David E. Harrell

Partner

Houston

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David has experience representing clients from four continents in litigation, arbitration, and internal investigations employing a variety of rules and governing law.

OVERVIEW

David has tried and arbitrated domestic and international disputes in the areas of energy, commercial, construction, and land use/permitting litigation. His energy litigation experience includes representing operators, power generators, transporters, marketers, and project owners and contractors. David litigates contract disputes, royalty disputes, environmental claims, throughout and processing claims, and permitting claims, both onshore and offshore.

David's commercial litigation experience includes representing plaintiffs and defendants in contract disputes, fiduciary relations issues, construction disputes, real estate litigation, fraud, and securities.

REPRESENTATIVE MATTERS

International Arbitration

- ICC arbitration (London) involving the determination of pricing in a medium-term LNG tolling agreement.
- ICDR arbitration (Houston) involving drilling and joint operating obligations under a West African offshore concession.
- Counseling a Middle Eastern Ministry of Justice regarding potential accession to an international investment regime.
- SCC arbitration (Stockholm) representing a contractor providing materials and services for work within a Russian mine.
- LCIA arbitration (London) arising from engineering for a Caribbean refinery.
- Counseling a South American client regarding litigation and arbitration to repatriate a national banking asset.
- Ad hoc arbitration (Houston) for a gas processing company against a producer and joint venture member to revise processing fees under a long-term agreement.
- ICC arbitration (London) for an oilfield service company involving the termination of a Nigerian agent.
- ICC arbitration (Paris) representing a franchisor of Middle East quick-service food franchises in a licensing

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dispute.

- LCIA arbitration (London) representing a licensor for unpaid fees under the license.
- LCIA arbitration (London) representing a U.S. purchaser seeking recovery related to breached warranties and representations.
- Ad hoc arbitration (Houston) representing an international water company against a Central American government regarding the provision of goods and services.

Domestic Litigation

- *Green v. AmerisourceBergen Corp.*, 2017 WL 1209909 (S.D. Tex. 2017) (False Claims Act).
- *ERC Midstream LLC v. American Midstream Partners, LP*, 497 S.W. 3d 99 (Tex. App.—Houston [14th Dist.] 2016, no pet.) (special appearance).
- *Man Industries (India), Ltd. v. Midcontinent Exp. Pipeline, LLC*, 407 S.W. 3d 342 (Tex. App.—Houston [14th Dist.] 2013, no pet.).
- *Greenstar, LLC v. Heller*, 814 F. Supp. 2d 444 (D. Del. 2011) (environmental).
- *Cricket Hollow Partners v. MMA Cricket Hollow, LLC*, 2009 WL 2050708 (Tex. App.—Houston [1st Dist.], no pet.).
- *Peden v. City of West University Place*, 2008 WL 659480 (Tex. App.—Houston [1st Dist.] 2008, no pet.).
- *Barkley v. Dillard's, Inc.*, 2007 WL 7213542 (S.D. TX. 2007).
- *TH Investments, Inc. v. Kirby Inland Marine, L.P.*, 218 S.W. 3d 173, (Tex. App.–Houston [14th Dist.] 2007, pet. filed) (ownership of submerged property).
- *H2 Genesis L.P. v. Cederquist*, 2005 WL 1771922, (Tex. App.-Houston. [14 Dist.] 2005, no writ) (special appearance).
- *In re Ray Bailey Architects, Inc.*, 2004 WL 115119, (Tex. App.-Houston. [14th Dist.] 2004, no pet.).
- *Radiator Specialty Co. v. Pennzoil-Quaker State Co.*, 207 Fed. Appx. 361, (5th Cir. 2004) (Lanham Act; trade secret).
- *IQ Products Co. v. Pennzoil Products Co.*, 305 F. 3d 368 (5th Cir. 2002) (Lanham Act; trade secret).
- *Dinger v. Hornbeck Offshore Servs., Inc.*, 968 F. Supp. 1185 (S.D. Tex. 1997) (admiralty).

AWARDS

- *Best Lawyers in America*®: Arbitration, Commercial Litigation, International Arbitration – Commercial (2020-2027); Litigation – Construction (2023-2027)
- *Best Lawyers in America*®: "Lawyer of the Year" Houston, Arbitration (2027)
- Houston Bar Association President's Award, Outstanding Service (2023)
- *Thomson Reuters* Stand-out Lawyer (2022-2026) – independently rated lawyers
- *Super Lawyers*® Texas, Business Litigation (2012-2020, 2025)
- *National Law Journal*, ADR Trailblazer (2016)

TOP AREAS OF FOCUS

- Business Litigation
- Construction
- Energy
- International
- International Arbitration
- Litigation + Trial

ALL AREAS OF FOCUS

- Business Litigation
- Construction
- Construction Litigation
- Energy
- Energy Construction
- International
- International Arbitration
- Litigation + Trial

PROFESSIONAL/COMMUNITY INVOLVEMENT

- Member, State Bar of Texas, chair, Business Law Section (2011-2012); chair, ADR Section (2021); Section of Litigation; Oil, Gas and Energy Law Section; International Law Section
- Board member, Houston Bar Association, president (2024-2025); chair, Houston volunteer lawyer (2022-2023); chair, Harris County Dispute Resolution Center (2020-2021)
- Member, Houston International Arbitration Club, Inc.
- Member, New York State Bar Association International Law Section; chair, Texas chapter (2018-present)
- Fellow, Chartered Institute of Arbitrators (FCIArb); Board member, executive committee, North American branch (2017-present); Vice chair, Training Programs (2020-Present); chair, Texas chapter
- Advisory board, Institute for Transnational Arbitration
- Fellow, Texas Bar Foundation
- Fellow, Houston Bar Foundation
- Member, Texas Pattern Jury Charge Committee; Business/Consumer/Employment (2008-2010)
- Local advisory board, Cenikor Foundation
- Adjunct professor, University of Houston Law Center, “International Arbitration Advocacy”

