

# TEXAS LAWYER

## Winning Women:

### Jane Webre

Miriam Rozen, Texas Lawyer  
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Attorney Jane Webre of Austin's Scott, Douglas & McConnico Mark Graham

Jane Webre sounds modest about accomplishing the arduous task of even getting the U.S. Supreme Court to hear a case, which she did last year, and then winning a unanimous ruling from the justices.

"I would like to say they took it because I am so goddamn brilliant, but the reality is a lot of luck. And our case happened to present in a clean way," said Webre, a partner in Austin's Scott, Douglass & McConnico.

"Nothing can compare" to arguing a case before the high court, she said. Webre represented three lawyers in *Gunn v. Minton* and presented oral arguments on Jan. 16, 2013. Her clients were seeking to overturn a Texas Supreme Court ruling that barred malpractice claims arising from federal patent litigation to be tried in state court.

During the hearing, Chief Justice John G. Roberts Jr.

followed five other justices who had peppered Webre with questions. He posed the last question, asking her if allowing state courts to hear such malpractice cases related to patent claims would the uniformity of federal patent law.

Webre, not missing a beat, told Roberts "that if a lawyer decides to disregard the Federal Circuit standards" and instead rely on state court rules, he will run high risks. "I submit that the lawyer does so at his peril," she said.

As a result, she concluded, allowing a lawyer to make his claims related to a patent in state case doesn't mean that counsel will neglect Federal Circuit standards, without threatening his own interest, and such a scenario "doesn't undermine the appropriate uniformity of patent law," she said.

On Feb. 20, 2013, the court issued its opinion, which Roberts drafted. The chief justice wrote: "No matter how the state courts resolve the hypothetical 'case within a case,' the real-world result of the prior federal patent litigation will not change. Nor will allowing state courts to resolve these cases undermine 'the development of a uniform body of [patent] law.' "

A 1989 University of Texas School of Law graduate, who clerked for Justice Reynaldo G. Garza of the U.S. Court of Appeals for the Fifth Circuit before entering private practice, Webre's victory at the high court surprised few who know her. Tom Leatherbury, a partner in Vinson & Elkins in Dallas, who has opposed Webre, said: "I think she is an effective advocate. I've had a couple of cases with her. She is a very good lawyer. She is quick on her feet. She responds to questions well in argument and does her homework."

Webre, 49, got her first taste of the excitement of law from her

mother, a Cuban immigrant, who worked as a paralegal for a legal aid organization, and embraced her daughter's desire for a law degree. In return, Webre pays a compliment to her mother when she identifies the older woman's full life helping others at legal aid and also at the Red Cross as sources of inspiration for her.

Webre said she finds appellate work attractive because: "I like the puzzle. I like to figure things out in the purist nerdy way. Noodling, that is the fun part," she said.

She figured out a case so definitively and effectively recently that she got the Texas Supreme Court to issue a rare corrected opinion. On Jan. 31, the state's high court issued a ruling and denial of rehearing in *Neely v. Wilson*. The high court issued that decision after Webre persuaded a majority of the justices that her clients, who were suing a TV station and reporter for libel, needed their day in court. With their decision, the justices reversed a lower court summary judgment in favor of the broadcasting defendants.

Leatherbury, who represented the media defendants in the case, KEYE-TV in Austin and its reporter Nanci Wilson, stressed that the state's high court issued "a corrected," but not necessarily "correct" opinion, which sent Webre's clients, who had trial counsel as well, back to the trial court, where a decision is still pending.

Webre said the most common mistake lawyers make is "being Chicken Little" or "overplaying" their argument. She works hard to steer clear of that mistake.

"Your professional reputation is a serious thing. You don't want to piss it away," she said.

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