Joshua S. Smith

Partner Houston

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Joshua is a board-certified appellate specialist. He has argued in the Texas Supreme Court, the United States Court of Appeals for the Fifth Circuit, and multiple Texas courts of appeals.

Joshua's appellate experience touches a broad range of subject matters, including oil and gas disputes, workers' compensation law and insurance, personal injury matters, and complex commercial disputes. He has handled briefing and presented oral arguments on behalf of major oil companies, medical groups, telecommunications companies, and individual Texans.

Joshua knows that effective advocacy turns on detail-driven analysis of the law and facts. But he also knows how to boil complex ideas to their essence—telling a persuasive story that resonates with the courts.

Prior to joining Beck Redden, Joshua clerked two years for the Supreme Court of Texas. In law school, his hard work resulted in the highest GPA in his school's history. And now as he practices law, he is committed to employing the same skills and dedication on behalf of his clients.

REPRESENTATIVE EXPERIENCE

- Handled Fifth Circuit briefing for a national communications infrastructure company. The Fifth Circuit affirmed a permanent injunction against local right-of-way regulations that violate federal law. *Crown Castle Fiber, L.L.C. v. City of Pasadena,* 76 F.4th 425 (5th Cir. 2023).
- Represented apartment complex in appeal regarding the existence and scope of an alleged utility easement. *OHAH, Ltd. v. LNG Builders, LLC*, No. 09-20-00292-CV, 2022 WL 16986573 (Tex. App.–Beaumont Nov. 17, 2022, pet. denied).
- Represented private college preparatory school in contract dispute with the former chair of the school's board of trustees. *Texas Private School Found., Inc. v. Bullin*, No. 07-20-00225-CV, 2021 WL 6063560 (Tex. App.–Amarillo Dec. 22, 2021, pet. denied).
- Represented ambulatory surgical center in dispute over payment for ownership interest under the governing LLC Agreement. The court of appeals reversed the trial court's $10 million judgment against the ambulatory surgical center. *Houston Metro Ortho & Spine Surgery, LLC v. Juansrich*, No. 14-19-00732-CV, 2021 WL 2799643 (Tex. App.–Houston [14th Dist.] July 6, 2021, pet. denied).
- Presented argument in Texas Supreme Court on behalf of employer. The appeal concerned whether the exclusive remedy provision in the Texas Workers' Compensation Act barred a lawsuit by a temporary employee. *Waste Management of Texas, Inc. v. Stevenson*, 622 S.W.3d 273 (Tex. 2021).
- Presented Fifth Circuit argument on behalf of a Gulf Coast vacation-rental business in dispute over business losses stemming from the Deepwater Horizon disaster. *Claimant ID 100081155 v. BP Exploration & Production, Inc.*, 920 F.3d 925 (5th Cir. 2019).
- Assisted with developing strategy for briefing a Texas Supreme Court case

PRACTICES

Appellate

ADMISSIONS

State Bar of Texas

United States Court of Appeals for the Fifth Circuit

United States District Court for the Southern District of Texas

United States Supreme Court

CLERKSHIPS

Honorable Justice John Devine, Texas Supreme Court (2014-2016)

EDUCATION

J.D., Regent University School of Law, *summa cum laude*, 2014

- Outstanding Graduate Award (2014)
- Regent University Law Review, Managing Editor
- Best Brief in 2013 Richmond Regional, National Moot Court Competition
- Winner – 2012 Regent 1L Moot Court Competition

B.A., Thomas Edison State University, Economics, 2011

- Arnold Fletcher Award (2011)

regarding the scope of an oft-litigated statute. The Supreme Court rendered judgment that Chapter 95 of the Texas Civil Practice and Remedies Code barred a contractor's employee's negligent-hiring claim against an oil and gas well operator. *Endeavor Energy Res., L.P. v. Cuevas*, 593 S.W.3d 307 (Tex. 2019).

- Represented oil and gas well operator on appeal in dispute with a supplier of failed drill pipe. *Knight Oil Tools, Inc. v. Rippy Oil Co.*, No. 10-18-00284-CV, 2021 WL 5235149 (Tex. App.—Waco Nov. 10, 2021, no pet. h.).
- Represented employer in dispute regarding enforceability of employer's arbitration agreement with its employee. *Stage Stores, Inc. v. Eufracio*, No. 13-18-00281-CV, 2019 WL 3484430 (Tex. App.—Corpus Christi Aug. 1, 2019).
- Represented employer in dispute regarding enforceability of employer's arbitration agreement with its employee. *Mission Petroleum Carriers, Inc. v. Dreese*, No. 13-17-00102-CV, 2018 WL 1192773 (Tex. App.—Corpus Christi Mar. 8, 2018, no pet.)

HONORS & AWARDS

- Named in Thomson Reuters' *Texas Super Lawyers* in Appellate, 2026
- Recognized in Lawdragon 500 Leading Plaintiff Financial Lawyers, 2026
- Named in Lawdragon 500 X – The Next Generation in Appellate, 2025-2026
- Named in *The Best Lawyers in America: Ones to Watch* in Appellate Practice, 2025
- Recognized as a "Rising Star" in Appellate by Thomson Reuters' *Super Lawyers* – Texas, 2023 – 2025

PUBLICATIONS & PRESENTATIONS

- Russell S. Post & Joshua S. Smith, No Way Out? Enforcement and Obstruction of Interlocutory Orders Pending Appellate Review, 35th Annual Advanced Civil Appellate Practice Course, State Bar of Texas (December 2021)
- Kyle Lawrence & Joshua Smith, *Is Your Defendant Protected by the Workers' Compensation Act?*, 80 The Advocate (Texas) 27 (Fall 2017)
- Drafted and organized parts of workbook, *Unlocking Estates in Land and Future Interests* (West 2014) – Graduate Assistant for Property Professor.
- "Not Just for Trial Lawyers; Lessons from the Courtroom You Can Use in the Conference Room," Association of Corporate Counsel Houston Chapter Half-Day Seminar, December 2022 (Panelist)

PROFESSIONAL ACTIVITIES & MEMBERSHIPS

- Houston Bar Association, Appellate Section

