

Practice Areas

- Appellate Law
- Commercial Litigation
- Insurance Law

Education

- University of Houston
Law Center, J.D.
- Texas A&M University,
B.S.

Honors

- Listed in Chambers
USA: America's Leading
Lawyers for Business as
a "Recognized
Practitioner" for
Appellate in Texas
(2019)
- Listed in Best Lawyers in
America, 2020-present
- Named a "Texas Super
Lawyer," 2022-2023
- Named a "Top Lawyer"
by Houstonia Magazine,
2019-2022

Bar Admissions

- Texas

Court Admissions

- Texas State Courts
- United States Supreme
Court
- Federal Circuit Court of
Appeals

Steven J. Knight

Shareholder

Houston

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Steve Knight is a Shareholder in the Houston Litigation group and is Co-Chair of the Appellate Law section.

Throughout his career, Mr. Knight has successfully represented clients at every phase of the appellate process, from handling critical phases of the trial to assure error preservation, through briefing and arguing appellate cases in the Texas Supreme Court, the Fifth Circuit Court of Appeals, and intermediate appellate courts throughout the state. Mr. Knight has prepared and filed countless winning appellate briefs, achieving successful results in the vast majority of his appeals.

Mr. Knight frequently consults with trial attorneys, both within the firm and outside of the firm, to provide guidance on important and complex matters, including error preservation, preparing customized jury charges, handling jury charge conferences at trial, crafting successful arguments for dispositive motions and briefs, and handling mandamus and interlocutory appellate proceedings to better position the case for success at trial. Most recently, Mr. Knight's appellate victories have included: reversing a significant adverse judgment in a complex intellectual property dispute following a jury trial; affirming a favorable bench-trial verdict in a significant construction law dispute; affirming a summary judgment in a high-profile work-place shooting case. Other notable appellate cases handled by Mr. Knight are listed below.

In addition to his appellate practice, Mr. Knight has significant experience in both state and federal courts successfully handling many other areas of civil litigation and dispute resolution, including matters involving insurance, contracts, employment, products liability, warranties, premises liability, consumer protection, and personal injury.

Mr. Knight is a member of the Houston Bar Appellate Section and the Texas State Bar Appellate Section, where he currently serves as the co-chair of the Appellate CLE Committee.

- Third Circuit Court of Appeals
- Fifth Circuit Court of Appeals
- Tenth Circuit Court of Appeals
- All Federal District Courts in Texas

Clerkships

- Appellate Briefing Attorney, Eighth Judicial District Court of Appeals

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Significant Appellate Cases

- *City of League City v. Jimmy Chargas, Inc.*, 670 S.W.3d 494 (Tex. 2023) (The Texas Supreme Court affirmed the trial court and court of appeals' decision that the city did not have governmental immunity from the restaurant's claim that the city is liable for breach of contract).
- *Trafigura Trading LLC v. United States*, __ F.4th __ (5th Cir. 2022) (The United States Court of Appeals for the Fifth Circuit affirmed the district court's tax refund judgment and struck down a federal tax on crude oil exports because it violates the Export Clause of the United States Constitution).
- *City of League City v. Jimmy Chargas, Inc.*, 619 S.W.3d 819 (Tex. App.—Houston [14th Dist.] 2021, pet. filed) (The Fourteenth Court of Appeals affirmed the trial court's denial of the City's plea to the jurisdiction in a contract dispute over a Chapter 380 Economic Development Incentives Grant Agreement).
- *Griff Investigations, Inc., et al. v. Cronin, et al.*, No. 14-19-01020-CV, 2021 WL 3629214 (Tex. App.—Houston [14th Dist.] Aug. 17, 2021) (The Fourteenth Court of Appeals affirmed the decision of the trial court to grant partial summary judgment in favor of the defendants on numerous causes of action following a jury trial on remaining claims. The court also sustained a cross-appeal point of error that the jury's liability finding against one defendant was not supported by legally sufficient evidence).
- *Trafigura Trading, LLC v. United States*, 485 F.Supp.3d 822 (S.D. Tex. 2020). The plaintiff filed suit, seeking a refund of taxes it paid under 26 U.S.C. Sec. 4611(b), which imposes a tax on crude oil exports. The court determined that the plaintiff is entitled to a refund because 26 U.S.C. Sec. 4611(b) violates the Export Clause of the United States Constitution, which prohibits Congress from taxing exports.
- *Atom Instrument Corp. v. Petroleum Analyzer Company, LP*, 969 F.3d 210 (5th Cir. 2020). The Fifth Circuit court of appeals affirmed a final take nothing judgment entered in favor of the defendant in an intellectual property dispute. Additionally, because the plaintiff asserted unsuccessful claims under the Texas Theft Liability Act, the defendant recovered its attorneys' fees. In affirming the judgment, the Fifth Circuit then remanded the case for a determination of recoverable fees incurred on appeal.

