

LOULAN J. PITRE Partner In Charge

loulan.pitre@kellyhart.com
P: (504) 522-9822 F: (504) 522-1813

New Orleans



BIOGRAPHY

Loulan Pitre leads our Louisiana offices and focuses his work on project development, construction, and operations in the Louisiana coastal zone. His law practice concentrates on the most challenging aspects of doing business in and protecting the vulnerable environment of Louisiana's working coast, including entity formation and governance, complex land rights issues, construction procurement and management, environmental and coastal permitting issues, and dispute resolution.

He has represented oil and gas and other industrial companies, real estate developers, financial institutions, ports, levee districts and other public entities, and players in the construction and service industries such as contractors, engineers, and material suppliers. While serving as a member of the Louisiana House of Representatives from 2000 to 2008, he was intimately involved in the development of the state's coastal restoration and protection program and large transportation infrastructure projects such as the elevated highway to Port Fourchon. He has carried that knowledge and experience into his law practice.

Mr. Pitre is very familiar with the Louisiana law concerning public and private finance, procurement, and contracting. His experience includes traditional finance and procurement methods for both public and private projects, such as bidding and requests for proposals, as well as more innovative methods such as public private partnerships, securitization, and toll bonds. Mr. Pitre has wide experience with the major federal environmental statutes and their Louisiana counterparts. He is ranked in Chambers, BestLawyers, and SuperLawyers, and is a frequent speaker and writer. He is an experienced negotiator and is trained in both arbitration and mediation. He is an Adjunct Associate Professor of Law at Tulane Law School.

Mr. Pitre is also extremely well known for his practice in legacy litigation in which landowners and public entities sue oil and gas companies alleging environmental damage from oil and gas exploration and production operations. These cases often involve claims in the hundreds of millions of dollars. As lead trial counsel in *Meaux et al. v. Hilcorp et al.*, he defended two oil and gas exploration and production companies from claims of environmental damage. After a three-week trial, plaintiffs asked the jury for over \$60 million dollars. Instead, the jury's verdict resulted in no liability for defendants, a result that withstood appeal.

Mr. Pitre grew up in Cut Off in southern Lafourche Parish, Louisiana, which has grown in the past century from a collection of small Cajun French fishing villages to the central hub of the Gulf of Mexico deepwater oil and gas industry at Port Fourchon. Thus, from an early age he has understood the intricate challenges of living and working on the Louisiana coast. At South Lafourche High School, Mr. Pitre was a National Merit Scholar, a Presidential Scholar (one of 121 nationwide), and a Telluride Association Summer Program Scholar (one of 20 nationwide). He then spent seven years at Harvard, where he earned his bachelor and law degrees and numerous honors. He wrote his Harvard College *magna cum laude* honors thesis about a 19th century village on the Louisiana coast and his Harvard Law School senior paper about

aspects of the Louisiana Constitution. He then returned to Louisiana, ultimately serving his home town as attorney to the Greater Lafourche Port Commission during a period of explosive expansion and as a member of the Louisiana House of Representatives.

EXPERIENCE AND HIGHLIGHTS

- Trustee Counsel in \$29,000,000 issuance of GOMESA bonds
- Represented parish government against open meeting law challenge to issuance of permit for environmentally sensitive facilities
- Representing levee district in defense of class action claims relating to construction and operation of flood protection system
- Accepted by Federal Court to testify as expert witness in legislative history
- General counsel to a privately-owned port development company, including entity formation and governance, issuance of stock to project sponsors, and construction and coastal zone permitting issues
- Formation of entities and governance framework, as well as other advice and representation, for multiple companies with operations in Louisiana coastal zone
- Formation of entities and governance framework for several non-profit corporations with interests in highway projects, coastal protection and restoration, and flood insurance
- General counsel to chemical company operating in southern Louisiana
- General counsel to a port commission for eight years on a wide variety of issues relating to port expansion and construction of port facilities in sensitive coastal area
- General counsel to a beachfront development district for several years, including land rights at the seashore, opposition to a coastal use permit application that interfered with recreational use, and preparation of a NEPA comment letter regarding the compatibility of recreational use with planned federal and state ecosystem restoration projects
- Advice to a biodiesel manufacturer on Louisiana issues
- Advice to a hydroelectric power company on Louisiana issues
- Advice to several potential sponsors of proposed public private partnership (P3) arrangements for construction of major highway construction projects
- Representation of non-profit corporation in negotiation of cooperative endeavor agreement with La. DOTD for construction of major highway improvements
- Advice to levee district regarding process for outcome based performance contracts for construction of coastal protection projects
- Advice to levee district on issues regarding U.S. Corps of Engineers permission under Clean Water Act Section 408 for construction of levee improvements
- Representation of an owner in dispute arising from construction of dock facilities on Mississippi River
- Representation of a general contractor in litigation to obtain payment for street overlay construction
- Advice to a major international investment bank regarding the energy industry and the Louisiana coastal protection and restoration program
- Louisiana counsel in acquisition of shipyard and offshore services company
- Representation of developer in negotiations with La. State Land Office regarding construction plans for development of coastal island
- Advice to developer of coastal property regarding rights to water bottoms
- Representation of oil and gas exploration companies in numerous regulatory matters
- Advice to oil and gas exploration company after blowout
- Representation of an engineer in dispute with La. DOTD regarding design and construction of bridge replacement project in the coastal zone
- Representation of La. DNR regarding riparian land rights in connection with anticipated construction of freshwater diversion project
- Represented port commission in negotiation with bond company for completion of construction project after default by contractor
- Advice to port commission with respect to the development of a wetlands mitigation program in connection with obtaining permits for construction of port expansion

