Jesse R. Pierce



Jesse Pierce has more than fifty years of litigation experience and has tried many types of cases in state and federal courts of Texas and other states. He is licensed to practice in Texas, Oklahoma, Arkansas, Pennsylvania, and Ohio. He specializes in trials of complex energy and commercial cases and is Board Certified in Civil Trial Law by the Texas Board of Legal Specialization. Mr. Pierce is a member of Litigation Counsel of America, a trial-lawyer honorary society composed of less than one-half of one percent of American lawyers. Fellows are selected based on effectiveness and accomplishment in litigation, both at the trial and appellate levels and on the basis of a superior ethical reputation.

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 successfully 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). He

successfully 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 Mr. Pierce 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); and
- *C&W Manhattan Associates v. Lively*, 588 S.W.2d 671 (Tex. Civ. App.—Beaumont 1979) (commercial).
- *Andy Mach. Co. Inc. v. Hofstadter*, 721 S.W.2d 472 (Tex.App.— Corpus Christi-Edinburg, 1986) (conversion)
- Electronic Power Design, Inc. v. R. A. Hanson Co., Inc., 821 S.W.2d 170 (Tex.App.— Houston [14th Dist.], 1991) (sworn account)

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 and gas companies involving disputes with royalty owners, disputes between operators and working interest owners, disputes relating to purchase and sale agreements, and disputes between gas producers and pipeline companies for clients such as The Superior Oil Company, Texaco, Shell Oil Company, Pennzoil-Quaker State, Mobil Oil Company, Chesapeake Energy Corporation, SM Energy Company, Cabot Oil & Gas Corporation, and CCI Gulf Coast Upstream LLC. Representative reported 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 F2d 554 (5th Cir. 1991) (commercial);
- *Parten v. Cannon*, 829 S.W.2d 327 (Tex. App.—Waco 1992) (oil and gas dispute); and
- *Texas Instruments, Inc. v. Teletron Energy Mgmt. Inc.,* 877 S.W.2d 276 (Tex. 1994).

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).

Since 2000, Mr. Pierce's practice has been focused primarily on complex energy and business litigation and appeals. Representative reported cases he has handled are:

- *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)
- *Natural Gas Pipeline Co. of America v. Pool*, 124 S.W.3d 188 (Tex. 2003) (adverse possession)
- *Cities of Friendswood, League City, and Dickinson, Texas v. Adair*, 2003 WL 22457996 (Tex.App.—Houston [1st Dist.] 2003) (environmental)
- *Moore Landrey, LLP v. Hirsch & Westheimer, P.C.,* 126 S.W.3d 536 (Tex. App.—Houston [1st Dist.] 2003, no pet.) (contract dispute)
- *C.M. Asfahl Agency v. Tensor, Inc.,* 135 S.W.3d 768 (Tex. App.—Houston [1st Dist.] 2004, no pet.) (contract dispute)
- *DX Terminals, Ltd. v. Bayer Corporation,* 214 S.W.3d 586 (Tex. App.—Houston [14th Dist.] 2006, pet. denied) (contract)
- *Anadarko Petroleum Corp. v. T-Bar-X Ltd. Co.*, 2005 WL 170638 (Tex.App.—Waco, 2005) (oil and gas contract dispute)
- *Ingram v. Glast, Phillips & Murray*, 196 Fed.Appx. 232 (5th Cir. 2006) (sanctions)
- *PYR Energy Corporation v. Samson Resources Company,* 470 F.Supp.2d 709 (E.D. Tex. 2007) (oil and gas dispute)
- *Union Carbide Corporation v. Loftin*, 256 S.W.3d 869 (Tex. App.—Beaumont 2008, pet. dism'd) (toxic tort)
- *Shell Oil Company v. Baran*, 258 S.W.3d 719 (Tex. App.—Beaumont 2008, pet. dism'd) (toxic tort)
- *Navasota Resources, L.P. v. First Source Texas, Inc.*, 249 S.W.3d 526 (Tex. App.—Waco 2008, pet. denied) (oil and gas contract dispute)
- *Cheetah Gas Co., Ltd. v. Chesapeake Louisiana, L.P.,* 2009 WL 522736 (S.D. Tex. 2009) (oil and gas contract dispute)

