

# Greg White

## Education / Bar Admissions:

- Baylor University School of Law (J.D. 1982)
- Admitted to Texas Bar 1982
- Admitted to Practice in United States Supreme Court (1988)
- Fifth Circuit Court of Appeals (1985)
- Seventh Circuit Court of Appeals (2019)
- Federal Circuit Court of Appeals (2010)
- United States Tax Court (2011)
- United States District Courts - Western, Texas (1984) Northern, Texas (1986) Southern, Texas (1988) Eastern, Texas (1989), and Northern, Mississippi (1991)

## Member:

- Columbus Avenue Baptist Church (Teacher of *Frank Wilson Young Businessmen's Class*)

## Things I Support:

- Baylor Law School
- Bible Study Fellowship
- Columbus Avenue Baptist Church

## Honors:

- Founding Member, Judge Abner V. McCall American Inn of Court (President 2002-2004)
- Selected as Texas Superlawyer (2013) (2014) (2015) (2016) (2017) (2018) (2019) Appellate Law
- Martindale Hubbell AV rating
- Life Fellow - Texas Bar Foundation
- President's Award from Texas Association of Defense Counsel (2008)

## Certifications & Experience:

- Civil Appellate Law (1987), recertified (1992, 1997, 2002, 2007 2012 and 2017)
- Civil Trial Law (1988), recertified (1992, 1997)
- CLE Speaker on Civil Rights in Eminent Domain, Civil Rights and Education Law, Brief Writing
- American Board of Trial Advocates (Member 2011 -2018) (TEX-ABOTA Chair: James Otis Lecture Series (2012-2016) (President - Waco Chapter 2013-2014)
- Adjunct Professor, Baylor School of Law: United States Supreme Court Seminar - 1995 to present; Federal Practice - 1997 to 1999; Post-Conviction Remedies: Appeals & Habeas - 2005 to 2006; Business Litigation - 2007-2014; Civil Appeals - 2010; White Collar Crime - 2011; Appellate Advocacy & Procedure 2013-Present; Coach of National Moot Court Teams since 2009; Mock Trial team coaching 2018-present.

## Selected Reported Cases:

### *Texas Supreme Court –*

- *Pike, et al v. Texas EMC Management, LLC, et al* (No. 17-0557, Supreme Court of Texas, decided June 19, 2020) (expert testimony to support \$16 million dollar damage award)
- *Haedge v. Central Texas Cattlemen’s Association*, (No. 19-0595, Supreme Court of Texas, decided June 26, 2020) (recovery on a supersedeas bond)
- *Stribling, et al v. Millican DPC Partners, LP*, 458 S.W.3d 17 (Tex. 2015) (metes and bounds description controls over general description)
- *Maltsberger / Storey Ranch, LLC v. Reed*, 2018 Tex. Lexis 84 (Tex. 2018) (floating v. fixed royalty)
- *Texas Commission on Environmental Quality v. City of Waco*, 413 S.W.3d 409 (Tex. 2013) (Standing as an affected person under the Texas Water Code)
- *Texas Commission on Environmental Quality v. Bosque River Coalition*, 413 S.W.3d 403 (Tex. 2013) (Standing as an affected person under the Texas Water Code)
- *Hearts Bluff Game Ranch v. State* 381 S.W.3d 468 (Tex. 2012) (inverse condemnation related to permit application)
- *Merriman v. XTO Energy* 407 S.W.3d 244 (Tex. 2013) (accommodation doctrine)
- *Providence Health Center v. Dowell*, 262 S.W.3d 324 (Tex. 2008) (proximate cause in a suicide case)
- *Texas Department of Criminal Justice v. Simons*, 140 S.W.3d 338 (Tex. 2004) (Actual Notice under the Texas Tort Claims Act)
- *Jernigan v. Langley*, 195 S.W.3d 91(Tex. 2006) (adequacy of expert report in health care liability claim)
- *Meyer v. Cathey*, 167 S.W.3d 327 (Tex. 2005) (business dispute involving fraud, fiduciary duty and trial sanctions)
- *WFAA-TV, Inc. v. McLemore* 978 S.W.2d 568 (Tex. 1998) (defining a public figure under Texas defamation laws)
- *1st Title Co. v. Garrett* 860 S.W.2d 74 & d 254 (Tex. 1993), and 802 S.W.2d 254 (Tex. App. - Waco 1990) (liability of Title Insurance companies and credits for prior settlements)
- *General Electric Credit Corp. v. Midland Central Appraisal District, et al*, 826 S.W.2d 124 (Tex. 1991) (constitutional issues of double taxation under State Tax System)