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- *Ochse v. Ochse*, No. 04-20-0035-CV, 2020 WL 6749044 (Tex. App.—San Antonio Nov. 18, 2020, pet filed). The court affirmed summary judgment, finding that a gift in an irrevocable trust to the spouse of a person who is then married is a gift to the spouse who held that position at the time the trust instrument was executed.
- *Parrish v. Premier Drilling*, 917 F.3d 369 (5th Cir. 2019). The Fifth Circuit reversed and rendered in favor of the defendant, finding that the plaintiffs were not employees entitled to overtime pay under the FLSA, but independent contractors.
- *Bos v. Smith*, 556 S.W.3d 293, (Tex. 2018). The Texas Supreme Court reversed a \$7.5 million judgment entered against grandparents who were accused of “aiding and assisting” their daughter’s interference with their former son-in-law’s possessory rights and breaching various duties allegedly owed to their grandchildren. The supreme court rendered a take nothing judgment in favor of the grandparents.
- *McClendon v. United States*, 892 F.3d 775 (5th Cir. 2018). The Fifth Circuit Court of Appeals reversed a \$4.3 million summary judgment entered against the owner of a medical practice, finding that the owner’s summary judgment evidence was sufficient to raise a genuine issue of material fact as to whether he can be held personally liable for a trust fund tax penalty.
- *In re Matthew Cassar*, No. 14-17-00825-CV, 2018 WL 830687 (Tex. App.—Houston [14th Dist.] Feb. 13, 2018). The Fourteenth Court of Appeals granted a petition for writ of mandamus in a probate proceeding, finding that the probate court’s order requiring an independent administrator to post a bond was an abuse of discretion.
- *Seeger v. Del Lago Owners Association*, No. 09-00450-CV, 2018 WL 2055435 (Tex. App.—Beaumont May 3, 2018). The Ninth Court of Appeals affirmed a judgment in favor of a homeowners association, entitling the association to collect unpaid maintenance fees and its attorneys’ fees.
- *Sims v. City of Madisonville*, ___ S.W.3d ___, 2018 WL 2752714 (Tex. App.—El Paso 2018). The Eighth Court of Appeals affirmed a plea to the jurisdiction challenge, finding that the appellant did not timely perfect his appeal.
- *Kuentz v. Cole Systems Group, Inc.*, ___ S.W.3d ___, 2017 WL 5493177 (Tex. App.—Houston [14th Dist.] 2017). The Fourteenth Court of Appeals affirmed a summary judgment in favor of a pre-employment screening firm in a high-profile workplace shooting lawsuit, holding that the firm’s duties are limited to the services it agreed to perform and neither general tort concepts nor promotional materials give rise to heightened duties.
- *Whole Foods Market Rocky Mountain/Southwest, L.P. v. Cleveland Construction, Inc.*, ___ S.W.3d ___, 2017 WL 3429939 (Tex. App.—Houston [1st Dist.] 2017, no pet.). The First Court of Appeals affirmed a significant bench verdict in a breach of contract case, holding that the project owner committed a material breach by withholding the final payment; the fact that a subcontractor filed a “fund-trapping notice” did not excuse the breach; and the contractual indemnification provision did not require the general contractor to indemnify the project owner.
- *Farmers Texas County Mutual Insurance Company v. Okelberry*, 525 S.W.3d 786 (Tex. App.—Houston [14th Dist.] 2017, pet. denied). The Fourteenth Court of Appeals reversed a trial court’s improper settlement allocation, holding that community property laws do not apply to deprive an underinsured motorist insurer of the full settlement credit, and the insured, not the insurer, has the burden of proof with respect to allocation.
- *Streamline Production Systems, Inc. v. Streamline Manufacturing, Inc.*, 851 F.3d 440 (5th Cir. 2017). The Fifth Circuit Court of Appeals reversed a significant damage award in a trademark infringement case following a jury trial, holding that the plaintiff failed to establish a legal or factual basis for the recovery of “royalty” damages, unjust enrichment, or exemplary damages.

