

## **Greg White** Of Counsel

Clients throughout Texas have trusted Greg White to handle complex appeals in state and federal courts for more than 30 years. He has served as lead counsel in more than 50 reported cases, including a number before the U.S. Court of Appeals for the Fifth Circuit – where he argued a case en banc – and the Supreme Court of Texas. Greg is Board Certified in Civil Appellate Law by the Texas Board of Legal Specialization and was a member of the first group of Texas lawyers to achieve this distinction.

Greg has helped trial lawyers, businesses and individuals reach favorable outcomes in cases involving a variety of issues, ranging from business disputes, civil rights, election laws and personal injury to intellectual property, criminal law and real property. He was also appointed counsel on two death penalty cases, both of which received substantial media attention.

Greg was previously Board Certified in Civil Trial Law for more than 10 years and served as lead counsel in numerous jury trials before focusing his practice on appeals. With his unique hands-on experience preparing and trying cases at the trial court level, Greg is the go-to resource for trial lawyers on a broad range of litigation support matters, including preparing the jury charge, tailoring pleadings and discovery requests consistent with the charge, drafting dispositive motions, preserving appealable errors, plus much more.

In addition, Greg is a full-time faculty member at Baylor University School of Law specializing in legal writing and teaching courses in Brief Writing and Litigation Writing in the Law School's Legal Writing Center. He also coaches moot court and mock trial teams that have won or placed highly in a number of national tournaments.

### **Representative Experience**



### **Greg White**

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### **Practices**

Appellate Law

### **Education**

J.D., Baylor University School of  
Law (1981)

Baylor University (1976–1979)

### **Bar Admissions**

Texas (1982)

### **Court Admissions**

United States Supreme Court  
(1988)

United States Court of Appeals,  
Fifth Circuit (1985)

United States Court of Appeals,  
Seventh Circuit

United States Court of Appeals,  
Federal Circuit (2010)

United States Tax Court (2011)

United States District Court,  
Western District of Texas (1984)

United States District Court,  
Northern District of Texas  
(1986)

United States District Court,  
Southern District of Texas  
(1988)

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## Texas Supreme Court

- *Texas Commission on Environmental Quality v. City of Waco*, 413 S.W.3d 409 (Tex. 2013) (Standing as an affected person under the Texas Water Code)
- *Texas Commission on Environmental Quality v. Bosque River Coalition*, 413 S.W.3d 403 (Tex. 2013) (Standing as an affected person under the Texas Water Code)
- *Hearts Bluff Game Ranch v. State*, 381 S.W.3d 468 (Tex. 2012) (inverse condemnation related to permit application)
- *Merriman v. XTO Energy*, 407 S.W.3d 244 (Tex. 2013) (accommodation doctrine)
- *Providence Health Center v. Dowell*, 262 S.W.3d 324 (Tex. 2008) (proximate cause in a suicide case)
- *Texas Department of Criminal Justice v. Simons*, 140 S.W.3d 338 (Tex. 2004) (Actual Notice under the Texas Tort Claims Act)
- *Jernigan v. Langley*, 195 S.W.3d 91 (Tex. 2006) (adequacy of expert report in health care liability claim)
- *Meyer v. Cathey*, 167 S.W.3d 327 (Tex. 2005) (business dispute involving fraud, fiduciary duty and trial sanctions)
- *WFAA-TV, Inc. v. McLemore*, 978 S.W.2d 568 (Tex. 1998) (defining a public figure under Texas defamation laws)
- *1st Title Co. v. Garrett*, 860 S.W.2d 74 & d 254 (Tex. 1993), and 802 S.W.2d 254 (Tex. App. – Waco 1990) (liability of Title Insurance companies and credits for prior settlements)
- *General Electric Credit Corp. v. Midland Central Appraisal*

United States District Court,  
Eastern District of Texas (1989)  
United States District Court,  
Northern District of Mississippi  
(1991)

*District, et al*, 826 S.W.2d 124 (Tex. 1991) (constitutional issues of double taxation under State Tax System)

