

Timothy S. McConn

PARTNER

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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, including Apache, Chevron, ConocoPhillips, and Energy Transfer, as plaintiffs and defendants in lawsuits related to purchase and sale agreements, oil and gas leases, joint operating agreements, royalty underpayments, title disputes, areas of mutual interest, rights of first refusal, gas sales and transportation agreements, and surface damages. 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 trial lawyers and as a leader in Texas commercial litigation. He is also considered a "Texas Super Lawyer" in business litigation and one of the Top 100 Lawyers in Houston 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 was previously the President of the Woodland Heights Civic Association and the Vice President of the St. Anne Catholic School Foundation. Tim and his wife, Ginnie, have two daughters.

Experience

Upstream

- Currently representing public exploration and production company as plaintiff (mineral and royalty owner) in \$100 plus million royalty dispute with operator.
- Currently representing private exploration and production company as plaintiff in nine-figure dispute with Pioneer related to wrongful interference with and acquisition of clients' rights in extremely valuable Delaware Basin leases.

- Currently representing public exploration and production company as defendant against claims that client breached obligations to co-working interest owners regarding expiring leases in the Texas 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. Texas Supreme Court affirmed. Case is currently on remand to court of appeals regarding damages question.
- Currently representing public exploration and production company as defendant in significant lease termination dispute with top lessor in the Delaware Basin.
- Currently representing public exploration and production company as defendant 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. Trial court granted summary judgment in all respects for client. Case is currently on appeal.
- Represented two oil and gas producers in separate royalty class actions 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 dispute with public exploration and production company over holdback and indemnity obligations following sale of Bakken Shale assets. Case settled just before trial on favorable terms.
- Represented private exploration and production company in a month-long trial in which Boone Pickens claimed the client breached an AMI agreement regarding valuable Delaware Basin acreage. The case later settled on confidential terms.
- Represented private exploration and production company in dispute over title to valuable Delaware Basin acreage in New Case settled favorably after Midland County, Texas court dismissed plaintiff's suit and client pursued countersuit in New Mexico.
- Represented family trust royalty owner in dispute with other royalty owners regarding community 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. After a week-long trial, client won a unanimous defense verdict on all claims.
- Represented exploration and production company in numerous royalty underpayment disputes in various South Texas All cases settled on favorable terms.
- Represented overriding royalty interest owner in dispute with major operator in Oklahoma. Case settled on favorable terms shortly after lawsuit was filed and without any formal discovery.

- Represented exploration and production company in a dispute over the right of first refusal concerning significant lease position in Permian Plaintiff eight-figure damages and title to the lease but ultimately agreed to settle for a small fraction of demand and client retained the lease.
- 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.

Midstream

- Currently representing bankruptcy trustee as plaintiff in a \$500 million suit against Plains All American Pipeline in Santa Barbara, California arising out of May 2015 rupture of Plains Line 901.
- Currently representing private midstream company in breach of contract lawsuits with oil and gas producers related to failure to satisfy minimum volume commitments under transportation and sales agreements.
- Currently representing private midstream company in significant dispute with public midstream company over valuable assets in Eagle Ford Basin.
- Represented Oklahoma exploration and production company in dispute with midstream company over dedication of leases and wells to gathering system.
- 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.

General Commercial

- Currently representing prominent energy executive in \$100 million dispute with his personal lenders. Case was tried to federal judge in December 2023 and is currently in post-trial proceedings.
- Represented IBM in \$1.6 billion contract and fraud dispute with BMC Software that resulted in complete take-nothing judgment in IBM's favor.
- Represented founder of LNG company in \$500 million 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 prominent national law firm and two former partners against \$50 million legal malpractice claims stemming from patent and intellectual property advice. Trial court granted two summary judgments in clients' favor and court of appeals affirmed.

Professional Honors & Affiliations

- "2024 Lawdragon 500 Leading Energy Lawyers in America," *Lawdragon*
- *Chambers USA: America's Leading Lawyers* in Texas for Oil & Gas Litigation, Nationwide (Band 1) and Commercial Litigation, Houston & Surrounds (Band 4)
- "Top 100 Super Lawyers" in Houston, *Thomson Reuters*, 2023
- "Texas Super Lawyer" in Business Litigation, *Thomson Reuters*, 2017-2023

- “Texas Rising Star,” *Thomson Reuters*, 2009-2016
- Board Member: Trees for Houston (and along with wife, Ginnie, Co-Chair of Trees for Houston’s annual Root Ball in 2022)
- Former Council Member: Houston Bar Association Oil, Gas and Mineral Law Section, 2017-2018
- 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,” TJOEGL 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