

B.D. Daniel

Of Counsel Houston

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An engaging advocate in trial and appellate courts, B.D. Daniel works to develop novel case strategies to secure victory by means of jury verdict, judicial decision, arbitration award, or mediated settlement.

Colleagues and clients welcome B.D.'s insightful analysis and innovative approaches in the firm's most complex commercial and financial cases. Because of his groundbreaking work as Special Litigation Counsel in the U.S. Department of Justice and his involvement at the firm in "bet the company" oil spill disaster cases, B.D. has unique experience handling lawsuits raising novel issues under a broad range of federal environmental statutes.

REPRESENTATIVE EXPERIENCE

• Complex Proceedings

- MDL 1279, *Deepwater Horizon Oil Spill Litigation* (E.D. La.) – lead responsibility for legal strategy and briefing for defense of product manufacturer.
- MDL 863, *Taxable Municipal Bonds Securities Litigation* (E.D. La.) – first chair defense of bond trustee, including arguments before Fifth Circuit and JPML.
- MDL 310, *Corrugated Container Antitrust Litigation* (S.D. Tex.) – wide-ranging pretrial responsibilities for Plaintiffs' Steering Committee.

Successful Appeals – Briefing and Analysis

- *OOGC America, L.L.C. v. Chesapeake Exploration, L.L.C.*, 975 F.3d 449 (5th Cir. 2020)
- *Environment Texas Citizens Lobby v. ExxonMobil Corp.*, 968 F.3d 357, 824 F.3d 507 (5th Cir.2020, 2016)
- *Retractable Technologies, Inc. v. Becton Dickinson and Co.*, 842 F.3d 883 (5th Cir. 2016)
- *In re Deepwater Horizon*, 745 F.3d 57 (5th Cir. 2014)

PUBLICATIONS & PRESENTATIONS

- Presentations: *Fifth Circuit Update, Recent Decisions of the United States Court of Appeals for the Fifth Circuit*, Southern District Chapter of the Federal Bar Association, 2015, 2017, 2018, 2019, 2020 [Download PDF](#)
- *Walker Process Proof: The Proper Prescription*, 41 Rutgers L.J. 105 (2009)
- *The Right of Trial by Jury in Patent Infringement Cases*, 28 Rev. Litig. 735 (2009)
- *Potential Liability of Marine Classification Societies to Non-Contracting Parties*, 19 U.S.F. Mar. L.J. 183 (2007)

PROFESSIONAL ACTIVITIES & MEMBERSHIPS

- Fellow, Texas Bar Foundation

PRACTICES

Appellate
Commercial Litigation
Energy Litigation

ADMISSIONS

State Bar of Texas
United States Supreme Court
United States Court of Appeals for the Fifth Circuit
United States District Courts for the Eastern, Northern, Southern and Western Districts of Texas

EDUCATION

J.D., The University of Texas School of Law, with honors, 1976

- Articles Editor, *Texas Law Review*

B.A. Yale University, 1973