- *Kennedy v. Hyde*, 682 S.W.2d 525 (Tex. 1984) and 666 S.W.2d 325 (Tex. App.- Fort Worth 1984) (interpretation of Rules of Civil Procedure in Bank stock fraud case)
- *In re General Elec. Co.*, 271 S.W.3d 681 (Amicus) (Tex. 2008) (application of *forum non conveniens* in asbestos case)
- *JCW Electronics, Inc. v. Garza*, 257 S.W.3d 701 (Amicus) (Tex. 2008) (comparative fault in breach of warranty case)
- *City of Waco v. Lopez*, 259 S.W.3d 147 (Tex. 2008) (whistleblower case)
- *In Re: Discount Rental, Inc.*, 216 S.W.3d 831 (2007) (debtor's rights in property after reversal of case on appeal)
- *State Farm Life Ins. Co. V. Martinez*, 216 S.W. 3d 799 (Tex. 2007) (whether an interpleader case insulates insurance company from prompt payment responsibility)
- *Excess Underwriters at Lloyd's, London v. Frank's Casing Crew & Rental Tools, Inc.*, 246 S.W.3d 42 (Amicus) (Tex. 2008) (insurer's right to reimbursement where insured does not explicitly consent)

#### ***Texas Court of Criminal Appeals***

- *Willingham v. State of Texas*, 897 S.W.2d 351 (Tex. Crim. App. 1995) (Death penalty involving qualification of experts and parole information to jury)
- *Ryan Francis Chase v. State of Texas* 448 S.W.3d 6 (Tex. Crim. App. 2014) (statute permitting killing of a dog that has recently attacked)

#### ***Federal Criminal Appeals***

- *United States v. Miller*, 450 Fed. Appx. 415 (5<sup>th</sup> Cir. 2011) (Application of acceptance of responsibility guidelines)
- *United States v. Kelley*, 441 Fed. Appx. 255 (5<sup>th</sup> Cir. 2011) (Bank Robbery - aiding and abetting)
- *United States v. Torres-Zuniga*, 433 Fed. Appx. 307 (5<sup>th</sup> Cir. 2011) (application of Rule 32 to upward departures)
- *United States v. Fernandez-Sanchez*, 396 Fed. Appx. 111 (5<sup>th</sup> Cir. 2010) (deferred adjudication as a factor in criminal history)
- *United States v. Sauseda*, 596 F.3d 279 (5<sup>th</sup> Cir. 2010) - reversal of District Court decision on application of environmental enhancements in sentencing guideline
- *United States v. Watson*, 255 Fed. Appx. 876 (5<sup>th</sup> Cir. 2007) (suppression of evidence acquired in search of electronic data)

- *United States v. Reff*, 479 F.3d 396 (5<sup>th</sup> Cir. 2007) (appeal of murder conviction for lack of federal jurisdiction)
- *United States v. Harris*, 193 Fed. Appx. 333 (5<sup>th</sup> Cir. 2006) (sentencing issues)
- *United States v. Meshack*, 244 Fed.3d 367 (5<sup>th</sup> Cir. 2000) (Application of *Apprendi* in 5<sup>th</sup> Circuit)
- *United States v. Ortegon-Uvalde*, 179 F.3d 956 (5<sup>th</sup> Cir. 1999) (immigration appeal unconstitutional INS proceedings)
- *United States v. Moore*, 927 F.2d 825 (5<sup>th</sup> Cir. 1991) (relevant conduct as applied to drug quantity calculation)
- *In Re: Johnson*, 322 Fed.3rd 881 (5<sup>th</sup> Cir. 2003) (Death Penalty – Stay of Execution granted)
- *Johnson v. Dretke*, 394 F.3d 332 (5<sup>th</sup> Cir. 2004) and 442 F.3d 901 (5<sup>th</sup> Cir. 2006) (appeal of death penalty habeas corpus)
- *Johnson v. Cockrell*, 306 F.3d 249 (5<sup>th</sup> Cir. 2002) and 336 Fed.3rd 249 (5<sup>th</sup> Cir. 2003) (appeal of death penalty habeas corpus)

