



Mark Scudder



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Practice Areas:

Business Litigation
Premises Liability / Nonsubscriber Defense
Product Liability/Toxic Torts
Products Litigation
Professional Liability
Transportation & Logistics

Education:

University of Texas, B.B.A., 1982
SMU Dedman School of Law, J.D.,
1987

Admitted to Practice:

State Bar of Texas
U.S. District Court for the Northern,
Southern, Eastern, and Western
Districts of Texas

Practice Description

Mark Scudder is an experienced trial lawyer and former CPA who counsels and represents business clients with particular expertise in business and commercial disputes, transportation and logistics matters, products liability litigation, and professional liability matters.

Representative Experience

Commercial and Business Litigation

- Served as national coordinating counsel for litigation matters on behalf of healthcare management company.
- Obtained a defense verdict for local business in a trial involving a claim of breach of contract.
- Defended and successfully resolved a lawsuit against a local business and its owner involving claims of tortious interference with contract and fraud.
- Successfully obtained emergency relief on behalf of a distributor/freight forwarder in Federal Bankruptcy Court for the return of the company's computer equipment and then prevailed at trial by establishing that the opposing party had no lien on the goods.
- Defended and successfully resolved a multi-million dollar lawsuit between a national manufacturer and one of its former distributors involving claims of breach of contract, fraud and tortious interference with contractual relations.
- Participated in the prosecution and successful resolution of an international business dispute between a domestic manufacturing company and related partnership and one of its foreign vendors and partners.
- Prosecuted and successfully resolved a claim under a Shareholders Agreement for a Mexican company against a French company in an international arbitration proceeding administrated by the International Chamber of Commerce.

Transportation and Logistics Matters

- Defended and successfully negotiated a minimal settlement during trial for a local motor carrier in a personal injury lawsuit arising out of a multi-party accident in West Texas
- Defended and successfully resolved a contractual dispute for a national motor carrier brought by one of its former independent contractors in an arbitration proceeding before the American Arbitration Association.
- Defended and successfully negotiated a favorable settlement for a large consolidator/freight forwarder in an action involving allegations of fraud, deceptive trade practices and breach of contract.
- Successfully obtained a jury finding of no gross negligence in two separate trials involving a wrongful death and survival action against a truck driver who had been convicted of intoxication manslaughter as a result of the accident giving rise to the lawsuit.
- Represented a manufacturing company that owns a fleet of trucks and its driver in a trial arising from a major highway accident involving a death and severe personal injuries that resulted in a favorable settlement during the trial.
- Obtained summary judgment for a national motor carrier on the issue of causation in a negligence action arising from two major accidents resulting in severe personal injury.
- Defended and obtained a dismissal for a truck leasing company involved in a wrongful death action arising out of a major accident involving the death of two drivers of tractor-trailers.
- Defended and successfully negotiated two favorable settlements for a national trucking company and its driver who was alleged to have been over-medicated at the time of the accident in an action involving one death and one personal injury.

- Defended and successfully negotiated a favorable settlement for a national trucking company and its driver who was alleged to have been speeding and in violation of several of the Federal Motor Carrier Safety Regulations in an accident involving a serious brain injury.

Products Liability

- Defended and successfully negotiated a favorable settlement for a national manufacturer of office furniture component parts after defense verdict in a non-binding summary jury trial.
- Obtained a dismissal of a manufacturer and seller of a process control system used at a large industrial plant in a products liability action.
- Defended an international trailer manufacturer in a products liability wrongful death action and successfully obtained a dismissal for a very nominal settlement.
- Defended and successfully resolved multiple products liability lawsuits against national trailer manufacturers in wrongful death and severe personal injury actions.
- Products liability trials in Texas and Mississippi brought by workers who claimed exposure to asbestos containing products sold by a refractory company.
- Obtained dismissal of a Chinese company for lack of personal jurisdiction in a products liability action involving serious injury to a teenager from a go cart.
- Defended and successfully negotiated a nominal settlement after filing a Motion for Summary Judgment for a national manufacturer and seller of pipe in a products liability action.

Professional Liability

- Obtained a cost of defense settlement in a highly contested and complicated accountant malpractice lawsuit the firm was asked to take over in the Western United States.
- Defended and successfully resolved several lawsuits involving claims of breach of fiduciary duty against a local CPA firm arising out of two real estate transactions.
- Defended and negotiated a nominal settlement after filing a Motion for Summary Judgment in an auditing malpractice lawsuit against a local CPA firm arising from the valuation of a company's stock.
- Obtained a favorable settlement in a highly contested accounting malpractice lawsuit arising from a business valuation.

Presentations

Panel Discussion. Earth, Wind & Fire – When It's Not A Concert Invitation (Preparing for a Catastrophic Event), American Law Firm Association (March 2015)

Panel Discussion. Accounting Malpractice – Emerging Trends and How Not to Become One, American Law Firm Association's Professional Liability Seminar (June 2014)

Panel Discussion Moderator. Your Driver/Your Witness/Your Money, American Law Firm Association's Transportation Practice Group Seminar (May 2013)

Panel Discussion Moderator. Cross Border Developments. American Law Firm Association's Transportation Practice Group Seminar (May 2012)

Panel Discussion. CSA 2010 Update. American Law Firm Association's Transportation Practice Group Seminar (May 2011)

Panel Discussion Moderator. Preparing for Cross Border Operations and Issues. American Trucking Association's Forum for Motor Carriers General Counsel (July 2009)

Panel Discussion Moderator. Protecting Post-Accident Work Product: Strategies to Protect Work Product and Post-Accident Review Following a Truck Accident, American Law Firm Association's Transportation Practice Group Seminar (May 2009)

Panel Discussion Moderator. International Transactions: Issues for Brokers, Dealers, and Multi-Modal Transporters, American Law Firm Association's Transportation Practice Group Seminar (May 2003)

Panel Discussion Moderator. Discovery Issues in the Catastrophic Accident, American Law Firm Association's Transportation Practice Group Seminar (April 2002)

Critical Self-Analysis Privilege, National Tank Truck Carriers Inc. Tank Truck Safety Seminar (April 2002)

Critical Self-Analysis Privilege, American Law Firm Association's Transportation Practice Group Seminar (April 2001)

Litigation Forum Moderator. Effective Themes for Opening Statements in Defending a Truck

Company in a Serious Accident, Transportation Lawyers Association (May 2000)

Permanent Lease Agreements and Issues Relating to Liability For Acts of Independent Operators,
American Law Firm Association's Transportation Practice Group Seminar (April 2000)

Affiliations and Memberships

State Bar of Texas

Transportation Lawyers Association

The Conference of Freight Counsel