

## Fred Wahrlich



### Overview

Shareholder [Houston](#)  
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### Education

J.D. from South Texas College of Law Houston *magna cum laude*

- *South Texas Law Review* (Associate Editor in Chief)
- Order of Barristers
- Order of Lytae
- South Texas Board of Advocates (Executive Director)

B.A. from Texas A&M University - Central Texas with highest honors

### Bar Admissions

Texas

United States Court of Appeals for the Fifth and Eleventh Circuits

United States District Court for the Arizona

United States District Court for the Eastern, Northern, Southern and Western Districts of Texas

### Related Practices

Environmental  
Condemnation & Eminent Domain  
Environmental Litigation  
Litigation

Fred has represented individuals and businesses for more than 30 years in a wide variety of business and commercial litigation matters, including complex contract disputes, health care, business torts, energy/environmental litigation, business divorces, real estate disputes, Uniform Commercial Code violations, banking and financial service litigation, as well as multi-district litigation. Fred has served as Assistant/Acting General Counsel for an independent oil and gas company and currently serves as General Counsel to Firm clients serving health care, real estate development, logistics and transportation industries, as well as a children's charity.

Although his business litigation practice is varied, many of Fred's recent cases involve disputes between landowners and operators, fiduciary duty disputes, complex contract/business tort disputes, real estate, mineral interests and environmental responsibilities.

While Fred maintains an active litigation practice, he understands his clients need more than a good litigator. They need an attorney who is both capable of going to trial as well as resolving disputes efficiently and cost-effectively. Fred is dedicated to client service, and makes an effort to learn his clients' businesses, which in turn enables him to provide better, more customized legal advice to protect critical business interests. In 2020, a result Fred achieved in trial for his client was recognized by Best of the Bar™ in their "Top 100 Verdicts in Texas" list.

Fred's wife, Janet, is also an attorney as well as a real estate developer. Their son, John David, is an Eagle Scout and graduate of Texas A&M University.

Appellate  
Arbitration  
Director & Officer Litigation  
Energy Litigation  
Financial Institution Litigation  
Health Care Litigation  
Insolvency Litigation  
Real Estate Litigation  
Warranty

## Related Industries

Financial Services  
Energy  
Health Care  
Real Estate  
Retail

## Achievements

Best of the Bar™ – Top 100 Verdicts in Texas (2020)

Houston Bar Foundation – Sustaining Life Fellow

*H Texas Magazine* – Lawyers for People (2009); Top Lawyers (2009-2014)

Madison Who's Who (2006-2016)

*Martindale-Hubbell*® AV Preeminent®, Peer Review Rated™; Judicial Review Rated™ (Highest possible rating in both Legal Ability and Ethical Standards, reflecting the conditional opinions of members of the Bar and Judiciary)

*Thomson Reuters* – Texas Super Lawyers (2006-2007, 2013-2020, 2022-2023); Texas Super Lawyers, Corporate Counsel Edition (2008)

## Memberships

Alliance for Children & Families (Former Director)

Bar Association of the Fifth Federal Circuit

Boys & Girls Harbor (Director; Former Chairman of the Board)

Houston Bar Association, Litigation Section

Joyful Toyful Fiesta, Inc. (Chairman of the Board and President)

State Bar of Texas, Bankruptcy, Business Law, Health Law, Litigation and Oil, Gas and Mineral Law Sections

Texas Accountants and Lawyers for the Arts

Texas Bar Foundation (Life Fellow)

The College of the State Bar of Texas

Theater Under the Stars (Former Director)

## Clerkship

Justice Sam Bass, First Court of Appeals, Houston  
(Briefing Attorney, 1984-1985)

US Army, JAGC Specialist Five Lawyer's Assistant (Army  
Service Ribbon, Overseas Service Ribbon and Army  
Commendation Medal with Oak Leaf Cluster, 1977-1981)

## Experience

### Health Care Litigation

Successfully represented a health care company in the defense of claims for nonpayment of services in excess of \$2.5 MM. During discovery, the Munsch Hardt team was able to establish claims were waived and forfeited. After preparing a summary judgment and presenting to the Plaintiff, the case was dismissed with prejudice.

### Energy Litigation

Represented a working interest owner and obtained a \$2.7 MM judgment against the operator regarding ownership of mineral and working interest, trespass damages and breach of obligations to assign mineral interest. The matter was arbitrated in both California and Texas resulting in a Texas judgment.

### Manufacturing Dispute Resolution

Successfully represented a major manufacturing company specializing in combustion equipment for the oil and gas industry in claims arising out of a plant shutdown. At the initial claims stage, the Munsch Hardt team developed a defense and strategy that was implemented to avoid litigation and successfully resolve the matter with no payment to the plant or its operator.