### ***Federal Courts of Appeal***

- *Gadelhak v. AT&T Services*, 950 F.3d. 458 (7<sup>th</sup> Cir. 2020) *Amicus* Brief in support of AT&T and on behalf of ACA – applicability of the Telephone Consumer Protection Act.
- *Estate of C.A. v. Castro*, 547 Fed. Appx. 621 (5<sup>th</sup> Cir. 2013) (Civil Rights claim for death of disabled student not supervised during swimming pool activities).
- *Lance v. Lewisville ISD*, 743 F.3e 982 (5<sup>th</sup> Cir. 2014) (Civil rights claim for suicide of student after bullying by peers).
- *Yara v. Perryton ISD*, 560 Fed. Appx. 356 (5<sup>th</sup> Cir. 2014) (civil rights claim related to Holocaust re-enactment at school).
- *Carmichael v. Galbraith*, 574 Fed. Appx. 286 (5<sup>th</sup> Cir. 2014). (Title IX Claim against school official for sexual harassment)
- *Nevills v. Mart ISD*, 608 Fed. Appx 2017 (5<sup>th</sup> Cir. 2015). (Peer to peer harassment of disabled student)
- *Griggs v. Brewer*, 841 F.3d 308 (5<sup>th</sup> Cir. 2016). (excessive force during DUI arrest)
- *Hummel v. Townsend*, 883 F2d 367 (5<sup>th</sup> Cir. 1989) (dealing with diversity of citizenship for unincorporated associations)

- *Doe v. Hillsboro I.S.D.*, 81 F.3d 1395 (5<sup>th</sup> Cir. 1996) (official liability of School District Officials for the rape of a student by a janitor) (*en banc* decision at 113 F.3d 1412)
- *FTC v. Assail, Inc.*, 410 F.3d 256 (5<sup>th</sup> Cir. 2005) (appeal of contempt hearing against attorneys who were ordered to disgorge fees)
- *Jones v. Alcoa, Inc.*, 339 F.3d 359 (5<sup>th</sup> Cir. 2003) (appeal of employment discrimination – exposing black workers to asbestos)
- *George v. National Association of Letter Carriers*, 185 F.3d 380 (5<sup>th</sup> Cir. 1999) (appeal of case involving tortious interference by a union)
- *Stewart v. Waco Independent School District*, 711 F.3d 513 (5<sup>th</sup> Cir. 2013) (applicability of Rehabilitation Act to sexual assaults)
- *JSLG, Inc. v. City of Waco*, 504 Fed. Appx. 312 (5<sup>th</sup> Cir. 2012) (Sexually Oriented Business Ordinance in Waco, Texas upheld against constitutional challenge)
- *Estate of Montana Lance v. Lewisville ISD* (5<sup>th</sup> Cir. 2014) (Suicide of 4<sup>th</sup> Grade Student at school; claims under §504)

### ***Federal Court Opinions***

- *Hearts Bluff Game Ranch, Inc. v. United States*, 669 F.3d 1326 (Fed. Cir. 2012) (invease condemnation for failure to grant a permit).
- *PVM v. Sun Valley Seed*, 734 F. Supp. 250 (N.D. Miss. 1990) (Enforceability of Plant Variety Protection Act by assignee)
- *Beech Acceptance Corp. v. Connell*, 771 F. Supp. 1154 (D.Kan 1991) (dealing with propriety of injunction in fraudulent transfer case under Texas and Kansas law)
- *Durish v. Uselton* 763 F. Supp. 192 (N.D.Tex. 1990) (dealing with statute of limitations for the receiver of an insolvent insurance company in case against officers and directors)

### ***Family Law Appeals***

- *In Re: Ybarra*, 2012 Tex. App. Lexis 6171 (Tex. App. - Waco 2012)
- *In Re: Payne*, 2011 Tex. App. Lexis 9611 (Tex. App. - Waco 2011)
- *In Re: S.R.S.*, 2011 Tex. App. Lexis 575 (Tex. App. - Waco 2011)
- *In the Interest of ABK*, 2007 Tex. App. Lexis 8918 (Tex. App. - Waco 2007)
- *In Re: ENC*, 2009 Tex. App. Lexis 1760 (Tex. App. - Austin 2009)
- *In the Interest of DSW*, 2010 Tex. App. Lexis 10327 (Tex. App. - Waco 2010)