- *Kennedy v. Hyde*, 682 S.W.2d 525 (Tex. 1984) and 666 S.W.2d 325 (Tex. App.– Fort Worth 1984) (interpretation of Rules of Civil Procedure in Bank stock fraud case)
- *In re General Elec. Co.*, 271 S.W.3d 681 (Amicus) (Tex. 2008) (application of forum non conveniens in asbestos case)
- *JCW Electronics, Inc. v. Garza*, 257 S.W.3d 701 (Amicus) (Tex. 2008) (comparative fault in breach of warranty case)
- *City of Waco v. Lopez*, 259 S.W.3d 147 (Tex. 2008) (whistleblower case)
- *In Re: Discount Rental, Inc.*, 216 S.W.3d 831 (2007) (debtor's rights in property after reversal of case on appeal)
- *State Farm Life Ins. Co. V. Martinez*, 216 S.W. 3d 799 (Tex. 2007) (whether an interpleader case insulates insurance company from prompt payment responsibility)
- *Excess Underwriters at Lloyd's, London v. Frank's Casing Crew & Rental Tools, Inc.*, 246 S.W.3d 42 (Amicus) (Tex. 2008) (insurer's right to reimbursement where insured does not explicitly consent)

### **Texas Court of Criminal Appeals**

- *Willingham v. State of Texas*, 897 S.W.2d 351 (Tex. Crim. App. 1995) (Death penalty involving qualification of experts and parole information to jury)
- *Ryan Francis Chase v. State of Texas*, 448 S.W.3d 6 (Tex. Crim. App. 2014) (statute permitting killing of a dog that has recently attacked)

## Federal Criminal Appeals

- *United States v. Miller*, 450 Fed. Appx. 415 (5th Cir. 2011) (Application of acceptance of responsibility guidelines)
- *United States v. Kelley*, 441 Fed. Appx. 255 ( • In Re: Johnson, 322 Fed.3rd 881 (5th Cir. 2003) (Death Penalty – Stay of Execution granted)
- *Johnson v. Dretke*, 394 F.3d 332 (5th Cir. 2004) and 442 F.3d 901 (5th Cir. 2006) (appeal of death penalty habeas corpus)
- *Johnson v. Cockrell*, 306 F.3d 249 (5th Cir. 2002) and 336 Fed.3rd 249 (5th Cir. 2003) (appeal of death penalty habeas corpus)

## 5th Circuit Appeals

- *Hummel v. Townsend*, 883 F.2d 367 (5th Cir. 1989) (dealing with diversity of citizenship for unincorporated associations)
- *Doe v. Hillsboro I.S.D.*, 81 F.3d 1395 (5th Cir. 1996) (official liability of School District Officials for the rape of a student by a janitor) (en banc decision at 113 F.3d 1412)
- *FTC v. Assail, Inc.*, 410 F.3d 256 (5th Cir. 2005) (appeal of contempt hearing against attorneys who were ordered to disgorge fees)
- *Jones v. Alcoa, Inc.*, 339 F.3d 359 (5th Cir. 2003) (appeal of employment discrimination – exposing black workers to asbestos)
- *George v. National Association of Letter Carriers*, 185 F.3d 380 (5th Cir. 1999) (appeal of case involving tortious interference by a union)

- *Stewart v. Waco Independent School District*, 711 F.3d. 513 (5th Cir. 2013) (applicability of Rehabilitation Act to sexual assaults)
- *JSLG, Inc. v. City of Waco*, 504 Fed. Appx. 312 (5th Cir. 2012) (Sexually Oriented Business Ordinance in Waco, Texas upheld against constitutional challenge)
- *Estate of Montana Lance v. Lewisville ISD* (5th Cir. 2014) (Suicide of 4th Grade Student at school; claims under §504)

### **Federal Court Opinions**

- *PVM v. Sun Valley Seed*, 734 F. Supp. 250 (N.D. Miss. 1990) (Enforceability of Plant Variety Protection Act by assignee)
- *Beech Acceptance Corp. v. Connell*, 771 F. Supp. 1154 (D.Kan 1991) (dealing with propriety of injunction in fraudulent transfer case under Texas and Kansas law)
- *Durish v. Uselton*, 763 F. Supp. 192 (N.D.Tex. 1990) (dealing with statute of limitations for the receiver of an insolvent insurance company in case against officers and directors)

