

Kelly H. Leonard

Associate

Over the course of her career, Kelly has gained a variety of state and federal court experience, including second-chair trial experience (three trials), taking and/or defending more than 25 depositions, drafting and arguing dispositive motions and handling all aspects of pre-trial preparation. Kelly's experience extends to appellate work. She has prepared more than 20 appellate briefs, including briefs in the United States Supreme Court, Fifth Circuit, Texas Supreme Court and Texas intermediate courts of appeals.

With trial and appellate experience under her belt, Kelly is well-versed in every phase of the litigation process. She is able to critically evaluate the strengths and weaknesses of each case to achieve an efficient resolution for her client. For some cases, that involves exploring a business outcome to resolve a dispute prior to trial. For others, it means preparing legal arguments to strike expert witnesses, limiting another party's claims or contentions through motions for summary judgment or evaluating complex damage models or defenses.

Before entering private practice, Kelly served as a law clerk to the Honorable Jane Bland of the First Court of Appeals at Houston, Texas.

Experience

Employment

- Litigation involving misappropriation of trade secrets and breach of covenant not to compete in commodities brokerage context.
- Represented manufacturer in litigation involving misappropriation of trade secrets, breach of covenant not to compete or solicit and breach of fiduciary duty claims.
- Litigation involving breach of covenant not to compete claims brought against licensed physician. Secured summary judgment on behalf of



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Industries
Energy

Practices
Commercial Litigation
Energy Litigation
Appellate Law
Labor & Employment

Education
J.D., The University of Texas School of Law (2011)
B.A., *with high honors*, The University of Texas at Austin (2008)

Bar Admissions
Texas

Court Admissions
United States Court of Appeals, Fifth Circuit
United States District Court, Eastern District of Texas
United States District Court, Northern District of Texas
United States District Court, Southern District of Texas
United States District Court, Western

health care client concluding covenant not to compete was unenforceable under Texas law.

District of Texas

- Obtained summary judgment on behalf of member of limited liability company affirming member's right to inspect corporate books and records and to conduct an accounting.
- Enforced employment agreement and purchase sale agreement against commercial grout distributor.

Energy

- Defended industrial maintenance contractor in multi-county litigation arising out of fire at gas storage facility.
- Obtained take-nothing summary judgment for oil and gas operator in Chapter 95 premises liability lawsuit.
- Litigation on behalf of publicly traded energy company in contract dispute with operator of petcoke cutting facility and terminal.
- Represented publicly traded energy company in dispute with landowner over surface use in connection with oil and gas exploration and production.
- Represented publicly traded energy company in suit seeking indemnity for Louisiana legacy litigation.
- Represented oil and gas meter manufacturer in arbitration dispute against distributor.
- Litigation on behalf of publicly traded petrochemical and refining company in breach of contract case against facility operator for failure to secure adequate insurance.
- Defended shipper in ship or pay dispute.
- Litigation on behalf of petrochemical and refining company against

electrical supplier.

Appellate

- Successfully petitioned for writ of mandamus to the Ninth Court of Appeals in suit addressing theft of trade secrets, resulting in opinion reversing trial court's order consolidating cases for discovery and allowing competitor access to trade-secret information.
- Petitioned for writ of mandamus to the First Court of Appeals on behalf of facility operator in wrongful death case arising from industrial accident.
- Defended insurance carrier in coverage dispute in Texas Supreme Court, including drafting petition for review, reply in support of petition, briefing on the merits and reply in support of briefing on the merits.
- Successfully petitioned for writ of mandamus to the First Court of Appeals in medical malpractice suit, resulting in opinion reversing trial court's order disqualifying counsel.
- Defended a local county in Voting Rights Act case successfully appealed to Fifth Circuit, resulting in opinion and judgment reversing award of attorneys' fees. Drafted response to petition for writ of certiorari successfully defending the Fifth Circuit's judgment.
- Successfully appealed adverse jury verdict involving claims of breach of covenants not to compete and misappropriation of trade secrets.
- Defended final judgment dismissing products liability claims for want of prosecution in First Court of Appeals, resulting in judgment affirming trial court's disposition.
- Defended final judgment enforcing trademark rights of American casket manufacturer before First Court of Appeals, resulting in an opinion affirming trial court's disposition.

- Successfully defended against petition for writ of mandamus on behalf of energy company in suit seeking indemnity for Louisiana legacy litigation.
- Successfully petitioned for review to the Texas Supreme Court from suit addressing the Texas Citizens Participation Act.
- Secured dismissal of appeal on behalf publicly traded retail chain in suit alleging violations of deceptive trade practices act and fraud, among other claims.
- Appellate counsel in suit seeking data underlying retirement fund's valuations, studies and reports in connection with actuarial audit.
- Defended final judgment dismissing allegations against bank for violations of the Fair Debt Collection Practices Act and other federal and state laws for failure to state a claim.
- Successfully appealed district court's dismissal of surgery center's lawsuit as a sanction, resulting in reversal and remand of proceedings.
- Secured judgment notwithstanding a jury's verdict on behalf of industrial gas supplier in payment dispute with customer and successfully defended the trial court's judgment on appeal.

Manufacturing

- Represented meter manufacturer in breach of contract suit against Latin American distributor.
- Represented flooring manufacturer in non-competition and trade secret suit against former employees.
- Defended gas manufacturer in payment dispute with customer over payment for gas cylinders.
- Defended boat manufacturer in product defect claim in suit seeking wrongful death damages.

Honors

- Selected by her peers for inclusion in Woodward/White, Inc.'s *The Best Lawyers in America "Ones to Watch"* in the field of Appellate Practice (2021)
- Named a Rising Star by Texas Super Lawyers (a Thomson Reuters company) as published in *Texas Monthly* and *Texas Super Lawyers* magazines (2016 - 2020)

Organizational Involvement

Professional Involvement, Memberships & Affiliations

- State Bar of Texas
 - Appellate Section
 - Pro Bono Program
- Houston Young Lawyer's Foundation

Community Involvement, Memberships & Affiliations

- St. Martin's Episcopal Church
- VICTORY Houston, American Cancer Society