

### Jane Webre

Jane practices civil appellate law and handles most of the firm's appeals. Her practice also includes trial court litigation involving complex matters that present significant legal issues, including oil and gas litigation and land use regulation. Jane has argued appeals in the Supreme Court of the United States, the Fifth Circuit, the Supreme Court of Texas, and many of the courts of appeals around the state. Jane is also a frequent speaker at seminars involving appellate procedure issues and analysis of Texas Supreme Court opinions. Before joining the firm, Jane was a law clerk for the Hon. Reynaldo G. Garza of the Fifth Circuit.

### Recognitions & Awards

Board Certified in Civil Appellate Law by the Texas Board of Legal Specialization, since 1996

Member, American Law Institute

Fellow, American Academy of Appellate Lawyers

Member, State Bar of Texas, Women in the Profession Committee, 2018-2021 Term

2013 Litigation/Appellate Attorney Award, awarded by Travis County Women Lawyers' Association

Board Certification Civil Exam Commission in Civil Appellate Law, 2001-2005

Selected for The Best Lawyers in America in Appellate Law, a Woodward/White, Inc. publication, 2007-2015

Texas Super Lawyer, a Thomson Reuters business, Civil Appellate Law, 2003 - 2016

Top 50: Central/West Texas Super Lawyer, a Thomson



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#### RELATED PRACTICE AREAS:

- Appellate
- Commercial Litigation
- Governmental Entity Litigation
- Insurance Coverage
- Insurance Litigation
- Oil & Gas Litigation
- Oil & Gas Natural Resources and Energy Litigation
- Professional Malpractice Defense
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Reuters business, Civil Appellate Law, 2015

Professional Malpractice,  
Licensing and Regulation

Top 50 Women Texas Super Lawyers, a Thomson Reuters business, 2008, 2009, and 2015

Top 100 Texas Super Lawyers, a Thomson Reuters business, 2015

Past Council Member, Civil Appellate Section, State Bar of Texas

Past Chair, Civil Appellate Section Travis County Bar Association

### **Representative Matters**

Handled appeal to the Supreme Court of the United States from the Supreme Court of Texas. Won unanimous decision allowing state legal malpractice claims to be litigated in state court rather than federal court, even when the claim arises out of an underlying federal matter.

Handled appeal to the Supreme Court of Texas involving the standard for defamation claims against media defendants. Won judgment affirming that media defendants retain a duty of accuracy when reporting on third party allegations.

Handled appeal involving interpretation of state "grandfathering" statute, Chapter 245 of Texas Local Government Code. Won judgment in the court of appeals construing statute to require identity of project under the statute, a significant favorable ruling for municipalities.

Handled appeal involving the question of whether subsurface fracking of a gas well can give rise to trespass claims. Won decision by Supreme Court of Texas rejecting such claims and reversing judgment for substantial actual and exemplary damages.

Successfully defended on appeal a class certification order and settlement in a class action involving some 220,000

class members.

Handled appeal involving interpretation, application and interaction of Pugh, horizontal severance and pooling clauses in an oil and gas lease. Won reversal in the court of appeals of a summary judgment declaring lease termination.

Handled mandamus proceeding involving venue issues in the probate context. Won transfer of venue in the court of appeals that facilitated the ultimate favorable settlement of the case.

Successfully prosecuted challenge to state statute limiting city's land use regulation jurisdiction. Won judgment in Supreme Court of Texas declaring the statute unconstitutional.

### **Bar Admissions & Activities**

Admitted to the State Bar of Texas; U.S. District Courts for the Northern, Southern, Eastern and Western Districts of Texas; the U.S. Courts of Appeals for the Third, Fifth, Eighth, Ninth, Eleventh, and District of Columbia Circuits; and the Supreme Court of the United States.

Member, Civil Appellate Section, State Bar of Texas

Member, Civil Appellate Section, Austin Bar Association

Barrister, Robert W. Calvert Chapter, American Inns of Court, 2001-2007

Executive Committee, University of Texas School of Law Alumni Association

### **Education**

University of Texas, B.A. in Plan II, 1986

University of Texas School of Law, J.D., 1989

## **Selected Articles & Presentations**

*Conflicts, Disqualifications, and Chinese Walls*, presented at the Austin Bar Association annual Holiday Ethics CLE, December, 2017.

