



## **Phillip L. Sampson Jr.**

Partner

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### **About Phillip**

Phillip Sampson has spent decades aggressively advocating for his clients' interests in complex business disputes. Phillip's consistent approach to preparing a matter for trial or arbitration emphasizes thoroughness, creativity, and practicality. *Chambers USA* has reported that clients consider Phillip "a very accomplished, intelligent and diligent attorney," and *The Legal 500 United States* has reported clients' praise for Phillip's "great trial preparation and presentation." Phillip's significant courtroom experience led to his admission as a Fellow of the American College of Trial Lawyers and a member in the American Board of Trial Advocates (ABOTA). He has twice been recognized in *VerdictSearch's* "Top Texas Verdicts" (2009 and 2010) for jury verdicts he obtained involving fraud and breach of contract. Phillip was named the Texas "Litigator of the Week" by the *Texas Lawyer* in October 2015 for his defense victory in a \$25 million commercial dispute, and he has been recognized in *The Legal 500 United States* (2011-2015, 2016, 2018, 2023-2024), *Best Lawyers in America* (2021-2024), and *Chambers USA* (2013-2014).

Phillip is co-chair of the firm's construction litigation practice group, and he represents clients in a diverse range of complex business litigation and arbitration matters involving the energy, construction, manufacturing, steel, oil field services, chemical, petrochemical, software, financial services, consumer products, and real estate sectors. Phillip has experience and a particular focus on matters involving contract and payment issues, fraud and other business torts, construction defects, products liability, consumer protection claims, personal injury, real estate and landlord/tenant issues, and trade secret and intellectual property rights for both plaintiffs and defendants. Phillip has also successfully handled a number of appeals at the state and federal level.

In addition to his client responsibilities, Phillip has served various roles in firm management, including membership on the firm's Management Committee, as Hiring Partner, and as a member of the Associate Evaluation Committee.

### **Recent Notable Matters**

***Insurance policy holder*** — Achieved 8-figure settlement for private equity company policy holder in a breach of contract and bad faith insurance practices case involving a representations and warranties insurance policy.

***Insurance policy holder*** — Achieved 8-figure settlement for manufacturing industry policy holder in a breach of contract and bad faith insurance practices case involving a commercial property and business

interruption insurance policy.

**Construction product manufacturer** — Represented metal building components manufacturer in multi-million dollar state court jury trial involving allegations of fraud, deceptive trade practices act violations, breach of warranty, and breach of contract. Obtained verdict in favor of client on its affirmative claims and defeating all adverse claims.

**Construction product manufacturer** — Represented siding materials manufacturer in multi-million dollar state court jury trial involving allegations of deceptive trade practices act violations, breach of warranty, and breach of contract. Case settled just prior to jury returning a defense verdict for client.

**Energy storage and transportation company** — Represented worldwide operator of tank storage terminals as plaintiff in multi-million dollar litigation against a competitor involving breach of contract and railroad access issues. Obtained numerous temporary injunctions for client in pre-trial phase of case. Case settled favorably on the eve of trial.

**Steel processing company** — Represented industrial steel processor as plaintiff in state court jury trial involving allegations of breach of contract, negligence, and gross negligence. Obtained verdict for client on all claims, including claims for punitive damages.

**Energy storage and transportation company** — Represented worldwide operator of tank storage terminals as defendant in multi-million dollar litigation involving allegations of breach of contract and fraud. Obtained complete dismissal of all claims against client on the eve of trial.

**Chemical plant owner** — Represented international chemical plant owner in multi-million dollar construction defect and payment dispute. Matter was resolved prior to arbitration hearing.

**Energy storage and transportation company** — Represented worldwide operator of tank storage terminals in multi-million dollar construction defect and payment dispute. Case settled in advance of arbitration hearing.

**Individual plaintiffs** — Represented yacht owners in state court jury trial involving allegations of product defects, fraud, deceptive trade practices act violations, breach of warranty, and breach of contract. Obtained verdict for client, including findings of fraud, Texas DTPA violations, and knowing and intentional conduct under the DTPA.

