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B.D. DANIEL

OF COUNSEL

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.

Environmental Litigation

Kingdom of Spain v. American Bureau of Shipping (S.D.N.Y.; S.D. Tex.) - wide ranging responsibility for defense of international classification society in *Prestige* oil tanker spill litigation.

Halliburton Energy Services v. Georgia-Pacific (S.D. Tex.) - lead counsel for landowner in barite mine Superfund defense case.

Friends of the Earth v. Weinberger (D.D.C.) - as lead U.S. lawyer, obtained dismissal of case challenging deployment of Peacekeeper missile and secured dismissal of appeal.

Energy Litigation

First chair representation of international construction company in energy project arbitrations.

Rowan Industries v. Wilmington Trust - wide-ranging responsibility for defense of international drilling company in charter liability case concerning hurricane damaged rig

Participation in Patent Trials

BLAX v. Analog Devices - wide-ranging responsibility for defense of digital signal processor manufacturer; computing patents; settled after jury selection.

C2 Communications v. Level 3 - wide ranging responsibility for three main builders of internet backbone; VOIP patents, settled at close of plaintiff's case.

Data Treasury v. U.S. Bank - wide-ranging responsibility in trial defense of bank; check processing patents; settled on appeal.

PROFESSIONAL ACTIVITIES AND MEMBERSHIPS

Houston Bar Association

Fellow, Houston Bar Foundation

Fellow, Texas Bar Foundation

American Bar Association

PUBLICATIONS AND PRESENTATIONS

Presentation: *Fifth Circuit Update, Recent Decisions of the United States Court of Appeals for the Fifth Circuit*, Southern District Chapter of the Federal Bar Association, Feb. 19, 2015 [Download PDF](#)

Walker Process Proof: The Proper Prescription, 41 Rutgers L.J. 105 (2009) [Download PDF](#)

The Right of Trial by Jury in Patent Infringement Cases, 28 Rev. Litig. 735 (2009) [Download PDF](#)

Potential Liability of Marine Classification Societies to Non-Contracting Parties, 19 U.S.F. Mar. L.J. 183 (2007)

EDUCATION

J.D., The University of Texas School of Law, with honors, 1976
- Articles Editor, *Texas Law Review*

B.A. Yale University, 1973

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