



## PETE SCHENKKAN

Of Counsel

**ADMINISTRATIVE & REGULATORY**

**LITIGATION, APPELLATE LAW, CIVIL**

**LITIGATION, ENVIRONMENT & NATURAL**

**RESOURCES: OIL, GAS, LAND & WATER**

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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 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. *PUC 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*<sup>®</sup> published by Woodward/White, Inc., Administrative/Regulatory Law; Appellate Practice; Energy Law; Insurance Law; Litigation – Environmental; and Natural Resources Law , (1999 – 2024)
- 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<sup>®</sup>: 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”)