*A General Primer on Appeals*

*Mandamus: When is There an Adequate Remedy at Law?*

*Mandamus: What are the Odds?*

*¡Ya Basta! Ruminations on Trying the Patience of the Courts*,  
The Appellate Advocate (Spring 2008)

*Due Process Constraints on Punitive Damage Awards: Are There Any?* 55 Tex. Bar J. 14 (1992)

## **Selected Reported Cases**

*Minton v. Gunn*, 301 S.W.3d 702 (Tex. App.—Fort Worth 2009), reversed, 355 S.W.3d 634 (Tex. 2011), reversed, 133 S.Ct. 1059 (2013).

*Clay Exploration, Inc. v. Santa Rosa Oper., LLC*, 442 S.W.3d 795 (Tex. App – Houston [14th Dist.] 2014, no pet.)

*Warren v. Chesapeake Exploration, LLC*, 759 F.3d 413 (5th Cir. 2014).

*Elizondo v. Krist*, 415 S.W.3d 259 (Tex. 2013).

*Neely v. Wilson*, 418 S.W.3d 52 (Tex. 2013).

*Kelly v. Hinson*, 387 S.W.3d 906 (Tex. App.—Fort Worth 2012, pet. denied).

*Centerpoint Energy Houston Electric LLC v. Public Util. Comm'n*, 408 S.W.3d 910 (Tex. App – Austin 2013, pet. denied).

*Centerpoint Energy Houston Electric, L.L.C. v. Public Util. Comm'n*, 354 S.W.3d 899 (Tex. App.—Austin 2011, no pet.).

*Ojo v. Farmers Group, Inc.*, 356 S.W.3d 421 (Tex. 2011).

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

*Smith v. O'Donnell*, 197 S.W.3d 394 (Tex. 2006), on remand, 234 S.W.3d 135 (Tex. App.—San Antonio 2007), affirmed, 288 S.W.3d 417 (Tex. 2009).

*Gallagher Headquarters Ranch Dev., Ltd. v. City of San Antonio*, 269 S.W.3d 628 (Tex. App. – San Antonio 2008, judgment vacated by agt.).

*Coastal Oil & Gas Corp. v. Garza Energy Trust*, 268 S.W.3d 1 (Tex. 2008).

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

*FPL Energy Upton Wind I, L.P. v. City of Austin*, 240 S.W.3d 456 (Tex. App.—Amarillo 2007, no pet.).

*City of San Antonio v. En Seguido, Ltd.*, 227 S.W.3d 237 (Tex. App.—San Antonio 2007, no pet.).

*West Telemarketing Corp. Outbound v. McClure*, 225 S.W.3d 658 (Tex. App.—El Paso 2006, pet. dism'd).

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

*Save Our Springs Alliance v. City of Austin*, 149 S.W.3d 674 (Tex. App.—Austin 2004, no pet.).

*In Re: Juan Lino Garza*, 90 F.3d. 730 (5th Cir. 2004).

*Williams v. Texas State Bd. of Orthotics and Prosthetics*, 150 S.W.3d 563 (Tex. App.—Austin 2004, no pet.).

*Lyn-Lea Travel Corp. v. American Airlines, Inc.*, 283 F.3d 282 (5th Cir. 2002), cert. denied, 123 S.Ct. 659 (2002).

*Jackson v. West Telemarketing Corp. Outbound*, 245 F.3d 518 (5th Cir. 2001), cert. denied, 122 S.Ct. 394 (2001).

*Bd. Of Law Examiners of the State of Texas v. Coulson*, 48 S.W.3d 841 (Tex. App.—Austin 2001, pet. denied).

*Morgan v. Wal-Mart Stores, Inc.*, 30 S.W.3d 455 (Tex. App.—Austin 2000, pet. denied).

*FM Properties Operating Co. v. City of Austin*, 22 S.W.3d 868 (Tex. 2000).

*Bank One, Texas v. U.S.*, 157 F.3d 397 (5th Cir. 1998).

*Lenape Resources Corp. v. Tennessee Gas Pipeline Co.*, 925 S.W.2d 565 (Tex. 1996).

*Marshall v. Ryder Systems, Inc.*, 928 S.W.2d 190 (Tex. App.—Houston [14th Dist.] 1996, writ denied).

*Coastal Oil & Gas Corporation v. Flores*, 908 S.W.2d 517 (Tex. App.—San Antonio 1995, orig. proceeding).