



## Mark L. D. Wawro

### Partner

Houston  
(713) 653-7804  
mwawro@susmangodfrey.com

## Overview

Mark Wawro has produced an outstanding string of trial victories. Since 1980, he has won substantial damage awards for plaintiffs in numerous cases. Wawro has been just as successful representing defendants. He teamed with Steve Susman at trial in Zapata County, Texas, to defeat a claim by Coastal Oil & Gas Corporation seeking a judgment worth more than \$700 million. This case was profiled in [The Texas Lawyer](#).

Wawro's trial achievements have been widely recognized. In 2005, [The American Lawyer](#) called two of his victories "impressive" and "well-litigated." [The Texas Lawyer](#) called his \$536.2 million jury verdict "groundbreaking." Wawro's cases have been profiled in the New York Times, The Wall Street Journal, The Houston Chronicle, The National Law Journal, and USA Today.

Wawro has been featured in The Best Lawyers in America (Woodward White Inc.) since 1999, and has been listed as a "Super Lawyer" by Law & Politics Magazine (Thomson Reuters, 2003-2022). He has been named as one of the "World's Leading Litigation Lawyers" by International Commercial Litigation (Benchmark), and as a "Litigation Star" by Benchmark Litigation (2015). Since 2004, he has been ranked one of the best lawyers in the United States by Chambers USA. Chambers USA praised Wawro's "thorough preparation and excellent presentation skills in a broad litigation practice." Wawro's plaintiff's verdict for George Rodriguez against the City of Houston was the Constitutional Law verdict of the year by The Texas Lawyer. In 2013, Wawro was inducted into the Litigation Counsel of America (LCA). LCA is a trial lawyer honorary society composed of less than one-half of one percent of American lawyers.

Wawro brings intelligence and creativity to his broad trial practice. In 1988, The Texas Lawyer called one of his trial victories "a first" for its application of a repudiation theory to a take-or pay contract. In 2005, [The American Lawyer](#) praised Wawro's strategy in arbitrating a securities case for Jim Hunter without discovery: "The arbitrators granted Hunter \$27.8 million. 'The jurisdictional issues were quite significant, but we got 100 percent of what we were seeking,' says Hunter. 'I couldn't be more pleased.'"

## Education

- Brown University (B.A., with honors, 1975)
- University of Texas (J.D., with honors, 1979)

## Clerkship

Law Clerk to The Honorable Carolyn D. King, United States Court of Appeals, Fifth Circuit, 1979-80

## Honors and Distinctions

Articles Editor, Texas Law Review, 1978-79

- *Lawdragon* 500 Leading Litigator ([2022](#))
- [Litigation Star](#), Benchmark Litigation ([2022](#), [2023](#) Euromoney)
- *Lawdragon* 500's Leading Plaintiff Financial Lawyers ([2019](#), [2020](#), [2021](#), [2022](#))
- The Best Lawyers in America – Recognized for Commercial Litigation since 2006 (Woodard White, Inc.)
- Guide to the World's Leading Litigation Lawyers (International Commercial Litigation)
- Chambers Global : World's Leading Lawyers for Business (Chambers)
- Chambers USA: America's Leading Lawyers for Business (Chambers)
- "Best American Lawyers: Commercial Litigation" (The American Lawyer)
- "Best Lawyers: Business Litigation" (The American Lawyer)
- "Super Lawyers" (2003 – 2022, Thomson Reuters)

## Articles

- Author: "Effective Presentation of Experts," 19 Litigation (ABA), Spring, 1993; "The Spa Fields Conspiracy," 19 Litigation (ABA), Winter, 1993; "Starting on the Right Foot: Effective Opening Statement," 25 Litigation (ABA), 1998
- Co-author: "State Action Immunity and Antitrust Issues in Cable Television Franchising," 3 Comm/Ent 645 (1982)

