

Richard A. "Dick" Schwartz



Shareholder [Houston](#)
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Education

J.D. from University of Houston Law Center
B.A. from The University of Texas at Austin
from University of Houston Law School

Bar Admissions

Texas
United States Courts of Appeals for the Fifth Circuit
United States District Courts for the Eastern, Northern,
Southern and Western Districts of Texas
United States Supreme Court

Related Practices

Litigation
Arbitration
Employment Litigation
Energy Litigation
Environmental Litigation
Lawyer & Law Firm Litigation
Trade Secrets

Related Industries

Construction

Overview

Over the past 40 years working as a successful trial lawyer, Dick has handled cases in Texas, Louisiana, Mississippi, Florida, New York and California, representing clients in various types of disputes, including complex commercial litigation, breach of contract, business break-ups, fraud, breach of fiduciary duty, insurance, environmental, labor and employment, intellectual property, securities, personal injury and professional liability matters.

In addition to his complex commercial trial practice, Dick counsels clients and handles cases regarding employment contracts, terminations and separations, claims of discrimination and retaliation, and breach of non-competition/non-solicitation/confidentiality agreements, and theft of trade secrets. He also performs independent investigations for companies on a variety of issues. Dick is committed to finding prompt and cost effective solutions to his clients' problems. He is known for his ability to understand complex matters; identify the key issues; and develop, execute and assess strategies to accomplish his client's goals.

Dick counsels clients regarding contamination from legacy oil field production, industrial and refining operations. For example, he served as lead counsel for numerous parties in the Tex Tin Superfund Site litigation and in a dispute between major oil companies over legacy oil field operations in Louisiana.

In addition, Dick serves as an Adjunct Professor at The University of Houston Law Center, where he teaches a course on the legal and ethical responsibilities of members of the legal profession.

Energy
Insurance
Manufacturing

Achievements

Garland Walker American Inn of Court (Founding Member)

Houston Bar Association (Fellow)

Martindale-Hubbell® AV Preeminent®, Peer Review Rated™

Texas Bar Foundation (Fellow)

Thomson Reuters – Texas Super Lawyers (2007-2012; 2014-2018)

Woodward/White, Inc. – Best Lawyers in America, Texas' Best Lawyers, Commercial Litigation (2008-2020); Best Lawyers in America, Texas' Best Lawyers, Litigation – Labor and Employment (2011-2020); Best Lawyers in America, Texas' Best Lawyers, Arbitration (2011-2020); Best Lawyers in America, Texas' Best Lawyers, Mediation (2011-2020); Best Lawyers in America, Texas' Best Lawyers, ADR (2007-2016)

Memberships

American Bar Association

College of the State Bar of Texas (1993-2001)

District 4 State Bar of Texas Grievance Committee (Chairman District)

Federal Bar Association, South Texas Chapter (Board of Directors; Former President, Treasurer, Secretary and National Delegate)

Garland Walker Inn of Court (Board of Directors; Current Executive Director)

Houston Bar Association Houston Lawyer Referral Service (Board of Trustees, 2010-2011)

Houston Bar Association Speakers Bureau

National Inns of Court Foundation (Fifth Circuit Trustee, 2007-2015)

Texas Bar Foundation (Fellow)

United States District Court for the Southern District of Texas (Member, 2000-Present; Committee to Revise the ADR Rules of the Local Rules; Standing ADR Panel)

Experience

Business Litigation

Representing plaintiffs in a suit seeking more than \$150 MM for breach of contract, breach of trust, fraudulent transfer and promissory estoppel. *Carlo Civelli and Aster Capital S.A. (LTD) Panama vs. JP. Morgan Chase Securities, et. al.*, U.S. District Court for the Southern District of Texas (Houston Division).

Breach of Fiduciary Duty

Represented the beneficiaries of an estate in a claim against the Trustee. Won a \$30 MM jury verdict in client's favor. *Susan Maxwell, et. al. v. Lester Crown, et. al.* U.S. District Court for the Central District of California (Los Angeles Division).

Business Litigation

Represented plaintiffs and obtained a \$22 MM jury verdict in a suit for land fraud. *Baker's Port, Inc. v. National Steel Corp.*, 36th District Court of San Patricio County, Texas.

Business Litigation

Represented the defendant in a \$200 MM suit for breach of distributorship agreement. Judgment for client was upheld on appeal. *Polychem International Cable Company, Inc. v. Hitachi Cable Ltd.*; U.S. District Court for the Southern District of Texas (Houston Division).

