



Jonathan Baughman

Partner

609 Main St., Ste. 2800
Houston, TX 77002

713 615-8540 **O**
713 328-1840 **F**

jbaughman@mcginnislaw.com
mcginnislaw.com

PRACTICE AREAS

Oil & Gas / Energy Litigation

*Complex Business
Litigation*

Privacy and Data Security

INDUSTRIES

Oil & Gas

Jonathan represents clients in a wide variety of complex civil litigation matters. Jonathan also serves as Partner-in-Charge of the Firm's Houston office and chairs the Oil & Gas Practice Group. Jonathan's practice is particularly strong in oil and gas disputes. He also has substantial experience in civil litigation, ranging from commercial contract disputes to matters involving real estate, construction, products liability and insurance disputes.

Prior to practicing law, Jonathan worked as a certified public accountant for a major public accounting firm, and later, as an internal auditor for a major natural gas pipeline company. This experience laid a strong foundation for his ability to understand his clients' business operations and has been instrumental in developing evidence for use at trial.

Jonathan has extensive experience from the initial case assessment through closing argument at trial. In many cases, Jonathan's work has involved dealing with thousands of documents, multiple witnesses and complicated issues. Jonathan has taken and defended depositions of witnesses, ranging from chief executives and chief financial officers of publicly-traded companies to operational personnel, geologists, geophysicists, computer programmers, accountants and retained experts. Jonathan's trial experience often involves presenting and cross-examining major witnesses.

He was elected to a three-year term on the Council for the Oil, Gas and Energy Resources Law Section of the State Bar of Texas. Previously, Jonathan served as the Chair of the Houston Bar Association's Oil, Gas & Mineral Law Section (2008-2009). He is one of 25 distinguished Advisory Board Members for the Louisiana Mineral Law Institute. Jonathan is also an active member of the Rocky Mountain Mineral Law Foundation where he also served as a trustee-at-large. Jonathan has written articles and spoken on numerous oil and gas issues before the Rocky Mountain Mineral Law Foundation and the Louisiana Mineral Law Institute as well as other organizations. Jonathan is a member of the National Institute for Trial Advocacy, the International Association of Defense Counsel, and the Garland Walker American Inn of Courts, Master. He has been AV-Rated by Martindale-Hubbell® since 2005.

Jonathan is an elected member of the Firm's Management Committee since 2009.

Representative Experience

Oil & Gas/Energy Litigation

Jonathan's expertise in this area includes handling disputes involving joint operating agreements, gas processing agreements, gas purchase contracts, leases and surface issues. He has also litigated many issues related to title, lease covenants, implied and express covenants to pool, and royalty payments. Jonathan has experience with the Council of Petroleum Accountants Societies, Inc. (COPAS) accounting issues, as well as matters relating to alleged reservoir damage and well blowouts. Other energy-related experience includes power generation/distribution and natural gas trading disputes.

Noteworthy experience includes:

- Jonathan represented an oil and gas company in a breach of warranty and products liability case against a manufacturer of casing. Jonathan's client purchased steel casing to be used in the drilling and completion of oil and gas wells in the Bakken Field in North Dakota. Six wells containing the pipe failed during the completion process. As a result, the client was forced to perform costly repairs on the six failed wells, and performed preventative repairs on 16 additional wells. After extensive written discovery and depositions, including extensive expert discovery, the client was able to reach a confidential settlement on the eve of trial.
- Jonathan represented a non-executive mineral interest owner for the allegedly wrongful actions of the executive mineral owner. The Plaintiffs filed suit against Jonathan's client seeking recovery of more than \$8 million in royalties which the Plaintiffs claimed should have been paid to them as competing non-executive mineral owners. The district court granted summary judgment dismissing all of the Plaintiffs' claims. The Plaintiffs appealed to the Thirteenth Court of Appeals in Corpus Christi. Jonathan argued the case in the appellate court in October, 2016 which was affirmed on August 10, 2017. The Plaintiff has sought review by the Texas Supreme Court.
- Serving as lead trial counsel for clients involving royalty interests in the Eagle Ford Shale Play. Jonathan argued and won summary judgment in the 81st District Court in Karnes County, Texas. The judgment also granted attorneys' fees in favor of the clients. The losing party appealed. Jonathan argued the case before the Texas Fourth Court of Appeals which affirmed the judgment in favor of clients. The Texas Supreme Court denied the losing party's request for review.
- Lead counsel for an oil and gas exploration company in defending a lawsuit brought in Louisiana state court by 10 separate oil and gas companies related to an alleged breach of a contract concerning the acquisition of 3-D seismic. The case also involved trade secret claims brought on behalf of client. The case was tried before a judge in a two week trial in Beauregard Parish, Louisiana in late 2011. The Plaintiffs originally sought over \$270 million dollars in alleged damages. Ultimately, the trial judge dismissed all of the Plaintiffs' claims except for one of the Plaintiffs whereby a judgment for lost royalties of \$16 million was entered. This portion of the judgment was later reversed on appeal by the intermediate court of appeal. The Louisiana Supreme Court later reversed other portions of the judgment related to breach of contract claims. Ultimately, the Plaintiff's judgment after all appeals was reduced to \$2.6 million. After the appellate court's judgment became final, the Plaintiffs filed a motion in district court seeking to recover certain court costs including expert fees totaling over \$1.4 million. The court held an evidentiary hearing

