

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

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
Energy

Overview

Over the past 42 years working as a successful trial lawyer, Dick has tried more than 65 cases. He has handled cases in Texas, Louisiana, Mississippi, Florida, New York and California, representing clients in state and federal courts 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, 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 clients' goals.

Dick has taken industry courses in refining, refinery economics, practical drilling technology and well control. He obtained the International Association of Drilling Contractors (IADC) certification for well control at the supervisor level. Dick completed Harvard Law School's program on Negotiation and Leadership; Harvard Law School Master Class: Advanced Negotiation Strategies; the University of Houston A.A. White Dispute Resolution Center's comprehensive course in Commercial Arbitration (Domestic and International) and obtained a certificate in Advanced Arbitration Skills and A.A. White

Insurance
Manufacturing

Achievements

American Inns of Court – 2022 “Lawyer of Distinction”;
2023 Professionalism Award for the Fifth Circuit

Garland Walker American Inn of Court (Founding
Member; Executive Director)

Houston Bar Association – Sustaining Life Fellow

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

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

University of Houston Law Center – Alumnus of the Year
(2024)

Woodward/White, Inc. – Best Lawyers in America,
“Lawyer of the Year” (2022); Best Lawyers in
America, Arbitration (2011-2024); Best Lawyers in
America, Commercial Litigation (2008-2024); Best
Lawyers in America, Litigation – Labor and Employment
(2011-2024); Best Lawyers in America, Mediation (2011-
2024); Best Lawyers in America, ADR (2007-2016)

Memberships

District 4 State Bar of Texas Grievance Committee
(Committee Chairman; Panel Member)

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 (Life Fellow)

United States District Court for the Southern District of
Texas (Member, 2000-2019; Committee to Revise the
ADR Rules of the Local Rules; Standing ADR Panel)

American Bar Association

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

Dispute Resolution Center 40-hour mediator training.

Since 2019, Dick has served 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. In 2023, he completed
his second six-year term on the State Bar of Texas
District 4 Grievance Committee, where he also served as
Chairman.

Experience

Appellate Victory

Obtained a favorable summary judgment ruling in trial court for a client in a case that addressed a fundamental aspect of contract law – the doctrine of implied revocation. The main issue was whether a purported offer to settle a debt for a reduced sum was accepted before it was revoked. The case's rulings were appealed and reversed by the Court of Appeals. The Texas Supreme Court reversed and rendered judgment in our client's favor in January 2022..

Business Litigation

Representing plaintiffs in a suit seeking more than \$150 MM for breach of contract, breach of trust, fraudulent transfer and promissory estoppel. U.S. District Court for the Southern District of Texas (Houston Division).

Breach of Contract

Represented the defendant in a breach of retail installment contract case. Received a favorable jury verdict in favor of our client. Harris County Civil Court at Law No. 1.

Breach of Fiduciary Duty

Represented the beneficiaries of an estate in a claim against the Trustee. Won a \$30 MM jury verdict in our client's favor. U.S. District Court for the Central District of California (Los Angeles Division).

Business Litigation

Represented plaintiffs involved in the maritime industry in a land fraud case near Corpus Christi, Texas. Obtained a \$22 MM jury verdict in favor of the client. 36th District Court of San Patricio County, Texas.

Business Litigation

Represented a manufacturing company in a \$200 MM suit for breach of distributorship agreement. The judgment for our client was upheld on appeal. U.S. District Court for the Southern District of Texas (Houston Division) and Court of Appeals for Fifth Circuit.

Business Litigation

Represented the Judgment Creditor in the collection of a judgment. Our team seized assets, obtained TRO precluding the judgment creditor from moving any assets and collected the full amount of judgment. 281st District Court of Harris County, Texas.

Construction Litigation

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

Construction Litigation

Represented a construction company in a suit brought by a contractor against the owner for failure to obtain builders' risk insurance for a horizontal directional drilling project. Settled with payment to our client. U.S. District Court for the District of South Carolina (Charleston Division).

Employment Law

Represented a software company 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. Received an arbitration award in favor of our client. AAA Arbitration.

Employment Law

Represented the North America division of a multinational oil and gas company in an FLSA overtime, fraud, quantum meruit and breach of contract suit. Received a partial summary judgment for the client followed by a jury verdict and judgment. Affirmed on appeal. 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 the flow of liquids and gases during well drilling operations), in a blowout case seeking \$189 MM in damages. Settled. 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. U. S. District Court for the Eastern District of Louisiana (New Orleans Division).

Fraudulent Transfer

Represented a large oil and gas company and the shareholders of a debtor in an adversary proceeding alleging fraudulent transfer, alter ego and piercing the corporate veil. Received a favorable judgment for the client after a bench trial. U.S. Bankruptcy Court for the Southern District of Texas (Corpus Christi Division).

Also represented the oil and gas company in related suits, including a garnishment trial that was later affirmed on appeal.

Intellectual Property

Represented a client in a suit for theft of trade secrets and unfair competition against a steel company. Case was dismissed with no payment or restrictions on the defendant. U.S. District Court for the Southern District of Texas (Houston Division).

Labor Law

Represented a brand of fuel stations as the 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, a judgment was rendered for our client with respect to the reduction of force issues and against our client with respect to the election. National Labor Relations Board.

Newsroom

Press Release: Munsch Hardt Receives Appellate Victory Following Trial Win

In The News: UH Law Alumni Association Announces 2023-2024 Award Recipients

In The News: 'Would You Hire This Lawyer?': Attorney Wins Round 1 of Defamation Case

Press Release: 'Best Lawyers in America®' Names 54 Munsch Hardt Attorneys to its 2024 List and Two as 'Lawyers of the Year'

Press Release: Richard A. "Dick" Schwartz to Receive Prestigious American Inns of Court Professionalism Award

Speech: The Boundaries of Ethics and Professionalism in Settlement

Press Release: Munsch Hardt Attorneys Honored as 2023 'Best Lawyers in America®,' 'Ones to Watch', and 'Lawyer of the Year'

Press Release: Schwartz Elected as Chairman for District 4 Grievance Committee for the State Bar of Texas

In The News: Texas Justices Revisit Implied-Revocation Rule In Debt Row

Press Release: Munsch Hardt Attorneys Honored as 2022 'Best Lawyers in America', 'Ones to Watch' and 'Lawyer of the Year'

Speech: Internal Investigations and Ethics in Emergencies

Press Release: Munsch Hardt Attorneys Honored as '2021 Best Lawyers in America' and 'Ones to Watch'

Press Release: Twenty-Five 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