

## Texas Powerhouse: Norton Rose Fulbright

By **Katie Buehler**

*Law360 (August 11, 2022, 2:02 PM EDT)* --Norton Rose Fulbright made waves this past year by successfully defending clients in high-stakes antitrust and tortious business interference litigation and guiding companies through billion-dollar deals that changed the makeup of Texas' and the world's energy market.

The Houston- and New York-based international law firm has more than 100 years of experience in the Texas market and now operates four offices in the state — in Austin, Dallas, Houston and San Antonio. As of May 1, 399 of the firm's 802 attorneys nationwide were based in Texas, representing clients in the energy, finance, life science, technology and transportation industries, among others.

Scarlet McNellie, head of the firm's U.S. corporate, mergers and acquisitions, and securities practices, said Norton Rose's century of experience in the Lone Star State sets it apart in a market that is always expanding and helped it nab a spot as a 2022 Texas Powerhouse.

"In a time when many national firms are moving into the Texas market, our deep roots in the Lone Star State set us apart," McNellie said. "We have a history of being a litigation leader in Texas, which is balanced by our transactional and intellectual property strengths."

The firm also boasts award-winning project finance and energy practices.

Daniel Leventhal, head of the firm's U.S. intellectual property disputes practice, said Norton Rose also takes its role in the Texas patent litigation community seriously. The firm has a reputation for placing and hiring federal law clerks in all four of the state's districts, and has been a founding member of multiple Texas intellectual property Inns of Court.

"At the same time, our Texas-based team is elite on a national level," he said. "We are called upon by our clients to handle high-stakes patent cases not only in Texas, but in" California, Delaware, Virginia and Washington, D.C.

Norton Rose notched several courtroom wins this past year, including successfully defending Shell Trading (US) Co. against claims that it tortiously interfered with two crude oil delivery contracts between GEL Tex Marketing LLC and Lazarus Energy LLC. GEL Tex was seeking \$35 million in damages, but



attorneys for the firm successfully obtained a 10-2 jury verdict in Harris County District Court following a four-week trial.

The firm also represented AMC Entertainment Holdings Inc. in an antitrust lawsuit lodged by boutique theater chain iPic-Gold Class Entertainment LLC. The long-running dispute, launched in 2015, ended with the Texas Supreme Court in January agreeing with Norton Rose attorneys that iPic couldn't pursue claims against AMC accusing it of conspiring with Regal Entertainment Group to push it out of the Texas market.

Steve Jansma, head of Norton Rose's U.S. litigation and disputes practice, said the AMC win was significant in clarifying for Texas businesses that state law doesn't allow "evidence of parallel competitive conduct coupled with mere suspicion and conspiracy labels to support a claim of antitrust conspiracy."

With economic uncertainty on the horizon, Leventhal said Norton Rose also focuses on providing its clients an array of services that they can't find elsewhere.

"Providing innovative solutions to our clients' most challenging issues is something for which we are very proud," he said. "We want to partner with our clients as they transform their businesses, providing new services to address emerging issues."

One of the firm's clients, Brazos Electric Power Cooperative Inc., faced new issues this past year when energy prices skyrocketed during Texas' deadly February 2021 winter storm and forced the utility into bankruptcy court. Norton Rose attorneys are both acting as lead counsel in the utility's Chapter 11 bankruptcy suit and helping it pursue claims against Texas' primary grid operator, the Electric Reliability Council of Texas Inc.

Jansma expects the firm to be in bankruptcy court more often in the coming year.

"Uncertainties with inflation, rising interest rates and the likely downturn in the economy are leading to increased restructuring and insolvency needs for Texas companies, both large and small," he said. "Such conditions will also lead to increased litigation and the need for businesses to evaluate risks and potentially pursue remedies."

But, Jansma added, Norton Rose is still "cautiously optimistic" it will maintain the momentum from the past several years to help clients in and out of courtrooms.

Outside the courtroom, Norton Rose attorneys advised on several high-value transactions this past year.

The firm represented Royal Dutch Shell PLC subsidiary Shell Enterprises LLC in the sale of its Permian Basin business to ConocoPhillips for roughly \$9.5 billion in cash. Shell's business encompassed about 225,000 net acres and more than 600 miles of operated crude, gas and water pipelines and associated infrastructure.

Attorneys also guided Canadian oil and natural gas company Enerflex Ltd. in its stock-for-stock purchase of Houston-based Exterran Corp., which created a combined enterprise valued at about \$1.5 billion. The deal resulted in Enerflex shareholders owning about 72.5% of the combined company while Exterran investors got 27.5%.

McNellie said she believes Norton Rose will continue its success outside the courtroom in the future.

"We are constantly looking for ways to add value to the service we provide our clients, and the need for innovative services is a trend that will continue into the future," she said.

--Editing by Patrick Reagan.

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