



**William G. (Bud) Arnot, III,**  
**Houston, Texas**  
**JD, LLM, Chief Justice (retired), CIArb**  
**Appellate Advocacy and Oil, Gas & Energy Arbitrations**

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I began my arbitration training in 2007. Over the course of the last nine years, I have served, or I am currently serving as an arbitrator in more than fifty arbitrations. I am on the Energy Panel for the AAA as well as the newly created Appellate Arbitration Panel. I also serve on the Commercial and Large Case Panels. The matters where I have served have been both with associations and self-administered, and I have worked in domestic and international arbitrations under JWA, AAA, ICC, CPR, ICDR, UNCITRAL, IBA, and CIArb, the Chartered Institute of Arbitrators, rules. I have also served as a FINRA arbitrator.

In 2015, I was honored to be elected to the Hall of Fame for Chief Justices of State Courts of Appeal by the National Center for State Courts in Williamsburg, Virginia. My varied practice before taking the bench, my experience on the bench, and my experience upon returning to the practice of law, most of which have involved energy issues, uniquely qualifies me to serve as an arbitrator. Additionally, I have a unique qualification of having served on panels of three deciding disputes for over twenty years.

Working for the federal District Courts of Texas, I have successfully mediated cases as diverse as trade mark infringement, theft of business secrets and opportunities, product defects, personal injury, minority shareholder actions, and medical insurance coverage claims.

**Arbitration Training (a few of my recent training sessions):**

5<sup>th</sup> ITA-IEL-ICC Joint Conference on International Energy Arbitration 2018; AAA-ICDR/ICC/ICSID 34<sup>th</sup> Annual Joint Colloquium on International Arbitration, 2017; 29<sup>th</sup> Annual ITA Workshop and Annual Meeting; 2017; AAA Red Flags & Risk Areas: Challenges to Arbitrator Authority (ACE014), 2017; AIPN Association of International Petroleum Negotiators Model Dispute Resolution Agreement (2017); Chartered Institute for Arbitrators (CIArb) - Energy Arbitration 2017 Conference - Resolving Energy Disputes in Times of Crisis; CIArb Accelerated Route to Fellowship San Antonio, May 2017; ICDR Effectively Arbitrating Complex Disputes in the Global Energy Sector, 2017; ICDR/AIPN Dispute Resolution in the International Oil & Gas Business Conference, 2016; AAA Protecting Your Award from Appellate Challenge, 2016; AAA/ICDR/Mediation.org Panel Conference, 2016; AAA Dispositive Motions in Arbitration: Best Practices for Advocates & Arbitrators, 2016; AAA Litigant Psychology, 2015; AAA It's Not Just "Litigation Lite" - Making Rulings on Evidentiary Objections, 2015; AAA What We Have Here is a Failure to Communicate 2014; AAA Motion Practice in Arbitration: Worthwhile or an Expensive Distraction? 2014; AAA Fair Hearings: Avoiding the Pitfalls 2014; AAA Protocols, Processes and Protecting the Award 2014; AAA Webinar, Managing ESI Exchanges in Arbitration- Preparing Yourself for the New Landscape and New Challenges" Part 1, 2014; AAA Managing the Arbitration Process for Efficiency & Economy Following the Preliminary Hearing, 2013; AAA Maximizing Efficiency & Economy in Arbitration: Challenges at the Preliminary Hearing, 2013; ICDR 10<sup>th</sup> Annual Miami International Arbitration Conference - The Greatest Hits, 2012; AAA/ICDR Neutrals Conference, 2012; AAA Regaining Speed and Economy in Dispute Resolution, 2011; AAA Webinar, New AAA Healthcare Payor Provider Judicial Orientation, 2011; AAA Arbitration Awards: Safeguarding, Deciding & Writing Awards, 2011; AAA Arbitration Fundamentals and Best Practices for New Arbitrators, 2010; American Bar Association ADR Section, Arbitration Training, 2008; Texas Bar Association ADR Section, Houston Roundtable Presentation, 2010; Association of Attorney-Mediators, Annual Meeting, 2008; Institute of International Transactional Arbitration, Two Tier Mediation Process, 2007.

