

Hunter M. Barrow

Shareholder

PRACTICE EMPHASIS:

Business Litigation: Energy, Financial, Real Estate, Insurance, Intellectual Property, Corporate Governance/Shareholder Disputes

EDUCATION:

J.D., South Texas College of Law, Houston, Texas, 1999
Articles Editor, *South Texas Law Review*
Order of Barristers
Recipient of Dean's Outstanding Advocate Award
B.B.A., Baylor University, Waco, Texas 1995



ADMITTED:

State Bar of Texas
State Bar of New York

Email: hbarrow@andrewsmyers.com
Phone: (713) 351-0349
Fax: (713) 850-4211

COURT ADMISSIONS:

U.S. District Court, Southern, Western and Eastern Districts of Texas
U.S. District Court, Southern and Eastern Districts of New York
U.S. Court of Appeals 5th Circuit

Profile:

Hunter Barrow is a seasoned commercial trial lawyer who leads the firm's Business Litigation Practice Group. He has a broad litigation practice in trial and appellate courts. Hunter has experience handling a wide variety of matters, involving energy, securities, financial institutions, real estate, intellectual property, antitrust, insurance, product liability, and general commercial litigation. His clients span numerous industries, including energy, banking and finance, real estate development, private equity, and manufacturing. According to clients quoted in the 2019 edition of *Benchmark: Litigation, The Definitive Guide to America's Leading Litigation Firms & Attorneys*, Hunter's "questioning process in jury selection was outstanding, as were his opening and closing arguments," and "he enabled the jury to relate to us."

Hunter is Board Certified in Civil Trial Law by the Texas Board of Legal Specialization. He is also a Board Certified Civil Trial Advocate and a Board Certified Civil Practice Advocate by the National Board of Trial Advocacy.

Professional Recognition:

"Local Litigation Star," *Benchmark: Litigation, The Definitive Guide to America's Leading Litigation Firms & Attorneys*; 2016-2022

The Best Lawyers in Texas® by Woodward/White Inc. (Commercial Litigation); Since 2018

The Best Lawyers in Texas® by Woodward/White Inc. (Commercial Litigation), 2021

Top 100 Texas Lawyers, Texas Super Lawyers® by Thomson Reuters; Since 2019

Top 100 Houston Lawyers, Texas Super Lawyers® by Thomson Reuters; Since 2018

Texas Super Lawyers® by Thomson Reuters (Business Litigation); Since 2013

Houston's Top Lawyers – Commercial Litigation, *Houstonia Magazine*, 2022

"Recommended Attorney," The Legal 500 US by Legalease (Industry focus-Energy litigation-Oil and Gas); 2018

Member, Multi-Million Dollar Advocates Forum

"Texas Verdicts Hall of Fame," *Texas Lawyer*; 2013

Houston's "Top Lawyers," *H Texas magazine*; 2010-2013

Professional Recognition (Cont'd.)

"Future Star," Benchmark: Litigation, The Definitive Guide to America's Leading Litigation Firms & Attorneys; 2009-2015

Fellow, American Bar Foundation

Fellow, Texas Bar Foundation

Texas Rising Stars® by Thomson Reuters (Business Litigation, Securities Litigation, General Litigation); 2004-2005, 2007-2013

Martindale-Hubbell AV® Preeminent TM Peer Review Rated

Featured in Houston Bar Association's *Houston Lawyer Magazine*, "A Profile in Professionalism"

Affiliations:

Member, Houston Bar Association

Member, New York Bar Association

Member, Brazoria County Bar Association

Member, Texas Association of Civil Trial and Appellate Specialists (TACTAS)

Member, Texas Board of Legal Specialization Civil Trial Law Advisory Commission

Master, American Inns of Court, Garland Walker Chapter

Member, College of the State Bar of Texas

Member, Lawyers Committee, National Center for State Courts

Advisory Board Member, National Association of Corporate Directors, Tri-Cities Chapter, 2013-2019

Member, Texas Association of Bank Counsel

Member, American Bar Association; Co-Chair, 2011-2015, Private Equity Litigation Subcommittee, Litigation Section; Co-Chair, 2008-2011, Banking and Lender Liability Litigation Subcommittee, Litigation Section; Member, Business Law Section

Director, Baptist Foundation of Texas (HighGround Advisors), 2015-present

Board Member, The Source for Women, 2018-2019

Trustee, First Baptist Academy of Houston, 2018-present

Representative Experience:

CORPORATE GOVERNANCE AND SHAREHOLDER LITIGATION

- Represented the sellers of three oilfield services companies in defending claims of alleged fraud and breach of the share purchase agreement for failing to disclose alleged customer issues and a material adverse change and in asserting counterclaims for the hold back amount held in escrow, which resulted in a favorable jury verdict
- Represented an oilfield services company that merged and its directors in defending securities class action, which resulted in the court denying class certification and dismissing the lawsuit
- Represented venture capital firms and an officer against investors who sued under securities fraud and control person theories and obtained dismissal of the lawsuit
- Represented a broker-dealer, individual representatives, and owners against an investor's claim for fraud in a securities arbitration, which resulted in a favorable settlement after arbitration
- Represented a minority shareholder in asserting fraud claims against majority shareholders who sought to compel international arbitration, which resulted in a favorable settlement after a Fifth Circuit decision on case of first impression
- Represented four minority shareholders against an investment company in seeking to recover their share of sales proceeds from the sale of an energy company and in defending the shareholders against tax fraud claims, which resulted in an arbitration award of the proceeds and a denial of the fraud claim

Representative Experience (Cont'd.)

