



Jack O'Neill

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BIOGRAPHY

Jack O'Neill has been trying large complex cases for over 42 years. His experience in the courtroom involves many cases that have been widely publicized. Mr. O'Neill was co-trial counsel for UPR, Inc. in its attempted takeover of Pennzoil. He was lead counsel for Mitchell Energy Corporation in the company's effort to overturn a \$204 million judgment rendered against the company in a case tried for the company by another law firm. On appeal, argued by Mr. O'Neill, the case was reversed in its entirety and judgment was rendered in favor of Mitchell. He was lead trial counsel for Mitchell Energy in a related case in which plaintiffs sought \$750 million for alleged contamination of their properties by natural gas and hydrogen sulfide. After a three-month trial, the jury rendered a unanimous verdict in favor of Mitchell. He was lead trial counsel for plaintiffs in the highly publicized Key 1-11 gas well blowout case in the Texas Panhandle, the largest blowout of a gas well in continental United States history. After a trial lasting over two and a half months, the jury returned one of the largest verdicts in Randall County, Texas history in favor of Mr. O'Neill's clients. He was lead trial counsel for a well-known Houston oil and gas company in a fraud case in which the plaintiff sought damages in excess of \$100 million. After a two-month trial, the jury returned a verdict for Mr. O'Neill's client, and a take-nothing judgment was entered by the trial court. Mr. O'Neill has successfully tried many other cases relating to virtually all aspects of the oil and gas industry.

Mr. O'Neill's trial experience is not confined to oil and gas matters. He successfully defended GE in the "Desert Storm" Ramstein Air Base C-5A crash litigation. As co-counsel, he successfully defended GE in the trial court and before the Fifth Circuit and the United States Supreme Court in the U.S.S. Stark litigation, emanating out of the attack on the Stark in the Persian Gulf by an Iraqi fighter jet. He successfully defended Eastman Kodak Company in its mini-lab class action case, involving alleged damages of \$3 billion. Mr. O'Neill was lead counsel for plaintiffs in a suit against an American subsidiary of a foreign trading company for employment discrimination against American citizens, which established in the district court and United States Supreme Court that American subsidiaries of foreign companies are not immune from United States fair employment laws. He has obtained a multimillion-dollar jury verdict for an equipment manufacturer in an unfair competition and theft of trade secrets case. As lead trial counsel, he successfully defended McKesson Corporation by obtaining a unanimous jury verdict in a trademark infringement trial in which the plaintiff sought damages in excess of \$1 billion. As lead arbitration counsel, he successfully procured a unanimous arbitration opinion in favor of Weatherford International, Inc., granting Weatherford specific performance of a contract to convey computer software, denying in its entirety the defendant's counterclaim of over \$100 million, and awarding Weatherford its attorney fees and expenses. He has also successfully defended a toy manufacturer in a trademark infringement trial. He has successfully defended a former United States Senator in litigation filed against a major United States company and its directors.

Mr. O'Neill has won numerous jury verdicts in cases involving allegations of breach of contract, negligence and gross negligence, trademark infringement, unfair competition, fraud, environmental contamination and strict liability. Over the years, his clients have included Exxon Mobil Corporation, UNOCAL, Koch Industries, Stewart & Stevenson Services, The Williams Companies, GE, Eastman Kodak Company, INVISTA, Anadarko Petroleum Corporation, The John Wood Group, CNA, Transcontinental Gas Pipe Line Corporation, Mitchell Energy & Development Corp., Devon Energy Corporation, McKesson Corporation, Weatherford International and many other Fortune 500 companies.

Mr. O'Neill is a former director of the Litigation Section of the State Bar of Texas. He is a member of the American Board of Trial Advocates. He is also a member of the International Association of Defense Counsel.

