

## Scott D. Ellis

### Partner

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Houston

713.276.5615



Scott Ellis is a trial lawyer with nearly two decades of experience working closely with clients to confront complex disputes that disrupt business, cause stress, and generate commercial and financial uncertainty.

Scott is the managing partner of the Houston office, vice chair of the firm's national Energy Litigation Practice, and a member of Foley's Energy & Infrastructure Sector Advisory Board. He is also an Adjunct Professor of trial advocacy at the University of Houston Law Center.

Scott is highly skilled in evaluating and managing risk, suggesting creative, practical, and cost-effective dispute resolution strategies; and where a business resolution is not possible, achieving the client's legal, business, and strategic goals through litigation. He places equal emphasis on proactive, front-end counseling and risk avoidance.

### **Litigation and Dispute Resolution**

Scott focuses his practice on complex litigation and trial work, representing national and international corporate clients primarily in the energy, construction and financial sectors that are involved in sophisticated, high-stakes commercial and financial disputes. He is particularly experienced in litigating complex contractual, fraud, breach of fiduciary duty, and business theft matters.

Scott's practice is national in scope. He regularly litigates, tries, and arbitrates cases across the country. However, having practiced in Texas for nearly two decades, Scott is uniquely positioned to assist clients with issues and disputes within the state — he has extensive litigation and trial experience in both state and federal courts across Texas.

Complementing his commercial litigation practice, Scott routinely lectures about advanced collection techniques, including mineral liens, materialman's liens, sequestrations, and garnishments. These techniques are used to efficiently and cost-effectively collect funds rightfully owed to his clients. Domestic and

international clients hire Scott to serve as lead collection counsel for debts and judgments that others have deemed uncollectible.

### **Energy Industry Counseling and Litigation**

As vice chair of the firm's national Energy Litigation Practice, Scott represents oil and gas companies that specialize in oilfield services, exploration and production, and midstream; energy companies that supply natural gas, electricity, and solar; and energy companies that operate power generation plants.

Drawing on his experience working for the National Renewable Energy Laboratory/U.S. Department of Energy in Washington D.C., and his nearly two decades of experience representing energy clients in Texas, Scott often brings his litigation, counseling, and trial experience to bear in matters involving energy and electricity-related contractual, fraud, breach of fiduciary duty, and business theft matters.

### **Financial Industry Counseling and Arbitration**

Scott also serves as a securities lawyer in FINRA (Financial Industry Regulatory Authority) arbitration matters, successfully representing both claimants and respondents in investor/security products arbitration proceedings throughout the United States.

## **Representative Experience**

### **General Litigation and Dispute Resolution**

- Represented medical transport company and health care provider in dispute regarding liability for a claim arising from professional services provided by the company's predecessor-in-interest before a defined asset purchase. Obtained a voluntary dismissal of the claims against client.
- Prosecuted claims for breach of contract and warranties on behalf of vitamin supplements manufacturer against packaging company after contamination resulted in significant losses of product. Obtained favorable settlement for client.
- Represented international e-commerce company in several breach of contract actions in Texas, New York, Massachusetts, and Florida and have obtained favorable resolutions through settlement.
- Represented a real estate developer and landlord in claims related to lease dispute and obtained a favorable resolution on all issues.
- Represented a large commercial tenant in breach of contract dispute related to tenant build-out, and obtained all relief requested by client.
- Represented a commercial office building owner in a dispute involving the sale of a medical office building and obtained a favorable settlement for the client.
- Represent a national construction company in multiple lien, breach of contract, and fraud actions in Texas and obtained favorable settlements in each matter.
- Represent a Texas-based hospital in breach of contract and fraud claims in Texas state and federal court and obtained a favorable outcome after a week-long arbitration.

- Represented a popular Houston burger restaurant with regard to faulty construction buildout and obtained favorable and efficient resolution of all issues.
- Represented a Texas concrete provider in a three-day breach of contract trial and obtained a judgment for the full amount sought, plus all attorneys' fees.
- Represented minority partner in dispute with majority partner over terms of partnership agreement and consent rights.

