



DAVID J. BECK

PARTNER

David J. Beck is consistently recognized as one of our country's best trial lawyers. This recognition has grown from the consistent results he has achieved for his clients in his many years of practice. From the smallest disputes to the billion dollar cases, David understands the importance of each case to his client, and he approaches each with the same intensity and integrity that has served him - and his clients - so well for so long.

For David Beck, every case is a story to be told, and very few trial lawyers can match David's ability to convey that story to the jury. And he knows that the story is best told from the highest moral ground. That is ground on which he has stood his entire career. When David tells a jury he will show them evidence to make a point, you can bet that when he stands up in closing argument he will have honored his word. Maybe that is why so many companies call him with their "bet the company" cases.

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Top Ranked

CHAMBERS
USA

- 2018 -

David J. Beck

**NAMED IN
BEST LAWYERS
IN AMERICA 1983 - 2019**

**Bet-the-Company Litigation
Commercial Litigation**

**Legal Malpractice Law - Defendants
Litigation: Antitrust, Environmental,
Intellectual Property, Patent,
Natural Resources Law**



2018

RELATED PRACTICES

Energy

Class Action & Multi-District Litigation

Commercial Litigation

Intellectual Property

Products Liability/Personal Injury

Professional Liability

Estate & Probate

REPRESENTATIVE EXPERIENCE

Trial victory for Exxon Mobil Corporation ("ExxonMobil") in *Exxon Mobil Corp. v. Trade Exploration et al.*; pending in the 189th Judicial District Court of Harris County, Texas. ExxonMobil was seeking indemnity from an entity and certain individuals who had bought mineral interests from ExxonMobil in Louisiana, and had promised to defend and indemnify ExxonMobil from any future litigation. As a result of the buyers' wrongful refusal to uphold their promises, ExxonMobil had to settle two major environmental lawsuits in Louisiana, including claims for \$3.9 billion. After a nearly three-week trial, ExxonMobil won a victory on all jury issues. Judgment was entered on December 31, 2018, and the case is now pending before the Houston Court of Appeals. Reagan Brown of Norton Rose Fulbright and Joe Thompson of Watt Thompson also had major roles in the trial.



**AV® PREEMINENT RATED
MARTINDALE HUBBELL**

Served as trial co-counsel with Joe Jamail for Clear Channel Communications in a state court action brought by Clear Channel in San Antonio, Texas for tortious interference with contractual relations against Citigroup, Duetschebank, CreditSuisse, Morgan Stanley, Royal Bank of Scotland, and Wachovia. Clear Channel alleged that as credit markets worsened the banks were attempting to avoid their obligation to loan \$22 billion to fund a leveraged buyout of Clear Channel by two private equity firms. After three months of contentious litigation with the banks, the parties reached a favorable settlement whereby the banks would provide \$18 billion to fund a reworked merger agreement.

Obtained defense verdict for Memorial Hermann Hospital System in a major antitrust lawsuit in Texas state court as lead counsel. Assisted by Beck Redden partner Geoff Gannaway, the trial lasted almost two and a half months. The plaintiffs, who were physician-investors in a now defunct physician-owned hospital in West Houston, claimed that Memorial Hermann was responsible for their hospital's failure and asserted antitrust claims and claims for tortious interference with prospective and existing business relationships. The plaintiffs sought millions in actual damages, plus several millions in attorneys' fees. The jury entered a complete defense verdict.

Lead trial counsel for Level 3 Communications, Global Crossing, and Qwest Communications in a patent infringement action tried to a federal court jury in Marshall, Texas. The companies, builders/owners of the cable infrastructure of the internet, were accused of infringing patent claims related to voice-over-internet-telephony ("VOIP"). The case settled favorably after the patent owner presented its evidence to the jury.

Lead trial counsel for Becton Dickinson ("BD") in a patent infringement lawsuit brought by Retractable Technologies Inc. (RTI"). RTI claimed BD had infringed patents relating to retractable syringes. The case was tried to a jury before United States District Judge David Folsom in Marshall, Texas. RTI sought damages totaling \$425 million. However, the jury only awarded damages of \$5 million and found the alleged infringement was not willful.

