

# Mark Waite

Partner

Mark is a focused litigator and trial lawyer. Almost 20 years ago, after about 10 years of practice, he became board-certified in civil trial law by the Texas Board of Legal Specialization. This requires a substantial amount of trial experience before judges and juries that is difficult to reach.

Mark also knows how clients think because **he was** a client. Mark held in-house legal roles, including serving as the global head of litigation for a global chemical company and serving on its Crisis Management Team. He also knows how big law lawyers think because **he was** that, too. For the six years prior to co-founding Vasquez Waite, Mark was a Partner in one of the world's largest law firms, where his list of management positions included Managing Partner of the Houston office.

He can and has handled a wide array of major disputes—commercial and contract, serious personal injury claims, and the follow-on impacts when relationships, projects, and incidents go south. He has substantial experience in the areas of energy, construction, refining & petrochemicals, and disputes around commercial relationships like joint ventures, franchises, operating agreements, and trade secrets and non-competition agreements.

Mark believes in giving back to the community and has a longstanding practice of representing those who cannot afford legal services through pro bono programs. He has particularly focused on representing veterans and those with disabilities and on giving advice to teens unfamiliar with career opportunities in the law.

## EDUCATION

- J.D., University of Houston Law Center, 1994
- B.B.A., Texas A&M University, 1991
- Graduated Cum Laude

## REPRESENTATIVE ENGAGEMENTS

- Represented manufacturer of components in wind turbines involved in alleged failure incidents, including assisting in incident investigations, advising on applicable law and contractual rights and defenses, and defense of claims
- Represented bank in connection with a \$24.5 million loan and security interests for a hotel project in Houston, Texas, and seniority over construction liens and alleged “removables” associated with the rebuild project; secured partial summary judgment dismissing the substantial majority of contractor’s claims and secured resolution of the limited remaining claims prior to trial
- Represented pipeline surveying company in government investigations surrounding explosion incident
- Represented owner of dry-cleaning chain for recovery of damages due to perchloroethylene environmental remediation
- Represented townhome owners in Galveston, Texas collective action against builders for defects, repairs, and diminishment in value



- Lead trial counsel for Illinois chemical facility pursuing claims against the supplier, designer, and constructor of two large industrial boilers, which were part of a boiler upgrade project. The boilers supply steam to the facility and to the chemical process and are critical to safe and reliable operation. Secured judgment for actual damages, attorneys' fees, and interest in favor of the plant owner following a six-day federal bench trial
- Advised confidential clients surrounding rights and obligations in power and natural gas purchase, supply, and related agreements in connection with Winter Storm Uri in 2021. Issues include price escalation, force majeure, and related claims and defenses, and clients include end-use industrial purchasers, parties to financial transactions from energy trades, and supplying parties. Impacted sources include traditional power, renewable energy, and natural gas, and amounts at issue ranged from US\$30 million to more than US\$120 million
- Represented refinery owner in claims for over US\$10 million in property damages, repair costs, and other impacts against parties involved in the design and construction of catalyst reactor modifications arising from 2017 EPA environmental regulations
- Represented a global chemical company in the investigation and handling of contractor overpayment and recovery issues
- Represented biofuels facility in claims for wrongful death in connection with explosion incident
- Represented Chilean manufacturer and supplier of iodine in connection with marketing and joint venture agreements with US supplier
- Represented high-density polyethylene pipe manufacturer in multi-party litigation in New Jersey filed by plaintiffs alleging property damage and personal injury due to a major gas line explosion; secured dismissal of all claims against client following intensive analysis of pipe components and associated gas line system
- Represented architects and engineers in a large docket of construction litigation, including projects involving highway bridge construction, hotel projects, retail development, and multi-family projects.
- Prosecuted damages and injunctive relief claim by real estate lifecycle software and services provider against a competitor for tortious interference and business disparagement; a secured injunction against improper competition and ultimately resolved the case following depositions of competitor
- Represented offshore energy company in connection with claims by co-venturers for plugging and abandonment costs following the sale of interests in the field
- Represented electrical subcontractor in federal court trial dispute for non-payment and wrongful termination from federal project
- Trial counsel for pro bono client in one of the early completely "virtual" trials held in Harris County, Texas state court during 2020 COVID-19 pandemic court closures, and secured Final Judgment in favor of client
- Trial counsel for pro bono client through Veterans' program, associated with home repair project; secured judgment in client's favor and collected judgment in full through post-judgment collection proceedings