### **Energy Industry Counseling and Litigation**

- Represented nonoperating mineral interest owner in fraudulent inducement and breach of contract lawsuit. In a two week jury trial, jury rendered a verdict for over \$27M, plus attorneys' fees incurred by the client.
- Represented a jet fuel refinery company and supplemented their in-house legal team at their 185,000-barrel-per-day oil refinery on the banks of the Delaware River in Pennsylvania.
- Represented a Fortune 500 producer and retailer of energy in multiple fraud and breach of contract matters and have recovered over \$8M and counting.
- Represented manufacturer of industrial gasses seeking recovery of unpaid invoices. Lead counsel in a five-day jury trial, where client was awarded the entire amount of unpaid invoices and all attorneys' fees incurred.
- Represented one of the largest Texas energy infrastructure companies in multiple disputes with suppliers and obtained numerous favorable resolutions.
- Represented international fracking product supplier in federal district court and obtained a favorable settlement after several years of contentious litigation.
- Represented royalty owner in dispute with lessor over lessor's right to retain acreage after expiration of primary term of lease. Obtained favorable settlement for royalty owner.
- Represented operator of oil and gas wells against non-operating working interest owner for failure to pay joint interest billing statements. Obtained favorable settlement for all outstanding amounts owed.
- Represented non-operating working interest owner in dispute with operator over operations of oil and gas wells. Obtained favorable settlement for non-operating working interest owner.
- Represented lessor of mineral rights in a trespass action based on the trespass of multiple horizontal wells through the subject leases and obtained favorable resolution for the client.
- Defended operator against claims for breach of the operating agreement asserted by various working interest owners.
- Represented oilfield service company against a supplier whose products did not perform as expected and represented and ultimately caused the loss of a well. Obtained favorable settlement for the company.
- Represented offshore drilling contractor sued by former client concerning \$15M in communications equipment for off-shore rigs. Obtained a full dismissal of all claims.
- Represented large industrial gas supplier in trade secret theft and breach of non-solicitation agreement case, resulting in favorable settlement for client.

- Represented manufacturer of industrial gasses seeking recovery of unpaid invoices. Lead counsel in a five-day jury trial, where client was awarded the entire amount of unpaid invoices and all attorneys' fees incurred.
- Successfully represented manufacturer of industrial gasses after customer unilaterally decided to short-pay invoices.

### **Financial Industry Counseling and Arbitration**

- Represented a global investment bank in two week FINRA arbitration and obtained a very favorable arbitration award after three years of litigation.
- Represented numerous individual investors in churning cases in FINRA arbitrations against large investment firms and obtained full recovery of all funds, plus interest and fees.
- Represented large, national lender in multiple breach of contract actions over the course of the last 15 years and obtained numerous favorable settlements.
- Represented bank accused of conspiring with dealership, who absconded with customer's funds. Obtained resolution absolving bank of all liability.
- Represented lender against borrower who defaulted on a \$450,000 loan. Recovered full amount of principal and interest owed, plus attorneys' fees incurred in prosecuting suit.
- Represented lender against borrower who defaulted under promissory note. Obtained judgment in excess of \$1 million.
- Represented lender whose collateral was sequestered by third party asserting a constitutional lien. Obtained favorable settlement for lender.

### **Awards and Recognition**

- Named to *DBusiness* Top Lawyers (2025)
- Recognized, *The Best Lawyers in America*® (2024)
- Recognized, Texas Super Lawyers, as published in Texas Super Lawyers Magazine (2022-2023)
- Recognized, Texas Rising Star by Super Lawyers, a Thomson Reuters business, as published in Texas Super Lawyers Magazine (2010-2020)
- Named, Houston Business Journal's 40 Under 40 (2020)
- Finalist, The American Lawyer's Best Mentor (2022)
- Named, Best Mentor by Texas Lawyer (2020)
- Houston Bar Association's President's Award (2020)
- Recipient, The Foley Carl Hitchner Mentor of the Year Award (2019)
- Recognized, Top Verdict, a RegoMark business, as published on Topverdict.com
- Top 100 U.S. Verdict (2014)

### **Affiliations**

- Member, Houston Bar Association
- Member, State Bar of Texas
- Member, American Bar Association

- Fellow, Texas Bar Foundation
- Commissioner, American Bar Association Commission for Racial & Ethnic Diversity in the Profession
- Board Member, University of Houston Law Center Alumni Board
- Advisory Board Member, CAIL Institute for Energy Law
- Board Member, Houston Volunteer Lawyers
- Co-Chair, Houston Bar Association's Diversity & Inclusion Committee
- Trustee, Henry David Thoreau Foundation
- Member, Phi Beta Kappa Alumni Association of Greater Houston

## Sectors

- [Carbon Capture](#)
- [Energy & Infrastructure](#)
- [Energy Transition](#)
- [Racial Justice & Equity](#)

## Practice Areas

- [Construction](#)
- [Energy Litigation](#)
- [Environmental, Social, and Governance \(ESG\)](#)
- [Litigation](#)
- [Securities Enforcement & Litigation](#)

## Education

- University of Houston Law Center (J.D., 2006)
  - Editor in Chief, *Environmental & Energy Law & Policy Journal*
- American University (B.A., magna cum laude, 2003)
  - Phi Beta Kappa