EDUCATION AND CERTIFICATIONS

EDUCATION

- Southern Methodist University Dedman School of Law, J.D., *cum laude*, 1995, Order of the Coif; Phi Delta Phi; research editor, *Southern Methodist University Law Review*
- University of Houston, B.B.A., *magna cum laude*, 1992

CERTIFICATIONS AND MEMBERSHIPS

- Fellow, Chartered Institute of Arbitrators (FCIArb)

BAR ADMISSIONS

- Texas

COURT ADMISSIONS

- U.S. District Court, Southern District of Texas
- U.S. District Court, Northern District of Texas
- U.S. District Court, Eastern District of Texas
- U.S. Court of Appeals, Fifth Circuit
- U.S. Court of Appeals, Tenth Circuit

SPEAKING ENGAGEMENTS

- Speaker, "Speed and Substance: Rethinking Efficiency in International Arbitration," Troutman Pepper Locke International Arbitration Forum, May 14, 2026.
- Speaker, 14th Annual Atlanta International Arbitration Society Conference, October 1-3, 2025.
- Speaker, "Insights Into Energy and Construction," Troutman Pepper Locke International Arbitration Forum, May 15, 2025.
- Speaker, "Business: Texas Business Court," 2025 Bankruptcy Bench Bar Conference, April 3, 2025.
- Speaker, "Implications of the Texas Business Court," SMU's Open for Business: The Evolving Texas Corporate Governance and Securities Regulation Landscape Symposium, February 24, 2025.
- Speaker, "Hot Topics Around the State," 26th Annual Changing Face of Water Rights Conference, February 21, 2025.
- Speaker, "Case Update: In re Winter Storm Uri," 20th Annual Renewable Energy Law Institute by The University of Texas School of Law and the Oil, Gas and Energy Resources Law Section of the State Bar of Texas, February 4-5, 2025.
- Moderator, "Construction Disputes in Energy Projects," 13th ITA-IEL-ICC Joint Conference on International Energy Arbitration, January 17, 2025.
- Moderator, HBA Business Court CLE, August 29, 2024.
- Speaker, "New Legislation Creating Texas Business Courts," 21 Annual Advanced Business Law Course, Texas Bar CLE, November 3, 2023.
- Speaker, Locke Lord Houston Litigation Breakfast Briefing, September 21, 2023.
- Speaker, "Alternative Dispute Resolution in Energy Cases," UT Law CLE 49 Annual Ernest E. Smith Oil, Gas & Mineral Law Institute, April 13-14, 2023.
- Speaker, "Litigation Update," State Bar of Texas Annual Meeting, June 9, 2022.
- Panelist, "Solar Supply Chain and Force Majeure Issues," Locke Lord, January 24, 2022.
- Speaker, "Contractual Provisions," TexasBarCLE 20 Annual Course: Advanced In-House Counsel, August 11, 2021.
- Speaker, "Navigating Privilege Considerations in Implementing Effective Corporate Compliance Programs," UT Law CLE Webcast, June 18, 2021.
- Panelist, "Changing Mexico's Energy Sector: Amendments and Investors' Rights Under Domestic and International Law," The Association of International Petroleum Negotiators Webinar, June 16, 2021.
- Speaker, "Oil and Gas Dispute Arbitration in a Distressed Market," 30 Annual Advanced Oil, Gas & Energy Resources Law Course, September 25, 2020.
- Speaker, "Reviewing Current Events and Force Majeure in Major Energy Industry Form Contracts," Institute for Energy Law Webinar, May 14, 2020.
- Speaker, "Texas Supreme Court Treatment of Reliance Disclaimers Post-Schlumberger," TexasBarCLE Making and Breaking Ironclad Contracts, March 6, 2020.

PUBLICATIONS

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Co-author, “Contractor’s Claims, Remedies and Reliefs,” *Global Arbitration Review*, August 12, 2025.

- Author, “The Texas Business Court’s First Thirty Days”, Locke Lord QuickStudy, October 21, 2024.
- Author, “Texas Adopts Business Courts,” Locke Lord QuickStudy, June 12, 2023.
- Author, “Pulling the Trigger on Force Majeure: An Update from the Midstream Energy Perspective,” Locke Lord QuickStudy, April 29, 2020.
- Author, “How the AAA-ICDR® is Meeting the COVID-19 Challenge,” Locke Lord QuickStudy, April 21, 2020.
- Author, “Conversion of Litigation to Arbitration: An Answer to Judicial Delay in the Time of COVID-19,” Locke Lord QuickStudy, April 8, 2020.
- Author, “Pulling the Trigger on Force Majeure: A Texan Perspective on COVID-19 and an Oil Price War,” Locke Lord QuickStudy, March 20, 2020.

MEDIA COMMENTARY

- Mentioned, “Troutman Pepper Locke Attorneys David Harrell and Deanna Markowitz Willson Named “Litigator of the Week” by Litigation Daily for Role in Winning Defense Team in Tenth Circuit Natural Gas Act Ruling Stemming from Winter Storm Uri,” *Litigation Daily*, August 10, 2026.
- Quoted, “Law Firms Join Early Winners in ‘Very Hot’ Texas Business Court,” *Bloomberg Law*, October 27, 2025.
- Quoted, “The Top Cases Of 2024 In Texas: Year In Review,” *Law360*, December 20, 2024.