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- *Syed, M.D. v. Wellness Pharmacy*, No. 01-16-00856-CV, 2017 WL 4171939 (Tex. App.—Houston [1st Dist.] September 21, 2017, pet. denied). The First Court of Appeals affirmed the trial court's ruling that business disparagement claims against a physician concerning alleged statements to shared clients are not health care liability claims because, "[a]t most, appellees' claims are 'merely tangential[ly] related to the medical services provided by appellants,' which is insufficient to invoke the Act.
- *Hartford Cas. Ins. Co., et al. v. DP Engineering, L.L.C., et al.*, 827 F.3d 423 (5th Cir. 2016). The Fifth Circuit Court of Appeals affirmed a summary judgment in an alleged duty to defend case, holding that a "professional services" exclusion in a commercial general liability policy was invoked such that the insurance carrier did not owe a duty to defend in litigation that stemmed from an accident at a nuclear power plant.
- *Timothy White v. Regional Adjustment Bureau, Inc.*, 647 Fed.Appx. 410 (5th Cir. 2016). The Fifth Circuit Court of Appeals reversed an unusual and severe sanction order against a practicing attorney.
- *McCrary v. Brian Davidson d/b/a Panoramic Investigations*, 513 S.W.3d 1 (Tex. App.—Houston [14th Dist.] 2016, no pet). The Fourteenth Court of Appeals affirmed a summary judgment in a disparagement lawsuit, reflecting the importance of an appellant challenging each potential basis for summary judgment when the trial court does not specify the precise ground for the ruling.
- *Gunda Corp. v. Yazhari*, No. 14-12-00263–CV, 2013 WL 440577 (Tex. App.—Houston [14 Dist.] Feb. 5, 2013, no pet.). The Fourteenth Court of Appeals reversed the trial court's refusal to enforce an arbitration clause in an employment dispute.
- *Weeks Marine, Inc. v. Garza*, 371 S.W.3d 157 (Tex. 2012). The Texas Supreme Court defined what narrow instruction amounts to a "specific order" for purposes of the "exception" to contributory negligence in Jones Act cases.
- *Presley v. N.V. Masureel Veredeling*, 370 S.W.3d 425 (Tex. App.—Houston [1st Dist.] 2012, no pet.). The First Court of Appeals decided important issues arising under Chapter 36 of the Texas Civil Practice and Remedies Code—Texas's version of the Uniform Enforcement of Foreign Judgments Act.
- *Avelo Mortg., LLC v. Infinity Capital, LLC*, 366 S.W.3d 258 (Tex. App.—Houston [14th Dist.] 2012, no pet). The Fourteenth Court of Appeals interpreted the Texas Tax Code and held that a transferee of a tax lien had a priority interest in real property.
- *Saqui v. Pride Cent. America, LLC*, 595 F.3d 206 (5th Cir. 2010). The Fifth Circuit Court of Appeals rejected the notion that courts in Mexico are deprived of jurisdiction over cases that have first been dismissed in the United States based on forum non-conveniens.
- *In re Wakefield*, No. 14-10-01160-CV, 2010 WL 5237857 (Tex. App.—Houston [14th Dis.] Dec. 15, 2010, no pet.). The Fourteenth Court of Appeals granted a petition for writ of mandamus, directing the trial court to vacate an order requiring funds to be deposited into the court's registry.
- *AccuFleet, Inc. v. Hartford Fire Ins. Co.*, 322 S.W.3d 264 (Tex. App.—Houston [1st Dist.] 2009, no pet.). The First Court of Appeals analyzed complex "additional insured" issues in an insurance coverage dispute.
- *Jenkins & Gilchrist v. Groia & Co.*, 542 F.3d 114 (5th Cir. 2008). The Fifth Circuit Court of Appeals set aside a default judgment, affirming the proposition that any doubt should generally be resolved in favor of securing a trial on the merits.
- *Braspetro Oil Services Co. v. Modec (USA), Inc.*, 240 Fed.Appx. 612 (5th Cir. 2007). The Fifth Circuit affirmed the trial court's dismissal of a lawsuit based on a forum selection clause, holding that the forum selection clause applied and that enforcement of the clause was not unjust and unreasonable.

