

BAKER BOTTS



Van H. Beckwith

Department Chair - Litigation (Firmwide)

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Practices

General Commercial Litigation

Antitrust Class Action Defense

Class Actions

Intellectual Property Litigation

Securities and Shareholder

Litigation

Professional Liability

Litigation

Education

J.D., Southern Methodist University

Dedman School of Law 1990

cum laude

Order of the Coif

Notes and Comments Editor, *Journal of Air Law & Commerce*

Phi Delta Phi

B.B.A., finance, The University of Texas

1987

Admission & Affiliations

State Bar of Texas

Van Beckwith is the firmwide Chair of the firm's Litigation Department, a member of its Executive Committee, and a first-chair trial attorney with more than 25 years of experience trying some of the largest and most complex cases and arbitrations across the nation. Mr. Beckwith is a member of the International Academy of Trial Lawyers.

His national jury trial and arbitration practice has included specific work in defense of energy, antitrust price fixing and tying, competitor vs. competitor, technology and trade secrets, environmental, complex class actions, and food and beverage litigation.

His most recent trial and arbitration work includes:

- Defending a jury trial for \$1.4 billion in actual plus punitive damages against one of the World's largest corporations accused of trade secret misappropriation and tortious interference in a hostile forum. The *American Lawyer* chose it for "Litigator of the Week" and "Big Deals/Big Suits" honors and the case was also profiled in *Forbes* and *Bloomberg*.
- Defending a bet-the-company effort by a founder and chief executive officer to regain control of a Delaware corporation, which included defense at trial in the Delaware Chancery Court and after oral argument at the Delaware Supreme Court.
- Defending a major exploration and production energy company against claims for allegedly lost royalties and bonus payments arising from an alleged aiding and abetting of breaches of fiduciary duty. The case was dismissed by the district court and after oral argument at the Eighth Circuit Court of Appeals.
- Defending class actions brought against various consumer products and other company including one of America's best known and enjoyed consumer products.
- Prosecuting a plaintiff verdict and receiving a related defense verdict involving allegations of breach of contract in performance of a systems and software outsourcing agreement for

United States Supreme Court

one of the leading and largest consulting companies.

United States Courts of Appeals for the Third, Fifth, Sixth, Eighth, Ninth and Tenth Circuits

United States District Courts for the Northern, Southern, Eastern and Western Districts of Texas, District of Colorado, Eastern District of Wisconsin, Central District of Illinois, and District of North Dakota

Dallas Bar Association, Antitrust Section, Council Member

Dallas Bar Foundation

International Academy of Trial Lawyers, Member

Executive Board of SMU's Dedman School of Law

Advocates for Community Transformation (ACT), Board of Directors

Leadership Dallas, Class Member and Graduate, 2003-2004

Texas General Counsel Forum, former member of the DFW Board of Directors

Related Experience

Significant Trials in Complex Business Litigation and Energy Litigation

- Secured plaintiff summary judgment in a suit brought to compel a \$2 billion sale of a minority interest in favor of majority owners in support of one of the largest bankruptcies filed.
- Trial counsel in defense of \$1.4 billion liquefied natural gas claims for tortious interference and trade secret misappropriation. Case dismissed after four weeks of trial.
- Lead trial counsel in defense of class action claims brought by Native American oil and gas royalty owners in the Bakken shale formation of North Dakota against oil and gas exploration and production companies; after extensive briefing and oral argument, the trial court dismissed all claims against all defendants.
- Lead trial counsel in defense of flaring class actions in North Dakota. Case dismissed.
- Trial counsel in defense of class action claims brought by Abrons Family Practice and Urgent Care, PA, et al., against Computer Sciences Corporation
- Lead trial counsel in defense of claims by co-founders of Eagle Ford shale operating and service companies for fraud shareholder oppression, and breach of fiduciary duty. Case dismissed.
- Lead trial counsel in defense verdict in Delaware Chancery Court and as affirmed after oral argument by the Delaware Supreme Court on claims by founder and shareholder claiming right to control Energy Software Company's Board of Directors.
- Lead counsel in international litigation involving claims by U.S. and Thailand plaintiff regarding procurement of F-16 fighter simulator for the Republic of Thailand Air Force. Case settled favorably days before trial.
- Lead trial counsel in plaintiff and defense wins for global management consulting and technology services company. Lead counsel representing company's interests in unwind of largest outsourcing contract in State of Texas history, including negotiations with state political leadership, representing witnesses before legislative oversight committees and ultimate culmination of the unwind agreement.
- Lead counsel in defense of professional liability claims related to Hurricane Katrina damages asserted by the Orleans Parish School Board.
- Multiple plaintiff and defendant lawsuits and verdicts for fraud, breach of contract, antitrust, franchise, tortious interference and telecommunications-related claims for one of nation's largest telecommunications providers.
- Lead trial counsel against lenders in the first terrorism insurance case tried to verdict.
- Arbitration verdict against a former co-venturer for breach of contract for Balanced Scorecard founders Harvard Professor Robert Kaplan and David Norton.