REPRESENTATIVE EXPERIENCE

- Union Pacific Resources Group, Inc. and Resources Newco, Inc. v. Pennzoil Co. United States District Court, Northern District of Texas, Fort Worth Division. Co-trial counsel for UPR in tender offer for Pennzoil.
- Horizon Radiology, P.A. v. McKesson Corporation and McKesson Information Solutions, LLC. United States District Court, Southern District of Texas, Houston Division. Lead trial counsel in successful defense of \$1 billion-plus trade mark infringement case. Unanimous jury verdict for defendants.
- Weatherford International, Inc. v. Intelligent Agent Corporation. International Centre for Dispute Resolution. Award of specific performance in favor of Weatherford, denial of defendant's counterclaim of over \$100 million, and award of attorney fees and expenses to Weatherford.
- Carol R. Bailey v. Mitchell Energy Corporation. 271st District Court, Wise County, Texas. Lead trial counsel in successful defense of \$750 million environmental contamination case. Following three-month trial, unanimous jury verdict for defendant. Take-nothing judgment entered against plaintiffs.
- Mitchell Energy Corporation v. Bartlett. Court of Appeals for the Second District of Texas at Fort Worth. Reversal and rendition in client's favor of \$204 million jury verdict in case tried by another law firm.
- Carol Bailey v. Mitchell Energy Corporation. Court of Appeals for the Second District of Texas at Fort Worth. Affirmance of take-nothing judgment entered by trial court in \$750,000,000 environmental contamination case.
- Mitchell Energy Corporation v. Ashworth. Supreme Court of Texas. Leading Texas case on objections to assigned judges. Writ of mandamus granted and opinion issued upholding client's objection to assignment of former judge as trial judge.
- Susan Parrish Forney v. William H. Forney, Sr., et al. 312th District Court, Harris County, Texas. Jury verdict for defendant in \$100 million fraud case at conclusion of two-month trial.
- Susan Parrish Forney v. William H. Forney, Sr., et al. Court of Appeals for the First District of Texas at Houston. Affirmance on appeal of jury verdict for client in \$100 million fraud case.
- Arkla Exploration Co., et al. v. Apache Corporation, et al. v. Babcock & Wilcox Co., et al. 31st District Court, Wheeler County, Texas. Multimillion-dollar jury verdict for clients following two-and-a-half-month trial in case to determine cause of the largest blowout of a gas well in the continental United States history.
- Tom L. Scott, Inc. v. Hon. Granger W. McIlhany. Supreme Court of Texas. Writ of mandamus granted and opinion issued in favor of clients, holding that experts originally designated as

testifying experts could not be redesignated as consulting experts to avoid discovery of experts' opinions and mental impressions.

- John Wood Group USA, Inc., et al. v. ICO, Inc. Court of Appeals for the First District of Texas at Houston. Opinion issued by appellate court in favor of client, holding that memorandum of understanding was unambiguous and nonbinding as a matter of law.
- In Re Air Disaster at Ramstein Air Base, Germany; Olga Perez, et al. v. Lockheed Corporation and General Electric Company; Judy Gordon v. Lockheed Corporation and General Electric Company. Successful defense in trial court of manufacturer of engines on C-5A transport aircraft that crashed in support of operation Desert Storm.
- In Re Air Disaster at Ramstein Air Base, Germany. United States Court of Appeals, Fifth Circuit. Affirmance of successful defense in trial court of Ramstein Air Base disaster case against aircraft engine manufacturer.
- Chevron USA, Inc. v. Santa Fe Snyder Corp., et al. United States Court of Appeals, Fifth Circuit. Reversal and rendition in clients' favor on appeal of judgment entered by district court in contract construction case handled in trial court by another law firm.
- The Game Peddler, Inc. v. US Game & Toy Co., d/b/a The Game Player. 269th District Court, Harris County, Texas. Successful defense of trademark infringement action.
- National Air Vibrator Co. v. American Precision Vibrator Co. 129th District Court, Harris County, Texas. Multimillion-dollar jury award and judgment for client in unfair competition and theft of trade secrets case.
- American Precision Vibrator Co. v. National Air Vibrator Co. Court of Appeals for the First District of Texas at Houston. Affirmance on appeal of judgment obtained in unfair competition and theft of trade secrets case.
- Tim Beverick v. Koch Power, Inc., et al. 133rd District Court, Harris County, Texas. Successful defense of multimillion-dollar breach of contract and fraud case brought by former employee against former employer.
- Louis Dreyfus Natural Gas Holdings Corp., et al. v. Anatoly Sverdlin. Court of Appeals for the First District of Texas at Houston. Co-counsel for defendants on appeal in successful reversal and rendition of trial court judgment in excess of \$200 million.
- Trans Chemical Ltd., et al. v. China National Machinery Import & Export Corp. United States Court of Appeals, Fifth Circuit. Opinion issued in client's favor, affirming denial of motion to intervene.
- Lawrence M. Bareford, et al. v. General Dynamics Corp., et al. United States District Court, Southern District of Texas, Galveston Division. Co-counsel in successful trial court defense of contractor in U.S.S. Stark litigation.
- Lawrence M. Bareford, et al. v. General Dynamics Corp., et al. United States Court of Appeals, Fifth Circuit. Successful affirmance on appeal of trial court judgment in favor of defense contractor in U.S.S. Stark litigation.
- Mike D. Lee d/b/a Mid-South Investment v. Wal-Mart Stores, Inc. United States District Court, Eastern District of Texas, Marshall Division. Unanimous multimillion-dollar jury verdict obtained as co-trial counsel for plaintiff in breach of fiduciary duty case.
- French Wallop v. El Paso Corporation, et al. 11th District Court, Harris County, Texas. Successful defense in trial court of former United States Senator in breach of contract and civil conspiracy case.
- Michael E. Spiess, et al. v. C. Itoh & Co. (America), Inc. United States District Court, Southern District of Texas, Houston Division. Obtained landmark opinion in favor of plaintiffs that United States incorporated subsidiaries of foreign companies are not immune from United States fair employment laws.

