

Timothy S. McConn

PARTNER

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713.632.8019



Credentials

- The University of Texas School of Law
J.D., *with honors*
- University of Notre Dame
B.A., Political Science and Philosophy, *magna cum laude*
- Admitted to Practice:
Texas

Tim is an acclaimed business trial lawyer with a focus on representing oil and gas clients in their most challenging, complex, and significant disputes across Texas and the United States.

He regularly advises his clients on issues related to purchase and sale agreements, joint operating agreements, areas of mutual interest, royalty underpayments, title disputes, rights of first refusal, gas sales and transportation agreements, surface damages, and intellectual property. Prior to joining Yetter Coleman, Tim was a partner with Andrews Kurth LLP.

Tim is recognized by *Chambers USA* as one of the nation's top oil & gas litigators and as a leader in Texas commercial litigation. He is also named a "Texas Super Lawyer" in business litigation by *Thomson Reuters*.

A native Houstonian with deep roots in the community, Tim currently serves on the Board of Directors for Trees for Houston and is the former Vice President of the St. Anne Catholic School Foundation. Tim and his wife, Ginnie, have two daughters.

Experience

- Currently representing public exploration and production company against claims that client breached obligations to co-working interest owners regarding expiring leases in the Texas Panhandle. Plaintiffs claim damages in excess of \$200 million. Court granted multiple summary judgments disposing of all claims against all parties, including award to client of \$5 million in attorneys' fees. Case is currently on appeal.
- Currently representing public exploration and production in dispute with co-working interest owners related to client's refusal to drill Eagle Ford wells proposed by plaintiffs under parties' joint operating agreement. Case is set for trial in January 2023.
- Represented two oil and gas producers in separate royalty class action litigations in Oklahoma. Both cases settled after successful motion practice, including a landmark decision denying Plaintiffs' claim to tens of millions of dollars of interest charges under Oklahoma's Production Revenue Standards Act.

- Represented private exploration and production company in a month-long trial in which T. Boone Pickens claimed the client breached an AMI agreement regarding Delaware Basin acreage. The case later settled on confidential terms.
- Represented private equity backed E&P company in dispute over title to valuable Delaware Basin acreage in New Mexico. Case settled favorably after Midland court dismissed plaintiff's suit and client pursued countersuit in New Mexico state court.
- Represented founder of LNG company in breach of fiduciary duty dispute with former company. Adversary nonsuited all claims with prejudice for no compensation on eve of trial after court designated adversary's Board members as responsible third parties and excluded adversary's experts on fiduciary duty issues.
- Represented family trust royalty owner in dispute with other royalty owners regarding community lease. Case settled on eve of trial after court granted summary judgment as to plaintiffs' main claim and found no evidence of damages as to other claim.
- Represented oil and gas producer in dispute over claims that client underpaid overriding royalty interest related to natural gas production in West Virginia. Case settled on favorable terms.
- Represented oil and gas industry consultant in a suit for breach of contract and breach of fiduciary duty in connection with seismic acquisition project in Lavaca County, Texas. After a week-long trial, client won a unanimous defense verdict on all claims, while the jury found co-defendant liable.
- Won on all claims and secured multi-million million award (including attorney fees) in an arbitration related to contract for manufacture of sand silo transport trailers used in hydraulic fracking.
- Represented exploration and production company in numerous royalty underpayment disputes in various South Texas counties. All cases settled on favorable terms.
- Recently represented Midland-based exploration and production company in suit involving trade secret misappropriation dispute. Plaintiff agreed to settlement for small fraction of claimed damages soon after we appeared in the case.
- Represented exploration and production company in a dispute over the right of first refusal concerning significant lease position in Permian Basin. Plaintiff claimed \$15 million in past damages and sought title to the lease but ultimately agreed to settle for a small fraction of demand and client retained the lease.
- Represented midstream company in two two-week arbitrations involving claims that contractor breached the parties' contract by virtue of failing to construct natural gas processing facility in accordance with parties' contract. The outcome of the arbitration is confidential.

Professional Honors & Affiliations

- "Texas Super Lawyer" in Business Litigation, *Thomson Reuters*, 2017-2022
- "Texas Rising Star," *Thomson Reuters*, 2009-2016

- Former Council Member: Houston Bar Association Oil, Gas and Mineral Law Section, 2017-2018
- Board Member: Trees for Houston (and along with wife, Ginnie, Co-Chair of Trees for Houston's annual Root Ball in 2022)
- Life Fellow: Texas Bar Foundation
- Sustaining Life Fellow: Houston Bar Foundation

Presentations & Publications

- "Oil and Gas Update: Cases All Litigators Should Note from the Oil and Gas Practice," 38th Annual Litigation Update Institute, January 12, 2022 (co-presenter)
- "Royalty Litigation Update," Houston Bar Association Oil, Gas & Mineral Law Section CLE, May 27, 2021 (co-presenter)
- "Be Careful What You Bargain For: A Litigator's Perspective on Negotiating and Interpreting Oil and Gas Contracts in Texas," TJOEEL Symposium, February 2021 (co-presenter)
- "Oil & Gas Litigation Update," 37th Annual Litigation Update Institute, January 2021 (co-presenter)
- "Royalty Litigation and Class Actions in Texas and the Fifth Circuit," *The Advocate*, Winter 2018 (co-author)
- "Discovery Rule and Fraudulent Concealment in Oil and Gas Disputes," Midland Bar Association, September 2016
- "Discovery Rule and Fraudulent Concealment in Oil and Gas Disputes," Houston Bar Association, March 2016
- "Contract by Email: How to Avoid Costly Claims in Today's Turbulent Market," Institute for Energy Law, November 2015 (panelist)
- "Trespass to Try Title Disputes vs. Declaratory Judgement," 9th Annual Texas Law Journal of Oil, Gas, and Energy Law, February 2014