

C. Elaine Howard

Shareholder

PRACTICE EMPHASIS:

Litigation: Commercial, Real Estate and Employment

EDUCATION:

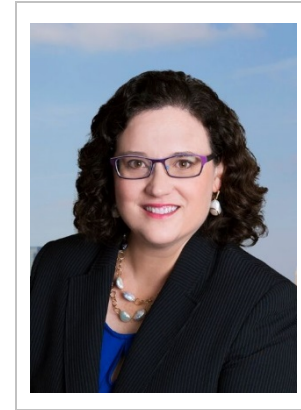
J.D., *magna cum laude*, University of Houston Law Center, 1994
Law Review, Order of the Coif, Order of the Barons
B.A. Economics, Political Science, Managerial Studies (triple major), Rice University, 1990

ADMITTED:

State Bar of Texas

COURT ADMISSIONS:

U.S. District Court, Northern, Southern, Eastern and
Western Districts of Texas
U.S. District Court, Western District of Oklahoma
U.S. Court of Appeals, Fifth Circuit
U.S. Court of Appeals, Tenth Circuit



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Profile:

Board Certified in Labor and Employment Law by the Texas Board of Legal Specialization, C. Elaine Howard is a trial attorney focusing on commercial litigation, real estate disputes, and employment law. Ms. Howard distinguishes herself by partnering with clients to determine litigation goals up front, to re-evaluate those goals as the litigation progresses, and to advise, inform, and counsel clients to obtain those goals. Ms. Howard frequently becomes involved in disputes at the pre-litigation stage, advising clients on economical workout strategies to resolve the issue, as well as reduce time and expense. Ms. Howard has significant first chair trial, as well as appellate, expertise.

Her broad based litigation practice allows her to understand the client's business and practices in a wide range of industries. In commercial litigation, she has handled numerous cases involving lending practices, disputes over multi-million dollar notes, contract disputes, securities fraud, and insurance regulation including the representation of credit unions and commercial banks in a wide variety of matters. In the real estate context, she has handled landlord/tenant disputes, title claims, lien priority disputes, adverse possession, construction litigation, Fair Housing Act violations, easements, foreclosure on real and personal property, and disputes arising out of the acquisition of real property. In the employment context, she has handled claims involving race, gender, religion, national origin, ethnicity, age, and disability discrimination and harassment. She has handled matters involving the FLSA, advising clients on its application, representing them in suits over wages, and in retaliation claims. She has been involved in numerous cases involving workers' compensation retaliation, covenants not to compete, defamation, and breach of employment agreements. Ms. Howard advises her clients in risk avoidance, by reviewing and preparing employment policies, and advising on personnel decisions, such as employee leave, discipline, wages, and termination. She conducts work place investigations and conducts employee training in anti-discrimination, sensitivity and diversity.

Professional Recognition:

Labor & Employment Law, Texas Board of Legal Specialization
AV® Preeminent™ Peer Review Rating (5.0 out of 5), Martindale-Hubbell
Houston Bar Foundation, Fellow
"Texas Rising Star," *Texas Monthly*, 2006
"Houston Professionals on the Fast Track," *H Magazine*, 2005

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Affiliations:

State Bar of Texas

Houston Bar Association, Labor and Employment Law Section (Chair, 2013-2014; Chair-Elect, 2012-2013; Vice Chair, 2011-2012; Secretary, 2010-2011; Treasurer, 2008-2010; Membership Chair, 2007-2008)

Houston Bar Association, Litigation Section (Past Chair, 2006-2007; Chair, 2005-2006; Chair-Elect, 2004-2005; Vice Chair, 2003-2004; Secretary, 2002-2003)

Houston Bar Association (Professionalism Committee Co-Chair, 2006-2008)

Commercial Real Estate Women (Programs Co-Chair, 2017-2018; Membership Co-Chair, 2014; Treasurer, 2010-2012; Programs Co-Chair, 2009)

Associated Builders and Contractors of Greater Houston (Board of Directors 2018)

Women's Finance Exchange (President of the Board, 2006-2008)

Representative Experience:

- First chair counsel representing lender in obtaining judgment in excess of \$9 million against individuals who were found to have fraudulently obtained a loan.
- Represent national restaurant entity in FLSA collective action.
- Arbitrated matter involving product defect in construction materials.
- Represent numerous lenders, banks, credit unions and loan servicers in a wide variety of litigation matters.
- Obtained numerous summary judgments on behalf of employers in cases involving allegations of discrimination or retaliation.
- First chair counsel and successful defense verdict in suit involving alleged fraudulent inducement of lease.
- First chair counsel and successful defense verdict in favor of landlord involving theft of personal property.
- Represented numerous employers during workplace investigations, administrative proceedings and through litigation of allegations of discrimination or retaliation.
- Represented land owner at trial involving oral partnership agreement which settled during trial.
- Obtained summary judgment on behalf of landlord and prevailed on appeal in one of the few reported cases on duty to mitigate damages.
- Represented landlords and tenants in hundreds of landlord/tenant disputes.
- Represented and obtained settlement for hospital in connection with construction claims against contractor and architect.
- Analyzed numerous covenants not to compete for enforceability.
- Represented commodity suppliers in suits against purchasers involving UCC delivery and alleged joint venture claims.
- Represented numerous land owners in connection with disputed title claims.
- Represented lenders in actions involving both commercial and personal loans, and involving alleged negligence, fraud or violations of statutes in connection with lending practices.