Business Litigation

Represented Judgment Creditor in the collection of judgment. Our team seized assets, obtained TRO precluding the judgment creditor from moving any assets and collected the full amount of judgment. *Virginia Angel as Trustee of Gobsmack Gift Trust vs. JP Morgan Chase Bank, Garnishee, and Kyle Tauch*; in the 281st District Court of Harris County, Texas.

Construction Litigation

Represented refinery owner in a suit against contractor to recover property damages and lost profits due to a fire at a refinery. Settled. In the United States District Court for the Southern District of Texas (Houston Division).

Construction Litigation

Representing client in a suit brought by a contractor against the owner for failure to obtain builders' risk insurance for a horizontal directional drilling project. Pending. *Mears Inc. vs. Kiawah Island Utility District*, U.S. District Court for the District of South Carolina (Charleston Division).

Employment Law

Represented OmniSYS, LLC, whose President and CEO claimed the company terminated her without cause and she was entitled to severance under an employment agreement and to have stock repurchased under an LLC Agreement. Arbitration award in favor of OmniSYS on all claims. *Tricia Fringer v. OmniSYS, LLC*; AAA Arbitration.

Employment Law

Represented defendant in an FLSA overtime, fraud, quantum meruit and breach of contract suit. Received a partial summary judgment for client followed by jury verdict and judgment for client. Affirmed on appeal. *Vinay Karna vs. BP Corporation North America*; U.S. District Court for the Southern District of Texas (Houston Division).

Energy Litigation

Represented a manufacturer of blowout preventers (large, high-pressure valves used to control flow of liquids and gases during well drilling operations), in a blowout case seeking \$189 MM in damages. Settled. *Nexen Petroleum USA, Inc., et al. v. Allis-Chalmers Rental Services LLC FIKIA Allis-Chalmers Rental Services, Inc., et al.*; In the 15th Judicial District Court of Vermillion Parish.

Energy Litigation

Represented the manufacturer and designer of a jack up drilling vessel in a suit by the owner of the vessel arising out of the collapse of two legs of the vessel during jacking operations offshore Louisiana. Settled. Also represented insured in a subsequent dispute with insurer. Settled. *In the matter of Parker Drilling Offshore USA, LLC*; U. S. District Court for the Eastern District of Louisiana (New Orleans Division).

Fraudulent Transfer

Represented corporation and the shareholders of debtor in an adversary proceeding alleging fraudulent transfer, alter ego and piercing the corporate veil. Received favorable judgment for client after bench trial. *In Re: Baker Energy Resources Corporation, Debtors, Reading & Bates Construction Co., et al v. Baker Energy Resources Corp., et al*; United States Bankruptcy Court for the Southern District of Texas (Corpus Christi Division).

Also represented the corporation in related suits, including: *Reading & Bates Construction Co., et al. v. Baker Energy Resources Corporation, et al.*; in the 15th Judicial District Court for the Parish of Lafayette, Louisiana (garnishment trial), affirmed *Reading & Bates Construction Company and Reading & Bates Horizontal Drilling Ltd v. Baker Energy Resources Corporation*; in the Third Circuit Court of Appeals; review denied by the Supreme Court of Louisiana; and *Reading & Bates Construction Co. and Reading & Bates Horizontal Drilling Ltd v. Baker Energy Resources Corporation, LLR Holding Corporation, Baker Marine Corporation, Larry A. Baker, Jr., Larry A. Baker, Sr., Meriam Baker, Russell Baker, Billy J Greer, Thomas A. Powell, John L. Haley and Ronald G. Halderman*; 113th Judicial District Court of Harris County Texas (fraudulent transfer, alter ego, and piercing the corporate veil).

Intellectual Property

Represented client in a suit for theft of trade secrets and unfair competition. Dismissed with no payment or restrictions on defendant. *New Process Steel, Inc. vs. Greg Pianalto*, In the U.S. District Court for the Southern District of Texas (Houston Division).

Labor Law

Represented defendant in a case asserting unfair labor practices in connection with the reduction of force and union election. After a three-week trial before an administrative law judge, judgment was rendered for our client with respect to the reduction of force issues and against our client with respect to the election. *NLRB vs. Amoco Chemical Company*; before the National Labor Relations Board.

Newsroom

Press Release: Twenty-Seven Munsch Hardt Attorneys Honored as '2020 Best Lawyers in America'

In The News: Munsch Hardt Adds Former Shell Tax Advisor, 2 Energy Attys

Press Release: Munsch Hardt's Growing Houston Office Adds Two Energy Litigation Shareholders, One Tax Shareholder