

### Stephen E. McConnico

Steve is an accomplished trial lawyer respected for his skill in the courtroom as well as his exemplary ethical standard of practice. Having tried over 200 cases to jury verdict, Steve's experience in the courtroom spans a wide range of issues including breach of fiduciary duty, theft of trade secrets, probate, breach of contract, environmental, election law, class action, business tort, oil and gas, personal injury, and professional malpractice defense. He represents Fortune 500 Corporations, some of Texas's largest law firms, the Chief Justice of the Texas Supreme Court, family owned businesses, and individuals. Steve is committed to fostering the firm's legacy of dedicated client advocates by continuing to lead strong trial teams, sharing his legal knowledge and serving the community.

### Recognitions & Awards

Fellow, American College of Trial Lawyers

Fellow, International Academy of Trial Lawyers

Fellow, International Society of Barristers

President, Austin Chapter of ABOTA, 1993-1995

President, Tex-ABOTA, 1997

Ronald D. Secest Outstanding Trial Lawyer Award by Texas Bar Foundation, 2012

Baylor Lawyer of the Year, 2011

Selected for The Best Lawyers in America in Bet-The-Company Litigation, Commercial Litigation, Legal Malpractice Law, Personal Injury Litigation and Professional Malpractice Law, a Woodward/White, Inc. publication, 2007-2017



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#### RELATED PRACTICE AREAS:

- Business Torts
- Commercial Litigation
- Personal Injury and Products Liability
- Pharmaceutical and Medical Device
- Professional Malpractice Defense
- Professional Malpractice, Licensing and Regulation



Top 50: Central/West Texas Super Lawyers, a Thomson Reuters business, Business Litigation 2003 – 2016

Top 100: Texas Super Lawyers, a Thomson Reuters business, Business Litigation 2003 – 2016

Texas Super Lawyer, a Thomson Reuters business, Business Litigation 2003 - 2017

Texas Top Notch Lawyer, Commercial Litigation, a Thomson Reuters business, 2010-2016

National Law Journal Who's Who of the Legal Malpractice Bar

Board Certified in Personal Injury and Civil Trial, Texas Board of Legal Specialization, since 1982

Editor in Chief, Baylor Law Review, 1975-1976

### **Representative Matters**

#### PHARMACEUTICAL AND MEDICAL DEVICE:

Trial counsel for Ethicon, Inc. and Johnson & Johnson in federal and state products liability litigation cases involving pelvic mesh products.

Trial counsel for Janssen Pharmaceuticals, Inc. and Johnson & Johnson in federal and state products liability litigation cases involving the prescription medication Risperdal.

Trial Counsel for AstraZeneca in state Medicaid fraud litigation involving marketing of antipsychotic medication.

#### BREACH OF CONTRACT:

Lead trial counsel for Baylor University in state litigation involving breach of fiduciary duty/breach of contract.

Lead trial counsel for Lower Colorado River Authority in various state court litigation matters involving Wholesale Power Agreements throughout Central Texas.

*54 Broadcasting, Inc. v. LIN Television* (Civil Action No. 1:08-CV-30) — Successful defense of a breach of contract case alleging the wrongful assignment of F.C.C. television license. Jury found the assignment valid.

#### CLASS ACTION:

*Sandoval v. Western Union* (Cause No. 98C2407; *Luis Pelayo and Oscar Perales v. Western Union Financial Services, Inc.*; In the U.S. District Court for the Northern District of Illinois (Chicago Division)) – McConnico was one of the lead Plaintiff counsel in a national class action alleging Western Union overcharged persons wire transferring money from the United States to Mexico. The settlement for the class was valued at more than \$275,000,000.00.

#### LEGAL MALPRACTICE:

*Catherman v. First State Bank of Smithville* (796 S.W.2d 799) — Successful trial court and appellate rulings that federal and state Fair Debt Acts do not apply to Texas attorneys. Jury verdict in favor of defendant lawyer.

*Gunn v. Minton* (568 U.S. 310 (2105)) — This case establishes the rule that state courts not federal courts have jurisdiction over legal malpractice cases arising out of patent litigation. This is the position McConnico, as the lead trial defense counsel, argued for and prevailed on at the trial level.

#### TECHNOLOGY:

*B. Randall Jean, et al v. Thermo Electron Corporation, et al.* (Case No. 99-0632) — Successful defense in a seven week arbitration involving microwave technology before AAA arbitration panel. There were 120 witnesses and 1600 exhibits. Arbitrators awarded what defense offered in settlement.