**Steel processing company** — Represented industrial steel processor in federal court jury trial involving allegations of defective computer software. Case settled favorably early in trial.

**Banking industry client** — Represented bank as defendant in state court bench trial involving an alleged pretended sale. Obtained judgment in favor of client.

**Trust company** — Represented trust company as defendant in state court jury trial involving contract and fiduciary duty claims. Case settled favorably just before closing arguments.

**Banking industry client** — Represented bank as defendant in two state court jury trials involving defalcation claims. Both cases settled favorably during trial.

**Houston Endowment** — Negotiated and drafted the construction agreements and underlying bid document for a new \$25 million headquarters building, designed by the winner of an international design competition, that will provide more space to work collaboratively with community partners and more accessibility to the people they serve.

**Consumer product manufacturer** — Represented consumer products manufacturer in multi-million dollar dispute concerning alleged defects in the construction of several warehouses. Case settled favorably for client on the eve of trial.

**Individual plaintiffs** — Represented widow and children in state court wrongful death jury trial. Case settled favorably for clients just before closing arguments.

**Consumer product manufacturer** — Has represented consumer product manufacturer in various matters involving distribution agreements, misappropriation of trade secrets, construction defects, and trademark issues

**Commercial owners** — Has represented numerous commercial property owners in arbitration and litigation involving construction defect claims.

## **Publications and Speeches**

“The COVID-19 Change Order,” (Bracewell), July 20, 2022.

“The New Rules (Part 2): Restrictions on the Duty to Defend for Architects and Engineers,” (Bracewell), October 7, 2021.

“The New Rules: Liability Limitations for Construction Design Defects in Texas,” (Bracewell), September 22, 2021.

“Managing Legal Spend – Perspectives From The Outside,” *Consero General Counsel Conference*, June 15, 2021.

“Texas Supreme Court Clarifies Scope of Property Owners’ Statutory Protections,” (Bracewell), March 29, 2021.

“Understand and Define Key Substantive Contract Provisions,” *Construction Executive*, December 2019.

“Define the Forum and Scope of Recovery in Contract Disputes,” *Construction Executive*, December 2019.

“Negotiating Your ‘Standard’ Construction Contract,” *Bracewell’s Spotlight on Public Finance*, Spring 2019.

“Steel And Aluminum Tariffs? Can You Turn To Your Force Majeure Clause?,” *The National Law Review*, May 14, 2018.

“Texas Weighs In: Do Contractors Have Blanket Indemnity?,” *Law 360*, August 15, 2016.

“Texas Supreme Court Narrows The Ability Of General Contractors To Seek Chapter 82 Indemnity For Product Claims,” (Bracewell), June 24, 2016.

“Effectively Managing Product Issues,” *Industry Week*, June 15, 2015.

## Education

South Texas College of Law Houston, J.D.  
1993 – *with honors*

Washington and Lee University, Bachelor of Arts  
1990 – *with honors*

## Noteworthy

American College of Trial Lawyers, Fellow

American Board of Trial Advocates (ABOTA), Member

ALM Media Properties, LLC, *VerdictSearch*, Top Texas Verdicts, 2009 - 2010

*Chambers USA*, Construction, 2013 - 2014

*The Legal 500 United States*, Construction (including Construction Litigation), 2011 - 2015, 2016, 2018, 2023 - 2024

BL Rankings, *Best Lawyers*, Commercial Litigation, 2021 - 2024; Litigation - Real Estate, 2023 - 2024

Thomson Reuters, *Texas Super Lawyers*, 2017 - 2020

Thomson Reuters, *Texas Super Lawyers*, Rising Star, 2004, 2006 - 2007

Internet Brands, Inc., *Martindale-Hubbell® AV® Preeminent™ Rating*

Houston Bar Association, *President's Award for Outstanding Service*, 2006-2007

## Affiliations

State Bar of Texas

Houston Bar Association, Litigation and Construction Sections

Houston Bar Foundation, Fellow

## **Bar Admissions**

Texas