Lead trial counsel for ExxonMobil Corporation in a breach of contract lawsuit brought by a former ExxonMobil executive who was seeking millions of dollars. The lawsuit also questioned the validity of the company-wide executive compensation program. The jury returned a complete defense verdict.

PROFESSIONAL ACTIVITIES AND MEMBERSHIPS

State Bar of Texas (President, 1995-1996)

Fellow, American College of Trial Lawyers (President, 2006-2007)

American College of Trial Lawyers Foundation (President, 2013-2017)

Fellow, International Academy of Trial Lawyers

Diplomate, American Board of Trial Advocates

Fellow, Texas Supreme Court Historical Society (Chair, 2012-2019)

Member, Warren E. Burger Society for the National Center for State Courts

International Association of Defense Counsel (President, 1991-1992)

HONORS & AWARDS

Named in Best Lawyers in America for Bet-the-Company Litigation, Commercial Litigation, Legal Malpractice Law – Defendants, Litigation – Antitrust, Litigation – Environmental, Litigation – Intellectual Property, Litigation – Patent, Natural Resources Law (1983-2019)

Recipient of the Award for Achievement in the Pursuit of Justice for All by The Center for American and International Law for promoting equal justice worldwide (2019)

Co-recipient of the Outstanding Law Review Article Award from Texas Bar Foundation for “Legal Malpractice in Texas”, published in the *Baylor Law Review* (2018)

Named in Benchmark Litigation as a Litigation Star - United States, Top Trial Lawyers - United States, and Local Litigation Star - Texas (2018)

Recognized in Chambers USA with a Band 1 ranking, the highest ranking attainable, in Litigation: Trial Lawyers (Nationwide); Litigation: Energy & Natural Resources (Texas); Litigation: General Commercial (Texas), (2013-2019)

Recognized in The Legal 500 United States as a Leading Lawyer, Energy Litigation: Oil and Gas (2018)

Recognized in 2017 Lawdragon 500 Leading Lawyers Hall of Fame

Recognized in the inaugural 2017 Legal 500 Hall of Fame: Dispute Resolution - Leading Trial Lawyers

Benchmark Litigation, “Top 100 Trial Lawyers in America,” (2017)

Recognized in Chambers USA as a Leader in their Field for Litigation: Energy & Natural Resources (Texas), Litigation: General Commercial (Texas), Litigation: Trial Lawyers (Nationwide) (2013-2018)

Recognized by Thomson Reuters “Top 10 Super Lawyers - Texas,” “Top 100 Super Lawyers - Texas,” “Top 100 Super Lawyers - Houston,” (2003-2018)

Recipient of Good Apple Award by Texas Appleseed for promoting social and economic justice for all Texans by leveraging the skills and resources of volunteer lawyers and other professionals to identify practical solutions to difficult, systemic problems (2016)

Recipient of the Luther (Luke) H. Soules III Award by the Litigation Section of the State Bar of Texas for embodying excellence in the practice of law and exemplary service to the Bar through outstanding professionalism and community impact (2016)

Recognized in the Lawdragon 500 Leading Lawyers in America (2016-2018)

Recipient of the Lifetime of Excellence in Advocacy Award by the Texas Association of Civil Trial and Appellate Specialists (TACTAS) (2015)

Recipient of the 2015 Trial Lawyer of the Year by the Texas Chapter of the American Board of Trial Advocates (TEXABOTA)

Named Global Commercial Litigation Lawyer of the Year, Who’s Who Legal (2014)

Recognized as a 2013 Lawyer of the Year in Texas for Antitrust Law by Texas’ Best Lawyers in America

Recognized in Texas Lawyer’s 2012 Go-To Guide as one of the top-notch lawyers for commercial litigation

Recipient of the American Inns of Court Professionalism Award at the Fifth Circuit Judicial Conference (2011)

Named by National Law Journal as one of the top 10 trial lawyers in the United States and one of the top trial lawyers in the Southwest

Named one of the 25 Greatest Lawyers of the past quarter century, 25th Anniversary issue of Texas Lawyer Magazine (2010)

