

Elliot Clark

Shareholder

Practices: Business Litigation; Construction; Appellate

Industries: Higher Education; P3, Infrastructure & Project Finance; Real Estate

Elliot Clark is a shareholder in Winstead's Business Litigation and Construction practice groups. His practice covers a variety of commercial litigation areas, including construction disputes, lender liability defense, landlord/tenant disputes, collections for financial institutions, real estate litigation, insurance litigation, and complex commercial trial and appellate work. Elliot has first chair trial experience and has successfully argued appeals before state and federal courts of appeals.

Representative Experience

- Obtained verdict after two week jury trial involving dispute over offshore floating production unit
- Regional counsel handling landlord/tenant disputes for national company
- Worked on trial and appeal of dispute over constitutionality of \$87 million tax: *Combs v. Texas Entertainment Ass'n, Inc.*, 347 S.W.3d 277 (Tex. 2011) (on remand)
- Represented state university in multi-party litigation over defective construction
- Successfully upheld favorable arbitration ruling over defective construction claim: *GJR Management Holdings, L.P. v. Jack Raus, Ltd.*, 126 S.W.3d 257 (Tex. App.—San Antonio 2003)
- Represented party on appeal to successfully overturn fraud judgment from jury trial. *Rancho La Valencia, Inc. v. Aquaplex, Inc.*, 383 S.W.3d 150 (Tex. 2012)
- Represented Texas county in dispute over international bridge project: *City of Laredo v. Webb County*, 220 S.W.3d 571 (Tex. App.-Austin 2007)
- Represented Texas county in dispute relating to construction of government center
- Successfully dismissed claim against lender trying to declare prepayment penalty in loan unenforceable: *Parkchester Holdings, Inc. v. GE Life and Annuity Assur. Co.*, 2004 WL 1114490 (5th Cir. 2004)
- Represented business in dispute with City over right of City to claim sovereign immunity for breach of contract claims: *City of Houston v. United Water*, 201 S.W.3d 690 (Tex. App.—Houston 2006)
- Construction litigation involving complex commercial projects
- Complex business litigation including fraud claims, breach of fiduciary duty claims and tortious interference claims
- Appeals before the Texas Supreme Court, intermediate appellate courts and Federal appellate courts
- Litigation involving workout matters for financial institutions, debt collection, contract claims, DTPA claims, fraud and embezzlement claims, and tax collection matters



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Education

University of Texas School of Law

– J.D., 1999

Texas A&M University

– B.A., 1995

– *magna cum laude*

– Lechner Fellows Scholarship

– Eisenhower Leadership Development Program

Professional & Community Service

- Volunteer Legal Services of Central Texas (Board of Directors)
- Austin Bar Association Construction Law Section: Past President
- State Bar of Texas
- American Bar Association
- Texas Young Lawyers Association
- Austin Bar Association Legal Build Committee - Habitat for Humanity

Awards & Recognition

- Texas Rising Star, Thomson Reuters, 2008, 2012-2014
- *The Best Lawyers in America*, Woodward/White Inc., 2021

Admissions

- Texas, 1999
- U.S. Supreme Court
- U.S. Court of Appeals, Fifth Circuit
- U.S. District Court, Southern, Eastern and Western Districts of Texas