

Partner

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Practice Areas

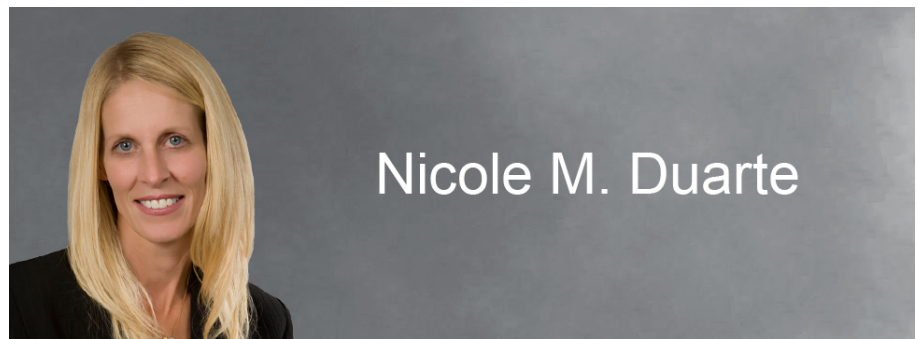
Appellate Litigation
Business & Commercial Litigation
Class Action Defense & Multi-District Litigation
Energy
Energy, Environment & Natural Resources
Environmental & Toxic Torts
Gaming
Water Law

Bar Admissions

Alaska, 1992
Louisiana, 1993
Not admitted to practice in Texas

Education

Paul M. Hebert Law Center, Louisiana State University, J.D., 1992; Order of the Coif; Chancellor's List; Phi Beta Kappa; Articles Editor, *Louisiana Law Review*, Volume 52; Phelps Dunbar Scholarship; LSU Hall of Fame Inductee; David L. Herman Award in Civil Law Property; American Jurisprudence Awards for



Nicole Duarte is a partner in the firm's Business & Commercial Litigation Practice Group and practices from the firm's Houston office. She represents clients in the areas of oil and gas litigation, water law, environmental law, toxic torts, complex litigation, and class actions, and also maintains an appellate practice.

Ms. Duarte has represented clients in matters related to mineral lease disputes, oilfield remediation and restoration (upland and coastal), chemical spills and exposures, groundwater use and contamination, environmental permit appeals, and water use issues. Her experience also includes representing clients with regard to complex government enforcement actions under the Resource Conservation and Recovery Act (RCRA) and the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA, also known as Superfund).

Ms. Duarte received her juris doctor degree in 1992 from the Paul M. Hebert Law Center, Louisiana State University, graduating second in her class. She was a member of Phi Beta Kappa, the Order of the Coif, and was elected to the Louisiana State University Hall of Fame. Ms. Duarte also served as Articles Editor of the *Louisiana Law Review* from 1991–1992, and has authored numerous publications, including "Subsurface Water Rights in Louisiana" in the 57th Louisiana Mineral Law Institute proceedings and a chapter of the forthcoming Louisiana Mineral Law Treatise.

Upon graduation from law school, Ms. Duarte served as a law clerk to the Honorable Andrew J. Kleinfeld of the United States Court of Appeals for the Ninth Circuit in Fairbanks, Alaska. She has taught several courses at Tulane University Law School, including "Environmental Science for Lawyers" and "Toxic Torts: Law and Theory." In addition, she served as a member of the law faculty at the University of Rijeka, Croatia, as a Fulbright Lecturer in

Administrative Law, Business Associations I, Conflicts of Law, Contracts, Criminal Procedure II, Evidence, Jurisprudence, and Professional Responsibility
Louisiana State University, M.A., 1991
Louisiana State University, B.A., 1987, *cum laude*

2000.

Noteworthy

- Fulbright Lectureship (2000)
 - Exchange Student Scholarship: University College of Swansea, Wales (1985–1986)
 - Lecturer in Tulane Law School's Summer School Program in Amsterdam
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Representative Matters

- *Blades v. Canadian National/Illinois Central Railroad*, No. 02-3121 (E.D. La. 2003). Served as co-counsel in 32 consolidated cases arising out of a train derailment and chemical spill; was responsible for general motion practice on remand and class certification issues, as well as for development and presentation of evidence relating to environmental exposures.
- *Keko v. Hingle*, No. 01-30622 (5th Cir. 2002). Served as lead appellate counsel in this high-profile Section 1983 case involving the issue of whether an expert witness for the prosecution is entitled to absolute immunity for pretrial preparatory activities.
- *Bogalusa Water Works District v. Louisiana Dept. of Environmental Quality*, No. 474,677 (19th Jud. Dist. Ct. 2000). Represented an electrical power company in this permit appeal case involving the contentious issue of water rights in Louisiana.
- *United States v. Borden Chemical and Plastics*, No. 94-440 c/w 94-2592 (M.D. La. 1998). Served as "Groundwater Team Leader," and was responsible for development and presentation at trial of expert testimony relating to groundwater contamination issues in complex government enforcement actions under RCRA and CERCLA. Was also responsible for coordinating other aspects of the case, including discovery and pretrial motion practice.
- *Williams v. Monsanto Co.*, No. 93-4237, 1996 U.S. Dist. Lexis 4506 (E.D. La. Apr. 4, 1996). Briefed and argued this case before district court; won summary judgment on claims of more than 2,000 plaintiffs on grounds that the plaintiffs had failed to demonstrate that chemical exposure could cause the injuries alleged.