Speeches and Publications:

"Ethical Issues in Negotiations," State Bar of Texas, Advanced Real Estate Law Course, July 2018

"Landlord's Liability to Third Persons," Houston Bar Association, Real Estate Section, March 2018

"Update on Owner Exposure for Premises Liability and Nuisance," State Bar of Texas, Advanced Real Estate Drafting, March 2018

"The Miscellaneous Section of a Contract," State Bar of Texas, Essentials of Business Law, March 2018

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Speeches and Publications (Cont'd)

- "Resolving Boundary Disputes," HalfMoon Seminar on Land and Water Law, Austin, January 2018
- "A Litigator Looks at Your Transaction Documents," State Bar of Texas, Advanced Real Estate Law Course, July 2017
- "Electronic Employee Arbitration Agreements," AM Monthly Law Alert, April 2017
- "Drafting to Avoid Committing Fraud: The Battle Over Representations and Reliance," State Bar of Texas Advanced Real Estate Drafting, March 2017
- "Can You Discipline Employees for Political Protests?" AM Monthly Law Alert, February 2017
- "Resolving Boundary Disputes," HalfMoon Seminar on Land and Water Law, Houston, December 2016
- "Time to Change the Federal Labor Law Poster," AM Monthly Law Alert, September 2016
- "New Department of Labor Regulations for Contractors," AM Monthly Law Alert, July 2016
- "Miscellaneous Sections of a Contract" Advanced Real Estate Law Course, State Bar of Texas, July 2016
- "DOL Issues New Overtime Regulations," AM Monthly Law Alert, May 2016
- "Social Media and Legal Ethics Present Tricky Problems," AM Monthly Law Alert, November 2015
- "What is HERO and What Does it Say?" AM Monthly Law Alert, October 2015
- "The Most Heavily Litigated Deal Provisions: Trial Lawyer's Perspective," Advanced Real Estate Law Course, July 2014
- "Collections Jeopardy," 29th Annual Real Estate Conference, South Texas College of Law, June 2014
- "Those Paragraphs at the Bottom You Don't Really Read: Trial Attorneys Discuss the Boilerplate," 28th Annual Real Estate Conference, South Texas College of Law, June 2013
- "Problems with Foreclosures: A Legal Analysis of Current Events," Advanced Real Estate Seminar, State Bar of Texas, July 2012
- "The Benefit of Hindsight: A Trial Attorney's Tips to Transactional Attorneys on the Election of Lease Remedies," 27th Annual Real Estate Conference, South Texas College of Law, June 2012
- "Economic and Mental Anguish Damages in Employment Cases: Tip from the Experts," Moderator, HBA Labor & Employment Seminar, March 2012
- "Landlord and Tenant Drama and Trauma," 44th Annual William W. Gibson, Jr. Mortgage Lending Institute, September 2010
- "Allocating risk: Make sure buck stops in the least damaging place," 38 *Houston Business Journal* (August 10, 2007)
- "What is the latest law governing covenants not to compete," 37 *Houston Business Journal* (December 4, 2006)
- "Why People Hate Lawyers (and What We Can Do About It)," presentation to the HBA Family Law Section, September 2006
- "Zealous (but Ethical) Representation in the Modern World," HBA Seminar, April 2007; Litigation Section, May 2007
- "Take a Hard Look at Lease Terms to Avoid a Lawsuit Down the Line," 36 *Houston Business Journal* (March 24, 2006)
- "What Should Tenant or Landlord Do When Tenant Closes Business," 34 *Houston Business Journal* (January 23, 2004)
- "Waiver Warning: Don't Sit Back When Leasing Issues are at Stake," 34 *Houston Business Journal* (Jun 20, 2003)
- "Landlord's Remedies in Commercial Leases," State Bar of Texas Collections and Creditor's Rights Seminar, 2005
- "Eviction Procedures," Real Estate Law Conference, 2004
- Moderator of the following panels: "Putting out the Fires: Injunction Practice in State and Federal Courts;" "The Do's and Don'ts of Dealing with Corporate Counsel;" and "Tips on Effective Mediation"