

## Texas Powerhouse: Beck Redden

By **Madeline Lyskawa**

*Law360 (September 19, 2024, 4:19 PM EDT)* -- Beck Redden LLP has a powerful presence across all Texas courts, as demonstrated by its successful representation of Southwest Airlines in a pivotal case involving cyber insurance at the Fifth Circuit, and its ability to secure summary judgment for an ExxonMobil subsidiary in a breach-of-contract suit before the Southern District of Texas.

But in addition to its litigation victories, Beck Redden regularly engages in "extracurricular activities," said David Gunn, one of the firm's leading appellate partners, including contributing to continuing education for lawyers, and participating in jury charge work that led to a key reversal from the Texas Supreme Court in June.

This combination of Beck Redden's trial and appellate court successes in the state, as well as its attorneys' enthusiasm in pushing the legal field forward, have earned the firm a spot as one of Law360's 2024 Regional Powerhouses.



Since its founding in 1992 as a five-person litigation boutique in Houston, Beck Redden has always had a strong trial section, Gunn told Law360. It wasn't until around 2003 that the firm began to develop its appellate group with the hiring of Gunn and his colleague Russell Post, who have led the appellate practice ever since.

Gunn, who was recently appointed by Texas Gov. Greg Abbott to serve on the First Court of Appeals in Houston, will be leaving the firm at an unknown date.

Mighty in both arenas today, Beck Redden's 42-attorney team has attained a number of key litigation wins over the past year in trial, federal and appellate courts across the state, representing plaintiffs and defendants alike.

"Like many boutiques, because we're small, and now a little bit closer to medium size, we take cases where we represent the plaintiff, and we have cases where we represent the defendant," Gunn said. "That's not true in all shops; some places are only the plaintiff and some shops are only the defendant. I enjoy the mix, and it's healthy for us. It makes us better lawyers."

Representing Southwest, Post and Beck Redden associate Parth S. Gejji secured a ruling from the Fifth Circuit in January that revived the airline's attempt to land \$10 million in excess insurance coverage,

which had previously been denied by its insurer, for costs stemming from a 2016 computer failure that disrupted Southwest's operations for three days.

In its decision, the Fifth Circuit panel reversed the lower court's ruling of summary judgment and sided with Southwest's interpretation of the prevailing insurance policy — that mitigation costs directly resulting from a network failure are insurable.

"It was a real privilege for us to be trusted by Southwest Airlines to handle an appeal that was simultaneously on the cutting-edge of cyber risk insurance and also rooted in a long history of Texas case law in a variety of contexts," Post told Law360. "The appeal gave us a chance to do something appellate lawyers always relish doing: synthesize prior decisions from a variety of contexts into a convincing answer to a new problem, and one with significant implications for future cases."

Another appellate-level victory secured by Beck Redden culminated in June when the Texas Supreme Court reversed course and reinstated a trial court's judgment in a wrongful death suit, after Gunn and Post filed an amicus brief urging the justices to reconsider their decision holding that the use of a broad-form question to submit a negligence claim to the jury constituted harmful error. That outcome, Gunn said, was for the good of the legal system.

"Nobody paid us. Nobody hired us. We did it on our own names, and we filed that [amicus brief] with the state Supreme Court and said, I think there's a mistake here, and you need to take a second look at the way you've decided this case," Gunn said.

Outside of appellate work, another one of Beck Redden's central tenets is its pro bono representation, which involves partnering with local initiatives like Tahirih Justice Center and assisting with Section 1983 civil rights litigation, said Jacqueline M. Furlow, a partner with the firm's trial section and one of the chairs of Beck Redden's pro bono committee.

"One of our partners, Alex Roberts, he was appointed by a federal judge to help assist in representing a group of inmates who are being held in restricted housing without due process, allegedly in violation of Section 1983. And so he and one of our associates, Maryam Ghaffar, are working up this case pursuant to that appointment," Furlow told Law360.

But the firm's work doesn't stop there. In a recent trial court case, for example, Beck Redden represented XTO Energy as a defendant. Attorneys with the firm worked to obtain summary judgment on behalf of the ExxonMobil unit in litigation that had accused XTO of breaching an unsigned contract amendment. During discovery, the lawyers were able to establish that the parties' email communication discussing the amendment did not constitute a final agreement as required by Texas law.

Beck Redden attorneys — including Fields Alexander, a partner with the firm's trial section — also secured an early June jury verdict in Harris County court amounting to more than \$17 million on behalf of Buying Power Inc. in litigation accusing Graybar Electric Co. of breaching a three-year group purchasing contract, resulting in more than \$15 million in lost profits. With interest and attorney fees, the judgment in favor of Buying Power ultimately exceeded \$26 million.

As for how the firm is able to function at such a high level, Alexander said Beck Redden's culture is incredibly collaborative and inclusive, allowing for attorneys at every stage of their career to feel valued and to grow to their fullest potential.

"There are a lot of law firms that have good lawyers and that succeed financially, but it's hard to marry the kind of talent and success we have with a firm culture that is as collaborative and collegial and sort of free from intramural politics as we've been able to develop here," Alexander said.

--Editing by Melissa Treolo.

---

All Content © 2003-2024, Portfolio Media, Inc.