## Wins

- ***IQ Holdings, Inc. v. American Commercial Lines, Inc.***; Civil Action No. 6369-VCL in the Court of Chancery in the State of Delaware (Vice Chancellor Laster) (bench) (2012). Lead counsel for plaintiff in appraisal action arising from a take-private transaction. Judgment entered for approximately \$11 million. Affirmed by Delaware Supreme Court. Our client netted the full amount of the judgment.
- ***Confidential Arbitration***; Arbitration in Houston, Texas (2012). The arbitration agreement prevents disclosure of the identities of the parties in the business dispute. Lead counsel for claimant. Arbitrator awarded actual damages of approximately \$2.7 million. Our client netted the full amount of the award.
- ***George Rodriguez v. City of Houston, et al***; Civil Action No. 06-2650 in the United States District Court for the Southern District of Texas, Houston Division (Hon. Vanessa Gilmore) (jury) (2009). Lead counsel for plaintiff along with Barry Scheck of New York's Neufeld Scheck & Brustin in a §1983 lawsuit against the City of Houston for damages arising from Rodriguez's wrongful conviction in 1987 for sexual assault and kidnapping. Judgment entered for approximately \$9 million. The case subsequently settled for \$3 million, and the client received \$1,263,424.27 net of the fees and expenses.
- ***James P. Hunter, III v. Service Corporation International***; Arbitration in Houston, Texas (Shannon

Ratliff, Hon. Robert Parker, Rufus Wallingford) (2003). Lead counsel for plaintiff, James Hunter, in securities lawsuit arising out of merger of Service Corporation and Equity Corporation International. Arbitration panel awarded actual damages of \$27,793,583, and the client netted \$13,912,960.35.

- **Tennessee Gas Pipeline Company v. KCS Resources, Inc.**; Cause No. 3,448 in the 49th Judicial District Court of Zapata County, Texas (Hon. Ron Carr) (jury) (1996). Lead counsel for plaintiff, Tennessee Gas Pipeline Company, in fraud and breach of contract case. Five-day trial. Jury awarded actual damages of \$28,523,625, punitive damages of \$114,094,500, and attorneys fees of \$473,065.
- **Steven W. Weller v. Xavier Mines Limited, et al.**; Cause No. 94-24524 in the 334th Judicial District Court of Harris County, Texas (Hon. Russell Lloyd) (jury) (1996). Lead counsel for plaintiff, Steve Weller, in fraud and breach of contract case. Settled after six days of trial for \$3.95 million (\$1.94 million net to client) plus an additional amount that is confidential.
- **IQ Products Company v. First Brands Corporation**; Civil Action No. H-94-1894 in the United States District Court for the Southern District of Texas, Houston Division (Hon. David Hittner) (jury) (1996). Lead counsel for plaintiff in breach of contract case, with contract and fraud counterclaims. After two-week trial, jury awarded plaintiff approximately \$3.5 million damages and rejected all counterclaims. The case subsequently settled for a confidential sum.
- **Coastal Oil & Gas Corp. and ANR Prod. Co. v. Tennessee Gas Pipeline Co.**, No. 3,165 in the 49th District Court, Zapata County, Texas (Hon. Manuel Flores) (jury) (1993). Shared primary trial responsibilities for defendant Tennessee Gas with Stephen Susman. This case involved a claim by plaintiffs under a gas contract worth some \$700 million. Jury verdict for defendant on all issues following a three-week trial.
- **Carlton Meyer and Ann Meyer v. Ann M. Hovater, et. al**, No. 91-49670 in the 133d District Court, Harris County, Texas (Hon. Louis Cofer) (jury) (1993). Lead counsel for plaintiff Ann Meyer and the estate of her husband in this fraud claim seeking compensatory and punitive damages. Settled after a two week trial for a confidential sum that exceeded actual damages.
- **Williams & Schexnaider v. Terry Oilfield Supply Co., et. al**, No. 89-43132 in the 133d District Court, Harris County, Texas (Hon. Lamar McCorkle) (jury) (1992). Lead counsel for plaintiffs, two individuals suing on an employment and profit sharing contract. After a two week trial, plaintiffs were awarded a verdict of the full amount claimed, approximately \$5.4 million, and the parties subsequently entered into an agreed judgment that transferred a revenue interest in a number of different oil and gas projects to our clients, retroactively.
- **El Paso Natural Gas Co. v. TransAmerican Natural Gas Corp.**, No. 85-09329 in the 127th District Court, Harris County, Texas (separate jury and non-jury trial) (Hon. Sharolyn Wood) (1988, 1987). Lead counsel for defendant and counterclaimant. After a nine week jury trial, obtained a verdict of \$537 million for TransAmerican on its counterclaim. El Paso recovered nothing on its claims. An earlier phase of the case was tried in a six week bench trial with an award of \$67 million to TransAmerican. The case subsequently was settled by other counsel.
- **Regency Development Co. v. T.E. Management Services**, in the 80th District Court, Harris County, Texas. (Hon. William Powell) (jury) (1983). Lead counsel for defendant in a case alleging breach of a commercial lease. After a 5-day trial, the jury found against plaintiff on its \$2 million rent claim and for T.E. Management Services on its counterclaim for return of its \$84,000 security deposit.
- **Affiliated Capital vs. Gulf Coast Cable, et al.**, /C. A. No. H-79-1331, U.S.D.C., Southern District of Texas, Houston Division/Hon. Carl O. Bue (jury) (1981). Counsel for plaintiff in antitrust action. \$6.3 million verdict for plaintiff after 14-day trial.
- Obtained summary judgment for client, Sonat Natural Gas Company, on claim against Southern for breach of a \$100 million gas contract. Settled while on appeal.
- Obtained million-dollar settlement for corporation's former general counsel before trial in a defamation case against the lawyer's former employer. Settlement is confidential.
- Obtained multi-million dollar settlement for patient in a medical malpractice case. Shared responsibility with

