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## Stephen E. McConnico

PARTNER

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### Overview

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Steve is an accomplished trial lawyer respected for his skill in the courtroom as well as his exemplary ethical standard of practice. Having tried over 200 cases to jury verdict, Steve's experience in the courtroom spans a wide range of issues including breach of fiduciary duty, theft of trade secrets, patent infringement, probate, breach of contract, environmental, election law, class action, mass torts, oil and gas, and professional malpractice defense.

In the first half of 2019, Steve has tried two multi-week jury trials involving multi-millions of dollars to successful jury verdicts and handled a multi-week arbitration that resulted in a successful outcome for the client. In recognition of his excellent advocacy, superb reputation and recent outstanding trial results, TEX-ABOTA named Steve the 2019 Lawyer of the Year and awarded him Diplomat Status.

He has represented Fortune 500 Corporations, some of Texas's largest law firms, the Chief Justice of the Texas

Supreme Court, family owned businesses, and individuals. Steve is committed to fostering the firm's legacy of dedicated client advocates by continuing to lead strong trial teams, sharing his legal knowledge and serving the community.

## Experience

### **PHARMACEUTICAL AND MEDICAL DEVICE:**

Trial counsel for Johnson & Johnson in Texas Multi District Litigation involving opioid drugs.

Trial counsel for Ethicon, Inc. and Johnson & Johnson in federal and state products liability litigation cases involving pelvic mesh products.

Trial counsel for Janssen Pharmaceuticals, Inc. and Johnson & Johnson in federal and state products liability litigation cases involving the prescription medication Risperdal.

Trial Counsel for AstraZeneca in state Medicaid fraud litigation involving marketing of antipsychotic medication.

### **BREACH OF CONTRACT:**

Lead trial counsel for Baylor University in state litigation involving breach of fiduciary duty/breach of contract.

Lead trial counsel for Lower Colorado River Authority in various state court litigation matters involving Wholesale Power Agreements throughout Central Texas.

54 Broadcasting, Inc. v. LIN Television (Civil Action No. 1:08-CV-30) — Successful defense of a breach of contract case alleging the wrongful assignment of F.C.C. television license. Jury found the assignment valid.

### **CLASS ACTION:**

Sandoval v. Western Union (Cause No. 98C2407; Luis Pelayo and Oscar Perales v. Western Union Financial Services, Inc.; In the U.S. District Court for the Northern District of Illinois (Chicago Division)) – McConnico was one of the lead Plaintiff counsel in a national class action alleging Western Union overcharged persons wire transferring money from the United States to Mexico. The settlement for the class was valued at more than \$275,000,000.00.

### **LEGAL MALPRACTICE:**

Catherman v. First State Bank of Smithville (796 S.W.2d 799) — Successful trial court and appellate rulings that federal and state Fair Debt Acts do not apply to Texas attorneys. Jury verdict in favor of defendant lawyer.

Gunn v. Minton (568 U.S. 310 (2105) — This case establishes the rule that state courts not federal courts have jurisdiction over legal malpractice cases arising out of patent litigation. This is the position McConnico, as the lead trial

defense counsel, argued for and prevailed on at the trial level.

#### **TECHNOLOGY:**

B. Randall Jean, et al v. Thermo Electron Corporation, et al. (Case No. 99-0632) — Successful defense in a seven week arbitration involving microwave technology before AAA arbitration panel. There were 120 witnesses and 1600 exhibits. Arbitrators awarded what defense offered in settlement.

#### **OIL AND GAS:**

After an eight-day trial, a jury on April 25, 2019, provided a comprehensive victory for SDM's client, a publicly traded oil and gas company, on all the claims at issue in the lawsuit. The jury determined that SDM's client had not breached the applicable joint operating agreement, and also awarded SDM's client \$1.2 million in attorneys' fees.

Langham v. Texaco (Case No. 8866; Elodie H. Langham v. Texaco, Inc.; In the 75th Judicial District Court of Chambers County, Texas) — Lead attorneys representing Lessor royalty owners against Lessee Texaco for drainage and underpayment of royalties. After extensive discovery, the case settled resulting in a significant payment to the Broussard Estate.

HECI v. AOP (Cause No. 88-1045; HECI v. AOP Freeman; In the 155th Judicial District Court of Fayette County, Texas) — Lead attorney representing HECI suing AOP, the operator of an adjoining lease, for damage to the oil and gas reservoir underlying both the HECI and AOP leases.

Republic Oil & Gas v. Mustang Drilling (Cause No. 6472; Republic Oil & Gas v. American; In the 229th Judicial District Court of Starr County, Texas) — Lead trial attorney for Lessee Republic Oil & Gas and Lessor Isabel Requenez against supplier of defective well casing resulting in the loss of an oil and gas well.

Hope v. Pickens (Cause No. 6453-A; Hope v. Pickens; In the 293rd Judicial District Court of Maverick County, Texas) — Lead trial attorney representing Lessors suing Lessee for failure to develop.

St. Paul Fire v. Petroplex, 2015 WL 5173035 (Tex. App. – Eastland 2015, writ denied) — McConnico was the lead trial attorney for Petroplex. In this well blow out case, Petroplex sued the provider of the blowout preventer which failed. The case settled during trial. Petroplex then sued St. Paul which denied coverage for the blowout. The trial court and court of appeals both ruled St. Paul owed coverage.

Steve has given over 150 Continuing Legal Education presentations.