### **Family Law Appeals**

- *In Re: Ybarra*, 2012 Tex. App. Lexis 6171 (Tex. App. – Waco 2012)
- *In Re: Payne*, 2011 Tex. App. Lexis 9611 (Tex. App. – Waco 2011)
- *In Re: S.R.S.*, 2011 Tex. App. Lexis 575 (Tex. App. – Waco 2011)
- *In the Interest of ABK*, 2007 Tex. App. Lexis 8918 (Tex. App. – Waco 2007)

- *In Re: ENC*, 2009 Tex. App. Lexis 1760 (Tex. App. – Austin 2009)
- *In the Interest of DSW*, 2010 Tex. App. Lexis 10327 (Tex. App. – Waco 2010)
- *In the Interest of RO*, 2005 Tex. App. Lexis 2990 (Tex. App. – Austin 2005)
- *In the Interest of HSJ*, 2010 Tex. App. Lexis 9208 (Tex. App. – Austin 2010)

### **Waco Court of Appeals**

- *Haliburton v. Gilmore*, 2013 Tex. App. Lexis 5544 (Tex. App. – Waco 2013) (disputed ownership of cattle)
- *Neptune Marine Services v. Gibson*, 2011 Tex. App. Lexis 3033 (Tex. App. – Waco 2011) (personal jurisdiction after special appearance)
- *Texas All Risk General Agency v. Apex Lloyds Ins. Co.*, 2010 Tex. App. Lexis 9035 (Tex. App. – Waco 2010) (agency contract – ambiguity and interpretation)
- *In Re: Altec Industries*, 2012 Tex. App. Lexis 5188 (Tex. App. – Waco 2012) (mandamus involving designation of responsible third parties)
- *Luchak v. McAdams*, 379 S.W.3d 361 (Tex. App. – Waco 2012) (nurses at public hospital are government employees for purposes of Texas Tort Claims Act)
- *Harrington v. Magellan Pipeline Co.*, 2011 Tex. App. Lexis 9844 (Tex. App. – Waco 2011) (interpretation of 1909 easement)
- *Harrington v. Magellan Pipeline Co.*, 2009 Tex. App. Lexis 2963 (Tex. App. – Waco 2009) (appeal of partition order requires separate appeals for ruling on equities of

partition)

- *Brazos River Authority v. Brazos Electric Power Cooperative, Inc.*, 2010 Tex. App. LEXIS 4742 (Tex. App. – Waco 2010) (governmental immunity for suit on a contract where the contract did not involve the goods and services involved in the suit)
- *American Derringer Corp. v. Bond*, 924 S.W.2d 773 (Tex. App. – Waco 1996) (malicious prosecution in a trade secret case)
- *Mattlage v. Mattlage*, 243 S.W.3d 763 (Tex. App. – Waco 2007) (whether a gift in a will adeemed in the face of a conveyance of the property not completed prior to death of testator)
- *Blankenship v. Mirick*, 984 S.W.2d 771 (Tex. App. – Waco 1999) (proof necessary for the recovery of personal injury damages where expert testimony is unclear)
- *Trice v. State*, 712 S.W.2d 842 (Tex. App. – Waco 1996) and 694 S.W.2d 325 (Tex. App. – Waco 1995) (State’s rights in navigable waters)
- *Utlely v. Marathon Oil Co.*, 958 S.W.2d 960 (Tex. App. – Waco 1998) & 31 S.W.3d 274 (Tex. App. – Waco 2000) (Dispute over interpretation of oil and gas lease, and termination date)
- *Tranum v. Broadway*, 283 S.W.3d 403 (Tex. App. – Waco 2008) (affirmed judgment for malicious prosecution and slander)
- *Farmer v. Holley*, 237 S.W.3d 758 (Tex. App. – Waco 2007) (Covenant not to compete)
- *Nichols v. Sedalco Const. Serv.*, 228 S.W.3d 341 (Tex. App. – Waco 2007) (dismissal for want of prosecution affirmed)

