



## Garland D. Murphy IV, *Partner*

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Garland "Land" Murphy loves finding the right answer for his clients. He has a knack for quickly identifying a dispute's key questions and then answering those questions efficiently. Land devotes to his clients the same dogged determination and attention to detail that allowed him to graduate as the valedictorian of his law school class and to receive the highest score on the February 2007 Texas bar exam. Land is dedicated to obtaining the same exceptional results for his clients from pre-suit dispute resolution through trial and to final appeal. And Land has obtained outstanding results for his clients through jury trials, arbitrations, administrative proceedings, and appeals, with substantial experience representing clients in the energy industry and handling disputes involving trade secrets and non-compete agreements.

Land received his B.A., *summa cum laude*, from the University of Arkansas at Little Rock in 1997. Before attending law school, Land worked for several years in the information technology field and received his Certified Public Accountant license from the state of Arkansas in 1999. He received his J.D., *summa cum laude*, from Pepperdine University School of Law in 2005. While in law school, Land was a lead articles editor for the *Pepperdine Law Review* and was a member of the First Place moot court team for the 2003 National Criminal Procedure Tournament and a member of the National Champion team for the 2004 Robert F. Wagner National Labor & Employment Law Moot Court Competition. He was also recognized as a National Member of the Order of Barristers. Upon graduation from law school, Land served as law clerk to the Honorable Diarmuid F. O'Scannlain, United States Circuit Judge for the Ninth Circuit.

### EDUCATION AND EXPERIENCE

#### University of Arkansas at Little Rock

B.A., History with a Minor in Accounting, *summa cum laude*, 1997

#### Pepperdine Law School

J.D., *summa cum laude*, 2005

Order of Barristers; Number One in His Class; Member of the First Place Team, National Criminal Procedure Moot Court Competition, 2003; Member of the National Champion Team, Wagner Labor Law Moot Court Competition, 2004

#### Law Clerk

to the Hon. Diarmuid F. O'Scannlain, United States Court of Appeals for the Ninth Circuit, 2005-2006

#### Partner

Smyser Kaplan & Veselka, L.L.P., 2012-Present

#### Associate

Smyser Kaplan & Veselka, L.L.P., 2007-2011

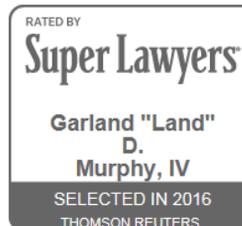
### PROFESSIONAL RECOGNITION

Texas *Litigation Star* by Benchmark Litigation 2015-2016.

Texas *Rising Star* by Thomson Reuters, 2010 - 2016.



2016



2015

## ADMISSIONS

State Courts of California  
State Courts of Texas  
State Courts of Arkansas  
United States District Court for the Central and Northern Districts of California  
United States District Court for the Southern, Eastern, Western, and Northern Districts of Texas  
United States District Court for the Eastern and Western Districts of Arkansas  
United States District Court for the District of Colorado  
United States Court of Appeals for the Fifth Circuit

## ORGANIZATIONS

- Houston Bar Association, Committee Member HBA Speakers Bureau, 2014 - 2015

## REPRESENTATIVE MATTERS

### Energy Industry

- Representing large oil and gas client in a suit seeking payment of two working interest owners' shares of drilling and completion costs for several Eagle Ford wells. Obtained \$700,000+ partial summary judgment in client's favor.
- Successfully defended a large oil and gas client in Texas state court against breach of contract and fraud claims demanding payment of a \$1mm penalty and interest based on allegations that it failed to complete a well on time. The court granted a motion for summary judgment declaring the lease penalty provision to be void and unenforceable.
- Successfully defended a large oil and gas client against a collection suit filed demanding payment of vendor invoices sold to a bank under a factoring agreement. After the trial court rejected the bank's hotly-contested motion for summary judgment, the bank dismissed its suit.
- Successfully defended a small oil and gas exploration and production company sued for washing out overriding royalty interests in an oil and gas lease by allowing the lease to terminate. After a jury trial, the court of appeals rendered judgment for the company, and the Texas Supreme Court denied review.
- Successfully defended large oil and gas client by obtaining dismissal of suit alleging water contamination.
- Successfully defended large oil and gas client by obtaining summary judgment on claims for lost wages after contractor's employee sued alleging that he had been terminated by his employer after being barred from client's work site.

### Trade Secrets / Non-Competition Agreements

- Successfully defended pipe company against claims of trade secret misappropriation brought by a competitor, defeating a request for an anti-competitive temporary injunction.
- Successfully defended a start-up artificial lift company in Texas state court against claims of trade secret misappropriation brought by one of the largest oil and gas service companies, defeating a request for an anti-competitive temporary injunction after a five-day hearing.
- Successfully represented healthcare device manufacturer in suit against former sales representative for violation of non-competition agreement; obtained TRO and settlement following temporary injunction hearing.

## REPRESENTATIVE MATTERS (continued)

### Other Representative Matters

- Successfully defended a financial advisor sued for defamation and business disparagement by a competitor after the advisor participated in the Texas Attorney General's investigation into price-fixing and collusion in the municipal utility district bond refinancing market. The court dismissed all claims and awarded attorney's fees and sanctions to the advisor.
- Obtained a favorable settlement in excess of \$1mm for a pipeline construction company based on its claims for extra compensation owed for construction of a pipeline in mountainous terrain during the Colorado winter.
- Obtained a multi-million dollar settlement for a pipeline construction company in its suit for costs incurred constructing an oil and gas pipeline under the Tigris River in war-torn Iraq.
- Obtained an arbitration award of \$1mm for a national accounting and litigation services firm in its insurance policy coverage dispute with certain Lloyd's Underwriters.
- Successfully defended the former chief executive officer of a public company against allegations of securities fraud in an SEC administrative proceeding, negotiating a settlement in which the SEC abandoned claims of intentional wrongdoing.
- Successfully defended a limited partner in an oil and gas limited partnership against claims of fraud, breach of contract, and breach of fiduciary duty. Obtained a judgment in excess of \$1mm, while defeating the plaintiffs' multi-million dollar claims.
- As pro bono trial counsel for the City of Houston, obtained a jury verdict against a rent-by-the-hour motel in a residential neighborhood because its owners knowingly permitted prostitution. After the jury verdict, the motel was shut down and ultimately torn down.
- Obtained favorable jury verdict and judgment for a trucking company shareholder and in his dispute with fellow shareholder over a company note personally guaranteed by the shareholders.