



RUSSELL S. POST

PARTNER

Russell Post is a board-certified appellate specialist whose wide-ranging practice combines the broad intellectual perspective demanded by the appellate process with the focused advocacy necessary to excel in civil litigation. For two decades, following his clerkship with the Hon. Jerry E. Smith of the U.S. Court of Appeals for the Fifth Circuit, Russell has dedicated his practice entirely to civil appeals and complex civil litigation. He appears regularly in the Texas Supreme Court, the U.S. Court of Appeals for the Fifth Circuit, and the Texas appellate courts.

Russell represents both plaintiffs and defendants, practicing in virtually every field of civil law. Recent appearances before the Texas Supreme Court have touched on the Uniform Commercial Code, oil & gas joint operating agreements, the statute of frauds, executive compensation, CGL insurance coverage in the field of environmental contamination, Texas tort law, and statutory construction. Recent appearances before the Fifth Circuit have touched on the Clean Air Act, the Clean Water Act, The Oil Pollution Act of 1990, copyright and trade secrets, Louisiana mineral rights law, and a wide range of federal questions.

In addition to his core appellate practice, Russell is frequently engaged at earlier stages of litigation to handle strategy, complex legal issues, and the jury charge – focusing on the big picture and developing strategies with the appellate endgame in mind. Russell is honored to have been recognized by his peers in publications such as *Benchmark*, *Chambers USA*, *Best Lawyers in America*, and Thomson Reuters *Super Lawyers – Texas*, including recent recognitions as the Houston appellate lawyer of the year (*Best Lawyers* 2015) and one of the Top 100 lawyers in Texas (*Super Lawyers* 2015 - 2017). In 2016, he was elected as a Fellow of the American Academy of Appellate Lawyers, the premier organization for appellate specialists in the United States.

REPRESENTATIVE EXPERIENCE

Texas Supreme Court

Wal-Mart Stores, Incorporated v. Forte, 497 S.W.3d 460 (Tex. 2016)

Linegar v. DLA Piper LLP (US), 495 S.W.3d 276 (Tex. 2016)

Occidental Chemical Corporation v. Jenkins, 478 S.W.3d 640 (Tex. 2016)

McGinnes Industrial Maintenance Corporation v. Phoenix Insurance Company, 477 S.W.3d 786 (Tex. 2015)

Exxon Mobil Corp. v. Drennen, 452 S.W.3d 319 (Tex. 2014)

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NAMED IN
BEST LAWYERS
IN AMERICA 2007 – 2018
Appellate Practice





**FIFTH CIRCUIT
LITIGATION STAR**
BENCHMARK APPELLATE 2013

Dynegy, Inc. v. Yates, 422 S.W.3d 638 (Tex. 2013)

Tawes v. Barnes, 340 S.W.3d 419 (Tex. 2011)

Regal Finance Co., Ltd. v. Tex Star Motors, Inc., 355 S.W.3d 595 (Tex. 2010)

Missouri Pacific Railroad Co. v. Limmer, 299 S.W.3d 78 (Tex. 2009)

Farmers Group, Inc. v. Lubin, 222 S.W.3d 417 (Tex. 2007)

Frost Nat'l Bank v. L&F Distributors, Ltd., 165 S.W.3d 310 (Tex. 2005)

Texas State Bank v. Amaro, 87 S.W.3d 538 (Tex. 2002)

Perry v. Del Rio, 66 S.W.3d 239 (Tex. 2001)

Bradford v. Vento, 48 S.W.3d 749 (Tex. 2001)

United States Court of Appeals for the Fifth Circuit

City of Dallas v. Delta Air Lines, Inc., 847 F.3d 279 (5th Cir. 2017)

Retractable Technologies, Inc. v. Becton Dickinson & Co., 842 F.3d 883 (5th Cir. 2016)

Environment Texas Citizen Lobby, Inc. v. ExxonMobil Corp., 824 F.3d 507 (5th Cir. 2016)

Ludlow v. BP, P.L.C., 800 F.3d 674 (5th Cir. 2015)

Forte v. Wal-Mart Stores, Inc., 763 F.3d 421 (5th Cir. 2015)

Breton Energy, L.L.C. v. Mariner Energy Resources, Inc., 764 F.3d 394 (5th Cir. 2014)

In re Deepwater Horizon, 745 F.3d 157 (5th Cir. 2014)

Aspen Technology, Inc. v. M3 Technology, Inc., 569 Fed. Appx. 259 (5th Cir. 2014)

CMH Homes, Inc. v. Goodner, 729 F.3d 832, 833 (8th Cir. 2013)

Ergon-West Virginia, Inc. v. Dynegy Marketing & Trade, 706 F.3d 419 (5th Cir. 2013)