- *Coody Custom Homes LLC v. Howe*, 2007 Tex. App. Lexis 3603 (Tex. App. – Waco 2007) (arbitration provision still applicable after the parties agreed to settle)
- *Gilmore v. SCI Tex. Funeral Services, Inc.*, 234 S.W.3d 251(Tex. App. – Waco 2007) (Zero damage award reversed and remanded)
- *Belcher v. Scott & White Clinic*, 2006 Tex. App. Lexis 6540 (Tex. App. – Waco 2006) (expert report required even where the injury was a fall from a wheelchair)
- *Baize v. Scott & White Clinic*, 2007 Tex. App. Lexis 366 (Tex. App. – Waco 2007) (change of counsel does not extend deadline to file expert report)
- *Wesley v. Amerigo Inc.*, 2006 Tex. App. Lexis 54 (Tex. App. – Waco 2006) (junior lien extinguished by prior foreclosure)
- *Best Disposal Services v. Burch*, 2005 Tex. App. Lexis 2588 (Tex. App. – Waco 2005) (admissibility of prior criminal record in auto accident where no crime alleged)
- *Dameron Oil Co. v. Majeed*, 2004 Tex. App. Lexis 4976 (Tex. App. – Waco 2004) (sublease does not grant option to purchase available to original lessor)
- *Merrimac Properties v. Combined Financial Corp.*, 2004 Tex. App. Lexis 4643 (Tex. App. – Waco 2004) (bidder at foreclosure sale need not be present to submit bid)
- *Wyse v. Department of Public Safety*, 733 S.W.2d 224 (Tex. App. – Waco 1986) (investigation in good faith provides qualified immunity)

### **Other Texas Appellate Courts**

- *Quantum Electric, Inc. v. Scott & White Properties*, 2007 Tex. App. Lexis 8415 (Tex. App. – Eastland 2007)



(proper venue in construction dispute)

- *Hamlin v. Gutermuth*, 909 S.W.2d 114 (Tex. App. – Houston [1st Dist.] 1995) (legal malpractice claims relating to conflicts of interest)
- *Crosbyton Seed v. Mechura Farms*, 875 S.W.2d 353 (Tex. App. – Corpus Christi 1995) (various issues on settlement credits and sufficiency of evidence in a dispute over seed quality)
- *Forestpark Enterprises v. Culpepper*, 754 S.W.2d 775 (Tex. App. – Fort Worth 1988) (dealing with implied warranty of suitability for commercial property)

### **Press Releases**

- “Gray Reed Adds Appellate Lawyer to Waco Office,” (May 1, 2019)

### **Thought Leadership**

- “Eminent Domain & the Constitution,” CLE International (2010)

### **Speeches and Presentations**

- “Effective Brief Writing in the Appellate Court,” Bar Association of the Fifth Circuit Writing Workshop (2016)
- “Risky Business: How to Shift Your Risks Through Contract or Statute,” Waco McLennan County Bar Association (2011)
- “Risky Business: How to Shift Your Risks Through Contract or Statute,” Advanced Personal Injury Seminar (2010)
- “Theories of Constitutional Law: Background and Overriding Principles; Due Process; Equal

Protection,” CLE International & Texas Municipal League (2009)

- “Punitive Damages: Legal and Ethical Considerations,” Texas Association of Defense Counsel (2008)
- “Federal Civil Rights Laws & Education,” 13th Annual Education Law Seminar (2006)

### **Honors**

- Named a “Super Lawyer” by Texas Super Lawyers (a Thomson Reuters business) as published in *Texas Monthly* (2013 – 2019)
- President’s Award, Texas Association of Defense Counsel (2008)
- Martindale Hubbell AV Rating

### **Organizational Involvement**

#### **Professional Involvement, Memberships & Affiliations**

- Life Fellow, Texas Bar Foundation
- American Board of Trial Advocates
  - TEX-ABOTA Chair, James Otis Lecture Series (2012 – 2015)
  - President, Waco Chapter (2013 – 2014)

#### **Community Involvement, Memberships & Affiliations**

- Baylor School of Education's iEngage civics "summer camp" for local schools