

## **ROGER D. TOWNSEND**

ALEXANDER DUBOSE JEFFERSON & TOWNSEND LLP

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### **EDUCATION**

Harvard Law School (J.D., 1979)

Oralist, Semifinal Round, Ames Moot Court Competition 1978

HARVARD CIVIL RIGHTS—CIVIL LIBERTIES REVIEW 1977-1979

HARVARD LAW REVIEW, Semifinalist, Writing Competition 1977

University of Texas at Arlington (B.A., with highest honors, 1976)

Administrative Counsel, Law Society 1975-76

President, Omicron-Kappa Chapter of Phi Alpha Theta (International Honorary History Society)

1975-76

Editor, 4 ESSAYS IN HISTORY: THE E.C. BARKSDALE STUDENT LECTURES 1975

Alpha Chi (National Honor Scholarship Society)

### **EMPLOYMENT HISTORY**

Alexander Dubose Jefferson & Townsend LLP

Partner, 2003-present

Hogan Dubose & Townsend, L.L.P.

Partner, 1995-2003

Fulbright & Jaworski L.L.P.

Head of Appellate Group in Litigation Department and Partner 1987-95

Participating Associate 1984-87

Associate 1979-84

Adjunct Professor of Appellate Advocacy, University of Houston Law Center, 1990

### **BOARD CERTIFICATION**

Civil Appellate Law, Texas Board of Legal Specialization (1987-present)

### **PROFESSIONAL ACTIVITIES**

American Academy of Appellate Lawyers

Immediate Past President 2014

President 2013

Officer 2008-12

Director 2004-07

Chair, Membership Committee 2005-09

Co-chair, Appellate Ethics and Civility Committee 1998-99

Fellow 1997-present

State Bar of Texas

Certificate of Merit 1993

Appellate Practice and Advocacy Section 1988-present

Chair 1989-90

Vice-chair 1988-89

Committee on the Administration of Justice 1988-91

Houston Bar Association

Appellate Practice Section 1990-present

Committee on the Appellate Judiciary 1989-90

American Bar Association

Litigation Section 1987-present

Appellate Advocacy Committee 1987-present

Tort & Insurance Practice Section 1993-present

Appellate Advocacy Committee

Chair-elect 2007-08

Vice-chair 1993-94, 2005-06

Council of Appellate Lawyers, Appellate Judges Conference, Judicial Division 2001-present

Long-range Strategic Committee, Chair 2007-08

Speakers Bureau Committee, Chair 2003-04

Defense Research Institute 2003-present

Appellate Practice Committee 2003-present

Bar Association of the Fifth Federal Circuit

Charter Member 1987-present

Houston Bar Foundation, Life Fellow

Texas Bar Foundation, Life Fellow

American Bar Foundation, Life Fellow

## **PUBLICATIONS AND SPEECHES**

### ***Books***

National Editor, *Superseding and Staying Judgments: A National Compendium*, A.B.A. (2007)

Editor-in-Chief, TEXAS APPELLATE PRACTICE MANUAL (2d ed. 1993)

Author, *Supersedeas and Stays of Judgments*, in APPELLATE PRACTICE IN FEDERAL AND STATE COURTS (Law Journal Press 2011)

Author, *Briefwriting: the Appellee's Perspective*, in A DEFENSE LAWYER'S GUIDE TO APPELLATE PRACTICE (DRI 2004)

Contributor, *The Amicus Brief: How to be a Good Friend of the Court*, A.B.A. (2d ed. 2004)

### ***Articles***

*The Future of Oral Argument: Argument by E-mail?*, THE APPELLATE ADVOCATE 8 (AAAL 2010, Issue 1)

*Oral Argument on Appeal: Go Forth and Sin, Sin, Sin*, THE APPELLATE ADVOCATE 20 (State Bar of Tex. Vol. 22, no.1, Fall 2009)

*Tedious Bound: Must Briefs Be Boring?*, FOR THE DEFENSE 81 (2010)

