



CONNIE PFEIFFER

PARTNER

Connie Pfeiffer is an appellate specialist with an extensive record of lead-counsel experience. She routinely serves as lead appellate counsel in trials and has presented oral argument in dozens of appeals. While Connie relishes courtroom advocacy, she knows that most appeals are won or lost on the briefs. She invests her energy in written advocacy to make it both persuasive and a pleasure to read. Connie also values having strong relationships with her trial lawyers, and she regularly serves as the appellate member of trial teams, handling dispositive issues and error preservation, arguing the jury charge, and planning long-term case strategy from the earliest stages of a suit.

Connie's practice runs the gamut from business disputes, legal malpractice and fiduciary claims, personal injury, statutory and procedural issues. She represents both plaintiffs and defendants in both Texas and federal courts.

In 2013, U.S. Senators John Cornyn and Ted Cruz appointed Connie to their bipartisan Federal Judicial Evaluation Committee (FJEC) to screen and recommend to the Senators nominees for vacancies on the federal bench and in U.S. Attorney offices in Texas. Connie further serves the profession as a frequent speaker and author at legal seminars and on various professional boards. She has volunteered her time to the Houston community by serving as Corporate Secretary for the River Oaks Chamber Orchestra.

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CIVIL APPELLATE LAW

Constance H. Pfeiffer



Appellate Practice
- Houston, Texas

Ranked In

CHAMBERS
USA

- 2018 -

Connie Pfeiffer

REPRESENTATIVE EXPERIENCE

Texas Supreme Court Victories

In March 2018, Connie was recognized as Appellate Lawyer of the Week by *Texas Lawyer* and in Law 360 for her Texas Supreme Court Victory reversing a \$9.6 million judgment against Beck Redden clients Diamond Offshore Services Ltd and Diamond Offshore Services Company. On appeal, Connie argued that the trial court had abused its discretion in excluding a surveillance video of the plaintiff performing manual labor while seeking damages for personal injuries. In a unanimous opinion, the Court agreed and provided significant guidance about the application of Texas Rule of Evidence 403 in civil trials. First, the Court agreed with Diamond Offshore that, "as a general rule, a trial court should view video evidence before ruling on admissibility when the contents of the video are at issue." Second, the Court held that the video should not have been excluded because the risks of dangers identified by Rule 403 did not substantially outweigh the probative value. The opinion is the first one from the Supreme Court of Texas addressing the admissibility of video evidence under Rule of Evidence 403.

In May 2016, Connie led the charge to overturn an erroneous Fifth Circuit decision and restore a correct interpretation of the Texas Constitution. The victory is a landmark decision for Texas homeowners who face foreclosure on constitutionally-



2018

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defective home equity loans. For full details on the appellate path and significance of this case, please click [here](#).

During another Texas Supreme Court victory, Connie represented one of the world's largest aerial lift manufacturers on appeal in the Texas Supreme Court, successfully securing a reversal of an adverse products liability judgment. Connie authored the briefs and presented oral argument.

In this design defect case, the users of an aerial lift supporting a worker 40' in the air attempted to move the machine, despite warnings and an obvious risk of a tipover. When misused in this way, the lift tipped over and caused the death of the elevated worker.

A jury in Beaumont found for the plaintiffs and awarded a 7-figure damages verdict. The Corpus Christi Court of Appeals affirmed the judgment. But the Texas Supreme Court held, on May 8, 2015, that the lift "cannot be said in any sense to be unreasonably dangerous." The Texas Supreme Court reversed and rendered a take-nothing judgment.

Reversal and Rendition of Judgment in \$54 Million Commercial Case

Along with Beck Redden appellate partner, **David Gunn**, Connie briefed and delivered the oral arguments for the defendants in an appeal of a \$54 million judgment.

After a three-week jury trial, a jury found in favor of the plaintiffs on 9 claims, including fraud, breach of contract, and minority oppression, all arising from the breakup of an alleged partnership. The jury awarded more than \$29 million in actual damages and \$14 million in punitive damages. The trial court then awarded more than \$10 million in attorney's fees and interest. The verdict was the 12th largest verdict in Texas for 2010 (also listed 1st in corporate verdicts) and the top Texas civil practice verdict for 2010.

Beck Redden was hired for the appeal, in which Houston's 14th Court of Appeals reversed and rendered in the defendants' favor. The plaintiffs moved for rehearing and for reconsideration en banc. The Court of Appeals denied both motions. In 2015, the Texas Supreme Court denied the petition for review.

Lead Appellate Lawyer at Trial

In May - June of 2015, Connie served as lead appellate counsel during trial for The O'Quinn Law Firm in *Gulf Coast Asphalt Co. v. Lloyd and John M. O'Quinn and Associates L.L.P.*, in the 80th Judicial District of Harris County. Plaintiffs sued the firm and its former attorney for breach of fiduciary duty and professional negligence, seeking more than \$100 million in actual damages allegedly resulting from the dismissal of an environmental lawsuit in California and a federal environmental enforcement action in Alabama. Connie attended each day of trial to handle expert challenges, limine arguments, error preservation and preparation of the jury charge. The case settled in the fourth week of trial. She worked with lead trial lawyer Ken Breitbeil of McFall, Breitbeil & Eidman, P.C. and former Harris County trial judge Scott Link of Link & Wait, LLP.