- Representation of port commission in litigation and resolution of disputes with major landowners involving multiple complex issues
- Representation of port commission regarding NGO litigation challenging NEPA compliance in connection with U.S. Corps of Engineers grant of permit for construction of major port expansion under Section 404 of Clean Water Act
- Representation of port commission in negotiating pipeline lowering to facilitate channel deepening
- Representation of port commission in creating an innovative non-profit corporation to acquire oyster lease rights to facilitate construction of coastal restoration project
- Representation of a port commission in obtaining transfer of sponsorship of an airport, including obtaining agreement of former sponsor and approval of Federal Aviation Administration
- Advice to port commission regarding public bid law disputes
- Advice to airport district regarding public bid law issues
- Representation of a levee district on appeal of litigation regarding compensation for land appropriated for levee construction purposes, including proceedings before Louisiana Court of Appeal, Louisiana Supreme Court, and United States Supreme Court
- Representation of a levee district and its engineer in a dispute regarding construction of a multi-million dollar lock
- Representation of engineer in dispute regarding design of drydock
- Defence of Louisiana Department of Environmental Quality enforcement actions directed at alleged air and water violations
- Representation of the Louisiana Oil and Gas Association with respect to environmental issues pending before the Louisiana Supreme Court
- Representation of a naval architect in dispute regarding use of vessel plans
- Representation of title insurance company and timber company in dispute over title to island based on historical changes in the course of Mississippi River
- Representation of title company in dispute over urban property in New Orleans based on historical changes in the course of Mississippi River
- Representation of owner of coastal island in claims for environmental damage arising from un-controlled vessels during hurricane
- Representation of owner of vessel from claims arising while vessel uncontrolled after hurricane
- Representation of multiple oil and gas exploration companies and pipeline against claims for environmental damage brought by landowners and public entities, including both contamination and erosion claims
- Lead counsel in a three-week jury trial that resulted in no liability or remediation obligation for defendants, and successful defence of verdict on appeal
- Representation of a client with respect to a remediation program required as a condition of settlement
- Retained by several prominent law firms as an expert witness on the litigation and resolution of claims for environmental damage
- Member of Water Code Committee of the Louisiana State Law Institute
- Retained by the Louisiana Oil and Gas Association to provide testimony in legislative committees and advice regarding proposed legislation relating to environmental damage litigation
- Member of board of directors of chemical company
- Elected member of the Louisiana House of Representatives for two four-year terms, focusing legislative time and attention on solving Louisiana's land loss crisis and dealing with infrastructure issues related to the land loss
- Author and floor leader for several pieces of important legislation affecting coastal restoration and highways, including constitutional amendments approved by the voters in 2003
- Service as Chairman of the House Special Committee on Coastal Restoration and Flood Control
- Service as Co-Chairman of the House Special Committee on the Bayou Lafourche Freshwater Reintroduction Project
- Service as Chairman of the La. Highway One Emergency Task Force
- Service as a member of the Board of the Louisiana Investment in Infrastructure for Economic Prosperity Commission
- Service as a member of the board of the Louisiana Transportation Authority
- Service as a member of the House Committee on Transportation, Highways and Public Works
- Service as a member of the Committee on House and Governmental Affairs
- Service as a member of the House Committee on Labor and Industrial Relations
- Service as Chair, Transition Advisory Group on Coastal Restoration and Flood Control
- Service as Member, Governor's Advisory Commission on Coastal Restoration
- Served as Vice Chair of the Management Conference of the Barataria-Terrebonne National Estuary Program
- Elected by Harvard Law School classmates as permanent Class Secretary