*Carts and Horses, or Circles and Spirals: Reflections and Ruminations on Legal Research*, CERTOWRTHY (DRI MAY 2007)  
*Appellate Advocacy: Whose World Is It?*, FOR THE DEFENSE 52 (Nov. 2009) (co-author)  
*Amicus Curiae Briefs*, Legal On-Ramp (2009)  
*Tips from the Top*, Houston Bar Association, Appellate Practice Section THE APPELLATE LAWYER (Jan. 2009)  
*Pursuing Persuasion: Heading for Trouble*, FOR THE DEFENSE 66 (March 2005)  
*Focusing on Litigation Results: The Role of the Case Manager*, THE DOCKET Vol. 24, No. 3 (March 2006) (co-author)  
Book Review, CERTWORTHY, Summer 2005, at 47 (reviewing DAVID C. FREDERICK, SUPREME COURT AND APPELLATE ADVOCACY: MASTERING ORAL ARGUMENT)  
*Improper Jury Argument and Professionalism: Rethinking Standard Fire v. Reese*, 6 TEX. B.J. 448 (2004)  
*Give Me That Old-Time Religion—An Essay*, THE APPELLATE ADVOCATE, Vol. XI, No. 3 (May 1998)  
*Hard Questions About Electing Appellate Judges*, THE APPELLATE ADVOCATE, Vol. III, No. 2 (Spring 1990)  
*Pre-Accusation Delay*, 24 S. TEX. L.J. 69 (1983)  
Book Review, *How to Handle an Appeal*, 45 TEX. B.J. 1317 (Oct. 1982)  
*Reflections on the Burden of Proof in Texas Summary Judgment Practice*, 18 HOUSTON LAWYER 24 (1981)

### ***Continuing Legal Education Programs***

*Handling the Difficult Oral Argument* (Appellate Judges Education Institute Nov. 2013)  
*Changes in Appellate Judging and Lawyering During the Past 50 Years* (ABA Mid-Year Meeting Aug. 2013)  
*Effective Oral Advocacy*, ABA Mid-Year Meeting (Feb. 2013)  
*Celebrity Trials, Contemporary American Culture, and Appellate Courts: Is There a Connection*, Houston Bar Ass'n, Appellate Section (March 2012)  
*Quality or Profits: Which Should Come First in a Profession?*, American Academy of Appellate Lawyers Fall Meeting (2012)  
*Reflections from 32 Years of Briefwriting*, Appellate Judges Education Institute (ABA 2012)  
*Mistakes: How to Prevent, or at Least Survive, Them*, State Bar of Tex., Civil Appellate Practice 101 (2011)  
*The Future (if any) of Oral Argument*, State Bar of Tex., 24<sup>th</sup> Annual Advanced Civil Appellate Practice Course (2010)  
*Appellate Advocacy: The Proper Use of "English,"* (Houston Bar Ass'n, Appellate Practice Section, Sept. 2009)  
*Plenary Session on Brief-Writing*, Appellate Practice Institute ABA 2009) (co-panelist)  
*Models of Statutory Interpretation Applied to Your Daily Practice*, 21<sup>st</sup> Annual Civil Appellate Practice Section (State Bar of Tex. 2007) (co-presenter)  
*Oil & Gas Issues on Appeal*, American Assn<sup>7</sup> of Mineral Owners Seminar (2007)  
*Hot Situations, Hot Topics, Hot (and Cold) Courts*, ABA, Council of Appellate Lawyers and Appellate Judges Summit (2005) (co-presenter)  
*Special Considerations in Appealing Jury Verdicts*, 20<sup>th</sup> Ann. Fed. Appellate Prac. & Advocacy & Advocacy Seminar (2005) (speaker & author)

*The Amicus Brief: How to Write and Use it Effectively*, ABA Annual Meeting (2004) (co-presenter)

*Negotiating with Outside Counsel: Creative Options in Fees, Management, and Impacts on Engagement Agreements—Litigation at Appellate Level*, American Corporate Counsel Ass'n (2004) (co-presenter)

*Managing Expectations on Appeal*, Houston and Travis County Bar Ass'ns, Appellate Practice Sections 2003 (speaker)

*Briefing Preservation Issues and Preserving Issues in Briefs*, in Fifth Circuit Appellate Practice & Advocacy Seminar (2003-04) (speaker & author)

