



Richard A. Howell

Partner, Houston

713.752.4531

rahowell@jw.com

Practice Areas

- Trial & Appellate Litigation
- Energy

Experience

- Business Litigation
- Energy Litigation
- Pipeline & Midstream

Biography

Richard A. Howell is a commercial trial lawyer and leader of Jackson Walker's Energy Litigation group.

Richard represents energy companies in a wide variety of complex disputes. His clients include oil and gas exploration and production companies, natural gas gathering system operators, power generators, a crude oil storage company, an export terminal developer, and an oilfield tubing manufacturer. He has worked on novel cases involving the midstream industry, such as disputes related to interconnections between common carrier oil pipelines, natural gas transportation rate discrimination, and a first-of-its-kind challenge to a producer's request to flare natural gas despite being connected to a natural gas gathering system. Richard has also assisted clients with multi-state regulatory and litigation proceedings related to natural gas sales, distribution, and penalties, including disputes arising from Winter Storm Uri. Richard represents energy clients in state and federal court trials and hearings, arbitration proceedings, and contested Texas Railroad Commission hearings.

In addition, Richard represents businesses in a variety of industries in complex disputes that require a skilled and creative presence in the courtroom. This includes representation of hospitals, banks, an international electronic payment processing company, a data center operator, chemical companies, and a telecommunications company. Richard has obtained million and multi-million dollar judgments and arbitration awards when representing plaintiffs, and he has obtained dismissals of lawsuits and total defense jury verdicts and judgments for defendants. Based on his work on behalf of clients in business litigation, Thomson Reuters recognized Richard as a "Rising Star" from 2014 through 2022.

Richard also represents many clients in "emergency" actions related to temporary restraining orders (TRO) and

This website uses cookies to improve user experience. By using our website you consent to all cookies in accordance with our [Cookie Policy](#). [View](#)

[Cookie Policy](#) Allow Cookies

plant, and a food distributor. Richard has helped businesses obtain receiverships over hotels, a TV station, and a hospital.

At Jackson Walker, Richard has served as the co-chair of pro bono efforts for the Houston office. He currently serves as the leader of the firm's Energy Litigation group and a member of its statewide business development committee.

Richard was born in Houston, Texas. He attended Episcopal High School where he now serves on the Board of Trustees and its executive committee. He attended the University of Texas at Austin. While in college, he interned at the White House with the President's Deputy Senior Advisor, and he also interned for the Texas Governor and Speaker of the Texas House of Representatives. After graduating college, he worked for the White House and for NASA's General Counsel. Richard attended Baylor Law School where he was active in advocacy programs and served as the Articles Editor for the Baylor Law Review. Richard lives in Houston with his wife and three children. He is actively involved with his family, church, children's school, and other community organizations.

Richard is well-prepared to stand up for his clients in trials and hearings in federal and state court. And at 6 feet 8 inches tall, he is noticed when he stands up!

Education

B.A., *cum laude*, University of Texas at Austin

- Phi Beta Kappa Honor Society

J.D., *cum laude*, Baylor Law School

- Order of the Barristers
- *Baylor Law Review*, Articles Editor

Bar Admissions

Texas, 2008

Court Admissions

United States Court of Appeals for the First and Fifth Circuits

United States District Court for the Eastern, Northern, Southern, and Western Districts of Texas

Practice Experience

Oil & Gas and Chemical Industry

- *RSD Supply, Inc. v. Vallourec USA Corp.* (2021) – Richard served as trial counsel representing Vallourec in a product defect and warranty dispute. After trial, the court rendered judgment for Vallourec on all claims.
- *Whiting Oil and Gas Corp. v. BNN Western, LLC n/k/a Tallgrass Water Western, LLC* (2020) – Richard represented Whiting in seeking to reject two water agreements that were not covenants running with the land under Colorado law. At the conclusion of the summary judgment hearing, the U.S. Bankruptcy Court for the Southern District of Texas rendered judgment for Whiting on one agreement. Before trial, Whiting favorably resolved its claims related to the other agreement.
- *In re Exco Operating Company Flaring Application* (2018-2019)—Richard served as lead trial counsel representing a Williams Companies' subsidiary in contesting Exco's application in the Texas Railroad Commission to flare all of its casinghead gas. Williams challenged the alleged necessity of the flaring because Exco's wells are connected to a gathering system and Exco delivered its gas to that system for more than four years. This was the first case in decades in which any commissioner voted against an operator's flaring request, and it involves critical issues of stewardship of natural resources and midstream infrastructure development.

