

Secret Lives of Lawyers

Houston's Richard Mithoff Looks For Cliffhangers Outside Of Court



Richard Mithoff takes in the view from Uhuru Peak atop Mount Kilimanjaro in Tanzania in July 2000. (Photo courtesy Richard Mithoff)

By Michelle Casady
August 5, 2016

After about 12 hours of careful climbing to reach the summit of a Colorado Rockies peak that resembles a stand-alone castle turret, Richard Mithoff, now 70, ran into trouble during the descent.

On the way down the Petit Grepon spire that day in June 2005, he said, his rock climbing guide and teacher, Christian Santelices, realized there was a tear in the outer sheath of Mithoff's rope.

"There was lightning in the distance and we were starting to get some

rain, so we needed to get down," Mithoff said. "I could tell Christian was breathing hard so I knew something was up, and all he told me at the time was, 'Clip into me,' which I did. And then we got to the next belay station, and I said, 'What the hell's going on?' and he said, 'Your rope had a tear in it.'"

Although Mithoff, a Houston plaintiffs attorney who has been called one of the nation's most high-profile litigators, now spends his free time striving to reach the summits of the world's tallest peaks — and encountering the occasional close call — this was not an aspiration he harbored from his youth growing up in El Paso, where he scrambled around the nearby Franklin Mountains, toting a .22-caliber rifle in case he crossed paths with any small varmints or aluminum cans. But 16 years ago, after decades away from the hobby, Mithoff found himself summiting Mount Kilimanjaro.

To hear him tell it, it all started at a cocktail party "over a couple of scotches" when the executive director of the Houston Museum of Natural Science told him world-class climber David Breashears, who a few years earlier had released a successful Imax documentary about Mount Everest, was making a new film about Kilimanjaro.

He told Mithoff he should invest in the movie, which would mean he could climb the mountain with Breashears. Mithoff agreed.

"And the next morning, literally the next morning at 8 o'clock, I got a call from the secretary of the executive director saying, 'OK, we need your \$100,000 investment and then we'll

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Richard Mithoff

give you the dates for when you can climb with Breashears,” he said. “And that’s how it happened.”

Training for the feat in Houston, a mere 43-feet above sea level, meant a strenuous routine of cardio and weightlifting workouts that included running the bleachers at Rice University’s football stadium, strapped with a 35-pound pack, every day for months.

His friend Tom Glanville, the founder and managing partner of Eschelon Advisors LP, who also made a \$100,000 investment in the film, made the climb with him. He jokes that while the climb was successful, the film was not.

“I’m glad the climb worked out well and not the other way around. That was just the beginning of our climbing adventures,” Glanville said. “I think we made back 10 percent of the capital we invested.”

After the grueling, seven-day, 16,000-foot climb, Mithoff was having breakfast at the base of Africa’s highest peak when Breashears said he’d like to introduce him to some friends at a climbing school in Jackson, Wyoming, in the Teton Range. It was quite a coincidence

Every year for 30 years while on family vacation, Mithoff, his wife, Ginni, and their children, Michael and Caroline, would take to the Grand Teton National Park to hike, but Mithoff was fascinated with the climbers he saw there. His wife had discouraged his climbing hobby when their children were young, he said. So, with his children grown, when Breashears offered to

introduce Mithoff to the group he’d admired from afar, he couldn’t say no.

It was there he met Santelices, whom he credits with teaching him the art of climbing — using ropes, tying knots, belaying and rappelling. The two have become close friends over the years, building the client-guide relationship with each trip, like when they spent time at the ranch owned by Santelices’ father during a climb in Patagonia.

“Most people start earlier, and what’s remarkable about Richard is that he started when he did and got hooked,” Santelices said.

Mithoff has traveled to France and Switzerland, South Africa, Italy, Argentina, Chile, Peru and Greece in search of summits.

He has been named one of the nation’s highest-profile litigators by The National Law Journal, and in 2014 he was awarded the Lifetime of Excellence in Advocacy Award by the Texas Association of Civil Trial and Appellate Specialists. Among his most significant cases are the 1998 settlement he reached on behalf of Harris County in the litigation against Big Tobacco.

In 2008 and 2009 he also represented, as lead liaison counsel, the families of nursing home residents who died or were injured in a bus fire while fleeing Hurricane Rita, and in 2012 he was appointed lead plaintiffs co-counsel in a suit representing shareholders of BP stock following the Gulf oil spill.

Mithoff said the only time he’s not thinking about lawsuits is when he’s climbing, but he believes the lessons learned on the mountain also could help him in his practice.

“There’s something about being several hundred feet or more off the ground that focuses your mind on the immediate objective,” he said, adding that the hobby has taught him much about managing fear.

“I have had those where you make it down and it’s like, OK, I’m just going to do this one more time, then I’m not going to do it again because I’m not

going to push it,” he said. “Where you say to God, ‘Just let me get down this one more time and I promise I won’t ever do this again — maybe, for a while.’”



The Petit Grepon spire in the Colorado Rockies has room for one climber at its summit. (Photo courtesy Richard Mithoff)

Secret Lives of Lawyers is a series of attorneys’ novel pursuits outside the courtroom. In the last installment, we spoke with Roig Lawyers attorney Francis Sexton, who has an extensive personal collection of artifacts from U.S. history.

