

Texas Powerhouse: Vinson & Elkins

By **Michelle Casady**

Law360 (September 5, 2018, 8:25 PM EDT) -- Vinson & Elkins LLP, founded 101 years ago in the early days of Texas' oil boom, flexed its muscles inside and outside of the energy realm last year, advising RSP Permian Inc. in a \$9.5 billion deal to create the largest unconventional Permian Basin shale producer and notching the largest-ever jury award against Texas in a condemnation case.

The Houston-based firm, one of Law360's 2018 Texas Powerhouses, was founded in 1917 by partners William Ashton Vinson and James Anderson Elkins Sr., and has had a focus on the oil and gas industry since its beginning. Now, the firm employs 700 attorneys in 15 offices worldwide, 410 of whom are in Texas offices in Houston, Austin and Dallas.

But Vinson & Elkins' noteworthy work in the last year stretched far beyond the borders of Texas, like the collaboration between partners in Texas and London to represent the Panama Canal Authority in one of the largest construction disputes in the world. The dispute is ongoing, but in a recent victory, a Florida federal judge in June upheld a \$22 million arbitration award in favor of the PCA in a row with a contractor over project delays.

Firm attorneys in the last year represented RSP in an all-stock deal in March worth \$9.5 billion in which fellow Permian Basin driller Concho Resources Inc. agreed to purchase the company, creating a shale giant with approximately 640,000 acres of drilling properties in West Texas. In a June deal, the firm advised Devon Energy Corp. in an agreement to sell its ownership interests in EnLink Midstream Partners LP to an affiliate of Global Infrastructure Partners for \$3.12 billion.

Those are just a few examples of work that earned Vinson & Elkins a spot on the list of Texas Powerhouses. And it doesn't seem like a lull in work is likely anytime soon, said T. Mark Kelly, firm chairman and former director of the State Bar of Texas.

"It's been incredibly active for us on multiple fronts," he said. "Obviously, Texas is one of the largest economies, so I think we're fortunate to have a large footprint here and we're continuing to grow a lot. We've done a number of hires recently, and found our associates were, frankly, too busy."

In the year since Hurricane Harvey devastated the Texas Gulf Coast, Kelly said, business has been booming for Vinson & Elkins all across the Lone Star state, even though national firms continue to open



offices there, raising the stakes in competition for both clients and talented attorneys.

"It's a lot better than it was 12 months ago — hopefully there are no hurricanes in our future," he said. "There have been a number of particularly large M&A transactions that we've done, and we continue to have a significant representation in the private equity space. ... While the [initial public offering] market in energy was slower this year than historically, our Austin office has done a number of things in the technology space in IPOs."

In the courtroom, Vinson & Elkins' attorneys also represented the State Bar of Texas, and successfully won dismissal in July 2017 of a lawsuit brought by a white attorney over the board's appointment of minority member directors.

And last August, the firm notched a win for client Lydia Ann Channel Moorings LLC before the Fifth Circuit, when a panel of the court axed an injunction a federal judge in Texas had issued that shut down the company's barge fleeting facility off the coast of Texas, rejecting arguments that the operation didn't comply with the National Environmental Policy Act.

In another case that touched on environmental issues, Vinson & Elkins convinced a Harris County court-at-law jury in February to award CC Telge Road \$28.8 million. That company, the owner of a housing development, lost millions after Texas officials built a toll road in a forested watershed. The jury verdict is believed to be the largest awarded to a property owner in a condemnation case against Texas.

The firm's workload, at least partially attributable to the stabilized price per barrel of oil, has meant more associates were hired to help handle the load, Kelly said.

Jim Thompson, who is based in Houston and leads the firm's global litigation department, said that to truly understand Vinson & Elkins' reputation as a Powerhouse in Texas, it's necessary to consider the firm's work in other jurisdictions as well. He explained how the firm's team of Texas-based trial lawyers who focus on the energy industry has been dispatched to try cases nationwide.

"While many of us are personally based in Houston, Dallas or Austin, we pretty much go anywhere and try anything," he said, listing off recent courtroom victories in Delaware, Pennsylvania, West Virginia and Colorado. "We are so deeply steeped in the energy industry — many of us have worked in the industry; I'm a petroleum engineer but others have worked as landmen or geologists — that it gives us credibility in the courtroom and in the boardroom in talking to our clients about the issues they face."

Even with all the national firms coming into the Texas market to compete for a piece of the legal pie, Kelly said he's "bullish" on the continued growth of both the state economy and Vinson & Elkins.

"I'm very optimistic. I think we're very well positioned, and I can't say enough about the talent we have here," he said. "Good firms are coming in here ... but we continue to do things right, and I think we're well positioned, especially in the Texas market, to continue to be a dominant player."

--Additional reporting by Keith Goldberg and Adam Rhodes. Editing by Marygrace Murphy.