**Background:**

As background for the litigants, I practiced law in Abilene, Texas specializing in banking, oil and gas and energy business litigation before being appointed to the appellate court in 1986. I represented major oil companies, independent operators, exploration companies, drilling companies, pipeline companies, oil marketing and trading companies, oil field

servicing companies, refineries, a public utility, financial institutions, and investors. I performed title searches and prepared Drill Site Title Opinions and Title Opinions for distribution of royalties and leasehold interests. I represented Texas companies with foreign oil concessions. I performed due diligence searches in multimillion-dollar energy transactions, formed business entities, complex debt structuring, as well as all aspects of court appearances including representing debtors and creditors in bankruptcies. I represented clients before price regulating commissions.

I served for over twenty years on the bench before retiring from the 11th Court of Appeals of Texas. While on the bench, I presided over approximately 6,000 appeals. These cases represented every possible aspect of the procedural and substantive law. Many cases involved in the oil, gas and mineral legal issues because of the geographic area of the court. Most are reported in the South Western Reporters.

Before opening my private practice in Houston, I was a partner and Co-Chair of the Winstead Appellate Section for three years. Because of my extensive judicial experience, I have served as an appellate lawyer to Fortune 500 companies as well as individuals. As an appellate attorney, I have served as lead counsel, presenting oral arguments to intermediate appellate courts in Texas as well as the U.S. Fifth Circuit, the Texas Supreme Court and the Louisiana Supreme Court.

**Publications:**

"Current Trends in Texas Charge Practice: Preservation of Error and Broad-Form Use," *St. Mary's Law Journal*, Volume 38, No. 2, 2007.

"Erroneously Compelled to Arbitration? Interlocutory and Mandamus Review Post-*Palacios*," *The Appellate Advocate*, Fall 2007, Vol. 20, No. 1, p.5.

"Reflections: Law and Morality," published in *Judicial Division Record*, Volume 6, Issue 2, Winter 2003.

"The Texas Freedom of Worship Clause, a Legal and Historical Analysis," Master of Law degree thesis, 1992. unpublished – on file with the University of Virginia Law School Masters' Program

**Legal and Judicial Career Overview:**

2009 – Present, Law Offices of William G. Arnot, appellate advocacy and oil, gas and energy arbitration, mediation and alternative dispute resolution  
2006-2008 Winstead PC, Houston, Texas – Co-Chair of National Appellate Section  
1992-2005 Chief Justice, 11<sup>th</sup> Court of Appeals, Texas  
1986-1992 Justice, 11<sup>th</sup> Court of Appeals, Texas  
1981- 1985 Glandon & Erwin, Abilene, Texas  
1975 -1981 Wagstaff, Harrell, & Alvis Abilene, Texas

**Education:**

University of Virginia School of Law, LL.M.  
Baylor University School of Law, J.D.  
The University of Texas at Austin, B.B.A.  
Washington & Lee University

**Admitted to Practice:**

United States Supreme Court  
United States Court of Appeals for the Federal Circuit  
United States Court of Appeals for the Fifth Circuit  
United States District Court for the Southern District  
United States District Court for the Western District  
United States District Court for the Northern District  
Texas Supreme Court and all courts in Texas

**Professional Membership & Affiliation (I am a member and have served in leadership positions of the following associations):**

American Law Institute (established in 1923 to promote the clarification and simplification of American common law and its adaptation to changing social needs) (Members Consultative Group - Restatement of the Law Third: The U. S. Law of International Commercial Arbitration (Members Consultative Group - Principles of Election Law: Resolution of Election Disputes)  
American Judicature Society (founded in 1913 as an independent, national, nonpartisan organization of judges, lawyers, and other members of the public who seek to improve the justice system)  
Association of Attorney-Mediators  
The Institute for Transactional Arbitration

