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MARY A. KEENEY

Shareholder

Board Certified in Civil Appellate
Law, Texas Board of Legal
Specialization

ADMINISTRATIVE & REGULATORY

LITIGATION, APPELLATE LAW, CIVIL

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ABOUT

Mary Keeney's practice area is litigation, both in the courts and before administrative agencies. Board certified in appellate law, her primary focus in recent years has been on summary judgment proceedings in state district courts and a wide variety of appeals.

Ms. Keeney has represented property owners as well as governmental agencies in property disputes, including a successful challenge to the City of Austin's attempt to impose the Barton Creek Watershed Ordinance on a protected development project. She has also successfully represented the City of Lampasas in disputes over wholesale water contracts as well as the Lost Pines Groundwater Conservation District in the granting of a permit. Her real estate litigation practice includes representation of royalty and mineral interest owners in disputes over leases and the extent of property interests held by those clients. She has also represented a major telecommunications company at the Public Utility Commission (PUC) and in state and federal courts on a wide variety of issues and has represented and counseled electric utilities in litigation arising out of the 1999 legislation introducing retail competition.

Ms. Keeney's practice encompasses a wide range of substantive law that includes workers' compensation insurance, real estate, oil and gas, telecommunications, and water law. Her experience includes 10 years with the Texas Office of the Attorney General (1990-2000), representing various

state agencies that include the PUC, the Railroad Commission, the General Land Office, the Motor Vehicle Board, and the predecessors to the Texas Commission on Environmental Quality.

PROFESSIONAL QUALIFICATIONS

- Admitted to bar, 1978, Texas; also admitted to practice before U.S. Supreme Court; U.S. Court of Appeals, Fifth Circuit; and U.S. District Court, Western and Southern Districts of Texas. Briefing Attorney to Chief Justice Joe R. Greenhill, Supreme Court of Texas, 1978-1979.
- Board Certified, Civil Appellate Law, Texas Board of Legal Specialization.
- Education: Vanderbilt University (B.A., magna cum laude, 1975); University of Texas (J.D., with honors, 1977); Order of the Coif; Member, Texas Law Review, 1976-1977.

REPRESENTATIVE EXPERIENCE

Appellate decisions involving direct representation or participation as amicus author include:

- *Texas Mutual Ins. Co. v. Stevenson*, No. 05-18-00978-CV, 2020 WL 5868219 (Tex. App.—Dallas, Oct. 2, 2020, no pet. h.)
- *Childress v. Texas Mutual Ins. Co.*, No. 03-19-00284-CV, 2020 WL 5099773 (Tex. App.—Austin, Aug. 27, 2020, no. pet. h.)
- *Texas Mutual Ins. Co. v. Hofer Builders, Inc.*, No. 03-17-00741-CV, 2019 WL 2847436 (Tex. App.—Austin, July 3, 2019, no pet.)
- *Kempner Water Supply Corp. v. City of Lampasas*, No. 13-17-00047-CV, 2019 WL 386136 (Tex. App.—Austin, January 31, 2019, no pet.)
- *End Op, L.P. v. Meyer*, No. 03-18-00049-CV, 2018 WL 4102013 (Tex. App.—Austin Aug. 29, 2018, no pet.)
- *Greer v. Shook*, 503 S.W.3d 571 (Tex. App. – El Paso 2016, pet. denied)
- *Hysaw v. Dawkins*, 483 S.W.3d 1 (Tex. 2016)
- *Chesapeake Exploration, LLC v. Hyder*, 483 S.W.3d 870 (Tex. 2016) (amicus)
- *Texas Mutual Ins. Co. v. Vasquez*, 2015 WL 2339777 (Tex. App.—San Antonio, May 13, 2015, no pet.) (mem. op.)
- *Hooks v. Samson Lone Star*, 457 S.W.3d 52 (Tex. 2015) (amicus)
- *State Office of Risk Management v. Carty*, 436 S.W.3d 298 (Tex. 2014) (amicus)
- *Texas Mutual Ins. Co. v. Ruttiger*, 381 S.W.3d 430 (Tex. 2012)
- *Port Elevator-Brownsville v. Casados*, 358 S.W.3d 238 (Tex. 2012)
- *Harper Park Two, LP v. City of Austin*, 359 S.W.3d 247 (Tex. App.—Austin 2011, pet. denied)

