



## James D. Rhorer

### Member

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### Overview

Doug Rhorer practices in the areas of oil and gas law, construction law and general commercial litigation. In his energy practice, Doug represents exploration and production companies and natural gas pipelines in legacy litigation and other environmental matters. In his construction practice, Doug advises owners, contractors, architects and project managers on a range of legal issues, including lien laws, change order disputes, bid protests, acceleration claims and delay claims. He regularly drafts and reviews construction contracts and solicitation documents for both private and public works projects.

During law school, Doug was a member of the Loyola Maritime Law Journal and the St. Thomas More Inn of Court.

### Practices

- Appellate
- Arbitration and Mediation
- Commercial Litigation
- Construction
- Environmental and Toxic Torts
- Oil, Gas and Energy Litigation and Arbitration
- Oil, Gas and Energy Regulatory
- Oil, Gas and Energy Transactions

### Industries

- Construction
- Energy and Natural Resources
- Industrial, Chemical and Manufacturing
- Telecommunications and Utilities

### Admissions

- Louisiana

- U.S. Court of Appeals, 5th Circuit
- U.S. District Court, Eastern District of LA
- U.S. District Court, Western District of LA
- U.S. District Court, Middle District of LA
- U.S. District Court, Southern District of TX

## Education

- Loyola University New Orleans College of Law, J.D. 2011
- LSU, B.A. 2008

## Experience

- Legal practice focused on complex commercial transactions and litigation.
- Negotiates and drafts a variety of commercial contracts, including purchase and sale agreements, leases, master service agreements, servitudes and rights of way, independent contractor agreements, NDAs, license agreements, membership and partnership agreements, and corporate formation/governance documents.
- Significant experience negotiating and drafting construction contracts, professional services agreements, and solicitation documents for private and public works.
- Represents exploration and production companies and natural gas pipelines in legacy litigation, remediation claims involving hydrocarbon and chemical releases, and other environmental matters. Environmental experience in common law and civil law jurisdictions.
- Represented the State of Louisiana in connection with several \$20M+ public works projects. Drafted construction agreements, bid packages, RFQs, RFPs, and other solicitation documents. Prepared and issued notices of contractor default and surety takeover agreements. Assisted in resolution of change order disputes and delay claims.
- Represented multinational partnership in negotiating and drafting design-build agreements for large-scale liquor distillery projects.
- Revised front-end AIA contract documents for Orleans Parish School Board Facilities Master Plan.
- Represented IT services corporation in negotiating and drafting professional services agreements for \$30M Jefferson Parish wireless implementation project.
- Represented property development companies in negotiating and drafting leases, rights of way, construction contract documents, and various ancillary agreements for commercial development projects; resolved regulatory and permitting issues before local zoning authorities.

- Represented commercial real estate agency in negotiating and drafting listing agreements and property management contracts.
- Defended major E&P companies and natural gas pipelines in environmental litigation regarding historical oil and gas operations, including coastal erosion suit by the Southeast Louisiana Flood Protection Authority-East. *of Commissioners of Se. Louisiana Flood Prot. Auth.-E. v. Tennessee Gas Pipeline Co., L.L.C.*, 850 F.3d 714 (5th Cir. 2017).
- Defended major E&P companies and natural gas pipelines in coastal land loss litigation instituted by several Louisiana Parishes.
- Defended major E&P companies and natural gas pipelines in numerous legacy lawsuits and environmental contamination claims by landowners seeking property remediation and monetary damages.
- Represented bankruptcy trustee in intellectual property litigation involving assumption of seismic license agreement. Prevailed at bankruptcy court and obtained affirmation of judgment on appeal. *In re Virgin Offshore USA, Inc.*, No. 13-79, 2013 WL 4854312 (E.D. La. 2013).
- Represented petrochemical pipeline in mediation with general contractor concerning claims for delays and scope changes on ethylene terminal project.
- Represented HVAC contractor in action against subcontractor to compel cancellation of recorded Public Works Act claim. Prevailed in mandamus action at trial court and obtained affirmation of judgment on appeal. *Gootee Construction, Inc. v. Atkins*, 2015-0376 (La. App. 4 Cir. 12/21/16); 207 So.3d 485, *writ denied*, 2017-0138 (La. 3/31/17); 217 So.3d 360.
- Represented the State of Louisiana, Department of Education, Recovery School District in action by demolition contractor seeking additional payment for unit price items related to disposal of ACBM. Prevailed on summary judgment at trial court and obtained affirmation of judgment on appeal. *Concrete Busters of Louisiana, Inc. v. State of Louisiana, Dept. of Education*, 2015-CA-1016, 2016 WL 687163 (La. App. 1 Cir. 2016).

## Affiliations

- American Bar Association
- Federal Bar Association – Board of Directors for Young Lawyers Division (2016-2017)
- Louisiana State Bar Association
- New Orleans Bar Association
- Construction Financial Management Association
- PLANO

## Recognition

- New Orleans CityBusiness Leadership in Law Award (2017)
- Pro Bono Century Award by the Louisiana State Bar Association (2016)
- Pro Bono Project's Century Award – Recipient (2016)
- Pro Bono Project's 100+ Hour Award – Recipient (2015)
- Louisiana Super Lawyers, Named Rising Star in Energy & Natural Resources (2017 – Present)

## Publications

- *BLM Moves to Rescind Federal Fracking Regulations*, Drill Deeper Blog, July 2017
- *Update on Levee Board, CZM and Wetlands Land Loss Cases... What would Ryan Lochte do?*, Presenter, Gordon Arata Lunch n' Learn, December 2016
- *Boustany Introduces 'Ending Legacy Lawsuit Abuse Act*, Drill Deeper Blog, October 2016
- *Update on Levee Board, CZM and Wetlands Land Loss Cases... What would Ryan Lochte do?*, Presenter, Gordon Arata Annual Duck Lunch & Seminar, October 2016
- *Governor Edwards and Attorney General Landry Still at Loggerheads over Potential Oil and Gas Lawsuits*, Co-Author, Drill Deeper Blog, September 2016
- *Legislative Update: How Boudin is Made in Baton Rouge*, Co-Presenter, Gordon Arata Duck Lunch and Seminar, October 2015
- *Legal Battle Over New Federal Fracking Regulations*, Drill Deeper Blog, April 2015
- *Legacy, Levee Board and Coastal Zone Management or Why You Should Never Enter a Ground War in Asia*, Gordon Arata Annual Duck Lunch and Seminar, October 2014
- *Groundbreaking Legislation*, Presenter, Gordon Arata's Construction Law Presentation Luncheon: Building a Solid Foundation, August 2014
- *Louisiana at the Forefront of LNG Exportation*, Drill Deeper Blog, June 2014
- *Oil Field Confidential: Protecting Seismic Data and Other Trade Secrets*, Drill Deeper Blog, February 2014