



Reagan W. Simpson

Partner

Contact

rsimpson@yettercoleman.com

713.632.8075

Houston

Professional Summary

Reagan's practice focuses on complex commercial litigation and appeals in the areas of tort, personal injury, and commercial torts. He is a Fellow of both the American College of Trial Lawyers and the American Academy of Appellate Lawyers, a distinction that has been obtained by only a small number of practicing lawyers in the United States. Reagan is also an Advocate-level member of the American Board of Trial Advocates, and a member of the American Law Institute.

Reagan was honored with the 2020 Chief Justice Jack Pope Professionalism Award by the Texas Center for Legal Ethics and selected by the Texas Bar Foundation for the 2020 Gregory S. Coleman Outstanding Appellate Lawyer Award in recognition of his 43 years of commitment to excellence, mentorship, and professionalism. The awards, along with many years of recognition by *Chambers and Partners*, *Best Lawyers in America*, and *Texas Super Lawyers*, reflect his standing as one of the State's and nation's premier appellate practitioners.

Reagan is admitted to practice in all state courts in Texas, all state courts in Illinois, the United States Supreme Court, United States Courts of Appeals for the Fifth and Eleventh Circuits, and the United States District Courts for the Southern, Northern, Western, and Eastern Districts of Texas, Central District of Illinois, and the Northern District of Florida.

Representative Experience

- *IBM v. Lufkin Industries*. Reversed a multi-million dollar awards against IBM in a dispute over the installation of a business software system and extended the law on the effectiveness of disclaimers of reliance.
- *Sabre Travel v. Deutsche Lufthansa*. Upheld in the Texas Supreme Court a ruling that a tort claim by Lufthansa against Sabre is not preempted by the Airline Deregulation Act.
- *Kelly v. Houston Methodist*. Upheld the dismissal of a suit against the hospital seeking to challenge the constitutionality of a statute allowing decisions to terminate life-sustaining care on the ground that the hospital never withheld life-sustaining care.

- *Pneumo Abex v. Jones and Illinois Asbestos Litigation*. In December 2019 in the Illinois Supreme Court, Reagan obtained a reversal of the Appellate Court decision in the *Jones v. Pneumo Abex* case, which had overturned the trial court's summary judgment for the client in this long-standing asbestos conspiracy litigation. The Supreme Court's decision in *Jones* established the standard of review for summary judgments in this litigation in which Reagan has obtained more than 120 summary judgments state-wide after trying and then appealing adverse decisions and upholding a key defense. Essentially, Reagan has reversed the course of costly asbestos conspiracy litigation in Illinois. He has now won six appeals and reversed judgments awarding a total of more than \$100 million. In the first of those appeals, Reagan also secured a landmark ruling that no duty was owed in a household exposure claim.
- *JSW v. MM Steel*. Upheld in the Fifth Circuit a \$150 million award of treble damages in a group boycott case under the per se rule of liability. The United States Supreme Court denied certiorari. Confidential Client. Represented an electric generation plant in an arbitration involving complex breach of contract and declaratory judgment claims valued at over \$90 million brought by a part-owner and purchaser of the plant's capacity after it raised various challenges to the plant's administration of the power purchase agreement, calculation of the reservation payment, and pass-through of costs. Following a one-week arbitration hearing, a three-arbitrator panel issued a unanimous decision in our client's favor on each of the significant claims.

Professional Honors & Affiliations

- Fellow: American Academy of Appellate Lawyers
- Fellow: American College of Trial Lawyers
- Advocate: American Board of Trial Advocates (ABOTA), past President of the Houston ABOTA Chapter, and past Member of Board of the Texas State Chapter of ABOTA
- Member: American Law Institute
- Board Certified in Civil Trial Law, Texas Board of Legal Specialization, since 1985
- Board Certified in Civil Appellate Law, Texas Board of Legal Specialization, since 1988
- American, Texas, and Houston Bar Foundations
- 2020 Chief Justice Jack Pope Professionalism Award, Texas Center for Legal Ethics
- 2020 Gregory S. Coleman Outstanding Appellate Lawyer Award, Texas Bar Foundation
- The Best Lawyers in America* 2017 Houston Personal Injury Defense Lawyer of the Year; 2016 & 2010 Houston Appellate Lawyer of the Year; 2013 Austin Appellate Lawyer of the Year
- Best Lawyers in America* in Appellate, Bet-the-Company, Commercial Litigation, Energy Law, and Personal Injury Defense Litigation
- Chambers USA: America's Leading Business Lawyers* in Texas Appellate
- Texas Super Lawyer," in Appellate Law; Recognized in the Top 100 Lawyers in Texas, Top 100 Lawyers in Houston, and South Texas, and the Top 50 of Central & West Texas Region, *Thomson Reuters*

- *Who's Who in American Law*, 1994-1995, 8th Edition (pub. 1993)

Presentations & Publications

- "Preserving Appellate Complaints in Federal Courts," American Bar Association, 2020 (editor)
- "Joint Defense Privilege," *The Attorney-Client Privilege in Civil Litigation: Protecting and Defending Confidentiality*, published by American Bar Association, 2019 (seventh edition chapter co-author)
- "Special Appearance," *The Advocate*, Fall 2015 (co-author)
- "Effective Amicus Practice," published by American Bar Association, author of first edition and co-author of the second, third and fourth editions
- "Modern Civil Discovery," published by Aspen
- "Law & Practice of Insurance Coverage Litigation," published by West Group, first edition co-editor
- "Considerations in Settling the Underlying Case in Appleman on Insurance Law & Practice," second edition chapter co-author
- Articles and papers in numerous journals including the *Oklahoma Law Review*, *St. Mary's Law Journal*, *Texas Tech Law Review*, *the Texas Bar Journal*, *The Houston Lawyer*, and publications of the TIPS Section of the ABA

Education & Professional Background

- The University of Texas School of Law, J.D., High Honors, 1977
- The University of Texas, B.A., Highest Honors, 1974
- Law Clerk to the Hon. Thomas Gibbs Gee, U.S. Court of Appeals, Fifth Circuit, 1977-1978
- Admitted to practice: Texas, 1977, Illinois, 2014