- *Navasota Resources, L.P. v. First Source Texas, Inc.*, 339 S.W.3d 141 (Tex.App.—Waco, 2009) (Texas Rules of Appellate Procedure)
- *Coll v. Abaco Operating LLC*, 2010 WL 11470128 (E.D. Tex. 2010) (oil and gas contract dispute)
- *Witt v. Chesapeake Exploration, L.L.C.*, 276 F.R.D. 458 (E.D. Tex. 2011) (oil and gas contract dispute)
- *Highland Capital Management, L.P. v. Ryder Scott Co.*, 402 S.W.3d 719 (Tex. App.—Houston [1st Dist.] 2012, no pet.) (oil and gas contract dispute)
- *SM Energy Co. v. Sutton*, 376 S.W.3d 787 (Tex. App.—San Antonio 2012, pet. denied) (oil and gas contract dispute)
- *Coe v. Chesapeake Exploration, L.L.C.,* 695 F.3d 311 (5th Cir. 2012) (oil and gas contract dispute)
- *Chesapeake Louisiana, L.P. v. Buffco Production, Inc.*, 2013 WL 12242054 (E.D. Tex. 2013) (oil and gas contract dispute)
- *McCall v. Chesapeake Energy Corporation*, 509 Fed.Appx. 62 (2nd Cir. 2013) (oil and gas contract dispute)
- *Preston Exploration Co., L.P. v. G.S.F., LLC,* 566 Fed.Appx. 318 (5th Cir. 2014) (oil and gas contract dispute)
- *Davey v. Margarett Jordan Royalties, Inc.*, 2014 WL 3939669 (Tex. App.—Tyler 2014, no pet.) (oil and gas contract dispute)
- *MDU Barnett Limited Partnership v. Chesapeake Exploration Limited Partnership*, 2014 WL 585740 (S.D. Tex. 2014) (oil and gas contract dispute)
- *XH, LLC v. Cabot Oil & Gas Corporation,* 2014 WL 2505541 (Tex. App.—Tyler 2014, no pet.) (oil and gas contract dispute)
- *Zurich American Insurance Co. v. Cabot Oil & Gas Corp.*, 2015 WL 5604068 (United States District Court for the Southern District of Texas) (oil and gas insurance coverage dispute)
- *Burlington Resources Oil & Gas Company, LP v. Petromax Operating Co., Inc.*, 486 S.W.3d 703 (Tex. App.—Texarkana 2016, no pet.) (oil and gas contract dispute)
- *In re CCI Gulf Coast Upstream, LLC*, 2016 WL 6134466 (Tex. App.—Waco, 2016) (oil and gas contract dispute)

- *Texas Lone Star Petroleum Corp. v. Chesapeake Operating, Inc.*, 2016 WL 6677939 (United States District Court for the Southern District of Texas) (oil and gas royalty dispute)
- *Cody Texas, L.P. v. BPL Exploration, Ltd.*, 513 S.W.3d 522 (Tex. App.—San Antonio 2016, pet. denied) (oil and gas contract dispute)
- *In re Cody Texas, L.P.*, 2017 WL 4942852 (Tex. App.—San Antonio 2017) (oil and gas contract dispute)
- *Cabot Oil & Gas Corporation v. Samson Lone Star, LLC*, 2017 WL 2791188 (Tex. App.—Amarillo 2017) (oil and gas contract dispute)
- *Cabot Oil & Gas Corporation v. Newfield Exploration Mid-Continent*, *Inc.*, 2017 WL 2791188 (Tex. App.—Amarillo 2017, no pet.) (oil and gas contract dispute)
- *Freeman v. Harleton Oil & Gas, Inc.*, 528 S.W.3d 708 (Tex. App.—Texarkana 2017, pet. filed) (oil and gas contract dispute)
- *CCI Gulf Coast Upstream, LLC v. Circle X Camp Cooley, Ltd.,* 2018 WL 4624012 (Tenth Court of Appeals Texas) (oil and gas lease dispute)
- *Braver v. Northstar Alarm Services, LLC,* 329 F.R.D. 320 (United States District Court for the Western District of Oklahoma) (Telephone Citizens Protection Act dispute)
- *Hotze v. Hotze*, No. 01-18-00039, 2018 WL 3431587 (Tex. App. – Houston [1st Dist.] July 17, 2018, no pet.) (commercial dispute)
- *In re EOG Resources, Inc*., 2018 WL 4214205 (Tex.App.—Tyler, 2018) (mandamus in oil and gas contract dispute)
- *Pacific Energy & Mining Co. v. Fidelity Exploration & Production Co*., 2018 WL 3543103 (Tex.App.—Houston [1st Dist.], 2018) (oil and gas contract dispute)
- *Misty Hawkins v. Fox Corporate Housing, LLC,* No. 01-19-00394 (First Court of Appeals Texas (Texas Citizens Participation Act dispute)
- *BPX Operating Company v. Margaret Ann Strickhausen*, No. 19-0567 (Supreme Court of Texas) (oil and gas lease royalty dispute)
- *In re Plains Pipeline, L.P. and Plains All American Pipeline, L.P.*, No. 08-19-00224 (Eighth Court of Appeals Texas) (mandamus in surface lease dispute)
- *Chalker Energy Partners III, LLC v. LeNorman Operating LLC,* 595 S.W.3d 668 (Tex. 2020) (purchase and sale agreement dispute)