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- *Lone Star Heat Treating Co., Ltd. v. Liberty Mut. Fire Ins. Co.*, 233 S.W.3d 524 (Tex. App.—Houston [14th Dist.] 2007, no pet.). The Fourteenth Court of Appeals held that a “dishonesty” exclusion in an insurance policy did not apply with regard to a theft resulting from the named insured’s employee entrusting valuable metal to thief who posed as a customer.
- *In re Craig's Stores of Texas, Inc.*, 402 F.3d 522 (5th Cir. 2005). The Fifth Circuit Court of Appeals resolved a long-standing banking dispute, holding that funds deposited into the registry of the court must be returned to the depositor if the court lacks jurisdiction over the substantive dispute.
- *Schauer v. Morgan*, 175 S.W.3d 397 (Tex. App.—Houston [1st Dist.] 2005, no pet.). The First Court of Appeals held that a city police officer was immune from liability in an action brought by an arrestee to recover for personal injuries after the arrestee refused to identify himself to the officer who was acting as a security guard at the time.
- *Brenham Housing Authority v. Davies*, 158 S.W.3d 53 (Tex. App.—Houston [14th Dist.] 2005, no pet.). The Fourteenth Court of Appeals held that statutes governing obligations of housing authorities under lease or rental agreements precluded the imposition of liability on the housing authority for a personal injury claim arising under a lease agreement.
- *Palacio v. AON Properties, Inc.*, 110 S.W.3d 493 (Tex. App.—Waco 2003, no pet.). The Tenth Court appeals affirmed a summary judgment in a shooting/premises liability case, holding that the criminal act was not foreseeable to the property owner and manager.
- *Rayon v. Energy Specialties, Inc.*, 121 S.W.3d 7 (Tex. App.—Fort Worth 2002, no pet.). The Second Court of Appeals affirmed a final judgment in favor of a subcontractor, noting the important standards for the admissibility of expert testimony and the prohibition of “inference stacking.”
- *Collinsworth v. Eller Media Co.*, No. 01-01-00749-CV, 2003 WL 21299954 (Tex. App.—Houston [1st Dist.] June 5, 2003, no pet.). The First Court of Appeals affirmed a summary judgment in favor of defendants in a personal injury action, holding that the injured worker waived for appellate review his claim that there was inadequate time for discovery before the trial court granted summary judgment motions.
- *Telthorster v. Tennell*, 92 S.W.3d 457 (Tex. 2002). The Texas Supreme Court decided that the “risk” and “need” factors applicable to evaluating a police officer’s conduct in an emergency response context do not apply to injuries allegedly suffered during an ordinary arrest.
- *Wal-Mart Stores, Inc. v. Reece*, 81 S.W.3d 812 (Tex. 2002). The Texas Supreme Court clarified the standards of proof relating to circumstantial evidence and constructive notice in premises liability suits.
- *Wal-Mart Stores, Inc. v. Bolado*, 54 S.W.3d 837 (Tex. App.—Corpus Christi 2001, no pet.). The Thirteenth Court of Appeals reversed and rendered the trial court’s erroneous order granting judgment notwithstanding the verdict to a plaintiff in a personal injury/premises liability case.
- *Rice Food Markets, Inc. v. Ramirez*, 59 S.W.3d 726 (Tex. App.—Amarillo 2001, no pet.). The Seventh Court of Appeals reversed, in part, a judgment against a convenience store that was premised on theories of false imprisonment in relation to a theft incident, holding that there was insufficient evidence to support a mental anguish award.
- *North American Van Lines, Inc. v. Emmons*, 50 S.W.3d 103 (Tex. App.—Beaumont 2001, pet. denied). A complex multi-million dollar verdict resulted in joint and several liability on multiple theories against numerous defendants following a trucking accident. The Ninth Court of Appeals affirmed in part, reformed in part, and reversed and rendered in part, holding, among other things, that the driver, carrier, and subsidiary did not act with malice sufficient to support punitive damages award.

