

Neil D. Kelly



Partner

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Neil's practice focuses on complex civil litigation, corporate compliance, disclosure, investigations and energy transactions. He represents clients as lead counsel in litigation, arbitration and investigation matters before federal and state courts and various governmental agencies in a diverse range of industries, including oil and gas exploration and development, energy-related manufacturers and services, private investment, and consumer goods. Specific experience includes commercial disputes involving allegations of breach of contract, fraud, negligence, royalty underpayment, AMI and joint interest owner disputes, investigations by the Securities and Exchange Commission and the Federal Trade Commission, and domestic and international oil and gas exploration and service transactions.

REPRESENTATIVE EXPERIENCE

- Resolved for corporation Securities and Exchange Commission investigation of fraudulent dealings by a client's former management, avoiding crippling fines and onerous injunctive restrictions.
- Represented audit committee of publicly traded company in internal investigations arising from ethics complaints by whistleblower.
- Obtained an arbitration award that avoided the payment of substantial bonuses claimed due under seismic data agreement for the acquisition of exploration blocks in deep water Gulf of Mexico.
- Took over representation of Mexican time-share resort in wrongful death lawsuit pending in the plaintiffs' hometown, and despite prior adverse findings of personal jurisdiction over resort and alter ego, obtained dismissal on *forum non conveniens* grounds.
- Represented major refinery pipeline and storage facility operator in connection with Federal Trade Commission Second Request.
- Represented independent oil and gas exploration company in several lawsuits and an arbitration with minority working interest owners involving allegations of violations of fiduciary duties, breach of development obligations and AMI rights, improper accounting, tortious interference, trade secrets, and breach of contract. Disputes resolved after three years of litigation.
- Represented bankrupt entities in pre-litigation analysis of gas, oil, wind, power, weather and ISDA contracts. Obtained in excess of \$40 million in settlements for bankruptcy estates.

PRACTICE AREAS

Corporate Compliance,
Investigations and
Defense
Litigation

EDUCATION

JD, 1992, *magna cum laude*, Tulane Law School, Order of the Coif, Phi Delta Phi
BSM, 1988, Tulane University

ADMITTED

Texas 1992
US Court of Appeals for the Fifth Circuit
US Court of Appeals for the Third Circuit
US District Court for the Northern District of Texas
US District Court for the Southern District of Texas
US District Court for the Eastern District of Texas
US District Court for the Western District of Texas

Neil D. Kelly

- Represented scrap metal dealer against Mexican supplier in Federal court; obtained denial of motions to dismiss, including for *forum non conveniens*, and prevailed on motion for summary judgment.
- Represented international investment concern against Houston-based portfolio manager in fraud, breach of contract and conversion claim to recover investment funds.

PROFESSIONAL/CIVIC AFFILIATIONS

Member

- Houston Bar Association - Litigation Section
 - Chair - 2006 to 2007
 - Chair-elect - 2005 to 2006
 - Vice Chair - 2004 to 2005
 - Secretary and Treasurer - 2003 to 2004
- American Bar Association

HEADLINE NEWS

- Andrews & Kurth Announces New Partners (December 26, 2002)
- Andrews & Kurth Secures Second Multi-Million Dollar Arbitration Award for Mobile Energy Services Company, L.L.C. (February 4, 2002)
- Andrews & Kurth Secures \$26 Million Arbitration Award for Mobile Energy Services Company, L.L.C. (January 22, 2002)