This website uses cookies to improve user experience. By using our website you consent to all cookies in accordance with our [Cookie Policy](#). [View](#)

[Cookie Policy](#) Allow Cookies

- *Fairway Energy v. Magellan Midstream* (2017)—Richard and Amy Baird represented Fairway Energy, a midstream asset development company, in a Railroad Commission proceeding and a district court case related to Fairway Energy's right to connect its crude oil storage facility and pipelines to Magellan's Houston Crude Oil Distribution System. Fairway Energy's crude oil storage facility – which is now known as Converge Midstream – is in commercial operation.
- *Laredo Energy v. Howard Energy* (2016)—Richard assisted Amy Baird in representing Howard Energy, a pipeline and processing plant operator, in state court and a related arbitration concerning two gas gathering agreements and a gas processing agreement. We secured the dismissal of Laredo Energy's state court lawsuit, and Howard Energy favorably resolved the dispute after the arbitrator granted partial summary judgment for Howard Energy.
- *MEMC Pasadena, Inc. v. Albemarle Corp.* (2016)—Richard and Richard Griffin represented a Houston-area chemical plant in a breach of contract and declaratory judgment action. We obtained temporary restraining order from state court, which was later confirmed by a federal court, to prevent the defendant from shutting off utilities during the pendency of the dispute in order to prevent injury to people, property, and the environment. The dispute was subsequently resolved.
- *Explorer Pipeline Company v. Peltier* (2014)—Richard secured a temporary restraining order and temporary injunction for Explorer against a landowner who blocked access to Explorer's easement.
- *Matias v. TMK IPSCO* (2013)—After a worker was killed in an oilfield accident, his family sued various companies associated with the well, including tubing manufacturer IPSCO. A tubing distributor asserted a cross-claim against IPSCO for indemnity based on the Texas "innocent seller" statute. Through discovery and metallurgical testing, Jackson Walker proved that IPSCO's tubing was not defective. Richard assisted with discovery and with drafting the summary judgment motion against the plaintiffs and the motion to dismiss the distributor's cross-claim. Jackson Walker obtained a total victory for IPSCO when the court dismissed the plaintiffs' and the distributor's claims against IPSCO.
- *Southern Chemical Corp. v. Celanese Ltd.* (2012)—This five-week jury trial concerned a 10-year methanol supply contract. Jackson Walker represented the defendant, Celanese, Ltd., the purchaser of the methanol. The plaintiff claimed in excess of \$1 billion for fraud and a lesser amount for breach of contract. The jury found for Celanese and awarded Celanese nearly \$600,000 for SCC's bad faith. Richard assisted lead counsel during trial, deposed and successfully moved to exclude one of the plaintiff's expert witnesses, and led the pre-trial and trial briefing related to Celanese's counterclaim.
- *LDH Energy Mont Belvieu, L.P. v. BASF FINA Petrochemicals, L.P.* (2012)—Richard assisted in defending a chemical plant operated by BASF FINA Petrochemicals, L.P. against breach of contract and indemnity claims brought by a product storage terminal operator. Richard drafted a motion for summary judgment that, after it was filed, prompted the plaintiff to dismiss all of its claims against Jackson Walker's client.

Commercial Disputes

- *Wholesome Sweeteners v. Diamond Crystal Brands* (2017)—Richard represented Diamond Crystal Brands in defeating a competitor's request for a temporary injunction and in securing the dissolution of an ex parte temporary restraining order. As a result of the hearing, Diamond Crystal Brands was able to move forward with the launch of a new product line.
- *AT&T Mobility, LLC v. AIC Management Co.* (2016 & 2018)—Richard represented AT&T as lead counsel at trial in a dispute concerning the ownership of a cell tower site and lease payments. At trial, the Court granted AT&T's motion to declare that AIC's deed was legally invalid. The Court also rendered judgment that AT&T did not breach any agreement with AIC and that AIC would recover no damages from AT&T. Richard also represented AT&T on appeal. The Houston Court of Appeals affirmed the trial court's judgment with respect to AT&T, and the Texas Supreme Court denied AIC's petition for review. The result was a complete victory for AT&T.
- *Vallourec USA Corp. v. A.M. Castle & Co.* (2016)—Richard and Jeff Burbach represented Vallourec USA in a lawsuit to recover more than \$7 million for industrial pipe. The case was