Class Action Defense Including Consumer Class Actions

- Lead defense counsel in various beverage labeling class actions across the United States; defeat of class certification regarding the labeling of high fructose corn syrup as natural in *Weiner v. Snapple*; lead defense of intellectual property, patent and trademark matters; lead defense counsel in industry wide obesity and school vending threatened litigation and

related government and media affairs; various and multiple industry litigation regarding supply, transportation, bottling, procurement, purchasing and outsourcing of all facets of beverage industry Discount Tire Co. -- lead counsel in class action allegations against nation's largest tire retailer; motion to dismiss granted against nationwide class action allegations.

- National lead counsel in cross-border U.S. and Canadian defense of seventeen multidistrict class actions against allegations of plumbing product defect, breach of warranty and contract and consumer protection claims with claims by Plaintiffs' counsel of over \$2 billion.
- Nationwide and multidistrict class action defense of insurance pricing practices, and representation as co-lead counsel for the insurance industry in a RICO class certification hearing.
- Defense of class actions challenging various homebuilding issues and effective waivers of implied warranties against one of nation's largest homebuilders.
- Favorable resolution of class action involving alleged Fair and Accurate Credit Transactions Act violation.
- Defense of one of nation's largest consumer reporting agencies in class and individual actions involving Fair Credit Reporting Act allegations.

Antitrust Trial Work

- Co-lead trial counsel in In Re CRT Price Fixing litigation.
- Counsel for Online Travel Company in defense of antitrust price fixing allegations in the booking of hotel rooms nationwide. Case dismissed.

Environmental Trial Work

- Lead trial counsel for the operator of one of the nation's largest low-level radioactive waste facilities
- Lead trial counsel in claims against battery manufacturer in allegations by the City of Frisco and citizens groups related to the operation and subsequent decommissioning of a battery recycling facility
- Lead trial counsel in claims against the United States Environmental Protection Agency regarding approval of Texas air permits.

Pro Bono and Community Involvement

- Awarded Baker Botts, L.L.P. *Peter W. Gray Award* for outstanding public service

Local

- Created and developed program for young lawyers to serve large docket of Advocates for Community Transformation (ACT) clients in West Dallas and serve as advisor to ACT
- International Justice Mission, Inaugural Dallas Justice Dinner Chairman
- Amicus briefing on various topics including in support of the United States Stolen Valor Act on behalf of The American Legion

International

- African Leadership and Reconciliation Mission and International Justice Mission, training of lawyers and judges in the Democratic Republic of Congo, Uganda and Rwanda on mediation, conflict resolution and leadership

Awards & Community

Named one of the “Best Lawyers Under 40” in Dallas by *D Magazine*, May 2004

Recognized as a *Texas Rising Star* (Thomson Reuters), 2004 and as a *Texas Super Lawyer* (Thomson Reuters), 2004-2016

Listed in *Chambers USA*, 2016; 2007-2010 (Texas, Litigation: General Commercial)

Listed in *Chambers USA*, 2007-2013 (Nationwide: Food & Beverage)

Listed in *The Best Lawyers in America* (Woodward White, Inc.), 2007-2015

One of fifteen “Defenders” profiled in the *Dallas Business Journal* as one of the “top business defense lawyers in the D-FW Metroplex,” May 2009

Recognized as *AmLaw Litigation Daily’s* “Litigator of the Week,” February 2015

Recognized as a Law360 “Energy MVP,” November 2015

News

03 April 2017 | News Release

Former FINRA Chief of Enforcement Brad Bennett Returns to Baker Botts

03 April 2017 | News Release

Baker Botts Litigation Chair Addresses New York Class Action Conference

15 March 2017 | News Coverage

Shareholder Can't Sue Texas Ticket Exec In Ill., Judge Says

Law360

Publications, Speeches & Presentations

2016

Theft or Loss of Business Opportunities

Article

Business and Commercial Litigation in Federal Courts, 4th ed., A.B.A. Sec. Lit., § 118:1

21 December 2015

The Supreme Court Rejects State-law End Run Around Class Arbitration Waivers in *DirecTV v. Imburgia*

Updates

Litigation Update

May 2015

Navigating the Ethical Dilemmas that Can Arise When the Dispute Reaches a Trial or Hearing

Publications

LOCATIONS:

AUSTIN | BEIJING | BRUSSELS | DALLAS | DUBAI | HONG KONG | HOUSTON | KUWAIT ALLIANCE | LONDON | MOSCOW | NEW YORK | PALO ALTO | RIYADH | SAN FRANCISCO | WASHINGTON

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