- Gave Class Address at Harvard Law School Commencement
- Selected for clerkship by the Honorable Judge Albert Tate, United States Court of Appeals for the Fifth Circuit (Judge Tate passed away before term of clerkship)
- Service as Editor, Harvard Journal on Legislation
- Service as Vice President for Finance, Harvard Law School Forum
- Wrote Harvard Law School senior paper on aspects of Declaration of Rights in Louisiana Constitution
- Harvard undergraduate honors thesis studied nineteenth-century *Cheniere Caminada*, a town on the Louisiana coast, selected for Harvard archives

AFFILIATIONS AND HONORS

AFFILIATIONS

- National Association of Bond Lawyers, Member
- American Bar Association, Section of Environment, Energy and Resources
- American Bar Association, Section of Litigation
- Louisiana State Bar Association, Environmental Law Section
- GNO, Inc., Public Policy Committee
- Institute for Energy Law, Advisory Board Member, 2017-2022
- Institute for Energy Law, Renewables Practice Committee, Officer, 2022
- Harvard Alumni Association Board of Directors
- Harvard Law School Class of 1986, Permanent Class Secretary
- Louisiana Association of Business and Industry, Board of Directors, Energy Council
- La. 1 Coalition, Corporate Secretary, Executive Committee, Board of Directors
- Louisiana House of Representatives, Member, 2000-2008
- Water Code Committee of the Louisiana State Law Institute, 2016
- Petroleum Landman's Association of New Orleans, Member
- AV Rated by Martindale-Hubbell

HONORS

- AV Rated by Martindale-Hubbell
- Construction Lawyers Society of America, Fellow
- Listed in The Best Lawyers in America[®], *U.S. News & World Report*, 2013-2022
 - Litigation - Environmental
 - Natural Resources Law
 - Oil and Gas Law
- Chambers USA, Louisiana, 2018-2021
 - Environmental Litigation
- Louisiana Super Lawyers, Thomson Reuters, 2014-2021
 - Environmental Litigation
- Top Lawyers, *New Orleans Magazine*, 2021
 - Oil & Gas Law
- Driving Forces Recipient, *New Orleans CityBusiness*, 2020
- Leadership in Law Hall of Fame, *New Orleans CityBusiness*, 2019-2021
- Louisiana Super Lawyer Top 50, 2017
 - Environmental Litigation
- New Orleans *Best Lawyers*[®] in Environmental Litigation Lawyer of the Year, 2015
- Top Lawyers, *New Orleans Magazine*, 2013
 - Environmental Law
- Leadership in Law, *New Orleans CityBusiness*, 2009

EDUCATION

- Harvard Law School, J.D., 1986
- Harvard College, A.B., *magna cum laude*, 1983

ADMISSIONS

- State Bar of Louisiana
- State Bar of Oregon
- U.S. Supreme Court
- U.S. Court of Appeals, Fifth Circuit
- U.S. District Court, Eastern District of Louisiana
- U.S. District Court, Middle District of Louisiana
- U.S. District Court, Western District of Louisiana
- U.S. District Court, Southern District of Texas
- U.S. District Court, Eastern District of Texas

SPEECHES & PUBLICATIONS

- Panelist, "The OSW Safety Regulatory Regime – What Will it Look Like in the U.S.?", Business Network for Offshore Wind's OSW O&M/Health & Safety Summit, February 2022
- Author, "[Regulation of Safety and Health on U.S. Offshore Wind Energy Facilities](#)," Energy Law Advisor, November 2021
- Author, "[Where We Go From Here](#)," Biz New Orleans, July 2020
- Speaker, "Coastal Project Development—Public and Private", 2nd Annual Coastal Law in Louisiana Seminar, March 2019
- Panelist, "Coastal Litigation," 23rd Annual Tulane Environmental Law & Policy Summit, March 2018
- Speaker, "Coastal Law in Louisiana—The Historical Perspective," Coastal Law Seminar, March 2018
- Speaker, LSU Law School CLE on Insurance Coverage in Legacy Litigation, October 2015
- "Legacy Litigation Update," LSU Mineral Law Institute, March 20, 2015
- "The Importance and Use of Historical Evidence in Light of LL&E," LOGA Industry Seminar and CLE, September 2014
- [Six Years Later - Louisiana Legacy Lawsuits since Act 312](#)
- [Louisiana Supreme Court Upholds Subsequent Purchaser Doctrine](#)
- [Does Act 312 Work? We'll find Out!](#)
- [Act 312 - Constitutional, Supreme Court Says in M.J. Farms](#), LOGA Industry Report, Fall, 2008
- [Act 312 - Cleaning up Legacy Litigation](#), LOGA Industry Report, Winter 2009
- "[Legacy Litigation](#)" and Act 312 of 2006, 20 TUL. Env. L.J. 347