This website uses cookies to improve user experience. By using our website you consent to all cookies in accordance with our [Cookie Policy](#). [View](#)

[Cookie Policy](#) Allow Cookies

witnesses and more than 100 exhibits, the arbitrator awarded the CHRISTUS hospital more than \$1.25 million (~90% of the amount claimed).

- *New Process Steel v. Kollaja* (2014)—Jackson Walker client New Process Steel prevailed in a jury trial on theft and breach of fiduciary duty claims against Jimmy C. Kollaja, New Process Steel's former Senior Vice President of Finance. Richard wrote and helped argue New Process Steel's pre-trial motions, motion for directed verdict, and post-trial motions. The court granted New Process Steel's post-trial motion to disregard any damage award in favor of Kollaja, thereby providing a near-total victory for New Process Steel.
- *Chapman v. Supplemental Benefit Retirement Plan of LIN Television Corp.* (2012)—Richard assisted in obtaining summary judgment in favor of the defendant in an ERISA case brought by a former executive. 861 F.Supp.2d 41 (D.R.I. 2012).
- *Texas Screw Products v. Medders* (2009)—Richard assisted lead counsel in representing a manufacturer against a high-level employee who took company trade secrets and started a competing business. Within days after the theft was first discovered, Jackson Walker filed a claim, sought and obtained expedited document and computer hard drive production, conducted a deposition of the defendant, and favorably resolved the dispute.

Banking Industry

- *CPIF Lending, LLC v. KCC International, LLC* (2016)—Richard represented CPIF Lending as lead counsel in a suit concerning a hotel in Harris County, Texas. Richard secured a receivership over the hotel and worked with other Jackson Walker attorneys to sell the property in order to pay the debt owed to CPIF. In addition, Richard obtained summary judgment against a second lien holder who attempted to invalidate CPIF's prime lien.
- *IberiaBank v. Cleveland Imaging* (2014)—After a hospital and its guarantors defaulted on their obligations to Iberia, Richard secured the pre-judgment appointment of a receiver over the hospital. During the receivership, the hospital was sold to pay the debt owed to Iberia Bank.
- *Texas Capital Bank, N.A. v. Saberioon* (2013)—Richard obtained a judgment in excess of \$3.5 million against a debtor and led post-judgment discovery to secure payment of the debt.
- *Alonso v. JPMorgan Chase Bank, N.A.* (2013)—Richard served as lead trial counsel for Chase Bank. He removed the action filed in state court, successfully defended against remand, and secured summary judgment for the bank within six months after lawsuit was filed.
- *Compass Bank v. Sunbelt Multimedia Co.* (2012)—Richard assisted lead counsel in representing Compass Bank against a media group that operated a television station in South Texas. Richard drafted the briefing related to the bank's claims and its request that a federal district judge appoint a pre-judgment receiver to operate the highly-indebted station until it could be sold. The court granted the bank's request, and the station was subsequently sold in order to pay the debt owed to Compass Bank.
- *Brenda Johnson v. JPMorgan Chase Bank, N.A.* (2011)—Richard served as lead trial counsel, defending Chase Bank against breach of contract, UCC, and deceptive trade practice act claims related to a cashier's check. The jury found for Chase Bank, and the judgment ordered the plaintiff to pay Chase Bank's attorneys' fees.
- *Nationstar Mortgage, LLC v. Capital One, N.A.* (2010, trial) and (2011, appeal)—Richard served as lead trial and appellate counsel, defending Capital One against a UCC conversion claim brought by a mortgage company. Although the trial court granted judgment for the plaintiff, the Fourteenth Court of Appeals of Texas unanimously reversed that judgment and rendered judgment for Capital One, on the basis that the mortgage company failed to prove that it obtained a valid assignment of the check at issue and had standing to bring its claim. 2011 WL 3332145 (Tex. App.—Houston [14th Dist.] 2011, no pet.).
- *Wood v. Chase BankCard Services, LLC* (2009)—Richard served as lead trial counsel on behalf of Chase in two separate jury trials where the plaintiff alleged violations of federal and state laws. In both trials, the jury found in favor of Chase.