BP Exploration Libya Ltd. v. ExxonMobil Libya Ltd., 689 F.3d 481 (5th Cir. 2012)

Illinois Cent. R. Co. v. Guy, 682 F.3d 381 (5th Cir. 2012)

Evans v. Sterling Chemicals, Inc., 660 F.3d 862 (5th Cir. 2011)

American Int'l Specialty Lines Ins. Co. v. Rentech Steel L.L.C., 620 F.3d 558 (5th Cir. 2010)

Lopez Dominguez v. Gulf Coast Marine & Associates, Inc., 607 F.3d 1066 (5th Cir. 2010)

South Texas Elec. Co-op. v. Dresser-Rand Co., Inc., 575 F.3d 504 (5th Cir. 2009)

Miller v. Gorski Wladyslaw Estate, 338 Fed. Appx. 454 (5th Cir. 2009)

F.D.I.C. v. Maxxam, Inc., 529 F.3d 667 (5th Cir. 2008)

Foradori v. Captain D's LLC, 523 F.3d 477 (5th Cir. 2008)

Marlin v. Moody Nat. Bank, 533 F.3d 374 (5th Cir. 2008)

Miller v. Gorski Wladyslaw Estate, 547 F.3d 273 (5th Cir. 2008)

U.S. v. Jho, 534 F.3d 398 (5th Cir. 2008)

Regents of the University of California v. Credit Suisse First Boston (USA) Inc., 482 F.3d 372 (5th Cir. 2007)

Halliburton Co. Benefits Committee v. Graves, 463 F.3d 360 (5th Cir. 2006)

United States ex rel. Riley v. St. Luke's Episcopal Hosp., 355 F.3d 370 (5th Cir. 2004)

Pineda v. City of Houston, 291 F.3d 325 (5th Cir. 2002), cert. denied, 123 S. Ct. 892 (2003)

E.E.O.C. v. R.J. Gallagher Co., 181 F.3d 645 (5th Cir. 1999)

Texas Courts of Appeal

Estate of Benson, 2015 WL 5258702 (Tex. App. – San Antonio 2015, no pet. h.)

Guzder v. Haynes and Boone, LLP, 2015 WL 2228039 (Tex. App. – Houston [1st Dist.] 2015, no pet.)

Aaronii v. Directory Associates, Inc., 462 S.W.3d 190 (Tex. App. – Houston [14th Dist.] 2015, pet. filed)

Lauret v. Meritage Homes of Texas, LLC, 455 S.W.3d 695 (Tex. App. – Austin 2014, no pet.)

DLA Piper US, LLP v. Linegar, 2014 WL 3698289 (Tex. App. – Eastland 2014, pet. filed)

Uduma v. Wagner, 2014 WL 4259886 (Tex. App. – Houston [1st Dist.] 2014, no pet.)

In re Wyatt Field Service Company, 454 S.W.3d 145 (Tex. App. – Houston [14th Dist.]

2014)

Jenkins v. Occidental Chemical Corp., 415 S.W.3d 14 (Tex. App. – Houston [1st Dist.] 2013, pet. granted) (orally argued in Texas Supreme Court September 2015)

City of Houston v. CenterPoint Energy Houston Elec., LLC, 2012 WL 6644982 (Tex. App. – Houston [1st Dist.] 2012, no pet.)

Regal Finance Co., Ltd. v. Tex Star Motors, Inc., 2012 WL 58945 (Tex. App. —Houston [14th Dist.] 2012, no pet.)

Voss Road Exxon LLC v. Vlahakos, 2011 WL 2623989 (Tex. App.—Houston [1st Dist.] 2011, no pet.)

Cooper v. Harris, 329 S.W.3d 898 (Tex. App.—Houston [14th Dist.] 2010, pet. denied)

Cameron Int'l Corp. v. Vetco Gray Inc., 2009 WL 838177 (Tex. App.—Houston [14th Dist.] 2009, pet. denied)

Cherokee County Cogeneration Partners, L.P. v. Dynegy Marketing and Trade, 305 S.W.3d 309 (Tex. App.—Houston [14th Dist.] 2009, no pet.)

CMS Energy Resource Management Co. v. Quicksilver Resources, Inc., 2009 WL 1815776 (Tex. App.—Fort Worth 2009, no pet.)

In re Kerr, 293 S.W.3d 353 (Tex. App.—Beaumont 2009, orig. proceeding)

Rentech Steel, L.L.C. v. Teel, 299 S.W.3d 155 (Tex. App.—Eastland 2009, pet. dismissed)

Union Pacific R. Co. v. Cezar, 293 S.W.3d 800 (Tex. App.—Beaumont 2009, no pet.)