### Financial Institution Litigation

Defended a financial institution for lending practices resulting from the alleged misuse of collateral owned by a third party and claims for damages of \$15 MM resulting in a summary judgment that Plaintiff take nothing.

### Non-Profit Dispute + Appeal

Represented an incorporated non-for-profit organization against the City of Morgan's Point regarding the use and development of property owned by the Charity, resulting in a settlement of \$5.5 MM to the Charity.

## Energy + Banking Representation

Represented an individual in a dispute with her limited partners and lenders over the obligations of the other limited partners to meet their financial obligations for the debts and banking obligations in excess of \$20 MM in an oil field services company.

## Energy + Banking Representation

Represented a family business in structuring its business and advising on protections of the various businesses from the obligations of the other family businesses and relationships with lending institutions.

## Environmental Litigation

Represented a chemical company in a bench trial for the collection of \$1.2 MM incurred by the property owner in the cleanup of its property.

## Warranty Disputes

Represented companies in their pursuit of various high dollar collection matters, resolution of disputes over the quality of services and resolution of warranty disputes.

## Fiduciary Litigation

Represented a Director in a fiduciary duty lawsuit arising from claims of insolvency and guarantee obligations.

## Engineering Representation

Represented an engineering services company that provided services to a company in Nigeria recover for its services and costs of collecting for those services.

## Energy Litigation

Represented oil and gas producers in contractual matters including disputes arising from joint operating agreements, partnership agreements, contracts and royalty ownership and payments.

## Financial Institutions Litigation

Represented financial institutions in lender liability, check kiting and loan practices.

## Health Care Litigation

Representing a large, independent provider of health care services in a variety of disputes including claims arising out of vendor obligations, commercial disputes, physician contracts, fraud, bankruptcy, real estate and business torts.

## Health Care Litigation

Represented a not-for-profit cardiology and heart surgery center in evaluating changes in the work status of full time employees to volunteer employees. It was a systematic risk that the Firm evaluated and reported upon at the highest level.

## Health Care Litigation

Represented a multi-facility local health system in disputes with various doctors concerning potential Stark and Anti-Kickback evaluations arising out of construction defects of lease space, fair market value of lease rates, lease obligations and contractual obligations arising from the lease of equipment.

## Health Care Litigation

Represented a local hospital system in disputes including claims arising out of vendor obligations, commercial disputes, physician contracts, fraud, bankruptcy, real estate and business torts.

## Health Care Litigation

Representing a doctor in disputes concerning his investments in various medical projects.

## Newsroom

**Press Release:** 14 Munsch Hardt Attorneys Recognized in 2023 Texas Super Lawyers® Directory

**Press Release:** Munsch Hardt Secures Significant Energy Litigation Win for West Texas Landowners

**Press Release:** Win Secured for West Texas Landowners in Energy Litigation Case

**Press Release:** 2022 Texas Super Lawyers® Recognizes 13 Munsch Hardt Attorneys

**Speech:** Ethics Chat: WellCare Health Plans: Ethical Considerations

**Press Release:** Fifteen Munsch Hardt Attorneys Named to 2020 Texas Super Lawyers List

**Press Release:** Seventeen Munsch Hardt Attorneys Recognized on 2019 Texas Super Lawyers List

**Speech:** Ethically Handling FCA Investigations, Litigation and Whistleblowers

**In The News:** Inside the Massive New Mixed-Use Project Planned in Pflugerville

**Speech:** Deposition Skills

**Press Release:** Seventeen Munsch Hardt Attorneys Included on 2018 Texas Super Lawyers List

**Press Release:** Seventeen Munsch Hardt Attorneys Recognized as 2017 Texas Super Lawyers

**Speech:** Advising the Board in Fraud and Abuse Investigations

**Press Release:** Munsch Hardt Congratulates its 14 Texas Super Lawyers

**Press Release:** Thirteen Munsch Hardt Attorneys Recognized as 2015 Texas Super Lawyers

**Speech:** Realtor's Trial Team: Cross Examination of Defendant's Witness

**Press Release:** Munsch Hardt Shareholders Biskamp, Koks and Wahrlich Recognized as Houston's Top Lawyers

**Speech:** Board of Directors: Outside Counsel Report

**Press Release:** Munsch Hardt Attorneys Recognized as 2014 Super Lawyers

**Press Release:** Munsch Hardt Attorneys Recognized as Houston's Top Lawyers 2014

**Press Release:** Munsch Hardt Attorneys Named Top Lawyers in 2013 By H Texas Magazine

**Press Release:** Munsch Hardt Attorneys Named Top Lawyers

**Press Release:** Two Munsch Hardt Lawyers Named Among Houston's Top Lawyers

**Press Release:** Munsch Hardt Shareholders Named Texas Business Litigation Super Lawyers

**Press Release:** Munsch Hardt Shareholders Named Texas Business Litigation Super Lawyers