

# FLANAGAN PARTNERS LLP



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**Harold J. Flanagan's** practice includes both contracts and litigation in the areas of insurance coverage/recovery, oil and gas production, construction, admiralty, casualty, commercial matters, and appeals.

Mr. Flanagan's insurance-law practice is broad, covering transactional matters and litigation in the contexts of oil and gas production, maritime operations, construction, casualty, and products liability. He leverages his practical and teaching experience to counsel clients regarding their contractual risk programs. Mr. Flanagan is frequently associated by other law firms to assist in litigating the insurance aspects of large casualty claims.

He has extensive experience in contract drafting for oil and gas producers, including drilling contracts, master service agreements, joint operating agreements, vessel charters, and U.S. Customs/Jones Act compliance.

In the area of construction law, Mr. Flanagan drafts and negotiates contracts and litigates construction disputes for contractors and property owners.

With respect to litigation, he is frequently called upon to investigate casualties and advises clients on matters involving well blowouts, drilling rig and vessel accidents, and other oilfield tort claims.

Mr. Flanagan graduated from Loyola University with B.S. in Business Management in 1984, and from the Loyola School of Law in 1995, *cum laude*. He was a member of the *Loyola Law Review*. For the past fifteen years, he has taught insurance law at Tulane Law School. His outstanding service to the school was recognized when he was awarded the Monte M. Lemann Distinguished Teaching Award in 2003 and 2010. He is a frequent lecturer and author in the areas of oil and gas law, construction contracts and litigation, and insurance coverage.

Mr. Flanagan enlisted in the U.S. Marine Corps in 1985 and retired at the rank of colonel after 26 years of service, including overseas service in Operation Enduring Freedom.

## Education

Loyola University Law School,  
J.D., *cum laude*, 1995

- Finalist, Moot Court Competition
- Member, *Loyola Law Review*

Loyola University, B.S., 1984

## News & Recognition

- [The United States Fifth Circuit affirmed](#) a federal district court in Houston that ordered an insurance company to pay more than \$1 million in penalty interest under the Texas Insurance Code in a well-control insurance coverage dispute. Mr. Flanagan and Brandon Briscoe teamed with attorneys from Liskow & Lewis to prevail at trial and on appeal. (September 2015)
- New Orleans Insurance Law "Lawyer of the Year" – Best Lawyers in America (2014)
- Best Lawyers in America, Oil & Gas, Insurance, Construction, Appellate Practice, and Commercial Litigation (2010-16)

## Representative Cases/Contracts

- *Weiser-Brown Operating Co. v. St. Paul Surplus Lines Ins. Co.*, 2013 WL 2949971 (S.D. Tex. June 14, 2013) *aff'd* 2015 WL 5449134 (5th Cir. Sept. 16, 2015)
  - *OceanConnect.com, Inc. v. M/V Fesco Angara*, Slip Op., 2012 WL 3835098 (W.D. La. 2012)
  - *St. Paul Fire & Marine Ins. Co. v. Bd. of Com'rs of Port of New Orleans*, 418 Fed. App'x 305 (5th Cir. 2011)
  - *St. Paul Fire & Marine Ins. Co. v. Bd. of Com'rs of Port of New Orleans*, CIV.A. 07-3053, 2011 WL 2457908 (E.D. La. June 17, 2011)
  - *C.R. Pittman Construction Company, Inc. v. National Fire Insurance Company of Hartford*, 453 Fed. Appx. 439 (5th Cir. 2011)
  - *KAI Enterprises, L.L.C. v. Boh Bros. Const. Co., L.L.C.*, 731 F.Supp. 2d 568 (E.D. La. 2010)
  - *Nexen Petroleum U.S.A., Inc. v. Sea Mar Div. of Pool Well Services Co.*, 497 F.Supp.2d 787 (E.D. La. 2007)
  - *Burlington Resources, Inc. v. United National Ins. Co.*, 481 F.Supp.2d 567, 572 (E. D. La. 2007)
  - *Assoc. Indemnity v. Motorola, Inc.*, 878 So.2d 824 (La. App. 1st Cir. 2004)
  - *Hospital Service Dist. No. 3 of Parish of Lafourche v. Fidelity & Deposit Co. of Maryland*, 809 So. 2d 145 (La. App. 1 Cir. 2001)
  - *Singleton v. United Tugs, Inc.*, 710 So.2d 347 (La. App. 4th Cir. 1998)
  - *Freeman v. Witco, Corp.*, 984 F.Supp. 443 (E.D. La. 1997)
  - Negotiation of \$300 million contract to build/charter semi-submersible drilling rig
  - Negotiation of \$500 million contract to build/charter two semi-submersible drilling rigs
  - Negotiation of contracts for new build/long-term use of special purpose drilling rigs in the Philippines
  - Negotiation of long-term maintenance contract in Kazakhstan
  - Design, draft, and implement comprehensive upstream contract programs for numerous E&P companies
- New Orleans Magazine Top Lawyers, Business Law, Insurance (2009–14); Insurance, Construction (2015)
  - AV® Preeminent TM Peer Review Rated in Martindale-Hubbell
  - Recipient, Tulane Law School, Monte M. Lemann Distinguished Teaching Award (2003, 2010)