- *In the Interest of RO*, 2005 Tex. App. Lexis 2990 (Tex. App. – Austin 20005)
- *In the Interest of HSJ*, 2010 Tex. App. Lexis 9208 (Tex. App. – Austin 2010)

### ***Waco Court of Appeals***

- *BSR Surf Resort LLC v. Stabile*, 2020 Tex. App. LEXIS 9015 ( Tex. App. – Waco 2020) (injunction void for lack of bond, trial date and reasons for issuance).
- *Dyson v. Parker*, 2015 Tex. App. Lexis 9044 (Tex. App. – Waco 2015) (applicability of the Texas Dead Man’s Statute)
- *Savage v. Savage*, 2018 Tex. App. Lexis 8670 (Tex. App. – Waco 2018) (dispute over enforceability of promissory note in the face of fraud allegations)
- *Justice v. State*, 2019 Tex. App. Lexis 6095 (Tex. App. – Waco 2019) (admissibility of racial slurs to support a conviction)
- *Neville v. State*, 2020 Tex. App. Lexis 5546 (Tex. App. – Waco 2020) (disqualification of District Attorney for use of *Garrity* statement to prepare for trial)
- *Steele v. Goddard*, 2013 Tex. App. LEXIS 7304 (Tex. App. – Waco 2013) (DTPA claim for sale of defective home)
- *Haliburton v. Gilmore* 2013 Tex. App. Lexis 5544 (Tex. App. - Waco 2013) (disputed ownership of cattle)
- *Neptune Marine Services v. Gibson*, 2011 Tex. App. Lexis 3033 (Tex. App. – Waco 2011) (personal jurisdiction after special appearance)
- *Texas All Risk General Agency v. Apex Lloyds Ins. Co.*, 2010 Tex. App. Lexis 9035 (Tex. App. – Waco 2010) (agency contract – ambiguity and interpretation)
- *In Re: Altec Industries*, 2012 Tex. App. Lexis 5188 (Tex. App. – Waco 2012) (mandamus involving designation of responsible third parties)
- *Luchak v. McAdams*, 379 S.W.3d 361 (Tex. App. – Waco 2012) (nurses at public hospital are government employees for purposes of Texas Tort Claims Act)
- *Harrington v. Magellan Pipeline Co.*, 2011 Tex. App. Lexis 9844 (Tex. App. – Waco 2011) (interpretation of 1909 easement)
- *Harrington v. Magellan Pipeline Co.*, 2009 Tex. App. Lexis 2963 (Tex. App. – Waco 2009) (appeal of partition order requires separate appeals for ruling on equities of partition)
- *Brazos River Authority v. Brazos Electric Power Cooperative, Inc.*, 2010 Tex. App. LEXIS 4742 (Tex. App. – Waco 2010) (governmental immunity for suit on a contract where the contract did not involve the goods and services involved in the suit)

- *American Derringer Corp. v. Bond*, 924 S.W.2d 773 (Tex. App. – Waco 1996) (malicious prosecution in a trade secret case)
- *Mattlage v. Mattlage*, 243 S.W.3d 763 (Tex. App. – Waco 2007) (whether a gift in a will adeemed in the face of a conveyance of the property not completed prior to death of testator)
- *Blankenship v. Mirick*, 984 S.W.2d 771 (Tex. App. – Waco 1999) (proof necessary for the recovery of personal injury damages where expert testimony is unclear)
- *Trice v. State*, 712 S.W.2d 842 (Tex. App. – Waco 1996) and 694 S.W.2d 325 (Tex. App. – Waco 1995) (State’s rights in navigable waters)
- *Utlely v. Marathon Oil Co.*, 958 S.W.2d 960 (Tex. App. – Waco 1998) & 31 S.W.3d 274 (Tex. App. – Waco 2000) (Dispute over interpretation of oil and gas lease, and termination date)
- *Tranum v. Broadway*, 283 S.W.3d 403 (Tex. App. – Waco 2008) (affirmed judgment for malicious prosecution and slander)
- *Farmer v. Holley*, 237 S.W.3d 758 (Tex. App. – Waco 2007) (Covenant not to compete)
- *Nichols v. Sedalco Const. Serv.*, 228 S.W.3d 341 (Tex. App. – Waco 2007) (dismissal for want of prosecution affirmed)
- *Coody Custom Homes LLC v. Howe*, 2007 Tex. App. Lexis 3603 (Tex. App. – Waco 2007) (arbitration provision still applicable after the parties agreed to settle)
- *Gilmore v. SCI Tex. Funeral Services, Inc.*, 234 S.W.3d 251 (Tex. App. – Waco 2007) (Zero damage award reversed and remanded)
- *Belcher v. Scott & White Clinic*, 2006 Tex. App. Lexis 6540 (Tex. App. – Waco 2006) (expert report required even where the injury was a fall from a wheelchair)
- *Baize v. Scott & White Clinic*, 2007 Tex. App. Lexis 366 (Tex. App. – Waco 2007) (change of counsel does not extend deadline to file expert report)
- *Wesley v. Amerigo Inc.*, 2006 Tex. App. Lexis 54 (Tex. App. – Waco 2006) (junior lien extinguished by prior foreclosure)
- *Best Disposal Services v. Burch*, 2005 Tex. App. Lexis 2588 (Tex. App. – Waco 2005) (admissibility of prior criminal record in auto accident where no crime alleged)
- *Dameron Oil Co. v. Majeed*, 2004 Tex. App. Lexis 4976 (Tex. App. – Waco 2004) (sublease does not grant option to purchase available to original lessor)
- *Merrimac Properties v. Combined Financial Corp.*, 2004 Tex. App. Lexis 4643 (Tex. App. – Waco 2004) (bidder at foreclosure sale need not be present to submit bid)

