GRAVES DOUGHERTY HEARON & MOODY



PETE SCHENKKAN

Of Counsel

ADMINISTRATIVE & REGULATORY LITIGATION, APPELLATE LAW, CIVIL LITIGATION, ENVIRONMENT & NATURAL RESOURCES: OIL, GAS, & LAND, WATER LAW

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ABOUT

Pete Schenkkan specializes in regulatory and other public policy litigation, including: alcoholic beverage regulation; antitrust; attorneys' fees; insurance rates, claims-handling, and healthcare payments; water rights; environmental law; competitive and utility electric power; oil and natural gas; and preemption and other federalism issues.

PROFESSIONAL QUALIFICATIONS

- Member of the bars of the State of Texas; U.S. Supreme Court; U.S. Court of Appeals for DC, Federal, Fifth and Tenth Circuits; and U.S. District Courts for the W. and S. Districts of Texas
- Graves Dougherty Hearon & Moody, P.C., 1996-present
- Visiting Professor, University of Texas School of Law 1992-95
- Vinson & Elkins, 1975-77, 1979-92, managing partner of Austin office
- Special Assistant Attorney General of Texas, 1977-78
- Education: University of Texas School of Law (J.D. with high honors 1975)(Order of the Coif; Chancellors; Note and Comment Editor, Texas L. Rev.); Oxford University (B.A. with first class honors 1972, M.A., 1989); University of Virginia (B.A., with high distinction 1969)(Phi Beta Kappa; Omicron Delta Kappa; The Raven Society)

REPRESENTATIVE EXPERIENCE

- Successful temporary injunction against Texas defunding Planned Parenthood in Medicaid Women's Health Program. Dep't of State Health Services v. Balquinta, 429 S.W.3d 726 (Tex. App. –Austin 2014).
- Won abrogation of bad-faith cause of action in and exclusion of Insurance Code claims-handling causes of action from workers' compensation. *Tex. Mut. Ins. Co. v. Ruttiger,* 381 S.W.3d 430 (Tex. 2012).
- Won dismissal on immunity grounds of San Antonio's $1.23 billion water contract claim; reversed, *City of San Antonio v. Lower Colorado River Authority,* 369 S.W.3d 231 (Tex. App. – Austin 2011), appeal dismissed pursuant to settlement.
- Successful challenge to state rule limiting Medicaid eligibility. *Camacho v. Texas Workforce Comm'n,* 408 F.3d 229 (5th Cir. 2005).
- Successful defense against class actions, including *State Farm v. Lopez,* 156 S.W.3d 550 (Tex. 2004).
- Successful defenses of Texas electric restructuring stranded cost securitization statute and $800 million financing order. *City of Corpus Christi v. PUC,* 51 S.W. 231 (Tex. 2001).
- Successful challenge to PUC wholesale transmission subsidy rule. P*UC v. City PSB of San Antonio,* 53 S.W.3d 310 (Tex. 2001).
- Successful challenge to tobacco litigation plaintiffs' lawyers' $3 billion contingent fee contract claims against the State of Texas (1998-2000 on behalf of seven state legislators allied with then-Governor George Bush).

PROFESSIONAL AFFILIATIONS

- Member, Texas Supreme Court Advisory Committee
- Member, American Law Institute
- Fellow: American Bar Foundation; Texas Bar Foundation

COMMUNITY

- Represented the Hon. Chet Edwards in his vetting for vice-president by the Obama campaign (2008)
- Represented the Hon. Lloyd Bentsen in his vetting for vice-president by the Dukakis campaign (1988)
- Board Member, President, Volunteer Legal Services of Central Texas (1979-1993)

- Founder, The New Century Fund (raised $1 million for minority law scholarships 1972-75)

AWARDS AND HONORS

- Listed in *The Best Lawyers in America*® published by Woodward/White, Inc., Administrative/Regulatory Law; Appellate Practice; Energy Law; Insurance Law; Litigation – Environmental; and Natural Resources Law , (1999 – 2024)
- Super Lawyers, Thomson Reuters (2003 – 2012, 2014 – 2020)
- 2010 Austin Energy Law Lawyer of the Year
- 2011 Austin Natural Resources Law Lawyer of the Year
- 2017 Austin Environmental Litigation Lawyer of the Year
- 2018 Austin Natural Resources Law Lawyer of the Year
- In Thomson Reuters Texas Monthly, Super Lawyers®: 2003-12, 2014-18
- Texas Lawyer, Go-To Lawyers in Administrative and Regulatory Law, 2007
- Rhodes Scholar, two Oxford University prizes in economics
- State Bar of Texas, 2014 Frank J. Scurlock Award for outstanding pro bono work
- Texas Law Fellowship, 2014 Excellence in Public Interest Award

PUBLICATIONS AND PRESENTATIONS

Articles in Texas L. Rev., Baylor L. Rev., and Texas Tech Admin. L. J. and many CLE conference presentations and papers, including:

- "Pleas to the Jurisdiction, Related Appeals, and Resulting Delays in Uniform Declaratory Judgment Act and Administrative Procedure Act Declaratory Actions," 2014 Texas Bar CLE Advanced Administrative Law Conference
- "Standing and Sovereign Immunity in UDJA and APA Declaratory Actions: Despite AG Opposition," 2013 UTCLE Advanced Administrative Law Conference

PERSONAL

- Married to Mary Frances Victory Schenkkan, author of Mr. Stevens's Secretary (University of Arkansas Press 2017)
- Father of
  1. Ben McKenzie, star in "The O.C.," "Southland" and now "Gotham;"
  2. Nate Schenkkan, program officer with Freedom House, responsible for annual coverage of the nations of the former Eastern bloc and for Turkey; and
  3. Zack Schenkkan, associate with Quinn Emanuel's LA office
- Grandfather of: Julius Setta Chick, Frances Laiz Setta Schenkkan, and Ezra Arthur Schenkkan.

- Brother of Pulitzer and Tony-winning playwright and screenwriter Robert Schenkkan Jr. (“All the Way,” “The Great Society,” “Hacksaw Ridge,” “The Kentucky Cycle”)