Texas Bar Foundation, Sustaining Life Member  
The Institute for Energy Law  
American Bar Association; Council of Chief Judges of State Courts of Appeal, Council of Appellate Lawyers, Dispute Resolution Section  
State Bar of Texas - Oil and Gas Section, Alternative Dispute Section, & Judicial Section  
Houston Bar Association - Appellate Practice Section, Oil and Gas Section, ADR Section, Houston International Arbitration Club  
Houston's Top Lawyers, H Magazine

**Professional Membership & Affiliation (while serving in the judiciary):**

Legislative Liaison for Appellate Judges of Texas (responsible for all court budgets and legislation affecting judiciary)

Consultant for the Supreme Court of Minnesota (judicial canons and elections)

Executive Board for the Texas Center for the Judiciary (established in 1973 by the members of the Judicial Section of the State Bar of Texas to provide continuing judicial education programs for the state's judiciary and supportive personnel)

Presiding Judge for the Texas Appellate Judges' Council

Texas Judicial Council (established in 1929 to examines the work accomplished by the courts and submits recommendations for improvement of the system)

Texas Commission on Judicial Efficiency (created by the state legislature to study the independence and accountability of the judiciary)

Texas Task Force on Judicial Technology (created by the state legislature for assessment of technology in Texas courts)

Chair of the Judicial Conduct Commission (constitutional body to oversee the judicial canons of ethics)

President of the Council of Chief Judges (comprised of the presiding judges of the Intermediate appellate courts for the fifty states)

Board of the Appellate Judges Conference of the American Bar Association

Board of the Appellate Judges Institute affiliated with the Dedman

School of Law at SMU

Board of the Spencer Grimes Education Series, the continuing judicial education committee of the ABA

Adjunct Professor at Texas Tech Law School

Adjunct Professor National Judicial College Reno, Nevada (taught jurisprudence to new judges including Ugandan Supreme Court)

University Representative for Texas Tech School of Law accreditation review

American Bar Association judge's liaison to the University of Virginia School of Law for the LLM program

### **Appellate Legal Practice Since Retiring from The Bench:**

#### Federal Appellate Courts:

1. United States Court of Appeals for the Federal District No. 2008-1332, *Clock Spring, LP, v. Wrapmaster et al.*

This was a significant case in that I was able to invalidate a prior patent and the Federal District Court of Appeals designated this case as precedential. This patent involved repairing pipe lines in place by wrapping the pipe with a fiber carbon sleeve and epoxy thereby decreasing the amount of down time needed to repair leaks.

2. United States Court of Appeals for the Fifth Circuit No. SA-04-CA-303-XR, *Stephen R. Smith v. BCE, Inc.*

This case was based on fraud in the inducement. Smith traded his interest in a telecommunication business, ExCel, to Canadian Bell for an interest in a Bell subsidiary.

3. United States Court of Appeals for the Fifth Circuit No. 05-20960, *John Lozano v. Owen Federal Land Bank.*

This case involved land issues and mortgage foreclosure by a homeowner who had claimed that he had paid the mortgage twenty years before.

4. United States Supreme Court Martha Holt Dimick, *Chairperson, Minnesota Board on Judicial Standards, et al., v. Republican Party of Texas*, No. 05-566.

*Amicus* Brief filed on behalf of the American Judicature Society. This case involved Judicial Canons placing restrictions on campaign speech by judges running for office.