whereby testimony from three separate experts used by the Plaintiffs were cross-examined. In a written ruling issued on October 31, 2016, the district court denied or substantially reduced the costs sought by the Plaintiffs whereby the Plaintiffs were only able to recover \$90,783 against client. A final judgment was entered on December 3, 2016.

- Serving as lead trial counsel for a pipeline company in obtaining a preliminary injunction (after evidentiary hearing) in East Texas against a landowner who was interfering with a pipeline easement.
- Acting as lead counsel for an oil and gas operator in Texas state court in a dispute with another exploration company over competing joint-operating agreements, covering different depths and alleged relinquishment of rights. A summary judgment was obtained in the client's favor.
- Acting as co-counsel for clients in Duval County, Texas, in a dispute concerning royalty interests in 1927 deeds and issues over fractional royalty. Judgment was granted in trial court in favor of client and affirmed on appeal.
- Representing an oil and gas operator in defense of a lessor's lawsuit alleging bad faith pooling. The lessor voluntarily dismissed the lawsuit against the client. .
- Representing an oil and gas company in a dispute with a large natural gas plant operator involving complex accounting issues related to a natural gas processing plant and issues related to reallocation of volumes.
- Representing a natural gas trading company in Texas state court in defense of a contract dispute and fraud claims involving alleged contractual commitments for three manufacturing plants. The suit was favorably resolved.
- Serving as co-counsel in a two-week jury trial in federal court for a well service company and an individual in a lawsuit against an oil and gas company for personal and property damages caused by a well blowout and fire. A favorable jury verdict was obtained and affirmed by the U.S. Court of Appeals for the Fifth Circuit.
- Representing individuals and companies in state and federal courts in Louisiana and Arkansas involving a disputed agreement to acquire oil and gas-producing properties located in the Arkansas Smackover Field. The suit was favorably resolved following extensive hearings, discovery and pre-trial motions in various venues.
- Representing two individuals and their company in a dispute against a publicly-traded company arising out of a joint-operating agreement for the largest coal-bed methane gas field in Australia. A confidential settlement was reached.
- Representing an oil and gas company in defense of claims brought by mineral lessors claiming alleged drainage of hydrocarbons and failure of the lessee to protect the leasehold.
- Representing working interest owners in a dispute with an operator over operations. The dispute was favorably settled.
- Representing an oil and gas company in an attempt by a landowner to invalidate a lease in Jefferson County, Texas.
- Representing an operator in a dispute with a well-service company over damages caused to a reservoir. The dispute was favorably settled.

Complex Business Litigation

Jonathan has substantial experience with complex commercial matters ranging from contract disputes to unfair trade practice actions.

Examples of his experience include:

- Lead trial counsel for former executive sued by energy company claiming executive stole trade secrets and misused company's confidential information. After significant discovery and motion practice, parties entered into favorable confidential settlement.
- Representing an environmental company against former employee and shareholder who misappropriated confidential and trade secret information for use in competing business. Matter was favorably settled after computer forensics examination conducted.
- Serving as co-counsel in a two-week jury trial for a large commercial tenant against a commercial real estate company relating to overcharges for five commercial office buildings located in the Greenspoint area of North Houston. A judgment in favor of the client was obtained after a jury trial in Harris County, Texas.
- Successfully defending (as co-counsel) a major corporation against a suit brought by a commercial real estate developer, seeking multi-million dollar damages for breach of contract, interference with contract, conspiracy and other claims. After a five-week jury trial in Texas state court, a judgment was obtained in the client's favor. Judgment was affirmed on appeal.
- Representing a client in defense of a federal qui tam lawsuit brought against the client and an international consulting firm, relating to billing and reimbursement under a Medicaid-funded program. The court dismissed major parts of the relator's case based on motions, and the relator voluntarily dismissed the suit against the client following extensive discovery.
- Representing what is now the nation's second-largest residential alarm company in defense of a federal lawsuit brought by a competing national alarm company under the Lanham Act, claiming unfair competition/unfair business practices related to alleged widespread marketing practices.
- Acting as co-counsel for an electric cooperative in a suit filed in Marshall, Texas, related to a pipeline explosion that caused millions of dollars in property damage to a power plant.
- Representing an out-of-state electric cooperative in a class action suit filed in Texas by plaintiffs alleging manipulation of prices. The suit was voluntarily dismissed by the plaintiffs before hearing was held on motion filed for clients.
- Representing the insured in federal court against insurers and brokers regarding losses suffered from Tropical Storm Allison at more than 120 locations throughout Harris County, Texas, based on breach of contract and statutory duties. The case was favorably settled.
- Serving as lead counsel for a trucking company in an alleged breach of contract action filed in the United States District Court for the Southern District of Texas. Jonathan successfully had the action transferred to federal court in Arkansas.
- Representing shareholders and partners in various shareholder/partnership disputes related to the dissolution of partnership and operations. The Court of Appeals affirmed the summary judgment in favor of the clients.
- Defending a pipe manufacturer in a product liability suit alleging design and manufacturing defects. The case was favorably settled.
- Representing an employer in the enforcement of a non-competition agreement. The court enforced the agreement.
- Representing a general contractor in a dispute with a property owner over construction. Bankruptcy court granted the contractor a preferred priority claim following the property owner's bankruptcy filing. The contractor recovered 100 percent of the claim.

Publications & Presentations

- McGinnis Lochridge Oil & Gas Newsletter: Producer's Edge, Vol. 2, Issue 2 (May 12, 2020)
- Partner Jonathan Baughman Provides Context to Law360 on Contracts in Pipeline Deal (January 31, 2020)
- Co-Chair, Institute of Energy Law, 18th Annual Energy Litigation Conference, Spring, Texas (November 14, 2019)
- Quoted in Law360 Article "6 Texas Supreme Court Oil and Gas Cases To Watch" (September 16, 2019)
- Partner Jonathan Baughman Quoted by Bloomberg on Houston Chemical Blaze (March 21, 2019)
- Moderator, *Trying the Oil and Gas Case*: Texas Bar CLE, Oil and Gas Disputes Course (January 2019)
- Partner Jonathan Baughman Quoted in Law360 "Texas Cases to Watch in 2019" (January 2, 2019)
- Co-chair, 17th Annual Energy Litigation Conference, Institute for Energy Law, Houston, Texas (November 8, 2018)
- Partner Jonathan Baughman Talks with Law360 About Two Cases Before Texas Supreme Court (September 7, 2018)
- Presenter, "Discussion of Selected Federal Court Jurisdiction Issues in Oil and Gas Disputes", 64th Mineral Law Institute, Louisiana State University Law Center, Baton Rouge, Louisiana (March 10, 2017)
- Co-Author, Discussion of Selected Federal Court Jurisdiction Issues in Oil and Gas Disputes (March 10, 2017)
- Speaker, *COPAS Accounting Procedure, and Legal and Practical Considerations*, Oil & Gas Joint Operations And The New APPL Form 610-2015 Model Form Operating Agreement, Rocky Mountain Mineral Law Foundation, Houston, Texas (November 4, 2016)
- Panelist, *View from the Bench*, 15th Annual Energy Litigation Conference, Institute for Energy Law, Houston, Texas (November 3, 2016)
- High Court Declines Review of Dispute Over Oil Deed Interpretation: Jonathan Baughman, Partner and Chris Halgren, Associate of McGinnis Lochridge featured in an article in Texas Lawyer. (October 14, 2015)
- Partner Jonathan Baughman and Associate Austin Brister published in Law360 forecasting rise in royalty and lease termination litigation amidst prolonged oil slump. (September 25, 2015)
- Co-Author, "Lessor-Lessee Relations After Shale's Honeymoon Period," *Law360* (September 25, 2015)
- Speaker and Co-author, *Legal Update: Recent Developments in Non-Regulatory Oil & Gas Law*, American Association of Professional Landmen, Southwest Land Institute (April 2014)
- Speaker, *Texas Homestead and Probate Law*, Institute for Energy Law, Texas Mineral Title Course, Houston, Texas (May 2013)
- Co-author, *COPAS Accounting Procedures: Legal Issues in the Past and Legal Issues that Might Arise in the Future*, Section Report of the Oil, Gas & Energy Resources Law Section of the State Bar of Texas, Vol. 37, No. 1, pp. 68-85 (Fall 2012)
- *Attorney-Client Privilege and its Impact on the In-House Client Relationship*, State Bar of Texas 11th

