



Paul D. Clote

Partner

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PRACTICE AREAS

*Complex Business
Litigation*

Health Law

*Estate, Trust & Probate
Litigation*

*Professional Liability
Litigation*

Oil & Gas / Energy Litigation

General Litigation

INDUSTRIES

Financial Services

Healthcare

Oil & Gas

Paul has been a litigation attorney handling trials and appeals for more than four decades. His cases involve commercial and business disputes across a variety of industries. He has tried to verdict in both state and federal courts, cases entailing fiduciary duties; partnership termination and windup; letters of credit; business fraud and civil theft; trust account funds; broker commissions; ERISA disability benefits; child abuse; minimum wage and overtime claims; oil and gas operating agreements; and an election contest. He has argued appeals in the 5th Circuit, Texas Supreme Court and Texas Courts of Appeal.

Paul also serves as a mediator, arbitrator and special master in complex commercial cases in Houston, Austin and Central Texas.

Paul has served as an Adjunct Professor in Mediation and Conflict Resolution at Rice University; a Visiting Professor in Commercial Arbitration at the National Law Academy of Odessa, Ukraine; and at the University of Debrecen (Hungary) School of Law.

Schedule a mediation with Paul by choosing a date below:

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Representative Experience

- Represented plaintiff in breach of fiduciary duty/fraud litigation against former attorneys and was awarded a \$6 million jury verdict and a \$3 million judgment entered on behalf of the plaintiff based on breach of fiduciary duty and fee forfeiture.
- Represented plaintiff in probate court litigation involving ownership of trust account funds. Jury verdict found for plaintiff and affirmed on appeal.
- Represented plaintiff in a long term disability claim against an insurance company where ERISA law required proof of abuse of discretion. Verdict found for plaintiff for wrongfully refusing to pay disability benefits and the case was affirmed by 5th Circuit on appeal.
- Represented plaintiffs in litigation involving physical and sexual assaults by defendant. The case was tried in Harris County state district court, resulting in a jury verdict of more than \$20 million for

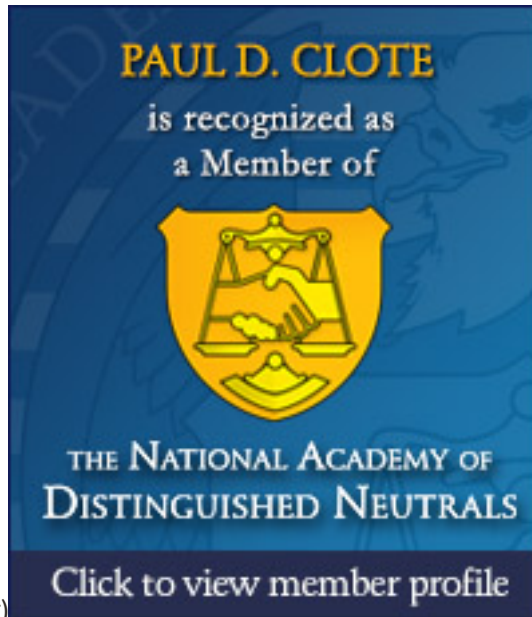
plaintiffs.

- Represented ranch owner plaintiff against family members in a dispute involving transfers of family limited partnership interests. Judgment entered rescinding transfers and restoring ownership of the ranch and business to plaintiff.
- Represented executor and sole beneficiary in will contest matter where adoption by estoppel was alleged by putative adoptee. The case settled after jury selection.
- Represented plaintiff in civil RICO lawsuit based on multi-million dollar fraudulent invoices sold to plaintiff. The case abated pending criminal investigation.

Publications & Presentations

- Presenter, *Tips for Successful Mediations*, Camara Brasileira de Resolucao de Conflitos em Energiae Mineracao, Rio de Janeiro, Brazil (virtual) (April 24, 2020)
- Presenter, *Mediation Update*, State Bar of Texas Alternative Dispute Resolution Program, Austin, Texas (January 24, 2020)
- Co-Presenter with Burgess Wade and David Lauritzen, *Mediation - Conflicts, Conflabs, and Craftiness*, ADR Section Roadshow, Texas State Bar co-hosted by the Midland County Bar Association (March 26, 2019)
- Co-Presenter with Kris Donley, Beth Krugler, John Palmer & Pattie Porter, *I Can't Get No Satisfaction . . . Or Can I?*, TMCA 14th Annual Symposium, Austin, Texas (November 10, 2018)
- Co-Presenter with Kirk Crutcher and David Russell, *Maximizing the Value of Mediation*, ADR Section Roadshow, Texas State Bar co-hosted by the Amarillo Area Bar Association (October 11, 2018)
- Presenter, *Ethical Issues in Mediation*, Advanced Attorney-Mediator Training and CLE Seminar, Association of Attorney-Mediators, Houston, Texas (September 16, 2016)
- Presenter, *Ten Tips for Successful Mediation*, International Mediation Symposium, Center for International Legal Studies, Salzburg, Austria (June 11-14, 2015)
- Presenter, *Practice Tips for Arbitration & Mediation*, Center for International Legal Studies, Steamboat, CO (December 7, 2007)
- Presenter, *Selecting the Mediator*, 4th Annual Institute for Responsible Dispute Resolution, Resolution Forum, Inc. & Center for Legal Responsibility, Houston, Texas (October 30, 2003)

Professional Associations & Community Involvement



American Bar Association (1977-present)

- American Board of Trial Advocates (Associate, Senior Life Fellow)
- Association of Attorney Mediators (President - 2018; President-Elect, 2017; Past Treasurer)
- Board of Disciplinary Appeals (Chair 2008, Vice Chair 2007)
- Houston Bar Association (1977-present)
- Houston Bar Foundation (Sustaining Life Member)
- National Academy of Distinguished Neutrals (2020-present)
- Order of Barristers; National Secretary (1975-1976)
- Texas Bar Foundation (Sustaining Life Member)
- Texas Mediator Credentialing Association (Credentialed Distinguished Mediator)

Professional Recognition

- Texas Super Lawyers, a Thomson Reuters service, Business Litigation and ADR (2007- 2020)
- Listed in Best Lawyers®, Commercial Litigation and Arbitration (2015-2021)

Court Admissions

- Supreme Court of the United States of America
- United States District Courts for the Southern, Northern, Western and Eastern Districts of Texas
- United States Court of Appeals for the Fifth and Eleventh Circuits

Bar Admissions

- Texas
- Colorado (inactive)

Education/Professional Background

- University of Texas School of Law, J.D., 1977 (with honors)
- Northwestern University, B.A., 1974