#### **Selected Reported Cases**

Hall v. Pedernales Elec. Co-Op., Inc., 278 S.W.3d 536 (Tex. App.—Austin 2009, no pet.)

In Re Graham, 251 S.W.3d 844 (Tex. App.—Austin 2008, orig. proceeding)

Henderson v. Chambers, 208 S.W.3d 546 (Tex. App.—Austin 2006, no pet.)

## Awards

- Chambers USA Band 1 recognized practitioner in Litigation: General Commercial, Texas: Austin & Surrounds, 2020-2024
- Chambers USA Band 1 Litigation: Trial Lawyers, 2023, 2024
- Selected for The Best Lawyers in America® in Bet-The-Company Litigation, Commercial Litigation, Legal Malpractice Law, Personal Injury Litigation and Professional Malpractice Law, by BL Rankings, 2007-2025
- TEX-ABOTA Lawyer of the Year, 2019
- Life Fellow, ABOTA
- Fellow, American College of Trial Lawyers
- Fellow, International Academy of Trial Lawyers
- Fellow, International Society of Barristers
- President, Austin Chapter of ABOTA, 1993-1995
- President, TEX-ABOTA, 1997
- Ronald D. Secrest Outstanding Trial Lawyer Award by Texas Bar Foundation, 2012
- Baylor Lawyer of the Year, 2011
- Top 50: Central/West Texas Super Lawyers, a Thomson Reuters business, Business Litigation, 2003 – 2016, 2022-2024
- Top 100: Texas Super Lawyers, a Thomson Reuters business, Business Litigation, 2003 – 2018
- Texas Super Lawyer, a Thomson Reuters business, Business Litigation, 2003 – 2024
- Texas Top Notch Lawyer, Commercial Litigation, a Thomson Reuters business, 2010-2016
- National Law Journal Who's Who of the Legal Malpractice Bar

## Articles & Presentations

- "Texas Voir Dire, Cases and Authorities," 43rd Annual Advanced Civil Trial Course (2020)
- "Ethics in Litigation: A Radically Different Approach," American College of Trial Lawyers' CLE program (2017)
- "Ethical challenges in Prepping and Presenting Witnesses," UT Law Page Keeton Civil Litigation Conference (2016)
- "What You Need to Know Now: A Business Litigator's Perspective," Litigation Section at the State Bar of Texas Annual Meeting (2015)

- "Legal Malpractice: What's the Law and How to Prevent Committing Malpractice," 2015 Advanced Civil Trial Law Seminar, Corpus Christi Bar Association (2015)
- Stephen E. McConnico, Jennifer Knauth & Robyn Bigelow, Unresolved Problems in Texas Legal Malpractice Law, 36 St. Mary's L.J. 989 (2005)

## News & Insights

- Fortune 500 Oil & Gas Company - jury trial regarding breach of joint operating agreement
- SDM prevails in jury trial regarding breach of joint operating agreement
- SDM Defeats Motion for Class Certification in HomeAway Traveler-Fee Dispute
- SDM ranked Band 1 in 2020 Chambers USA
- City of San Antonio - Sanctuary City
- SDM Wins Case-Determinative Sanctions in Oil Patent Lawsuit
- SDM Ranked Band 1 in Chambers USA 2021
- SDM Lawyers Recognized in The Best Lawyers in America, 2022 Edition
- Congrats to our 2021 Texas Super Lawyers
- Google Cleared of Patent Infringement Allegations
- Chambers Guide Continues to Rank SDM in Top Tier
- 13 SDM Lawyers Recognized in Best Lawyers® 2023 Honors
- Congrats to our 2022 Texas Super Lawyers
- Chambers Guide Continues to Rank SDM in Top Tier
- SDM Lawyers Recognized In Best Lawyers® 2024
- Congrats to our 2023 Texas Super Lawyers
- Chambers Guide notes SDM as "a go-to litigation boutique in Austin."
- SDM Lawyers Recognized In Best Lawyers® 2025
- Congrats to our SDM 2024 Texas Super Lawyers

## Practice Areas

- Business Litigation & Torts
- Intellectual Property Litigation
- Personal Injury & Products Liability
- Pharmaceutical & Medical Device
- Professional Malpractice, Licensing & Regulation
- Class Action Litigation

- Fiduciary Duty Litigation
- Oil & Gas Litigation

## Education

- Baylor University, J.D. with honors; Editor in Chief, Baylor Law Review
- Briefing Attorney to Justice Jack Pope, Texas Supreme Court
- Associate Professor at Baylor University School of Law for Practice Court, 2006
- Associate Professor at the University of Texas Law School for Professional Responsibility, 2002

## Admissions

- Board Certified in Personal Injury and Civil Trial, Texas Board of Legal Specialization, since 1982
- State Bar of Texas
- U.S. District Courts for the Eastern, Southern, Northern and Western Districts of Texas
- U.S. Court of Appeals for the Fifth Circuit
- U.S. Supreme Court
- Admitted to practice for specific cases in California, Florida, North Carolina, Louisiana and Nevada.

## Activities

- Member, State Bar of Texas Court Administration Taskforce, 2007-2008
- Member, State Bar of Texas Referral Fee Taskforce, 2004-2006
- Chairman, Litigation Section, State Bar of Texas, 1992-1993
- Life Member, Texas Bar Foundation
- Member, American Bar Association
- Life Member, American Bar Foundation
- Texas Supreme Court Advisory Committee, 1984-1993
- President, Texas Supreme Court Historical Society, 2005
- President, Baylor Law School Alumni Association, 2003-2004