

Texas Law Review

2015 Leon Green Award

Outstanding Contributions to the Legal Profession

Honoring Richard Mithoff

Introduction by Tom Phillips, former Chief Justice of Texas Supreme Court

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In receiving the Law Review's 2015 Leon Green Award for "outstanding contributions to the legal profession," Richard Warren Mithoff has once again shown that, even in the supercharged arena of high-stakes legal advocacy, nice guys can finish first. While Richard's extraordinary talents make him a feared adversary in the courtroom, he wins the old-fashioned way—by outthinking, outworking and outperforming his opposition. Juries and judges soon come to see that his passion for his client's cause comes from conviction, not performance; that he will not promise what he cannot deliver; and that you can take his word to the bank. In short, he is an exemplar of the best traits of the lawyer as participant in the public administration of justice.

After serving as Project Editor of the Texas Law Review and clerking for

the renowned William Wayne Justice, Richard became an employee of, and then a partner with, the redoubtable "King of Torts," Joe Jamail. Richard was a natural in the courtroom. In his calm, unflappable manner, without bombast or cant, he won case after case, including some that none of the wise heads thought could be won. His achievements soon won him a formidable reputation.

I knew Richard was a great lawyer, but I didn't really appreciate Richard's special reverence for the profession until, as a young district judge in Houston, I appointed him to serve as attorney ad litem for some minor children. He did a great job of assuring that the



settlement was fair, so that it could not be set aside later, a service for which the defendants' insurer would expect to pay a handsome fee. But the young solo practitioner, who had just announced "the first friendly separation in recent history" from his mentor Joe Jamail, refused to take a dime. He insisted that insuring a just settlement for minors was a pro bono service that he owed to the court and the administration of justice. Maybe that's obvious, but no other ad litem I ever appointed, and none that I ever heard of, took that position.

Its little wonder, then, that the victories of which Richard has been most proud have been those that not merely secured a large recovery for his clients, or a substantial fee for himself, but also resulted in meaningful improvements to hospital procedures, product designs, business practices, or to the law itself. Sometimes these changes have even been an explicit part of the settlement he negotiated. For example, hospitals more thoroughly report the misconduct of doctors, more carefully screen the fitness of doctors to serve on staff, and more carefully monitor the contents of IV fluids because of lawsuits successfully prosecuted by Richard Mithoff.

After initially concentrating on personal injury cases, Richard as a sea-

soned lawyer branched out to all kinds of civil litigation. He has represented governmental entities, political parties—well, one political party—multinational corporations, celebrities, and even hospitals in many different kinds of disputes. In one high-profile case for Harris County, he donated \$10 million of his fee to children's health programs.

Indeed, Richard and his wife Ginni have long given back generously to their community. As of last Thursday, the law school's pro bono center bears the name of Richard and Ginni Mithoff. Some of you may know a recipient of one of the scholarships he has endowed for UT at the undergraduate school, the law school, the business school or the medical school. Perhaps you know someone who has been treated at the Ginni and Richard Mithoff Trauma Center at Houston's Ben Taub Hospital, or has benefitted from another of the Mithoffs' generous contributions.

What I know for sure is that we all have benefitted, in one way or another, from Richard Mithoff's life well lived in the law. I can think of no more fitting recipient of the Leon Green Award than tonight's honoree, and it is my honor to present him to you now.