State Appellate Courts:

1. Supreme Court of Texas, *The State Of Texas v. Charles Lynn Brownlow And Marlene H. Brownlow*, No. 08-0551. This case was affirmed on behalf of my client.
2. Texas Court of Appeals for the 5<sup>th</sup> District, Dallas, *American Title v. Bomarc*, No. 06-0789-cv.  
This case involved a “property flip.” I briefed and presented oral argument as well the response to a writ of petition which was denied by the Texas Supreme Court.
3. Texas Court of Appeals for the 14<sup>th</sup> District, Houston, *In re Russell Reichert, et al*, No. 14-08- 00870-cv.  
This case was presented by writ of mandamus and involved an interesting and undecided issue between competing jurisdictions of trial courts. Pleadings were filed in one county electronically and subsequently the next morning by opposing party in another county.
4. Texas Court of Appeals for the 1st District, *Houston, Russell Scott Clark, et al. v. Wells Fargo Bank, et al.*, No. 01-08-00887-cv.  
This case involves an issue of the bank’s liability for negligence in setting up “payable on death” accounts. Affirmed on behalf of my client.
5. Texas Court of Appeals for the 5th District, Dallas, *U.S. Bank, National Association, As Trustee and Orix Capital Markets, LLC v. American Realty Trust, Inc.* No. 05-07-00328-cv.  
This case involved an issue of whether a “trade name” being intangible property can be wasted the same as real property.
6. Texas Court of Appeals for the 3rd District, Austin, *Linda Cloud v. Mike McKinney et al*, No. 03-04-00656-cv.

We became involved at the motion for rehearing stage and successfully encouraged the court to alter its opinion. This case has far reaching implications for the law of official immunity.

7. Texas Court of Appeals for the 3rd District, Austin, *Levy, et al., v. office Max, et al.*, No. 03-06-00391-cv.  
This was an appeal from the non-certification of a class action.
8. Texas Court of Appeals for the 14th District, Houston, *Solvent Underwriters v. Furmanite America*, No. 14-07-00889-cv.  
This case is a significant decision in policy insurance contract interpretation involving “claims made” versus “occurrence” provisions.
9. Texas Court of Appeals for the 1st District, Houston, *Merenco Realty v. Mobil Producing*, No. 01-08-00401-cv.  
This case involved a significant and undecided issue in the rights of a co-owner to demand a partition of lands thereby negating covenants and obligations for environmental cleanup operations.
10. Texas Court of Appeals for the 10th District, Waco, *MCI Sales and Service, Inc., et al. v. James Hinton, Individually and as Representative of the Estate of Dolores Hinton, Deceased, et al.*, No. 10-06-00256-cv.  
I argued case in the Waco Court of Appeals as well as made presentations in the federal Bankruptcy court. This is a manufacturing defect case against a passenger bus manufacture for failure to install seat belts.
11. Texas Court of Appeals for the 1st District, Houston, *Poretto v. General Land Office*, No. 01-05-00942-cv.  
This case involved the issue of whether the State of Texas by its voluntary participation in mediation and the subsequent execution of a settlement agreement waived its sovereign immunity. We filed this *amicus* brief on behalf of the Association of Attorney-Mediators.
12. Supreme Court of Texas, *Exxon Corporation v. Emerald Oil and Gas, et al.*, No. 05-1076.  
This case involves the proper damage model for damages to the well bore in plugging procedures. We filed this *amicus* brief on behalf of the North Texas Alliance, an organization of independent oil operators.



13. Texas Court of Appeals for the 3rd District, Austin, *Attila Horvath v. Julie Hagey*, No. 03-09-00056-cv. This is a marital property dispute involving the sale of a power plant in Hungary.
14. In the Texas Court of Appeals, for the 14<sup>th</sup> District, Houston, *In Re TCW Global Project Fund II, Ltd., TCW Asset Management Company, and Trust Company of the West*, No. 14-08-00116-cv. This case involved the issue of forum selection on a drilling contract to be governed by English law.
15. Supreme Court of Texas, *Office of Public utilities Counsel, et al. v. Public Utility Commission*, No. 08-727. This case involved 800 million dollars owing and to be recouped by the various utility companies after deregulation of the sale of electricity in Texas.

This body of work is an indication of the variety and complexity of the work I handled since returning to private practice.