Recognition & Accolades

- Texas Rising Star – Business Litigation, *Super Lawyers* by Thomson Reuters, 2014-2022
- *Lawdragon* 500 Leading Litigators in America, 2022

This website uses cookies to improve user experience. By using our website you consent to all cookies in accordance with our [Cookie Policy](#). [View](#)

[Cookie Policy](#) Allow Cookies

Publications & Speeches

Publications

- ["Texas Adapts Rules for Service of Lawsuits to the New Reality of How We Communicate"](#) (August 2020)
- ["Railroad Commission of Texas Considers Public Comments and Potential Next Steps with Request for Market-Demand Proration of Oil Production"](#) (April 2020)
- ["Railroad Commission of Texas to Consider Market-Demand Prorating of Oil Production"](#) (April 2020)
- ["In Major Partnership Decision, Texas Supreme Court Affirms That Businesses Can Contract for Conditions Precedent to Preclude the Unintentional Formation of a Partnership"](#) (February 2020)
- ["Texas Bankruptcy Court – Applying Oklahoma Law – Concludes That Gathering Agreements Created Covenants Running With the Land and Cannot be Rejected by the Alta Mesa Resources Debtors"](#) (December 2019)
- ["Major Decision in Energy-Related Bankruptcies: Colorado Court in Monarch Midstream Case Departs from Sabine Oil and Finds Gathering Agreement Established a Covenant Running with the Land"](#) (October 2019)

Speaking Engagements

- ["Beyond Zoom and Microsoft Teams: Have Virtual Hearings Altered the Fabric of Dispute Resolution?"](#) International Legal Technology Association (ILTA) Podcast (November 2021)
- ["Trends and Issues Affecting Pipelines,"](#) TexasBarCLE 38th Annual Advanced Oil, Gas and Energy Resources Law Course (September 2020)
- ["Legal Lessons Learned from the 2020 Oil Crisis,"](#) Jackson Walker webinar (June 2020)

In the News

- ["EY Accused Of Taking Ryan LLC's Energy Tax Trade Secrets,"](#) *Law360* (June 16, 2020)
- ["Shell Accused Of Reneging On \\$3.6M In Oil Delivery Payments,"](#) *Law360* (May 5, 2020)
- ["Texas Justices Say Contract Is King In \\$535M Pipeline Fight,"](#) *Law360* (January 31, 2020)
- ["Texas Justices Pass On AT&T Lease Payment Battle,"](#) *Law360* (November 30, 2018)
- ["7 Texas Supreme Court Oil And Gas Cases To Watch,"](#) *Law360* (September 7, 2018)
- ["Texas Partnership Ruling Lets Midstream Cos. Breathe Easier,"](#) *Law360* (July 20, 2017)
- ["Oil Storage Co. Accuses Magellan Of Stifling Competition,"](#) *Law360* (February 22, 2017)
- ["Google Says Court Can't Scrub Case From Internet,"](#) *Law360* (April 9, 2014)

Community Involvement

- Episcopal High School
 - Board of Trustees, 2020-Present
 - Executive Committee, 2021-Present
 - Alumni Directors Council, 2016-2019 and President, 2018-2019
- St. John the Divine
 - Associate Vestry, 2016-2018
 - Generosity Committee, Member, 2018-present, and Chair 2021
- Jackson Walker – Houston Pro Bono Co-Chair and Statewide Pro Bono Committee, 2017-2020
- River Oaks Baptist School – Alumni Board, 2018-2022
- Globalaw, Leadership Programme Participant, 2016
- Texas Bar Association – Litigation Section and Oil, Gas and Energy Resources Law Section
- Houston Bar Foundation, Fellow
- Texas Bar Foundation, Life Fellow
- Houston Bar Association – Speakers Bureau
 - Committee Member, 2012-2016
 - Co-Chair, 2013-2014
- Greater Houston Partnership Energy and Sustainability Committee

This website uses cookies to improve user experience. By using our website you consent to all cookies in accordance with our Cookie Policy. [View](#)

[Cookie Policy](#) Allow Cookies