

## Andrew S. Hicks

### Managing Partner

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### Practice Areas

Arbitration

Energy

Healthcare

Trials

### Education

University of Chicago Law School, J.D.,  
2001

University of Oklahoma, B.A., 1998, magna  
cum laude

### Admissions

Texas

Illinois

Oklahoma

U.S. District Court for the Eastern, Northern,  
Southern, and Western Districts of Texas

U.S. District Court for the Western District  
of Oklahoma

### OVERVIEW

Andy represents plaintiffs and defendants in complex commercial disputes and tort claims. A tenacious trial lawyer and astute legal strategist, he has built an exceptional track record both in the courtroom and before arbitral tribunals in the United States and abroad. Clients turn to Andy as their "first call on litigation matters," noting his "capacity for complex work and strategy" (*Chambers USA*).

With extensive experience in virtually all types of complex commercial litigation matters, Andy is most often called upon to represent participants in the energy industry. He regularly handles disputes involving joint operating agreements; the development, processing, and sale of oil, gas, and other commodities; partnerships and joint ventures; professional negligence; products liability; trade secrets; breaches of fiduciary duty; and other business torts. In the renewables space, he has litigated matters related to master project supply agreements, purchase and sale agreements, operations and maintenance agreements, and membership interest purchase and sale agreements, as well as project acquisition and development, shareholder disputes, and alleged breaches of contract and other duties.

**Andy is an exceptional lawyer—highly efficient and very easy to work with.**

— Chief legal officer, Private investment company

Andy began his legal career at leading national law firms, where he focused on commercial litigation and international arbitration before co-founding Hicks Johnson in 2007.

### NOTABLE EXPERIENCE

#### Energy

- Representing a leading renewable energy producer in several matters, including a dispute with a minority shareholder currently pending in New York state court and a private arbitration proceeding.
- Representing a major oil company in several audit disputes concerning amounts charged by the operator under the parties' joint operating agreement.

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- Represented an energy industry client in an arbitration with approximately \$150 million in controversy to recover excess rig fees for non-operating working interest owner for a drilling rig in the Gulf of Mexico. Our client, as non-operator, claimed that the respondent had violated the parties' unit operating agreement by employing above-market-rate off-shore drilling rigs to work the project. We resolved the arbitration in advance of the final hearing and obtained a favorable settlement for our client. Ultimately, the case's outcome effected a change to rig contracting strategies and clearly delineated the provisions allowed by unit operating agreements.
- Jointly represented the non-operating working interest owners in an offshore, ultra-deepwater project in the Gulf of Mexico. The dispute was related to investment charges owed in connection with a non-consent well drilled by the operator, with more than \$40 million in controversy. We obtained a favorable settlement on behalf of the clients and recovered all damages sought.
- Represented an energy industry client in an audit dispute related to conduct by the well operator in connection with improper charges and unpaid charges concerning non-consent wells and use of jointly owned production equipment. The case was resolved through a settlement as part of a larger, global deal.
- Represented the non-operating working interest owner of an offshore, ultra-deepwater project in a rig rate dispute against the operator. The dispute concerned the breach of agreement's provision on then-current market rate rigs. The claim settled prior to filing suit after months of negotiations and mediation.
- Represented a client in a \$200 million expert determination concerning the construction of a gas processing plant in west Texas and the execution of a Gas Treatment and CO<sub>2</sub> Delivery Agreement. Despite conceding liability for substantial penalties owing due to our client's failure to deliver contractually required volumes of CO<sub>2</sub>, we obtained a reduction in liability of approximately \$20 million by arguing offsets from a separate contract between the parties and compensation for CO<sub>2</sub> deliveries from a time period not contemplated by the contract.
- Represented the plaintiffs—two individuals and partners in a liquefied natural gas (LNG) project development company—in a usurpation of corporate opportunity and theft of trade secrets case. We filed suit in Texas state court against our clients' former partners and the "new" company they had formed, alleging that they had improperly transferred the intellectual property and other assets created by the partnership for their benefit. Through extensive research, we were able to show numerous similarities between the original venture and the defendants' "new" organization, including virtually identical business plans, marketing materials, and substantive work. We sought damages of \$168 million; the case quickly resolved through a stock settlement that more than made our clients whole.
- Represented an energy industry client in a \$100 million-plus domestic arbitration concerning the propriety of amounts charged by the operator under the parties' joint operating agreement.
- Represented the claimant, an energy services company, in a domestic arbitration involving breach of warranty and indemnity action against a technology company. After a fast-track arbitration in which all depositions, expert reports, pre-hearing briefings, and the evidentiary hearing took place in 30 days, we obtained a favorable award for our client on all claims.