another lawyer. Settlement is confidential.

## Professional Associations and Memberships

- State Bar of Texas
- Fellow, Texas Bar Foundation
- Houston Bar Association
- American Bar Association
- ABA Task Force on Sample Antitrust Civil Jury Instruction
- Association of Trial Lawyers of America
- Board Certified Civil Trial Law — Texas Board of Legal Specialization.

## Notable Representations

- Wawro's practice is diverse. He represented Brent Redstone in his lawsuit to obtain fair value for his minority interest in the family company controlled by his father, Sumner Redstone, which owned controlling interests in both Viacom and CBS, along with other businesses. That case settled for an amount that is confidential.
- Wawro also handles complex business and securities matters. He represented Texas Instruments in its lawsuit against Citigroup Capital Markets, BNY Capital Markets, and Morgan Stanley to rescind the purchase of more than \$500 million in Auction Rate Securities that became illiquid when financial institutions withdrew support for the auctions. That case settled shortly after discovery concluded.
- Wawro represented Tennessee Gas Pipeline Company, as plaintiff, in a fraud and breach of contract lawsuit against KCS Resources, Inc., and won a verdict for both actual and punitive damages for Tennessee. This \$143 million verdict was reported in [The Wall Street Journal](#) and [The Houston Chronicle](#). The case subsequently settled for termination of the take or pay contract that gave rise to the lawsuit.
- Wawro's intellectual property clients have included Amazon.com, REI, Pavilion Technologies, High End Systems, and Advanced Support Systems, Inc. Wawro defended Amazon.com's [electronic shopping cart](#) and other e-commerce technology against claims of infringement, and prosecuted Pavilion's case against Computer Associates for infringement of Pavilion's neural network and expert systems patents.
- Wawro teamed with Barry Scheck to represent George Rodriguez in a §1983 case against the City of Houston arising from Rodriguez's wrongful conviction for sexual assault in 1987. The jury's verdict was called the top constitutional law verdict in [Texas in 2009](#), and the trial court entered a \$9 million judgment for Mr. Rodriguez.
- Wawro has also represented employees and entrepreneurs in disputes over their business arrangements. In 1996, Wawro represented a petroleum engineer in a fraud and breach of contract case involving oil prospects in the Ukraine and Western Siberia. The defendants settled during trial for a confidential sum. Wawro represented another entrepreneur in a fraud and breach of contract action in New York state court arising out of the development of oil and gas leases in Texas. Again, Wawro's client obtained a favorable settlement during the trial of the case. As reported in [The Texas Lawyer](#), Wawro represented two individuals employed as vice presidents by Terry Oilfield Supply Company under a compensation arrangement that included a right to a percentage of the profits the company earned under oil and gas well drilling programs. The jury awarded Wawro's clients the full amount claimed.
- Wawro represented the General Counsel of a well-known New York Stock Exchange company in his defamation case against that company. The company publicly blamed a significant non-disclosure in an SEC filing on the General Counsel. The General Counsel sued for libel and slander and settled the case on the eve of trial for an amount that is confidential.

- Wawro’s busy trial practice has not kept him from pro bono and community service activities. In what [The American Lawyer](#) called an “impressive pro bono victory,” Wawro teamed with Barry Scheck and the Innocence Project to overturn the wrongful conviction of George Rodriguez, who had been imprisoned based on inaccurate forensic evidence. This case was profiled in [USA Today](#), [The Texas Lawyer](#), and [The Houston Chronicle](#). Wawro is on the Board of several non-profit organizations, including Texas Appleseed, Inprint, Inc., and the Gulf Region Advocacy Center. He is on the Advisory Board of the Texas Innocence Network and a member of the Museum of Fine Arts Film Committee.