Barton v. Whataburger, Inc., 276 S.W.3d 456 (Tex. App.—Houston [1st Dist.] 2008, pet. denied)

Exxon Mobil Corp. v. Hines, 252 S.W.3d 496 (Tex. App.—Houston [14th Dist.] 2008, pet. denied)

Texas Southern University v. State Street Bank and Trust Co., 212 S.W.3d 893 (Tex. App. —Houston [1st Dist.] 2007, pet. denied)

Baker Botts v. Cailloux, 224 S.W.3d 723 (Tex. App.—San Antonio 2007, pet. denied)

In re Weir, 166 S.W.3d 861 (Tex. App.—Beaumont 2005, orig. proceeding)

Greene's Pressure Treating & Rentals, Inc. v. Fulbright & Jaworski, 178 S.W.3d 40 (Tex. App.—Houston [1st Dist.] 2005, no pet.)

Glattly v. CMS Viron Corp., 177 S.W.3d 438 (Tex. App.—Houston [1st Dist.] 2005, no pet.)

Wright v. Sydow, 173 S.W.3d 534 (Tex. App.—Houston [14th Dist.] 2004, pet. denied)

KPH Consol., Inc. v. Romero, 102 S.W.3d 135 (Tex. App.—Houston [14th Dist.] 2003),
aff'd, 166 S.W.3d 212 (Tex. 2005)

Waite v. Waite, 150 S.W.3d 797 (Tex. App.—Houston [14th Dist.] 2004, pet. denied)

Fincher v. Wright, 141 S.W.3d 255 (Tex. App.—Fort Worth 2004, no pet.)

General Elec. Capital Assurance Co. v. Jackson, 135 S.W.3d 849 (Tex. App.—Houston
[1st Dist.] 2004, pet. denied)

Commercial Arbitration Proceedings

No. 70 116 00279 09; *Arbitration Between Dr. Ebrahim Bagherzadeh and HRD
Corporation d/b/a Marcus Oil & Chemical*

No. 58 148 00271 09; *In the Matter of the Arbitration Between GE Capital Corporation v.
Preesall Energy Services*

PROFESSIONAL ACTIVITIES AND MEMBERSHIPS

Member, American Academy of Appellate Lawyers

Council of the State Bar of Texas Appellate Practice Section

Former Chair, Houston Bar Association Appellate Section, 2010-2011

Fifth Circuit editor, *The Appellate Practice Journal* (2000-2004)

Co-Chair, *The Appellate Practice Institute* (Houston Bar Association, 2004)

AWARDS AND RANKINGS

Named in *Best Lawyers in America* - Appellate Practice, 2007 - 2018

Named Future Star, *Benchmark Litigation*, 2012 - 2018

Recognized in *Chambers USA* in Litigation: Appellate (Texas), 2007 - 2017

Recognized in Thomson Reuters "*Top 100 Super Lawyers - Texas*," "*Top 100 Super
Lawyers - Houston*," 2015 - 2017

Named to Thomson Reuters *Texas Super Lawyers* - Appellate, 2004; 2007 - 2017

Recognized in *Chambers USA* as a *Leader in their Field* for Litigation: Appellate (Texas),
2015

Named in *Benchmark: Appellate* as a Litigation Star, 2012-2013 and leading appellate

practitioner in the Fifth Circuit, 2011-2012

Recognized in *Chambers USA* in Litigation: General Commercial (Texas), 2008 - 2012

Selected to Thomson Reuters "*Rising Stars*", 2004

RELATED NEWS

UPDATE: Texas Fifth Court of Appeals Denies ETP Rehearing Bid in Pipeline Case
09.15.17

UPDATE: Texas Fifth Court of Appeals Denies ETP Rehearing Bid in Pipeline Case
09.13.17

2018 Best Lawyers in America Honors Beck Redden Attorneys
08.15.17

Beck Redden Maintains Top Ranking in 2017 Chambers USA Directory
05.26.17

Beck Redden Assists in Securing Landmark Antitrust Victory in Fifth Circuit
12.07.16

PUBLICATIONS AND PRESENTATIONS

Persuasion and Polemics: Exploring the Role of Amicus Briefs in the Texas Supreme Court, State Bar of Texas Advanced Appellate Practice Course (State Bar of Texas 2017).