### General Commercial Litigation

- Representing one of the world's largest suppliers of aerospace and defense products in a \$3.5 billion contract dispute.
- Representing the litigation trust formed by the bankruptcy court after an investment firm that owned a controlling interest in two oil and gas companies pulled strings to force one company to buy the other, all so the investment firm and related individuals could avoid taking a significant loss. Firm-installed managers and directors at the acquiring company approved the purchase based solely on the target company's own inflated valuation. While a third-party analyst and internal whistleblowers all concluded this self-valuation (in excess of \$100 million) was nearly double what it should have been, the acquisition was foisted

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upon the first company—amounting to a forced bailout—and it went bankrupt. On behalf of the litigation trust, we filed a \$40 million lawsuit against various officers, managers, and entities, alleging fraud, breach of fiduciary duty, and breach of contract, seeking to claw back damages for the wrongful conduct of the investment firm and its affiliated directors and managers to help make the acquiring company's creditors whole.

- Represented certain directors and officers in a multibillion-dollar preference action then pending in Delaware bankruptcy court.
- Representing the liquidating trustee of a bankrupt company in multiple adversary proceedings in the Eastern District of Texas. The trustee is seeking the avoidance of over \$60 million in fraudulent transfers, plus pursuing breach of contract and other claims against the company's former controlling shareholder and chief executive as well as two affiliated entities.
- Represented a Houston-based hospital against a national health insurer seeking to recover \$15 million in claims payments for emergency care, alleging that it had been defrauded because freestanding emergency departments were not "hospital-based" for purposes of claim reimbursement. Our lawyers successfully invoked the *Buckman* preemption to argue that the insurer's claims—which were based on alleged misrepresentations to Medicare—were precluded by our client's Medicare designation as a provider-based entity (PBE). We defeated the insurer's claims in their entirety on summary judgment.
- Represented a publicly traded healthcare company in a fraud and breach of contract action against the financial advisory firm that took the company public. The case settled on favorable terms after we obtained a temporary injunction preventing the defendants from trading or pledging the stock they held in our client company.
- Defended a hospital against claims brought by a health insurer seeking the disgorgement of approximately \$20 million in claims paid due to allegedly improper coding of claims. We represented our client in parallel proceedings in state and federal court and ultimately negotiated a favorable settlement prior to trial.
- Represented a freestanding emergency department in a dispute with a health insurer regarding underpayment of claims, simultaneously defending against insurer's claim of improper coding and violations of Texas law. With approximately \$7 million in controversy, we negotiated a confidential settlement for our client the weekend before trial.

### RECOGNITIONS

- Litigation: General Commercial, *Chambers USA* (2023-present)
- Litigation Star, *Benchmark Litigation* (2025)
- Rising Star, *Texas Monthly* magazine (2005-2014)
- Thomson Reuters' *Super Lawyers*® (2014-2017)

### PUBLICATIONS AND SPEAKING ENGAGEMENTS

- Guest lecturer, Energy Law Seminar at the University of Chicago Law School (2014-2016)

### AFFILIATIONS

- State Bar of Oklahoma Bar Association
- State Bar of Texas Bar Association
- Illinois State Bar Association