

Energy Industry Litigation & Investigations

With our reputation as a trial lawyers' firm serving as our foundation, we advocate for a variety of power producers, oil and gas companies, and oilfield services providers in high-stakes litigation throughout U.S. district and appellate courts. We also handle sensitive investigations, contentious regulatory and enforcement issues, and arbitration. Our bench is stacked with innovative legal and commercial problem solvers, many of whom came to Winston from in-house positions, amplifying their appreciation for C-suite complexities. By combining our knowledge of the energy industry with first-rate trial skills, and the experience our practitioners have gained from learning our clients' businesses, we are positioned to obtain the best result for our clients efficiently—whether in the courtroom or a negotiated solution.

The firm's litigators are routinely involved in high-stakes investigations and litigation on behalf of the firm's energy sector clients. Our experience in the power sector includes contentious matters concerning the construction of power projects, regulatory issues (including FERC enforcement), PPAs, leases and easements, hedge agreements, and other types of agreements involved in power projects. With respect to oil and gas, the team routinely handles disputes involving contracts, general business issues, business torts; securities; royalty class actions; conflicts arising out of construction projects; pipeline easement disputes; environmental contamination; patent infringement; labor and employment; product liability; and personal injury matters. We also represent major energy corporations in international arbitration matters.

Key Contacts

Walter M. Berger

Tom Millar

Michael Murphy

Areas of Focus

Contract Disputes & Other Commercial Litigation

Our attorneys regularly represent energy clients in breach of contract and contract interpretation disputes arising from supply and transportation contracts, as well as asset purchase, power purchase, project development, and partnership agreements. We also represent energy companies in class actions, other commercial litigation, and lawsuits brought by third parties on the back of enforcement proceedings.

FERC

We routinely represent large and mid-size energy companies in investigations and audits undertaken by FERC enforcement personnel. We further counsel our clients on compliance issues and effective compliance plans that can avoid or minimize adverse findings from an audit or investigation. With the same goal in mind, we also have drafted self-reports that accurately describe potential violations but explain mitigating factors. Our representation includes undertaking independent investigations to determine whether company personnel violated the Federal Power Act, Natural Gas Act, Energy Policy Act of 2005, relevant tariffs, or market rules.

Intellectual Property

As a leader in the energy sector, we regularly put our experience to work for the world's top energy companies, responding to their most important intellectual property needs in patent, copyright, trademark, and trade secrets matters.

Nearly half of our IP attorneys have technical degrees—including mechanical engineering, chemical engineering, and petroleum engineering—and our litigation and trial experience is enhanced by our command of complex technical and legal issues inherent to intellectual property matters. Our IP litigators regularly handle patent infringement matters involving a wide range of oil and gas technologies. We also have handled significant technical trade secret and copyright cases in this industry.

International Arbitration

We have substantial experience in the prosecution of commercial arbitrations throughout the world, managing cases with lawyers and experts in various jurisdictions, while cooperating closely with clients' in-house counsel. We have handled virtually all types of commercial arbitrations in a wide variety of energy industry segments, including utility projects, infrastructure and construction, oil and gas, and power.

Product Liability

Armed with a deep bench of experienced lawyers and a unique combination of industry experience, extensive trial practice, and expansive technical knowledge, our product liability team regularly defends multinational energy companies, their products, and their reputations in high-stakes litigation. We have successfully defended alleged toxic tort claims, as well as claims for property damage and personal injury related to oilfield operations, waste management claims, and alleged failure of equipment used in the energy sector and related industrial operations. We vigorously defend these and other claims, including those related to the purported impact of chemical compounds such as microplastics, take cases to trial, and win, which gives our clients confidence in a successful outcome, as well as tremendous settlement leverage.

Related Capabilities

Class Actions & Group Litigation

Commercial Litigation & Disputes

Environmental, Social & Governance (ESG)

Environmental

Environmental Litigation & Enforcement

International Arbitration

International Trade

Litigation/Trials

Product Liability & Mass Torts

White Collar & Government Investigations

Intellectual Property

Energy

Energy Regulatory & FERC

Related Insights & News

BLOG

Supreme Court Rules Wire Fraud Prosecutions Can Stand Even in Those Cases in Which the Defendant Did Not Seek to Cause Economic Loss

MAY 30, 2025

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MARCH 21, 2025

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JANUARY 16, 2025

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Winston Merits 98 Tier 1 Rankings in the 2025 Edition of Best Law Firms®

NOVEMBER 7, 2024

ARTICLE

Environmental Protection Agency Issues New Civil and Criminal Environmental Enforcement Policy

JULY 15, 2024

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APRIL 29, 2024

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SPEAKING ENGAGEMENT

Winston Supports SOBAL Conference 2023

NOVEMBER 30, 2023

CLIENT SUCCESS

Winston Brings High-Exposure Breach of Contract Case Against Client Pioneer Natural Resources to an End With a Stunning, Precedential Summary Judgment Victory

FEBRUARY 15, 2023

WEBINAR

Winston & Strawn's 2022 Health Care & Life Sciences Summit

MAY 10-12, 2022

RECOGNITIONS

Michael Murphy Selected to Serve as Faculty at the ABA Litigation Section's Diverse Lawyers Trial Academy

APRIL 21, 2022