- *Miramar Holdings, LP v. SM Energy Company*, 5:20-CV-00096 (United States District Court for the Southern District of Texas) (oil and gas lease royalty dispute)
- *Hotze v. IN Management, LLC*, 651 S.W.3d 19 (Tex.App.—Houston [14th Dist.] 2021) (breach of fiduciary duty and Texas Theft Liability Act)
- *Ovintiv USA, Inc. v. Element Petroleum Properties, LLC,* No. 11-21-00052 (Eleventh Court of Appeals Texas) (oil and gas lease royalty dispute)
- *Claude C. Arnold v. Cabot Oil & Gas Corp.,* 485 P.3d 817 (Supreme Court of Oklahoma) (oil and gas lease title dispute)
- *Diakiw v. Stites Management, L.L.C.,* 693 S.W.3d 582 (Tex.App. — Houston [14th Dist.], 2023) (breach of fiduciary duty)
- *CTF LTD. v. Encino Energy, L.L.C.,* Case No. 121,391 (Supreme Court of Oklahoma) (oil and gas lease royalty dispute)
- *SM Energy Company v. DOI Wintex, LLC,* No. 11-23-00276-CV (Eleventh Court of Appeals Texas) (joint operating agreement dispute; appeal from injunction)
- *Texas Crude Energy v. Burlington Resources Oil & Gas Company, LP,* No. 13-23-00072-CV (Thirteenth Court of Appeals Texas) (joint operating agreement dispute)

Practice Areas

- Complex Commercial Litigation
- Energy & Natural Resources Litigation
- Environmental & Toxic Torts
- Trademark, Trade Secrets & Non-Compete Litigation
- Appeals
- Alternative Dispute Resolution
- Securities Litigation

Awards & Recognition

- Recognized in *Chambers Spotlight Texas Guide* for Litigation: General Commercial and Energy & Natural Resources, 2025-2026
- Recognized in *Chambers USA* for General Commercial Litigation, Oil & Gas Litigation, and Energy & Natural Resources Litigation, 2009-2025
- Recognized in *Lawdragon 500 Leading Litigators in America*, 2022, 2024-2025
- Recognized in Lawdragon's® 500 Leading Energy Lawyers, 2025
- Recognized among the "Houston Elite" in Energy Litigation by Legal 500, 2025
- Selected Lawyer of the Year, Oil & Gas Law – Houston, *Best Lawyers*, 2011
- Recognized in *The Best Lawyers in America*© as a leading practitioner in Commercial Litigation, Natural Resources Law – Litigation, and Oil & Gas Law – Litigation, 2008–2026
- Recognized in *Texas Super Lawyers* in the areas of Business Litigation, Energy & Natural Resources, and Environmental Litigation, 2003–2026
- Selected Top 100 lawyers in the Houston region, *Texas Super Lawyers* 2008–2010, 2012-2016 and 2019
- Selected Top 100 lawyers in Texas 2008 and 2010, *Texas Super Lawyers*
- Recognized in *Texas Super Lawyers Business Edition*, as a leading practitioner in Litigation, 2011-2018
- Recognized in *Texas Super Lawyers Corporate Counsel Edition*, 2008-2010
- Selected Energy & Natural Resources Expert by *Global Law Experts*, 2013-2019
- Recognized in *Lawdragon's® 500, Leading Lawyers in America,* Toxic Torts, 2005
- Martindale-Hubbell® "AV Preeminent" Rating
- Order of the Coif, University of Texas Law School

Memberships

- Senior Fellow, 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
- State Bar of Oklahoma
- State Bar of Arkansas
- State Bar of Pennsylvania
- State Bar of Ohio
- American Bar Association
- Houston Bar Association

Publications

- "How to Deal with the Expert Witness," Oil & Gas Disputes Course, State Bar of Texas, January 2015
- "A Survey of Expert Testimony in Oil and Gas Litigation, Oil & Gas Disputes Course, State Bar of Texas, January 2015
- "The Use and Perils of Sight Drafts in Leasing Transactions," 59th Annual Rocky Mountain Mineral Law Institute, 2013
- "Utilizing the Pattern Jury Charges for Oil and Gas Cases," Texas Bar Journal, 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
- Litigation and Protection of Trade Secrets and Confidential Information, Advanced Oil, Gas & Energy Resources Law, State Bar of Texas, October 2002
- "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 Southern, Northern, Eastern, and Western Districts of Texas
- United States Bankruptcy Court for the Southern, Northern, Eastern, and Western Districts of Texas
- United States District Court for the Eastern, Northern, and Westerns Districts of Oklahoma
- United States District Court for the Middle, Eastern, and Western Districts of Pennsylvania

- United States District Court for the Northern District of Ohio

Education

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

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