Distinguished Alumnus of The University of Texas at Austin (2010)

Named Houston Lawyer of the Year in "Bet-the-Company" Litigation, Best Lawyers (2009)

Appointed to the prestigious Judicial Conference Standing Committee on Rules of Practice and Procedure by United States Supreme Court Chief Justice William Rehnquist, 2004. The Committee's members include some of the leading judges, academicians, and practitioners in the United States. Re-appointed to a 3-year-term on the Standing Committee by Chief Justice John Roberts in 2007

Recipient of the Leon Green Award from the Texas Law Review Association for outstanding contributions to the legal profession (2007)

Honored with the Anti-Defamation League's Jurisprudence Award in 2005. This award is presented annually to an outstanding member of the legal community who exhibits an exceptional commitment to equality, justice, fairness and community service.

Voted by a poll of Texas lawyers as a "Go To Lawyer for Lawyers in Trouble" in Texas Lawyer (2002)

Outstanding Alumnus of The University of Texas Law School (2000)

Distinguished Alumnus of Lamar University (1999)

Recipient of The University of Texas Law School Faculty Award (1985)

PUBLICATIONS AND PRESENTATIONS

David J. Beck has won various awards for his legal writing. He has published numerous law journal articles and has appeared as a lecturer on many bar association and law school continuing legal education programs. Published works include:

Co-Author, "*Legal Malpractice in Texas*", published by the *Baylor Law Review*, 43 *Baylor L. Rev.* (1991); Second Edition, 50 *Baylor L. Rev.* 547 (1998); Third Edition, 70 *Baylor L. Rev.* 213 (2018)

Co-Author, Chapter 36 ("Jury Selection") *Business and Commercial Litigation in Federal Courts, Fourth Edition*, American Bar Association Section of Litigation Database updated (2015-2018)

Co-Author, "The Ethical Boundaries of Reviewing Jurors' Internet Presence: National Highlights," *The Computer & Internet Lawyer*, Vol. 34, No. 6 (June 2017)

Co-Author, "The Ethical Boundaries of Reviewing Jurors' Internet Presence: The Need for a Rule in Texas," *The Advocate*, a publication of the State Bar of Texas Litigation Section, at 51 (Fall 2016)

Co-author, Texas Supreme Court Adopts Judicial Error Rule in Legal Mal Cases, *The Texas Lawbook* (July 2016)

Co-Author, O'Connor's Annotated Civil Practice and Remedies Code (1999-2018)

"A Civil Justice System With No Trials", *Tex. B.J.* Vol. 76, No. 11 (Dec. 2013)

Co-Author, Chapter on "Damages," *Texas Business Litigation* (2015-2018)

"*The Consequences of the Vanishing Jury Trial: Does Anyone Really Care*", 1 *Hous. L. Rev.* e29 (2010)

"*Judicial Independence: Woe to the Generation that Judges the Judges*", 71 *Tex. B.J.* 572 (2008)

Co-author, "*The Vitality of Barcelo After Ten Years: When Can An Attorney Be Sued For Negligence By Someone Other Than His Client?*", 58 *Baylor L. Rev.* 371 (2006)

Perspective: Separation of Powers - Is Our Judiciary Under Serious Attack?", 67 Tex B.J. 974 (2004)

"The Legal Profession at the Crossroads: Who Will Write the Future Rules Governing the Conduct of Lawyers Representing Public Corporations?", 34 St. Mary's L.J. 873 (2003)

COMMUNITY INVOLVEMENT

Named by Texas Governor Greg Abbott as a Regent of The University of Texas System in 2015, confirmed by the Texas Senate and will serve until 2021

Member, MD Anderson Board of Visitors (2014-2017)

Appointed by UT Regents to UT Austin Intercollegiate Athletic Council for Men (2013-2015)

Chair, Board of Trustees of the Center for American and International Law (CAIL) (2010-2014)

"Honorary Overseas Member" of the Commercial Bar Association (COMBAR)

Life Member, University of Texas Law School Foundation Board of Trustees (President, 2002-2006)

EDUCATION

L.L.B., The University of Texas School of Law

B.S., Lamar University

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