.3d 259 (Tex. 2013)**

- Prevailed on appeal, including in the Supreme Court of Texas, in defending the dismissal of a significant legal malpractice case.

***Indemnity Ins. Co. of N.A. v. W&T Offshore, Inc.*, 756 F.3d 347 (5th Cir. 2014)**

- Obtained reversal of a district court's dismissal of \$50 million claim brought by W&T Offshore against its excess insurers over damages arising out of Hurricane Ike.

***TOTAL E&P USA, Inc. v. Kerr-McGee Oil and Gas Corp.*, 719 F.3d 424 (5th Cir. 2013)**

- Represented producer in \$350 million overriding royalty dispute.

***Hourani v. Mirtchev*, 796 F.3d 1 (D.C. Cir. 2015)**

- Prevailed on appeal in defending the dismissal of RICO claims alleging extortion and money laundering against Bracewell's clients. The case

addressed significant issues about the application and extraterritorial effect of RICO and the scope of the act-of-state doctrine.

***Excess Underwriters at Lloyd's, London v. Frank's Casing Crew & Rental Tools, Inc.*, 246 S.W.3d 42 (Tex. 2008)**

- Successfully represented insured in a dispute where the insurer sought reimbursement of a \$7 million settlement payment, arguing the case twice in the Texas Supreme Court.

***Franks Investment Co. LLC v. Union Pacific R.R.*, 593 F.3d 404 (5th Cir. 2010)**

- Retained by landowner after adverse panel decision in dispute with railroad involving federal preemption issues and convinced the Fifth Circuit to grant the case en banc and reverse the panel decision.

***Mann Frankfort Stein & Lipp Advisors, Inc. v. Fielding*, 289 S.W.3d 844 (Tex. 2009)**

- Successfully represented accounting firm in the Texas Supreme Court in significant covenant not to compete case, convincing the Court to grant review and change law in reversing court of appeals.

***In re Cypress Texas Lloyds*, 419 S.W.3d 443 (Tex. App. — Beaumont 2012, mand. denied)**

- Represented insurer in over 100 Hurricane Ike cases and successfully obtained mandamus relief in multiple courts.

***Miga v. Jensen*, 299 S.W.3d 98 (Tex. 2009)**

- Successfully represented individual in \$23 million restitution case in the Texas Supreme Court.

***Gulf Restoration Network v. U.S. Dept. of Transp.*, 452 F. 3d 362 (5th Cir. 2006)**

- Represented energy company in an appeal, successfully defending against challenge of a license for a \$700 million offshore project.

***Ibarra v. Harris County*, 338 Fed. Appx. 457 (5th Cir. 2009)**

- Represented attorney in an appeal to the Fifth Circuit from contempt proceedings arising out of a high-profile case involving elected district attorney, and successfully setting aside all contempt and sanctions findings.

***Pasadena Refining Sys., Inc. v. McCraven*, 2012 WL 1693697 (Tex. App. — Houston [14th Dist.] May 15, 2012, pet. dismiss'd)**

- Represented plaintiff in premises liability case appeal upholding \$5 million judgment in only second case to be affirmed on this type of claim.

***Cameron Int'l Corp. v. Vetco Gray Inc.*, 2009 WL 838177 (Tex. App. — Houston [14th Dist.] 2009, pet. denied)**

- Represented oil field supply company in dispute over license agreement successfully defending \$60 million judgment on appeal.

***United States of America v. Hill*, 420 Fed. Appx. 407 (5th Cir. 2011)**

- Represented government in an appeal to the Fifth Circuit from criminal contempt proceedings arising out of a high-profile bribery case involving elected official successfully upholding all contempt findings.

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## Credentials

### Education

- University of Houston Law Center, J.D., 1988, *cum laude*
- University of Houston, B.B.A., 1985

### Bar Admissions

- Texas

### Affiliations

- American Academy of Appellate Lawyers, President, 2023
- Houston Bar Association, President, 2018 – 2019; Appellate Practice Section, Chair, 1998 – 1999
- University of Houston Law Foundation, President, 2019 – 2021
- Texas Supreme Court Historical Society, President, 2012 – 2013
- Texas Bar Foundation, Fellows Chair, 2010 – 2011
- Houston Volunteer Lawyers Program, Chair, 2012 – 2013
- University of Houston Law Alumni Association, President, 2009 – 2011
- State Bar of Texas, Appellate Section, Chair, 2005 – 2006; Texas Bar Journal, Editorial Board Chair, 2002 – 2006
- International Association of Defense Counsel, Appellate Practice Committee, Chair, 2003 – 2009
- American Bar Association, Tort and Insurance Practice Section, Appellate Advocacy Committee, Chair, 2000 – 2001
- Houston Young Lawyers Association, President, 1999 – 2000
- Stages Repertory Theatre, President, 1994 – 1995