- *Texas Mutual Ins. Co. v. Ledbetter*, 251 S.W. 3d 31 (Tex. 2008)
- *Texas Mutual Ins. Co. v. Sonic Systems Int’l Inc.*, 214 S.W.3d 469 (Tex. App.—Hous. [14th Dist.] 2006, pet. denied)
- *Electric Reliability Council of Texas, Inc. v. Met Center Partners-4, Ltd.* , 2005 WL2312710 (Tex. App.—Austin Sept. 22, 2005, no pet.)
- *Public Util. Comm’n v. Southwestern Bell Telephone Co.* , 112 S.W.3d 221 (Tex. App.—Austin 2003), *aff’d in part*, 186 S.W.3d 517 (Tex. 2006).
- *Southwestern Bell Telephone Co. v. Public Util. Comm’n*, 79 S.W.3d 226 (Tex. App.—Austin 2002, no pet.)
- *Taylor Communications Group, Inc. v. Southwestern Bell Telephone Co.* , 172 F.3d 385 (5th Cir. 1999), *cert. denied*, 528 U.S. 930 (1999)
- *Star Houston, Inc. v. Texas Dep’t of Transp, Motor Vehicle Division.* , 957 S.W.2d 102 (Tex. App.—Austin, 1997, pet. denied)
- *Ford Motor Co. v. Texas Dep’t of Transp.* , Motor Vehicle Division, 936 S.W.2d 427 (Tex. App.—Austin 1996, no writ)
- *John G. & Marie Stella Kenedy Memorial Foundation v. Mauro*, 21 F.3d 667 (5th Cir. 1994), *cert. denied* , 513 U.S. 1016 (1994)
- *Tynes v. Mauro*, 860 S.W.2d 168 (Tex. App.—El Paso 1993, writ denied)
- *City of Austin v. Avenue Corp.* , 704 S.W.2d 11 (Tex. 1986)

Ms. Keeney’s clients have included Southwestern Bell Telephone Company, d/b/a AT&T Texas, Texas Mutual Insurance Company, Southwestern Public Service Company, the Texas General Land Office and CenterPoint Energy, Houston Electric, LLC.

PROFESSIONAL AFFILIATIONS

- Member: Travis County Bar Association (Administrative Law Section and Civil Appellate Law Section); American Bar Association; State Bar of Texas (Appellate Section, Administrative Law Section and Public Utility Law Section).

ACTIVITIES:

- State Bar Administrative and Public Law Council (term 2005-2013)
- Chair, State Bar Administrative and Public Law Council (term 2009-2010)
- Chair-Elect, State Bar Administrative and Public Law Council (term 2008-2009)
- Vice-Chair, State Bar Administrative and Public Law Council (term 2007-2008)
- Treasurer, State Bar Administrative and Public Law Council (term 2006-2007)

- Advisory Commission Member, Texas Board of Legal Specialization, Civil Appellate (term 2006-2012)

AWARDS AND HONORS

- Sustaining Life Fellow, Texas Bar Foundation
- Listed in *The Best Lawyers in America*® published by Woodward/White, Inc., Administrative / Regulatory Law, (2008 – 2024)
- **AV® Preeminent™ Peer Review Rating, Martindale.com**
- *Texas Monthly*, Super Lawyers®, published by Thomson Reuters, 2010-2020

COMMUNITY

- Grant Application Reviewer for United Way
- Stephen F. Austin High School Debate Booster Club (President 2003-04, Vice President 2001-03)
- Meals on Wheels
- Former Board Member, Austin Shakespeare
- Texas Bar Foundation Sustaining Life Fellow
- Austin Bar Foundation Life Fellow

PUBLICATIONS AND PRESENTATIONS

- Speaker, Deference to Agency Interpretation of Statutes: Whether, When and How to Give it, Advanced Administrative Law Seminar, Austin, Texas, August 2014.
- Author/Speaker, Sovereign Immunity, Taking Claims and the *Ultra Vires* Doctrine, Advanced Administrative Law Seminar, Austin, Texas August 2012.
- Author, Primary and Exclusive Agency Jurisdiction: Impact on Court Litigation; 10 Texas Tech Administrative Law Journal 471, 2009.
- Author/Speaker, Primary and Exclusive Agency Jurisdiction: Impact on Court Litigation; Advanced Administrative Law Seminar, Austin, Texas, August 2008.
- Author/Speaker, Pro Bono Opportunities in CPS Cases, Advanced Texas Administrative Law Seminar, Austin, Texas, August 2007.
- Author/Speaker, Constitutional Challenges to State Statutes and Rules, Advanced Administrative Law Course, Austin, Texas, September 2005.
- Author/Speaker, Extraordinary Relief Measures, Advanced Administrative Law Course, Austin, Texas, September 2002.

- Author/Speaker, Case Law Update, 13th Annual Advanced Administrative Law Course, Austin, Texas, October 2001.
- Author/Speaker, Case Law Update, Public Utility Law Section Seminar, Austin, Texas, September 2000.
- Author/Speaker, Case Law Update, Public Utility Law Section Seminar, Austin, Texas, Fall 1999.
- Author/Speaker, Federal Preemption of Texas Law, 1997 Advanced Administrative Law Conference, Austin, Texas, September 1997.