- *Wyse v. Department of Public Safety*, 733 S.W.2d 224 (Tex. App. - Waco 1986) (investigation in good faith provides qualified immunity)

### ***Other Texas Appellate Courts***

- *Starbright Car Wash v. City of Belton*, 2019 Tex. App. Lexis 10659 (Tex. App. - Houston [14<sup>th</sup> Dist.] 2019) (City's decision to approve development plans as a regulatory taking)
- *Columbia Valley Healthcare System, LP v. Andrade*, 2020 Tex. App. Lexis 5974 (Tex. App. - Corpus Christi 2020) (applicability of periodic payment statute in health care liability claims)
- *Lobell v. Capital Transport LLC*, 2015 Tex. App. Lexis 12628 (Tex. App. - Austin 2015) (personal jurisdiction of Louisiana resident in fraud case in Texas)
- *Baxter Bailey & Assoc v. TTS, LLC*, 2014 Tex. App. LEXIS 12221 (Tex. App. - Dallas 2014). (Contract for Shipping)
- *B&P Development LLC v. Knighthawk, LLC*, 2017 Tex. App. Lexis 2650 (Tex. App. - San Antonio 2017) (Opinions of expert surveyors contested)
- *Quantum Electric, Inc. v. Scott & White Properties*, 2007 Tex. App. Lexis 8415 (Tex. App. - Eastland 2007) (proper venue in construction dispute)
- *Hamlin v. Gutermuth*, 909 S.W.2d 114 (Tex. App. - Houston [1<sup>st</sup> Dist.] 1995) (legal malpractice claims relating to conflicts of interest)
- *Crosbyton Seed v. Mechura Farms*, 875 S.W.2d 353 (Tex. App. - Corpus Christi 1995) (various issues on settlement credits and sufficiency of evidence in a dispute over seed quality)
- *Forestpark Enterprises v. Culpepper* 754 S.W.2d 775 (Tex. App. - Fort Worth 1988) (dealing with implied warranty of suitability for commercial property)

### **Selected Papers Presented:**

- Co-Author & Presenter - *Risky Business: How to Shift Your Risks Through Contract or Statute* - Presented at Advanced Personal Injury Seminar (Fall 2010) and Waco McLennan County Bar Association (January 2011).
- Co-Author - *Eminent Domain & the Constitution* - CLE International (October 2010).
- Author & Presenter - *Theories of Constitutional Law: Background and Overriding Principles; Due Process; Equal Protection* - CLE International & Texas Municipal League (October 2009).
- Author & Presenter - *Punitive Damages: Legal and Ethical Considerations* - Texas Association of Defense Counsel (Spring 2008).



- Author & Presenter - *Federal Civil Rights Laws & Education* - 13<sup>th</sup> Annual Education Law Seminar (2006).
- Author & Presenter: *Effective Brief Writing in the Appellate Courts* - Bar Association of the Fifth Circuit (2017).
- Author - *Writing Your First Appellate Brief* - Kendall Hunt Publishing Co. 2020