Statutory Penalties and Exemplary Damages: Exploring the Outer Boundaries of Chapter 41, Damages in Civil Litigation 2017 (State Bar of Texas, 2017)

Procedure & Tactics in Complex Appellate Proceedings: A Case Study of Deepwater Horizon (Panel Discussion), Advanced Civil Appellate Practice Course (State Bar of Texas, 2016)

The Legal Sufficiency Labyrinth: Surprising Lessons From a Comparative Analysis of Legal Sufficiency Review in State and Federal Court, Civil Appellate Practice 101 (State Bar of Texas, 2015)

Attorney's Fees on Appeal (Panel Discussion), Houston Appellate Practice Section (Houston Bar Association 2015)

Preservation of Error in State and Federal Court, General Practice Institute (Baylor Law School 2015)

Panel Discussion, *Using Appellate Counsel Effectively*, David H. Hockema Civil Trial Course (Hidalgo County Bar Association 2015)

The Legal Sufficiency Labyrinth: Surprising Lessons from a Comparative Analysis of Legal Sufficiency Review in State and Federal Court, Advanced Appellate Practice Course (State Bar of Texas 2014)

Federal Post-Trial Practice for the State-Court Practitioner: The Legal Sufficiency Labyrinth, 67 *The Advocate* 62 (Summer 2014)

Attorney's Fees: Emerging Issues in Federal and State Practice, Conference on State and Federal Appeals (Univ. of Texas, 2011)

What Ever Happened to the "Interests of Justice"? Render vs. Remand on Appeal, State Bar of Texas Advanced Civil Appellate Practice Course (State Bar of Texas, 2009)

Tips from the Top: Using "Decision Cues" In Appellate Writing, The Appellate Lawyer (Houston Bar Association, April 2009)

Mandamus and Interlocutory Appeals (Panel Discussion), Houston Bar Association Bench-Bar Conference (Houston Bar Association, 2009)

Ten Tips for Top Jury Charge Practice, State Bar of Texas Advanced Civil Appellate Practice Course: Appellate Bootcamp (State Bar of Texas, 2008)

Briefwriting, State Bar of Texas Advanced Civil Appellate Practice Course: Appellate Bootcamp (State Bar of Texas, 2007)

Hot Spots to Preserve Error in the Jury Charge, State Bar of Texas Advanced Evidence and Discovery Course (State Bar of Texas, 2007)

Emerging Trends in Texas Jury Charge Practice, State Bar of Texas Litigation Update (State Bar of Texas, 2007)

Hot Spots to Preserve Error at Trial, State Bar of Texas Advanced Evidence and Discovery Course (State Bar of Texas, 2006)

New Directions in Texas Charge Practice: Lessons from Federal Court, San Antonio Bar Associate Appellate Practice Section (San Antonio Bar Association, 2005)

Preservation of Harm: A New Approach to Preserving Error, Conference on State and Federal Appeals (Univ. of Texas, 2005)

New Directions in Texas Charge Practice: Lessons from Federal Court, 29 *The Advocate* 49 (State Bar of Texas, Winter 2004)

Jury Charge Practice, Page Keeton Civil Litigation Conference (Univ. of Texas, 2004)

Harm Analysis for Multi-Theory Submission in Federal Court, Conference on State and Federal Appeals (Univ. of Texas, 2004)

Inadequate Remedies and Interlocutory Appeals: The Changing Face of Non-Final Appellate Review and Its Implications for Appellate Practitioners, Dallas Bar Association Appellate Practice Section (Dallas Bar Association, 2004)

The Maximum Recovery Rule: The Objectivity Dilemma in Reviewing Subjective Damages, Conference on State and Federal Appeals (Univ. of Texas, 2003)

Recent Developments in the Fifth Circuit (Panel Discussion), Houston Appellate Section (Houston Bar Association, 2003)

Interlocutory Appeals in the 21st Century, State Bar of Texas Advanced Civil Appellate Practice Course (State Bar of Texas, 2002)

Doing the Right Thing: Ethics and Professionalism in Appellate Practice, Conference on State and Federal Appeals (Univ. of Texas, 2001)

In Chambers: The Internal Administration of Appeals in the Fifth Circuit, Conference on Federal and State Appeals (University of Texas, 1997)

The Serpentine Wall and the Serpent's Tongue: Rethinking the Religious Harassment Debate, 83 Va. L. Rev. 177 (1997)

COMMUNITY INVOLVEMENT

Christ the King Lutheran Church
-Former President, Church Council
-Board of Directors, Christ the King Lutheran Church Foundation

Advisory Council, College of Liberal Arts, University of Texas

Former Director, Christian Community Service Center

EDUCATION

J.D., University of Virginia School of Law, 1996
- Articles Editor
Virginia Law Review
- Order of the Coif

M.A., Stanford, 1992
American History

B.A., The University of Texas, with honors, 1991
-Plan II

ADMISSIONS

State Bar of Texas

United States Supreme Court

United States Court of Appeals for the Third, Fifth, Ninth and Tenth Circuits

United States District Courts for the Eastern and Southern Districts of Texas