

BRAUN & GRESHAM

ATTORNEYS AT LAW

S U C C E S S S T O R I E S

TRANSMISSION LINE ROUTING

Winning with Consensus, Trust & Integrity

WORKING WITH FRIENDS, FOES & EXCEPTIONAL EXPERTS, REZNIK HELPS A LARGE GROUP OF LANDOWNERS PRESERVE MORE THAN 200,000 ACRES OF SOUTH TEXAS' LARGEST LEGACY RANCHES

"We're ranchers, and we're environmentalists," begins landowner Jim Gibbs. "South Texas is special country with a unique ecology – it's wonderful for wildlife and has great grasslands for cattle. We bought our ranch to make a good investment, but also to be good stewards of the land."

Gibbs' sentiments about his 13,000+-acre ranchland – once part of the historic Kenedy Ranch – reflect a common feeling among many South Texas ranchers: their land is both their living and their love.

So, when neighboring cattleman – and fifth-generation Texas rancher – Whit Jones learned his family's and many of his neighbors' properties were in the proposed path of one of the largest transmission-line projects in the state, he wasted no time.

"We've been in the ranching business for almost a century, and you've got to make the land pay every way possible," Jones says. "But we approach ranching with a conservation-minded perspective; we work hard to protect it. And we believed giant power lines strung across our land just wouldn't be worth the money we'd get for it. But fighting this thing is practically impossible – it's difficult to win, really risky and expensive."



The conflict is the consequence of *condemnation*, or *eminent domain*, a State-approved process that lets utility companies seize Texans' land, in the name of "public use," to build pipelines, power lines, roads or rail systems, or even to acquire water. The company can take a piece of the property, or just use an easement or right-of-way, for an often-inadequate one-time compensation to the landowner.

Jones talked with several attorneys around the state, including Patrick Reznik at Braun & Gresham, a firm he discovered through a basic search on the Internet. Patrick's extensive experience and success with similar cases persuaded Jones he was the right lawyer for the job – a steep uphill battle with an abbreviated timeframe.

"The case was part of ETT [Electric Transmission Texas]'s Cross Valley Project, which will construct about 100 miles of transmission lines across the Rio Grande Valley," explains Patrick. "ETT and the Public Utility Commission's engineer had both recommended routes that went straight through the heart of some of Texas' greatest heritage ranches. Both routes looked good on paper – paralleling existing pipeline easements and property boundaries, and avoiding habitable structures. But the 16-story

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pole structures and multiple power cables running through the middle of wide-open rangeland doesn't look good at all in reality – it ruins the habitat and landscape of these pristine properties.”

Working together, against the clock

With limited time to prepare for a hearing, Jones and Patrick went to work. Their strategy was to carefully form an alliance of affected landowners to create a unified voice against the utility's legal force, and to work on finding an alternate route for the transmission lines that might meet statutory criteria while steering clear of these landowners' ranches. While Patrick tapped into his network of the state's best environmental, engineering and historic-preservation experts, Jones built an alliance of more than 15 neighboring ranchers with differing circumstances, but similar mindsets.

“We wanted The Alliance to be flexible enough to fit anybody, and to offer everybody the option to get out at any point,” Jones notes. “So it was essentially put together with a handshake and good people.”

Still, building consensus among so many strong-minded ranchers sometimes proved challenging – beginning with Jones' selection of legal representation.

“I liked Patrick, but I was skeptical,” affirms Alliance member Gibbs. “I'd always had hard-charging lawyers, and Patrick's a laidback kind of guy. I just wasn't sure he was the one to get it done for us. We had several discussions about it as a group, but Whit was absolutely sure about Braun & Gresham. So we put our trust in them.”

Meanwhile, Patrick and his legal assistant were managing myriad moving parts – working with not only the alliance members, but also other landowners, attorneys, experts and even the enemy, holding meetings, making calls, studying maps and analyzing spreadsheets. Additionally, they were researching some special South Texas issues, like habitat fragmentation and drug traffick-

ing, which would worsen with the recommended routes. As for Patrick's easygoing nature, it ultimately proved to be a huge plus.

“Patrick clearly wasn't a go-for-the-jugular lawyer, but at the end of the day, I always felt like Braun & Gresham was looking out for our best interests,” Jones attests. “Patrick and his legal assistant were incredibly patient with everyone involved. They were in it to work together for a better solution, not to kick everybody's a**.”

“Once I saw Patrick in action, I saw he was exactly the guy we wanted,” concedes Gibbs. “Most attorneys just say, ‘We're going to get the best deal for our clients and to hell with everyone else.’ Patrick got to know everybody we might have conflicts with or opposition from, and worked with them to see where we might share common ground and where we might gain more. And it worked!”

All in for an all-around win

By the day of the final hearing, Patrick and The Alliance had pieced together a new route that fulfilled the statutory requirements *and* avoided their land. They also led the process among all the interveners to a unanimous settlement, signed-off on by the utility, the Administrative Law Judge and the PUC.

“Patrick represented us really well without offending anyone,” Jones concludes. “That's really nice – to not only walk away with a win and without having spent too much money, but also knowing we didn't hurt others in protecting ourselves. We walked away good guys, and we owe that to Braun & Gresham.”

“Most lawyers approach this intellectually – it's all about the statutes and the numbers,” says Patrick. “Our perspective aligns with the landowner. We care about the land, so we care about the win at a different level, and that gives us a different level of success.”

“Everybody was so happy with the outcome,” concurs Gibbs. “Without Whit and Patrick, we would have had an entirely different result. They really worked magic.”