Annual Advanced In-House Counsel Course, TexasBarCLE (August 2012)

- Speaker, *The Prudent Operator Standard in the 21st Century*, 58th Annual Rocky Mountain Mineral Law Institute, Rocky Mountain Mineral Law Foundation, Newport Beach, California (July 2012)
- Speaker, *COPAS Accounting Procedures: Legal Issues in the Past and Legal Issues that Might Arise In the Future*, Special Institute on Oil & Gas Agreements: Joint Operations, Rocky Mountain Mineral Law Foundation, Santa Fe, New Mexico (May 2007), Houston, Texas (December 2007) and Denver, Colorado (March 2008)
- Speaker, *Navigating the Pooling Clause Waters: New and Recurring Issues*, Rocky Mountain Mineral Law Foundation's Annual Institute, Vancouver, Canada (July 2007), 22nd Annual Energy Law Institute, South Texas College of Law (September 2009)
- Speaker, *Oil & Gas Class Actions in Louisiana and the Class Action Fairness Act of 2005*, 54th Louisiana Mineral Law Institute, Baton Rouge, Louisiana (April 2007)
- Speaker, *COPAS Accounting Procedures — Legal Issues*, University of Houston, Advanced Oil & Gas Short Course (January 2007)
- Speaker, *COPAS 2005 Accounting Procedure for Joint Operations — Significant Changes — Practical and Legal Considerations*, AAPL Texas Land Institute and AAPL Santa Fe Land Institute (September 2006)
- Co-author, *COPAS and the 2005 COPAS Accounting Procedure — Significant Changes for Changing Times*, Texas State Bar Section Report: Oil, Gas and Energy Resources Law, Vol. 29, No. 3, pp. 16-37 (March 2005)

Professional Associations & Community Involvement

- State Bar of Texas: Litigation Section; Oil, Gas, and Energy Resources Section (Council Member, 2015-2018)
- Texas Bar Foundation (Life Fellow)
- Louisiana State Bar Association
- Houston Bar Association: Litigation Section; Oil, Gas & Mineral Law Section (Chair 2008-09)
- Bar Association of the Fifth Federal Circuit
- Garland Walker American Inn of Courts, Master
- Rocky Mountain Mineral Law Foundation (Trustee-at-Large, 2014-2015)
- Louisiana Mineral Law Institute (Advisory Council)
- International Association of Defense Counsel
- National Institute for Trial Advocacy

Professional Recognition

- *Benchmark Litigation*, Local Litigation Star, General Commercial (2017-2021)
- Texas Super Lawyers list, a Thomson Reuters service, Energy & Natural Resources (2012-2020)
- Texas Super Lawyers Rising Stars list, a Thomson Reuters service, Energy & Natural Resources (2006-2007)

Court Admissions

- United States Court of Appeals for the Fifth Circuit
- United States District Courts for the Eastern, Northern, Southern, and Western Districts of Texas
- United States District Courts for the Middle and Western Districts of Louisiana
- United States District Courts for the Eastern and Western Districts of Arkansas

Bar Admissions

- Texas
- Louisiana

Education/Professional Background

- Loyola University New Orleans School of Law, J.D., 1995 (*magna cum laude*; Managing Editor, *Loyola Law Review*; Moot Court)
- Louisiana Tech University, B.S., 1988 (*magna cum laude*)
- Judicial Extern: Chief Justice Pascal Calogero, Louisiana Supreme Court (Spring 1994)
- Certified Public Accountant, Louisiana and Texas