## **PUBLICATIONS AND PRESENTATIONS**

- Co-Presenter, "Construction Causes of Action, Damages, and Damages Presentation During Trial or Arbitration", March 2024, 37th Annual Texas Construction Law Conference, San Antonio, Texas.
- Co-author, "Practical Ethics of Witness Preparation" The Advocate (State Bar of Texas Litigation Section Report), Volume 89, Winter 2019
- Co-author, "\$1.2B Order Entered Against Petróleos de Venezuela: Q&As for PDVSA and Citgo Commodity Commercial and Trading Counterparties," Pratt's Journal of Bankruptcy Law, January 2019
- Co-editor, Texas construction law section of 50-state review treatise, 2009
- Author, "Houston Lawyers Helping Local Veterans," Houston Lawyer, September/October 2008
- Co-author, "Protecting Reserve Estimates and Future Revenue Projections from Discovery," Energy Law Advisor, June 2008
- Co-author, "EDD Showcase: Ignore EDD at Your Peril," Law Technology News, January 2006
- Alternative and sustainable materials – legal challenges now and around the corner, for industrial producers and the downstream chain, 14 September 2022
- "Downstream 101," presented to Institute for Energy Law, Leadership Program, March 2021 (co-presenter)
- "Force Majeure Claims in a COVID-19 Environment," presented to Energy Bar Association, November 2020
- "Refining and Petrochemicals Contracts – Continuing Legal Education Panel," May 2019
- Co-presenter: "Texas Supreme Court Update: Contract Clauses Transactional Lawyers Should Kill; Contract Clauses Transactional Lawyers Should Love," CLE, April 2019
- Moderator: Coffee and Conversation with Former Acting US Ambassador to China, April 2019
- Co-presented Construction Law CLE, "Lump Sum Contracts–The Whole Pie and Some Avoidable Crumbles", Fall 2018 and Spring 2019
- "A Discussion of the Ethical and Liability Issues for In-House and Outside Counsel relating to Litigation," Texas Bar Association: Advanced Civil Trial Continuing Legal Education – series held throughout 2016 in major Texas cities
- "What Every Lawyer Needs to Know About Working with In-House Counsel," Texas Aggie Bar Association, 2016 Annual Conference
- Moderator, "Legal Department Obligations" surrounding repetitive product defect claims, Texas General Counsel Forum, June 2015
- "Legal Issues in Green Building," Basic Construction Law Course, State Bar of Texas, 2010
- "The Power of Collaboration in Sustainable Design," risk management portion, Texas Society of Architects, 2010
- "Challenges to Expert Testimony," Annual Conference for the Central Region, National Association of Corrosion Engineers, Houston, September 2008
- Moderator, "Evidence," University of Houston Continuing Legal Education, March 2008
- "A Day in the Life of an E-Discovery Case," T3: Trial Tactics & Technology, ALM Events, New York, December 2005 and 2006, London, and New York, November 2007
- "Engineering Risk and the Law – Case Histories and Lessons," Annual Conference for the Central Region, National Association of Corrosion Engineers, Houston, October 2006
- Frequent speaker at high schools and before community groups as part of the Houston Bar Association.

## **PROFESSIONAL MEMBERSHIPS**

- Houston Bar Association – Litigation, Construction, and Oil, Gas & Energy Law Sections
- Fellow – Texas Bar Foundation
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- Texas Bar Association – Litigation and Construction Law Sections
- Member – Texas Association of Certified Civil Trial and Appellate Specialists
- Houston Volunteer Lawyers – Equal Access to Justice Society

## **CERTIFICATIONS**

- Board Certified – Civil Trial Law, Texas Board of Legal Specialization (2004 – present)