## Recognition

### Texas Center for Legal Ethics

- Chief Justice Jack Pope Professionalism Award, 2024

### American Academy of Appellate Lawyers

- President, 2023

### Anti-Defamation League

- Karen H. Susman Jurisprudence Award, 2023

### Texas Bar Foundation

- Gregory S. Coleman Outstanding Appellate Lawyer Award, 2017

### Chambers USA

- Texas Litigation: Appellate, 2006 – 2025

### ALM Media Properties

- *National Law Journal*, General Litigation Trailblazers, 2023

### BL Rankings

- *Best Lawyers*, Appellate Practice, 2007 – 2025
- *Best Lawyers*, Houston Lawyer of the Year, Appellate Practice, 2014
- *Best Lawyers*, Bet-the-Company Litigation, 2021 – 2025
- *Best Lawyers*, Mass Tort Litigation/Class Actions – Defendants, 2021 – 2025
- *Best Lawyers*, Commercial Litigation, 2025

### The Legal 500 United States

- Dispute Resolution – Appellate: Courts of Appeals/Appellate: Supreme Courts (States and Federal), 2020 – 2024
- Dispute Resolution – Appellate: Courts of Appeals, 2016 – 2019
- Litigation: Supreme Court and Appellate, 2014 – 2015

### Lawdragon Inc.

- *Lawdragon 500 Leading Litigators in America*, Appellate, 2024 – 2025

### Thomson Reuters

- *Texas Super Lawyers*, 2003 – 2023
- *Top 100 Texas Super Lawyers*, 2008 – 2023

## **Internet Brands, Inc.**

- *Martindale-Hubbell® AV® Preeminent™ Rating*

## **Houston Bar Association**

- President's Award, 2016, 2010, 2007, 1994

## **State Bar of Texas**

- Gene Cavin Award (Excellence in Continuing Legal Education), 2014

## **Texas Bar Foundation**

- Warren W. Harris Outstanding Nominating Chair Award, 2014

## **University of Houston Law Alumni Association**

- Alumnus of the Year, 2007

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## **Publications & Speeches**

- "Appellate Law," 86 *Texas Bar Journal* 897, 2023.
- "Mandamus Proceedings in the Texas Supreme Court," State Bar of Texas, Texas Supreme Court: History & Current Practice, 2023.
- Preface to "Women in Texas Law," 2023.
- "Comparing and Contrasting State and Federal Appeals," State Bar of Texas, Civil Appellate Practice 101, 2022.
- "Appellate Law," 85 *Texas Bar Journal* 27, 2022.
- "Preparing a Winning Brief on the Merits," State Bar of Texas, Texas Supreme Court: History & Current Practice (2021).
- "Appellate Law," 84 *Texas Bar Journal* 25, 2021.
- "Mandamus for the Trial Lawyer," State Bar of Texas, 43rd Annual Advanced Appellate Practice Course, 2020.
- "Appellate Law," 83 *Texas Bar Journal* 31, 2020.
- Preface to "The Chief Justices of Texas," 2020.
- "Can I Appeal This? Interlocutory Appeals and Mandamus," State Bar of Texas, 33rd Annual Advanced Appellate Practice Course, 2019.
- "Mandamus for the Trial Lawyer," State Bar of Texas 42nd Annual Advanced Civil Trial Practice Course, 2019.
- "Appellate Law," 82 *Texas Bar Journal* 25, 2019.
- "Strategies for Respondents: The Path to 'Affirmed'," State Bar of Texas, 32nd Annual Advanced Civil Appellate Course, 2018.



- “Can I Appeal This? Practical Applications for Trial Lawyers,” State Bar of Texas, 41st Annual Advanced Civil Trial Course, 2018.
- “Appellate Law,” 81 *Texas Bar Journal* 23, 2018.
- “Strategies in Preparing Petitioner’s Briefs on the Merits,” State Bar of Texas, Practice Before the Texas Supreme Court, 2017.
- Preface to “Law and the Texas Frontier,” 2017.
- “Considerations When Drafting Rule 11 and Settlement Agreements,” The Advocate, State Bar of Texas Litigation Section, at 33, Spring 2017.
- “Appellate Law,” 80 *Texas Bar Journal* 21, 2017.
- “Winning Strategies for Petitioners and Respondents in the Texas Supreme Court,” Appellate Practice Section, Houston Bar Association, 2017.
- “Lesson Plan: A new judicial civics project takes off.” 79 *Texas Bar Journal* 442, 2016.
- “Appellate Law,” 79 *Texas Bar Journal* 27, 2016.
- Preface to *Taming Texas: How Law and Order Came to the Lone Star State*, 2016.
- “Chiefs’ Forum: The Past, Present, and Future of the Supreme Court of Texas,” American Academy of Appellate Lawyers, 2016.
- “Texas Supreme Court and Fifth Circuit Update,” State Bar of Texas, Annual Meeting, 2016.
- “Appellate Law,” 78 *Texas Bar Journal* 28, 2015.
- “New Program to Celebrate Twentieth Anniversary of HBA Mentoring,” *The Houston Lawyer*, at 32, Nov.-Dec. 2015.
- “Challenges & Successes as Chief Justice,” History of Texas and Supreme Court Jurisprudence, Texas Supreme Court Historical Society and State Bar of Texas, 2015.
- “Petitioner’s and Respondent’s Best Strategies,” Practice Before the Texas Supreme Court, State Bar of Texas, 2015.
- “Legal Malpractice Damages,” 7th Annual Damages in Civil Litigation Course, State Bar of Texas, 2015.