ENERGY LITIGATION

- Represented proppant supplier against an oilfield services company in obtaining a temporary injunction to prevent the oilfield services company from foreclosing on real and personal property, which secured a promissory note
- Represented a biodiesel refinery in defending against fraud, contract, and conversion claims made by a feedstock marketer and producer
- Represented an Oil Country Tubular Goods importer in asserting contract, fraud, and theft claims against an investment company, pipe broker, and Chinese pipe trader and obtained a provisional writ of attachment and injunction order to secure disputed pipe shipments
- Represented an oil company in a merger dispute in asserting fraud claims for wrongfully assigning working and net revenue interests as well as for well-spacing violations
- Represented an Indian-based casing manufacturer in defending against breach of contract and warranty claims and asserting counterclaims for breach of contract, which resulted in a favorable judgment after a three-day bench trial
- Represented a casing manufacturer in defending a product liability lawsuit for alleged defects that resulted in downhole well failures

BANKING AND FINANCIAL INSTITUTION LITIGATION

- Represented a commercial bank in asserting contract and deficiency claims against a real estate development company and its guarantors and in defending its valuation of collateral at a foreclosure sale, which resulted in a favorable jury verdict
- Represented a multi-state bank holding company against a claim by a shareholder for breach of fiduciary duty and obtained dismissal of the lawsuit
- Represented a commercial bank in defending against claims of improperly declaring default and withholding funding on a condominium development
- Represented commercial banks and private equity funds in deficiency actions against borrowers and guarantors
- Represented a commercial bank in defending against tortious interference claims made by a borrower and obtained summary judgment

REAL ESTATE LITIGATION

- Represented a medical clinic that was sued for breach of lease, fraud, statutory fraud, promissory estoppel, and negligent misrepresentation as a result of the client's decision not to execute an amendment to its existing lease agreement and obtained a complete jury defense verdict
- Represented an owner of an office building in asserting claims for past and future rents under a long-term lease and in defending against warranty claims, which resulted in a favorable jury verdict
- Represented a hospital in defending against a real estate developer's claims for breach of contract and injunctive relief centered around a purchase contract and repurchase-right provisions, which settled favorably after the court denied injunctive relief
- Represented a real estate company in asserting a breach of lease claim against a tenant that sought a declaration of non-termination or rejection of the lease as a result of a bankruptcy order, which settled favorably after court denied the tenant's motion to dismiss
- Represented a trustee for a family trust in seeking payment for a closing extension against a potential purchaser in a real estate transaction and obtained summary judgment
- Represented a shopping center in defending claims of breach of contract and injunctive relief for alleged lease violations made by tenant and obtained summary judgment on waiver and estoppel defenses

Representative Experience (Cont'd.)

- Represented a shopping center developer in defending claims of fraud, which was settled favorably based on an estoppel letter during a jury trial
- Represented owner of a high-rise condominium against a former tenant in asserting claims for lost rent and in defending against claims of unhabitability, which resulted in a favorable jury verdict

GENERAL BUSINESS AND INTELLECTUAL PROPERTY LITIGATION

- Represented a homebuilder against an architect and a homeowner in defending and asserting claims for injunctive relief, breach of contract, slander, and tortious interference and received a complete defense jury verdict and verdict on counterclaims
- Represented a steel manufacturer in asserting bad faith claims against an insurance company and in seeking business interruption damages, which settled favorably after five days in a jury trial
- Represented an oil and gas pipe support manufacturer in asserting copyright, trade secret, and trademark claims against a former consultant and steel fabrication company and obtained preliminary and permanent injunctions
- Represented an owner and general contractor against claims by a subcontractor for delay damages in an arbitration proceeding and obtained a favorable arbitration decision
- Represented an excavating company in a lawsuit against a developer, asserting breach of contract and negligence claims in two separate cases and obtained summary judgment in one of the cases, which caused the developer to nonsuit the remaining case
- Represented a biodiesel refinery in asserting nuisance and trespass claims against an adjacent landowner
- Represented a day spa that asserted trade secret, trademark, and unfair competition claims against a competitor, which resulted in a favorable settlement after obtaining an injunction
- Represented a steel plate manufacturer in defending against contract and fraud claims made by a vessel manufacturer and obtained summary judgment, which was affirmed on appeal
- Represented a telecommunications company in obtaining a temporary injunction to prevent another company from prohibiting use of a shared fiber optic network
- Represented a promotional products company against a competitor in a declaratory judgment action and recovered attorneys' fees at trial

Teaching Experience:

Adjunct Professor, Trial Advocacy, South Texas College of Law; 2001-2015

Recent Speeches and Publications:

"Where do your Duties Lie?," AM Monthly Law Alert, July 2022

"Justice Roundtable: What's Working? Evaluating Virtual Justice," Panelist, National Center for State Courts, November 2020

"COVID-19 Business Interruption Claims," AM Law Alert, April 2020

"COVID-19 and the Market Decline: Material Adverse Change?," AM Law Alert, March 2020

"Texas Supreme Court Requires Precise Language for Email Contracts," AM Monthly Law Alert, February 2020

"Price Escalation Clauses can Soften the Blow of Tariffs in the Energy Industry," AM Monthly Law Alert, September 2019

"Persuasion and Jury Selection," Association of Corporate Counsel, August 30, 2016

Co-author, "Trial Teamwork: Working with In-House and Outside Counsel to Present Your Best Case," Association of Corporate Counsel, August 2016

Moderator, "Advocacy," National Board of Trial Advocacy, Houston Area Chapter CLE, May 6, 2016

"Texas Uniform Trade Secrets Act: What's Changed?" National Board of Trial Advocacy, February 6, 2015

"Real Estate Workouts and Lender Liability," The Metropolitan Corporate Counsel, Vol. 16, No. 9, September 2008