OIL AND GAS:

*Langham v. Texaco* (Case No. 8866; *Elodie H. Langham v. Texaco, Inc.*; In the 75th Judicial District Court of Chambers County, Texas) — Lead attorneys representing Lessor royalty owners against Lessee Texaco for drainage and underpayment of royalties. After extensive discovery, the case settled resulting in a significant payment to the Broussard Estate.

*HECI v. AOP* (Cause No. 88-1045; *HECI v. AOP Freeman*; In the 155th Judicial District Court of Fayette County, Texas) — Lead attorney representing HECI suing AOP, the operator of an adjoining lease, for damage to the oil and gas reservoir underlying both the HECI and AOP leases. Jury awarded HECI \$1,719,956.00 in actual damages and \$2,000,000.00 in punitive damages.

*Republic Oil & Gas v. Mustang Drilling* (Cause No. 6472; *Republic Oil & Gas v. American*; In the 229th Judicial District Court of Starr County, Texas) — Lead trial attorney for Lessee Republic Oil & Gas and Lessor Isabel Requenez against supplier of defective well casing resulting in the loss of an oil and gas well. Jury awarded \$2,300,000.00 to the Lessee operator for its drilling cost and lost profits and \$900,000.00 to the Lessor for lost royalties.

*Hope v. Pickens* (Cause No. 6453-A; *Hope v. Pickens*; In the 293rd Judicial District Court of Maverick County, Texas) — Lead trial attorney representing Lessors suing Lessee for failure to develop. Jury awarded \$1,000,000.00 for lost royalties.

*St. Paul Fire v. Petroplex*, 2015 WL 5173035 (Tex. App. — Eastland 2015, writ denied) — McConnico was the lead trial attorney for Petroplex. In this well blow out case, Petroplex sued the provider of the blowout preventer which failed. The case settled during trial. Petroplex then sued St. Paul which denied coverage for the blowout. The trial court and court of appeals both ruled St. Paul owed coverage.

### **Selected Reported Cases**

*Hall v. Pedernales Elec. Co-Op., Inc.*, 278 S.W.3d 536 (Tex. App.—Austin 2009, no pet.)

*In Re Graham*, 251 S.W.3d 844 (Tex. App.—Austin 2008, orig. proceeding)

*Henderson v. Chambers*, 208 S.W.3d 546 (Tex. App.—Austin 2006, no pet.) )

### **Bar Admissions & Activities**

Admitted to the State Bar of Texas, the U.S. District Courts for the Eastern, Southern, Northern and Western Districts of Texas, the U.S. Court of Appeals for the Fifth Circuit and the U.S. Supreme Court.

Admitted to practice for specific cases in California, Florida, North Carolina, Louisiana and Nevada.

Member, State Bar of Texas Court Administration Taskforce, 2007-2008

Member, State Bar of Texas Referral Fee Taskforce, 2004-2006

Chairman, Litigation Section, State Bar of Texas, 1992-1993

Life Member, Texas Bar Foundation

Member, American Bar Association

Life Member, American Bar Foundation

Texas Supreme Court Advisory Committee, 1984-1993

President, Texas Supreme Court Historical Society, 2005

President, Baylor Law School Alumni Association, 2003-2004

## **Education**

Baylor University, J.D. with honors, 1976

Briefing Attorney to Justice Jack Pope, Texas Supreme Court, 1976-1977

Associate Professor at Baylor University School of Law for Practice Court, 2006

Associate Professor at the University of Texas Law School for Professional Responsibility, 2002

## **Articles & Presentations**

"Ethics in Litigation: A Radically Different Approach," American College of Trial Lawyers' CLE program (2017)

"Ethical challenges in Prepping and Presenting Witnesses," UT Law Page Keeton Civil Litigation Conference (2016)

"What You Need to Know Now: A Business Litigator's Perspective," Litigation Section at the State Bar of Texas Annual Meeting (2015)

"Legal Malpractice: What's the Law and How to Prevent Committing Malpractice," 2015 Advanced Civil Trial Law Seminar, Corpus Christi Bar Association (2015)

Stephen E. McConnico, Jennifer Knauth & Robyn Bigelow, *Unresolved Problems in Texas Legal Malpractice Law*, 36 St. Mary's L.J. 989 (2005)

Steve has given over 150 Continuing Legal Education presentations.