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Other Noteworthy Appellate Cases

- *Hamdan v. Hamdan*, No. 14-16-00548-CV, 2017 WL 4930933 (Tex. App.—Houston [14th Dist.] Oct. 31, 2017, no pet.)
- *Silva v. The City of Pasadena*, No. 14-15-00062-CV, 2016 WL 1043135 (Tex. App.—Houston [14th Dist.] March 15, 2016, no pet.)
- *Taylor v. Langham, et al.*, No. 09-14-00193-CV, 2015 WL 1540981 (Tex. App.—Beaumont April 2, 2014, no pet.)
- *Fagerberg v. Steve Madden*, No. 03-13-00286-CV, 2015 WL 4076978 (Tex. App.—Austin July 3, 2015, pet. denied)
- *Murray v. Chick-Fil-A*, 626 Fed.Appx. 515 (5th Cir. 2015).
- *First Community Bancshares v. St. Paul Mercury Ins. Co.*, 593 Fed.Appx. 286 (5th Cir. 2015)
- *Martin v. Chick-Fil-A*, No. 14-13-00025-CV, 2014 WL 465851 (Tex. App.—Houston [14th Dist.] Feb. 4, 2014, no pet.)
- *Derrick Turner v. Package Express LP*, No. 14-12-00241-CV, 2013 WL 2149786, (Tex. App.—Houston [14th Dist.] May 16, 2013, no pet.)
- *Sadler Clinic v. Hart, et al.*, 403 S.W.3d 891 (Tex. App.—Beaumont 2013, pet. denied)
- *Hollingshead v. West Texas Center for MHMR*, 416 S.W.3d 152 (Tex. App.—Eastland 2013, no pet.)
- *Steve Holmes, et al. v. John L. Graves, et al.*, No. 01-12-01032-CV, 2013 WL 6506306 (Tex. App.—Houston [1st Dist.] Dec. 10, 2013, no pet.)
- *EMS USA, Inc. v. Epoxy Design Systems, Inc.*, No. 14-10-01037-CV, 2012 WL 1424802 (Tex. App.—Houston [14th Dist.] April 24, 2012, no pet.)
- *Grayson ex rel. v. Grayson*, No. 01-09-00856-CV, 2011 WL 2304163 (Tex. App.—Houston [1st Dist.] May 19 2011, no pet.)
- *Taylor v. Hartford Fire Ins. Co.*, No. 01-10-00221-CV, 2010 WL 4398751 (Tex. App.—Houston [1st Dist.] Nov. 4, 2010, no pet.)
- *New Medical Horizons II, Ltd. v. Jacobson*, 317 S.W.3d 421 (Tex. App.—Houston [1st Dist.] 2010, no pet.)
- *Grayson v. Grayson Armature Large Motor Div., Inc.*, No. 14-09-00748-CV, 2010 WL 2361432 (Tex. App.—Houston [14th Dist.] June 15, 2010, pet. denied)
- *Morton v. Kelley*, No. 01-09-00428-CV, 2010 WL 4056516 (Tex. App.—Houston [1st Dist.] Oct. 14, 2010, no pet.)
- *Robin Singh Educ. Svc. v. Excel Test Prep., Inc.*, 291 Fed.Appx. 620 (5th Cir. 2008).
- *Fort Bend County v. Burlington Northern and Santa Fe Ry. Co.*, 237 S.W.3d 355 (Tex. App.—Houston [14th Dist.] 2007, pet denied).
- *Rogers v. Texas Sterling Const. L.P.*, No. 14-05-01061-CV, 2007 WL 925784 (Tex. App.—Houston [14th Dist.] March 29, 2007, no pet.)
- *Lazo v RSI International, Inc.*, No. 14-06-00432-CV, 2007 WL 2447299 (Tex.App.—Houston [14th Dist.] Aug. 30, 2007, no pet.)
- *Dynacq Healthcare, Inc. v. Seth*, No. 01-06-00188-CV, 2007 WL 2005023 (Tex. App.—Houston [1st Dist.] July 12, 2007, pet denied)
- *Bishop v. King*, No. 14-05-01138-CV, 2006 WL 3193708 (Tex. App.—Houston [1st Dist.] Nov. 7, 2006, no pet.)
- *Rex v. Chumley*, 169 Fed.Appx. 386 (5th Cir. 2006)
- *Cochran v. City of Deer Park, Tex.*, 108 Fed.Appx. 129 (5th Cir. 2004)
- *Hershey v. Duncan*, Nos. 13-01-688-CV, 13-02-673-CV, 2004 WL 2471679 (Tex. App.—Corpus Christi Nov. 4, 2004, pet denied)