- Peter Pritchard v. First National Bank of Dona Ana County, Las Cruces, New Mexico. United States District Court, District of New Mexico. Verdict obtained for plaintiff in multimillion-dollar case against bank for negligence in honoring letter of credit.
- Harvard Interiors Mfg. Co v. Dickey Electric Co. United States District Court, Southern District of Texas, Houston Division. Verdict obtained for plaintiff in multimillion-dollar case arising out of installation of light fixtures in underground tunnel.
- McCormick Oil & Gas Co. v. American Exploration Drilling Program. 190th District Court, Harris County, Texas. Jury verdict obtained for plaintiff in multimillion-dollar directional drilling case.

PRACTICE AREAS

- Commercial Disputes Litigation
- Energy Litigation
- Trade Secrets and Non-Compete Litigation
- Appellate Litigation
- Environmental Litigation

EDUCATION

- J.D., University of Texas School of Law, 1972
- B.A., University of Pennsylvania, 1969, cum laude

AWARDS AND RECOGNITION

- Selected for inclusion in Texas Super Lawyers (a Thomson Reuters service) 2003 - 2011
- Martindale-Hubbell® "AV" Rating

MEMBERSHIPS

- State Bar of Texas Section of Litigation, Director, 1998 to 2000
- Houston Young Lawyers Association, Director, 1978 to 1979
- American Board of Trial Advocates, Member
- International Association of Defense Counsel, Member
- State Bar of Texas
- Texas Bar Foundation

PUBLICATIONS

- Author, "Legal Consequences and Ethical Implications of Physical Evidence Spoliation," Institute for Energy Law of the Center for American and International Law, 9th Annual Energy Litigation Conference, October 12, 2010
- Co-Author, "Valuation of Oil Royalties: From the Perspective of the Payor," 47 Institute on Oil & Gas Law, 7 TAX'N 6-1 (Matthew Bender, 1996)
- Co-Author, "Damages," 14 The Advocate 362 (1995)
- Co-Author, "Injunctive and Monetary Relief in Class Actions in the Fifth Circuit," State Bar of Texas Antitrust Business Litigation Section Report

COURT ADMISSIONS

- United States Supreme Court
- United States Court of Claims
- United States Court of Appeals for the Fifth Circuit
- United States Court of Appeals for the Eleventh Circuit
- United States District Court for the Southern District of Texas
- United States District Court for the Northern District of Texas
- United States District Court for the Eastern District of Texas
- United States District Court for the Western District of Texas
- United States Bankruptcy Court for the Southern District of Texas