

Resume

Gary McGowan

Experience

Arbitrated 200+ matters (AAA, CPR, ICC, ICDR, AHLA, and *Ad Hoc*).

Chair of panel or sole arbitrator in over 150 matters.

90 Awards.

45 international arbitrations.

Examples:

Power (electricity)

- co-generation agreements between refiner and co-generator
- power purchase agreement; biomass power plant to be built to buyer's specifications; buyer agreed to buy the electricity output and capacity
- coal supply contract between mine and power plant
- power producer claims against wind turbine manufacturer for allegedly defective turbine blades
- EPC contracts to build two power plants in Argentina; parties domiciled in US, Spain, Canada, and Argentina
- option agreement between power producers restricted the use of the land to electric generating facilities; issue—whether the contract permitted installation of Bulk Energy Storage (“BESS”) facilities on the optioned real estate

Oil and gas, chemicals

- offshore production and processing platform; dispute between working interest owners about whether to decommission
- gas gathering and processing agreements, such as:
 - gas dedication disputes between gatherer/processor and producer
 - right of first refusal provision
 - calculation of netback compensation to producer
- refinery steam supply contracts (three arbitrations)
- area-of-mutual-interest agreements covering scores of leases and wells
- valuation of limited partner's interest in chemical plant
- dispute between oil/gas company and cryogenic plant concerning contract for

gas-to-LNG conversion and LNG storage

- refinery turnaround contracts
- JOA billing disputes
- output contract between petrochemical refinery and chemical buyer
- wireline services covenant not to compete
- joint venture to develop offshore drilling platform project in South America
- indemnity provisions in Master Services Agreement
- oil and gas limited partnership dispute
- biodiesel contract dispute regarding sharing of tax credits
- product manufacturing/supply relationship contracts between a specialty manufacturer of oilfield parts and equipment and an oilfield services/equipment supplier to the oil and gas industry.
- claims based on alleged fraud and breach of fiduciary duty arising from farmin agreement (for an interest in an oil-and-gas concession from the Republic of Cameroon) and operating agreement (relating to drilling in and production from Cameroon gas field).
- JOA dispute concerning fee for use of offshore production facilities by a non-consent well
- claims for underpayment of royalties brought by against owner of reserved revenue interest in an Australian gas field

Construction

- EPC contract for a deep-water (Gulf of Mexico), offshore semisubmersible production platform and separate contract for mooring system and towing/installation; US owner and Norwegian contractor
- EPC contract for new chemical plant built in Texas; US owner and South Korean contractor
- construction of large apartment complex in New Orleans
- construction of major league baseball stadium (three hearings on a dozen issues)
- refinery expansion project
- subcontract for installation of underground electrical conduit and traffic signals for new state highway
- alleged defects in large diameter pipe supplied for pipeline construction project
- construction of gas processing plant
- construction of pipeline delivery station
- power purchase agreement for a biofuels electric plant to be built in Florida
- contract for design and construction of sewer lift station at refinery
- numerous construction mediations (pipelines; office buildings; apartment complexes)

Healthcare

- health care provider claims (numbering in the thousands in most cases) against healthcare insurers; over 20 arbitrations

Miscellaneous commercial disputes

- airline capacity purchase agreement
- right-of-first-refusal for the purchase of a beer distributorship
- coverage dispute (business interruption) between insurer and owner of wood pellets plant partially destroyed by fire
- joint venture to develop medical device; startup developer v medical equipment company providing the funding
- contract for beach cleanup of massive oil spill
- trade secrets—computer software
- attorneys' fee disputes—between law firm and client; between law firms
- condominium owners' statutory fraud claims against lender
- telemarketing contract
- indemnity claims
- insurance claims
- law firm partnership disputes
- claim for fraudulently inducing an investment in project to build and operate a re-refining plant for base oil production
- executive employment contract; claims by fired CEO of regional fuel wholesaler and retailer for breach

Conducted thousands of mediations. Significant experience in power purchase agreements, oil and gas, healthcare, and insurance.

See www.mcgowan-adr.com for more information on experience re securities, energy, intellectual property, insurance, construction, and class actions.

Attorney until 1990. Complex business litigation (founding partner at Susman, Godfrey & McGowan)

Education, Professional Qualifications, and Honors

J.D., University of Texas School of Law; Associate Editor, Texas Law Review

Fellow, Chartered Institute of Arbitrators (London) —FCIArb

Fellow, College of Commercial Arbitrators

Fellow, Construction Lawyers Society of America

Member, London Court of International Arbitration

International Panel of Arbitrators, International Centre for Dispute Resolution (New York)

Energy Arbitrators List, an international panel of energy industry arbitrators sponsored by the International Centre for Dispute Resolution

Roster of Neutrals, American Arbitration Association; Commercial Panel, Large and Complex Case Panel, and Oil & Gas Panel

National Panel of Distinguished Neutrals, International Institute For Conflict Prevention and Dispute Resolution ("CPR")

CPR's Energy, Oil and Gas Panel of Distinguished Neutrals

Roster of Arbitrators, American Health Lawyers Association

Panel of International Arbitrators, Korean Commercial Arbitration Board

International Panel of Arbitrators, British Columbia International Commercial Arbitration Centre

Panel of Arbitrators, Hong Kong International Arbitration Centre

Panel of Arbitrators, Australian Centre for International Arbitration

Panel of Arbitrators, Kuala Lumpur Regional Centre for Arbitration

Member, International Arbitration Institute (Paris)

Board of Directors, Section of Alternative Dispute Resolution, State Bar of Texas (2015 to 2018)

2016-24 editions of The Best Lawyers in America in Arbitration.

Best Lawyers' 2017 Houston Arbitration "Lawyer of the Year"

Best Lawyers' 2018 Houston Mediation "Lawyer of the Year"

2012 Distinguished Counselor Award, Antitrust and Business Litigation Section, State Bar of Texas

Lawdragon 500—one of 500 best judges (public and private) in U.S.

Texas Super Lawyer (Texas Monthly) for each of last twelve years

Selected by Texas Lawyer as one of five "Top Notch" neutrals in Texas

Publications

“12 Ways To Achieve Speed and Efficiency in Arbitration”
Corporate Counsel (April 2013).

“Sanctions in US and International Arbitrations: Old Law in Modern Context”
Kluwer Arbitration Blog (October 2013).

"Don't Call It A Trial: What Litigators Should Know About Arbitration"
Houston Lawyer (July-August 2014).

Speeches and Moderator

Over 50 presentations about arbitration and mediation, including moderating “Arbitrating International Oil & Gas Cases” at CCA’s 2016 annual conference and moderating “Arbitrating the Mega Case” at CI Arb’s Oil and Gas Conference.

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