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- *City of Galveston v. Albright*, No. 14-04-00072-CV, 2004 WL 2439231 (Tex. App.—Houston [14th Dist.] Nov. 2, 2004, no pet.)
- *Fein v. R.P.H., Inc.*, 68 S.W.3d 260 (Tex. App.—Houston [14th Dist.] 2002, pet denied).
- *Withrow v. Carter*, No. 01-00-00062-CV, 2001 WL 492460 (Tex. App.—Houston [1st Dist.] May 10, 2001, no pet.)
- *Wal-Mart Stores, Inc. v. McGrough*, No. 14-00-00199-CV, 2001 WL 1340364 (Tex. App.—Houston [14th Dist.] Nov. 1, 2001, no pet.)
- *Mitchell v. Simpro, Inc.*, No. 14-01-00623-CV, 2001 WL 1388014 (Tex. App.—Houston [14th Dist.] Nov. 8, 2001)
- *Wal-Mart Stores, Inc. v. Renteria ex rel. Renteria*, 52 S.W.3d 848 (Tex. App.—San Antonio 2001, pet. denied)
- *Wal-Mart Stores, Inc. v. Cockrell*, 61 S.W.3d 774 (Tex. App.—Corpus Christi 2001, no pet.)
- *Davis v. City of Palestine*, 988 S.W.2d 854 (Tex. App.—Tyler 1999)

Seminars & Presentations

- Speaker at State Bar of Texas Annual Meeting on "Texas Supreme Court and Fifth Circuit Update," June 23, 2023
- Speaker and Author at Advanced Civil Appellate Practice on "The Fundamentals of Interlocutory Appeals,"

December 1, 2021

- Speaker and Author at the 2020 State Bar of Texas 15th Annual Fiduciary Litigation Course 2020, presenting "Now What? Avenues to and through the Court of Appeals in Probate Litigation"
- Speaker, Texas State Bar Appellate Section, 2020 Texas State Bar Convention, presenting "Texas Supreme Court Case Update"
- Moderator, Texas State Bar Appellate Section and Individual Rights and Responsibilities Section, Texas State Bar Convention, June 2016
- Speaker, Author, and Program Director, "Handling Your First (or Next) Civil Appeal," State Bar of Texas CLE Seminar, April 15, 2016
- Speaker at March 9, 2016, Houston Bar Association Lunch and Learn Program, "A Beginners Guide to Mandamus and Interlocutory Appeals"
- Speaker at the 2015 "Texas Energy Law" Symposium and Co-Presenter on "Professional and General Liability Insurance"
- Author and Speaker at "Exceptional Legal Writing," Texas Bar CLE Seminar, April 2013

Articles and Publications

- Article text for "Mastering the Offer of Proof at Trial,"

Texas Lawyer,

April 7, 2022

- "Update on Texas Supreme Court in Texas Bar Journal,"

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Texas Bar Journal,

September 2021

- "Options You Have When A Trial Suddenly Goes Bad,"

May 24, 2019

- "Six Ways to Avoid the Most Common Mistakes Trial Lawyers Make on Jury Charges," Texas Lawyer, February 2019
- "Movin' on Up – the Nuts and Bolts of Mandamus and Interlocutory Appeals," April 2016
- The Unintended, Unworkable, and Counterintuitive Application of Article 21.55 of the Texas Insurance Code in the Context of Third Party Insurance Claims
- Statutory Claims – What Has Changed? – A Review of Chapters 541 and 542 of the Texas Insurance Code

Professional Affiliations

- Texas Bar - Appellate Section
- Houston Bar Association - Appellate Section
- Defense Research Institute - Appellate Committee Member
- Co-Chair of the Texas State Bar Appellate Section CLE Committee

