

Elisabeth Butler

Associate Houston

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Known for her precision and poise, Elisabeth thrives on untangling the most complex legal issues for clients at every stage of the appellate process.

Elisabeth's practice centers on appellate law. Before joining the firm, she practiced at a global, Texas-based law firm, where she assisted on a wide array of complex commercial disputes, including energy litigation, ERISA, trade secrets, and other significant cases in arbitrations as well as before state and federal trial courts and courts of appeals – including the United States Supreme Court – and the Fifth and Ninth Circuits.

She previously clerked for the Honorable Priscilla Richman of the United States Court of Appeals for the Fifth Circuit. Elisabeth earned her J.D. with high honors from The University of Texas School of Law, where she was an Associate Editor for the Texas Law Review and a member of the Chancellor's Society, recognizing students with the highest academic achievement through their second year. She received multiple academic awards, including the Dean's Achievement Award in Conflict of Laws and the Best Civil Procedure Note Award. Prior to law school, Elisabeth earned her B.A. with honors from the University of Chicago, where she was named to the Dean's List all four years.

REPRESENTATIVE EXPERIENCE

• United States Supreme Court

- Successfully opposed petition for certiorari in high-profile intellectual property dispute in which Court called for the views of the Solicitor General.
- Successfully opposed petition for certiorari in church property dispute implicating First Amendment rights.

Federal Appeals

- Successfully represented intervenor electricity generator, obtaining holding that bankruptcy court erred in entertaining \$335 million adversary claim arising out of Winter Storm Uri because court should have deferred to state proceedings under *Burford v. Sun Oil Co.*

PRACTICES

Appellate

Energy Litigation

ADMISSIONS

State Bar of Texas

United States Court of Appeals for the Fifth, Seventh, and Ninth Circuit

United States Court of Appeals for the Federal Circuit

United States District Court for the Southern and Western District of Texas

CLERKSHIPS

Honorable Priscilla Richman, United States Court of Appeals for the Fifth Circuit

EDUCATION

J.D., The University of Texas School of Law, *with Honors*, 2019

- Texas Law Review, Associate Editor
- Chancellors Society
- Order of the Coif
- Supreme Court Clinic

B.A., The University of Chicago in Public Policy, 2016

- Dean's List
- Alpha Omicron Pi, Vice President of Chapter Development, 2015

- Served as lead attorney on appeal obtaining reversal of a dismissal of a prisoner's § 1983 claim that his Fourth Amendment rights were violated by a strip search.

State Appeals

- Secured affirmance of take-nothing judgment on jury verdict on misappropriation of trade secrets claims.
- Secured affirmance of \$147 million breach of contract award and persuaded Texas Supreme Court to deny review after full briefing on the merits.

Trial and Arbitration Matters

- Drafted pre- and post-hearing briefing in breach of contract dispute arising out of Winter Storm Uri, securing arbitration award entirely in renewable energy client's favor, including attorneys' fees.
- Drafted pre- and post-hearing briefing in breach of contract dispute over the recovery by an oil and gas producer of more than \$40 million in costs relating to a Gulf of Mexico production platform, securing arbitration award entirely in producer's favor, including attorneys' fees.
- Prepared summary judgment briefing for Fortune 500 power generator defending against claims seeking to enforce right of first refusal and block \$1.8B asset sale.
- Secured dismissal of breach of contract and fraud claims relating to an alleged deal for the purchase of alcoholic beverages.
- Defeated class certification in putative ERISA class action involving over 4,000 participants.