## Publications

- “Risk and Claims Management in the Context of Onshore Joint Operating Agreements: Practical Considerations,” IRMI, Contractual Risk Transfer (2014)
- “Risk Allocation in Master Service Agreements,” IRMI, Contractual Risk Transfer (2013)
- “Risk Allocation in Onshore Drilling Contracts,” IRMI, Contractual Risk Transfer (2010)
- “Don’t Get Stuck With The Check When It’s Not Your Dinner: Indemnity and Insurance Issues Under Joint Operating Agreements,” (with William W. Pugh), Rocky Mtn. Min. L. Inst., Ch. 6 (Mar. 2008)
- “The Roles of Loss Adjusters and Consultants in the First-Party Insurance Claim: A Policyholder Perspective,” Committee on Insurance Coverage Litigation: Coverage, Vol. 17, No. 1, American Bar Association (September/October 2006)

- “Onshore Drilling Contracts: Avoiding the Pitfalls of Form Drilling Contracts, Oil and Gas Agreements: The Exploration Phase,” Paper No. 9, 14-1 (with Lisa B. Brown) Rocky Mt. Min. L. Fdn. 2004
- “Master Service Agreements and Risk Allocation: In Whose Good Hands are You?” (with William W. Pugh), 48 Rocky Mt. Min. L. Inst. 14-1, 2002
- “Purchase Order Contracts: A Whole Lot More Than You Bargained For?” (with Bryan C. Reuter), 46 Loy. L. Rev. 365 (2000)

## Presentations

- “Build Your House on a Solid Foundation: Basic Contract Drafting for the Oilfield,” IRMI Energy Risk & Insurance Conference, Houston, Texas, March 2015
- “Liability for Unforeseen Events in the U.S. Oil & Gas Exploration and Production Business,” Campetrol Seminar, Bogota, Colombia, April 2014
- “What Are the Ethical Limits of Zealous Advocacy in Preparing and Presenting Witnesses?” 22nd Annual Judge Alvin B. Rubin Symposium, New Orleans, LA, April 2014
- “Avoiding the Pitfalls of Onshore Drilling Contract Forms,” IRMI Energy Risk & Insurance Conference, Houston, TX, March 2014
- “Master Service Contracts,” Rocky Mountain Mineral Law Foundation Special Institute, Santa Fe, NM, May 2013
- “Afreightment and Fleeting Agreements,” Greater New Orleans Barge Fleeting Association (“GNOBFA”) 2013 River and Marine Industry Seminar, New Orleans, LA, April 2013
- “Selected Issues in Joint Operating Agreements,” IRMI Energy Risk & Insurance Conference, Houston, TX, March 2013
- “Selected Issues in Onshore Drilling Contracts,” IRMI Energy Risk & Insurance Conference, Houston, TX, March 2013
- “Litigating Insurance Coverage Claims: From Start to Finish,” NBI faculty member, December 2011
- “Avoiding the Pitfalls of Onshore Drilling Contracts,” 13th Edition Energy Contract Management in Oil and Gas conference, December 2011
- “Master Service Agreements and Risk Allocation,” South Texas College of Law Energy Law Institute, September 2010
- “How Master Service Agreements and Risk Allocation Provisions Work,” Rocky Mountain Mineral Law Foundation Special Institute, Houston, TX, March 2010
- “Insurance Impacts to the Oil & Gas Industry Following Katrina,” University of Mississippi Seminar on Post Katrina Insurance Developments, Biloxi, MS, October 2009
- “What You Really Need to Know About How Master Service Agreements and Risk Allocation Work,” Rocky Mountain Mineral Law Foundation Seminar on Oil and Gas Agreements: The Exploration Phase, Santa Fe, NM, May 2009
- “Construction Contracts: Avoiding Problems Before They Start,” National Trust Real Estate Association Seminar New Orleans, LA, May 2009
- “Insurance and Indemnity Issues in the Energy Business,” University of Houston Law Center Continuing Legal Education, 2008
- “Allocation of Risks by Contract,” Marsh Upstream Energy Insurance and Risk Management Course, Houston, TX, March 2008
- “Implement an Offshore and Onshore Hurricane Crisis Resolution to Avoid Chaos,” Advanced Contract Risk Management in Upstream Oil and

- Gas, IQPC, Houston, TX, June 2007
- “Business Interruption and Force Majeure Issues Arising out of the Hurricanes,” South Texas College of Law Energy Law Institute, September 2006
- “The Katrina Effect: What Has the Oil and Gas Industry Learned Regarding Insurance and Risk Management,” Strategic Research Institute’s 3rd Annual Insurance and Risk Management for the Oil and Gas Industry Summit, Houston, TX, March 2006
- “Insurance and Indemnity Basics in Oilfield Contracts,” International Quality Production Corporation, 2006
- “Drilling Contracts,” South Texas Law School, 2005
- “Insurance and Indemnity Basics in Oilfield Contract,” Strategic Research Institute, 2005
- “Drafting Effective Contract Provisions to Avoid Common Pitfalls,” International Quality Production Corporation, 2004
- “Insurance and Indemnity Basics in Oilfield Contract,” Strategic Research Institute, 2004
- “Insurance Trends,” New Orleans Bar Association, 2004
- “Insurance Update,” New Orleans Bar Association, 2004
- “Oilfield Indemnity Issues,” Plano Landman’s Association, 2004
- “Architect’s Liability: Legal Framework and Different Perspectives,” Louisiana Architectural Focus Group, 2002
- “Post 9-11 Insurance Issues,” New Orleans Bar Association, 2002

#### Professional Activities

- Member, Association of International Petroleum Negotiators (2013-present)
- Member, Louisiana State, Federal, and New Orleans Bar Associations
- Louisiana Veterans Research and Education Corporation (LVREC) – Board of Directors (2014–present)
- Federal Bar Association, New Orleans Chapter – Board of Directors (2012–present)
- New Orleans Bar Association, Young Lawyers Section – Board of Directors (1998–99)