PROFESSIONAL ACTIVITIES AND MEMBERSHIPS

Federal Judicial Evaluation Committee, appointed in 2013

International Association of Defense Counsel

Board of Trustees, Texas Supreme Court Historical Society

The University of Texas Law Alumni Association, Houston Steering Committee

Council Member, Houston Bar Association Appellate Section, 2011 - 2014

Editor in Chief, *The Appellate Lawyer*, 2013 - 2014

Director, Federal Bar Association, Southern District of Texas Chapter, 2013

Director, Texas Young Lawyers Association, 2006 - 2010

Young Lawyers Division Board Member and Texas Delegate, American Bar Association

Garland Walker American Inns of Court, 2004 - 2006

Appellate and Litigation Sections of State Bar of Texas and Houston Bar Association

AWARDS AND RANKINGS

Named "Top 50 Women in Texas" by *Texas Super Lawyers*, 2018

Named in *Best Lawyers*' as 2018 "Lawyer of the Year," Appellate Practice

Named in *Best Lawyers* in America - Appellate Practice, 2015 - 2019

Recognized on the "Under 40 Hot List," Appellate, *Benchmark Litigation*, 2016 - 2018

Named a Future Star, *Benchmark Litigation*, 2016 - 2018

Recognized in *Chambers USA*: Litigation: Appellate (Texas), 2018

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

Selected to Thomson Reuters *Texas Super Lawyers* - Appellate, 2014 - 2018

Recipient of the Outstanding Product Liability Counsel Award from Terex Corporation for her **Texas Supreme Court victory** in *Genie Industries, Inc. v. Matak* (2016)

Recognized as a "Rising Star" by Thomson Reuters, 2007 - 2009; 2012 - 2014

Named a Top Lawyer by *H Texas Magazine*, 2014 - 2015

Woodrow B. Seals Outstanding Young Lawyer of Houston (2013)

Awarded a President's Award of Merit for service as a director of the Texas Young Lawyers Association, 2009

Named a "Professional on the Fast Track", *H Texas Magazine*, 2009

Life Fellow, Texas Bar Foundation

Life Fellow, Houston Young Lawyers Foundation

Named Outstanding Appellate Advocate by The University of Texas School of Law, 2004

RELATED NEWS

Beck Redden Successfully Defends \$3.3 Million Judgment on Appeal 12.20.18

Beck Redden Lawyers Recognized as 2018 Texas Super Lawyers 09.06.18

2019 Best Lawyers in America Honors Beck Redden Attorneys 08.17.18

Beck Redden Partners Honored in Benchmark Litigation "2018 Under 40 Hot List" 07.10.18

Beck Redden Maintains Top Ranking in 2018 Chambers USA 05.11.18

Beck Redden Partner Speaks Across State on Texas Supreme Court 11.29.17

PUBLICATIONS AND PRESENTATIONS

Presenter, Texas Supreme Court Update, Advanced Civil Trial Course (Dallas, San Antonio, Houston) (July, August, October 2017)

Co-Presenter, with Justice Jeff Boyd, Texas Supreme Court Update, Conference on State and Federal Appeals (June 2017)

Author and Presenter, *Hot Topics in Damages*, Conference on State and Federal Appeals (2016)

Beck Redden, Lane Law Firm Win a Victory for Texas Homeowners, *The Texas Lawbook* (June 2016)

Permissive Appeals in Texas, *The Advocate* (Fall 2015)

Stare Decisis in the Lone Star State, *The Advocate* (Summer 2015)

Author and Presenter, Statutory Construction, Conference on State and Federal Appeals (2015)

Course Director, Civil Appellate Practice 101 (2015)

Author and Presenter, Civil Appellate Conference, Post-Trial Motions (2014)

Author and Presenter, Harris County CLE for the Judiciary, Statutory Interpretation (2014)

Author and Presenter, State Bar of Texas Webcast, *"Preserving Error and Crafting the Jury Charge"* (2014)

Author and Presenter, Advanced Personal Injury Course, *"Preserving Error and Crafting the Jury Charge"* (2013)

Author and Presenter, Success Strategies and Key Lessons for Young Lawyers, *"How to Draft a Jury Charge and Use it throughout your Case"* (2012)

Author and Presenter, Advanced Civil Appellate Practice Course, *"Statutory Interpretation"* (2011)

Four Suggestions for the Future, *The Advocate* (Winter 2009)

The Jury Charge: Advanced Civil Appellate Practice Course Boot Camp (2009)

The Jury Charge: Texas Bar CLE on Employment Law (2009)

The Jury Charge: Ten Minute Mentor (2009)

Electronic Discovery: Harris County CLE for the Judiciary (2006)

COMMUNITY INVOLVEMENT

Active Member, St. John the Divine Episcopal Church

Board of Directors and Corporate Secretary, River Oaks Chamber Orchestra

EDUCATION

J.D., The University of Texas School of Law, with honors, 2004

B.A., The University of Tennessee, *summa cum laude*, 1999

ADMISSIONS

State Bar of Texas

United States Supreme Court

United States Court of Appeals for the Fourth Circuit

United States Court of Appeals for the Fifth Circuit

United States Court of Appeals for the Federal Circuit

United States District Court for the Southern District of Texas

United States District Court for the Eastern District of Texas

United States District Court for the Western District of Texas