- *Pavone v. Mississippi Riverboat Amusement Corp.*, 52 F.3d 560 (5th Cir. 1995). Briefed and argued this case before district court and court of appeals; won summary judgment in first case to address whether permanently moored gaming riverboat was a "vessel" under the Jones Act.
- *Louisiana v. Litton*, 50 F.3d 1298 (5th Cir. 1995). Briefed this case in district court and court of appeals; won summary judgment in this case of first impression in the Fifth Circuit addressing whether a private right of action exists under RESPA.
- *HMB Interests LLC v. Chesapeake Louisiana, LP*, No. 08-1542 (W.D. La. 2008). Served as co-counsel in this ongoing class action lawsuit brought by mineral lessors to rescind mineral leases in the Haynesville Shale Play on the grounds of error and/or lesion.
- *Thomas v. Chesapeake Louisiana, LP*, No. 09-0888 (W.D. La. 2008). Served as co-counsel in on-going class action brought by landowners in the Haynesville Shale Play seeking specific performance of alleged agreements to enter mineral leases.
- *JISH v. State of Louisiana*, No. 547,011 (19th Jud. Dist. Ct. 2008). Served as co-counsel in this declaratory judgment action by owner of salt dome storage facility relating to authority to brine new caverns; was responsible for developing and presenting a successful claim of unconstitutionality of a new project-specific groundwater limitation statute. Was also responsible for helping to develop general litigation strategy and expert reports concerning groundwater and cavern safety issues.
- *Dore v. Carter-Langham Co.*, No. 10-16202 (38th Jud. Dist. Ct. 2006). Served as co-counsel in this toxic tort action involving alleged oilfield contamination of coastal land; was responsible for coordinating expert reports, testimony, and cross-examination of environmental experts in the areas of coastal restoration, human and environmental risk assessment, geology and hydrogeology, and contaminant fate and transport.
- *Offshore Innovations v. Carolina Lures*, 2:05-cv-00931 (E.D. La. 2006). Served as co-counsel in intellectual property action involving alleged trade dress and copyright infringement of offshore fishing lure design; was responsible for development of expert testimony regarding functionality of all aspects of the lure design, as well as substantive motion practice and trial presentation strategy.

- *In re Cedarcrest Boron Trifluoride Release*, No. 463184 (19th Jud. Dist. Ct. 2006). Served as lead counsel in this class action lawsuit and consolidated cases arising out of the release of boron trifluoride from a trailer truck.
- *Robertson v. Monsanto*, No. 04-995 (E.D. La. 2006). Served as lead counsel in this toxic tort action, arising out of release of ammonia, that involved more than 8,000 plaintiffs.
- *In re Bayou Sorrel Class Action*, No. 6:04CV1101 (W.D. La. 2004). Served as co-counsel in this settlement class action lawsuit arising out of contamination at Bayou Sorrel landfill and injection well site near Plaquemine, Louisiana; was responsible for assisting with class certification and fairness hearings.

Publications

- "Louisiana Department of Natural Resources Promulgates New Rule Allowing Limited Use of Waste Water to Conduct Hydraulic Fracturing in the Haynesville Shale"
Jones Walker Environmental & Toxic Torts E*Lert, December 7, 2009
- *Louisiana Mineral Law Treatise*
2009
- "Federal Jurisdiction and Procedure: Fifth Circuit Symposium"
42 *Loyola Law Review* 537, Fall 1996
- "Louisiana Products Liability Law"
DRI Products Liability Compendium, 1996
- "New Law of Co-Ownership: A Kommentar"
68 *Tulane Law Review* 72, November 1993
- "Understatement and Overstatement in Closing Arguments"
51 *Louisiana Law Review* 651, 1991

Memberships

- Alaska Bar Association
 - American Bar Association
 - Catahoula Owners and Breeders Research Association (Board Member)
 - Catahoula Rescue and Habitat for Horses (Foster Family)
 - Federal Bar Association
 - Special Connections, Adult Daycare Program (Board Member)
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