*If It's Broke Fix It!*, in Fifth Circuit Appellate Practice and Advocacy Seminar (2002-04)

*Fast Track Appeals in High Profile Litigation – Lessons Learned*, American Academy of Appellate Lawyers 2001 (speaker & author)

*Appellate Advocacy: The Myth vs. the Reality*, Univ. Tex. Appellate Practice Course (1999) (speaker & author)

*Attacking and Defending Contractual Liability and Promissory Estoppel on Appeal*, State Bar of Tex. (1998) (speaker & author)

*Anomalies on Appeal: How (Not) to Handle the Unexpected*, Houston Bar Ass'n, Appellate Practice Section (1997) (co-presenter)

*Brief Writing in the Texas Courts of Appeals*, Houston Bar Ass'n (1996) (speaker & author)

*Appellate Update: Preparing for Appeal*, State Bar of Tex. (1996) (speaker & author)

*State Standards of Review: Cornerstone of the Appeal*, Univ. Tex. (1996) (speaker & author)

*Federal Standards of Review*, Univ. Tex. 1995 (speaker & author)

*Oral Argument by the Masters*, State Bar of Tex. (1995) (oralist)

*An Analysis of Texas Charge Practice*, Univ. Tex. (1993)

*Brief Writing Specifics: Writing the Statement of Facts*, Louisiana State Univ. (1993) (speaker & author)

*Written Advocacy—Part II: Stating the Facts*, in State Bar of Tex., Advanced Civil Appellate Practice Course (1992) (speaker & author)

*The Theory of Appeal—The Decision to Appeal—Frivolous Appeals—Dealing with Trial Counsel*, in Univ. Tex. (1991) (speaker & author)

*Writing Workshop and Critique*, Fifth Circuit Appellate Practice and Advocacy Seminar (1991) (Faculty Member)

*Brief Writing: Advanced Techniques for Writing a Statement of Facts*, in State Bar of Tex., Advanced Civil Appellate Practice Course (1991)

*Standards of Review and Reversible Error: in Univ. Tex.*, Annual Advanced Appellate Seminar on State and Federal Appeals (1991) (speaker & author)

*Workers—Compensation, Indemnity, and Related Liability*, in State Bar of Tex. Corporate Counsel Seminar (1990, 1989) (speaker & author)

*Summary Judgment Practice in Texas and Federal Courts*, Southern Methodist Univ. (1990)

*The Interrelationship of Common-Law Contract Claims and Negligence Claims*, Southern Methodist Univ. (1990)

*Standards of Review and Reversible Error*, in State Bar of Tex., Advanced Appellate Practice Course (1990)

*Appellate Procedure: How to Perfect and Prosecute an Appeal Through the Texas Court System*, Southern Methodist Univ. (1989, 1988)

*Current Tort and Indemnity Issues Affecting Oil & Gas Operators*, South Tex. College of Law (1989)

*Handling the Monster Appeal*, State Bar of Tex. (1989)  
*Pitfalls for Corporate Counsel in Appealing the Disastrous Judgment*, American Corporate Counsel Association Institute, *Pennzoil v. Texaco: Aspects of the Litigation Instructive for Corporate Counsel*, 1988  
*Preservation of Reversible Error in Texas*, Houston Bar Association (1988)  
*Oral Argument*, State Bar of Tex. (1988)  
*Drafting the Appellate Brief*, South Tex. College of Law (1988)  
*Responsible Advocacy*, *The Appellate Advocate*, Vol. 1, No. 3 (Spring 1988)  
*Preserving the Right to Complain on Appeal in Non-Jury Cases*, Southern Methodist Univ. (1987)  
*Stay of Judgment*, in State Bar of Tex., *Advanced Appellate Practice Course* (1987)

**LICENSED TO PRACTICE IN**

United States Supreme Court (1984-present)  
United States Court of Appeals  
    Second Circuit (1994-present)  
    Fourth Circuit (1998-present)  
    Fifth Circuit (1981-present)  
    Ninth Circuit (2007-present)  
    Eleventh Circuit (1981-present)  
United States District Court for the Southern District of Texas (1980-present)  
United States District Court for the Eastern District of Texas (2003-present)  
All Texas State Courts (1979-present)