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Attorney wins cases for causes in trials by fire

Richard Mithoff has racked up a string of victorious verdicts in high-profile lawsuits



Richard Mithoff: Not afraid to tackle complex corporate cases.

MICHAEL STRAVATO/HBJ

BY JENNA COLLEY
HOUSTON BUSINESS JOURNAL

From a private 34th-floor penthouse overlooking downtown Houston, one of the state's most prominent legal renegades prepares the case for his latest cause.

Awake since 5 a.m. — often earlier — Richard Mithoff fields calls from a *Washington Post* reporter while he maps strategy for litigation that will give another client a

day in court.

Mithoff has represented a diverse roster of clients, from parents of infants brain-damaged by defective products to families of workers killed during the 2004 BP refin-

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MITHOFF: Corporate attorney forges long career based on high-profile cases

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ery explosion in Texas City. He has also been retained by financial giant JP Morgan Chase in its relationship to the collapse of Enron Corp., and represented the state Democratic Party in the state's redistricting drama.

His adversaries have included some of the nation's largest corporations, hospital systems and the State of Texas itself.

And Mithoff has taken all to the bank in winning some of the highest monetary verdicts in Texas legal history.

Given his resume, the 61-year-old



'All in all, it's been a great ride and I've been unbelievably fortunate.'

Richard Mithoff

lawyer from West Texas looks far less intimidating than expected. The wiry El Paso native's youthful grin and disarming presence are credited by friends and foes alike for his success in the courtroom.

Lifelong friend and former University of Texas law school buddy Robin Gibbs says Mithoff's potential was apparent even in the classroom.

"He had all the qualities," says Gibbs. "He was smart and had a great deal of initiative and the kind of personality and self-confidence to communicate well."

Mithoff also has earned the esteem of Vinson & Elkins LLP attorney Paul Stallings, a courtroom opponent on many occasions.

"He's highly respected by defense lawyers like me, and by the medical community," says Stallings.

Mithoff acknowledges the praise, but remains humble.

"All in all, it's been a great ride and I've been unbelievably fortunate," he says.

A TIME OF UNREST

Mithoff's career has been marked by a series of trials by fire beginning before he left law school.

Mithoff and Longhorn classmates successfully overturned a decision by Austin City Council banning a student protest march against the U.S. bombing of Cambodia.

Even then, Mithoff recognized the importance of connections.

The group of would-be attorneys

convinced lawyer Charles Allen Wright, President Richard Nixon's Constitutional lawyer, to sign the federal brief.

"It was a time of a lot of unrest," says Mithoff, who had to borrow a coat and tie to appear in federal court.

Thanks to their efforts, Austin City Council's decision was overturned and the march took place.

"That was pretty heady stuff," Mithoff recalls.

After law school, he clerked for federal Judge William Wayne Justice, an East Texas liberal routinely credited with "bringing the Constitution to Texas."

Mithoff arrived on the scene in the early 1970s. Justice had recently desegregated the state school system and cases of racial discrimination and voting law violations were de rigueur for the lawyer to be.

Mithoff's tenure with Justice laid the groundwork for his second job with yet another Texas legal legend — powerful trial attorney Joe Jamail, dubbed the "King of Torts."

"It was like being thrown into the pool and having to learn to swim," says Mithoff.

After getting his feet wet, Mithoff established a solo practice in 1983.

VICTIMS AND VICTORIES

As a child, Mithoff was inspired by "To Kill A Mockingbird."

Atticus Finch, the truth-seeking attorney in Harper Lee's 1960 Pulitzer Prize winning novel, became a literary role model.

Today, Mithoff's legal resume could read like a plot summary for a modern day story by Lee.

In 1977, he tried and won the first case involving defects in silicon breast implants.

In 1998, he sued the State of Texas on behalf of Harris County and won a \$2.2 billion cut of the state's historic settlement with the tobacco industry.

In 2002, Mithoff won the first verdict involving defective Bridgestone/Firestone tires in the amount of \$29 million.

Now he's representing the relatives of Brighton Gardens nursing home residents who died when the bus they were riding to flee Hurricane Rita ignited on a Texas highway.

Much of the fee revenue from these high-profile cases has gone to philanthropic causes supported by Mithoff and wife Ginni.

The couple donated \$10 million of his fee from the tobacco settlement to fund children's health programs.

Other donations have gone toward establishing a scholarship for disabled students at the UT College of Business and endowments for community centers.

Earlier this year, the Harris County Hospital District named the Ben Taub Trauma Center after the couple.

Mithoff gives the credit for his success to Ginni, who supported her husband through law school on a \$5,200 a year teaching job.

And while being married to an ambitious trial lawyer has proved difficult at times, Ginni says their marriage is built on honesty and trust.

"He's pretty transparent," she says. "He's just a nice man and I think that's what's kept us together and guided him through his career. He's scrupulously honest."



Mithoff, left, and a local guide prepare to climb Mont Blanc in the Alps in Chamonix, France.

Attorney strives to reach the top inside courtroom and outdoors

Whether hosting parties and fund raisers at his River Oaks home or holding forth in court, Richard Mithoff is always awaiting his next mountain to climb.

The Houston attorney spends time off from a busy schedule to pursue a pastime on a much grander scale than the typical Saturday morning golf game.

Since he took up climbing eight years ago, Mithoff has experienced peak pleasure by reaching mountaintops in ranges stretching from Patagonia and Spain to Africa and the Grand Tetons.

This summer, he'll climb the Dolomites in Italy. With him will be personal guide and surrogate family member Christian Santelices, co-founder of Aerial Boundaries LLP and an advisory board member for Nike's outdoor gear and apparel division.

Santelices first met Mithoff in 2002 while teaching a climbing course at the Exum School of Mountaineering in Wyoming.

The adventures have given Santelices a unique perspective on the Houston lawyer outside of the legal arena.

Says Santelices: "I know a little about his professional experience and what he's done. And (I know) he doesn't have anything to prove there. I understand that he's one of the best in the business, but he's also a very caring and generous person, and he has nothing to prove in that circle as well."

Last summer, the duo climbed a difficult route in Rocky Mountain National Park. After each section of the climb, Mithoff would drape his arm around the climbing guide and smile.

"It was really hard," says Santelices, "but I could see that he was having a great time. He had this big smile on his face."

For Mithoff, climbing is the ultimate challenge.

Says Mithoff: "There, it's just you and the mountain and the only thing separating you from the summit is your will to do it."

Jenna Colley

2006 UPCOMING LISTS

PUBLICATION DATE	LIST NAME	RESPONSE DEADLINE
April 7	BUSINESS SECTOR EMPLOYERS	March 13, 2006
April 7	GOVERNMENT SECTOR EMPLOYERS	March 14, 2006
April 14	JOHNSON SPACE CENTER CONTRACTORS	March 21, 2006
April 21	INTEGRATED ADVERTISING/MARKETING FIRMS	March 29, 2006

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