



Craig Albert

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Board Certified – Consumer and Commercial Law
TEXAS BOARD OF LEGAL SPECIALIZATION

Practice Areas

- * Commercial Litigation
- * Real Estate Litigation
- * Financial Services Litigation

Experience

Craig A. Albert leads the Firm's litigation practice. He earned a B.A. with honors in Plan II from the University of Texas in 1986 and a J.D. from the University of Texas School of Law in 1990. Craig is a member of the State Bar of Texas, State Bar of North Carolina, and Dallas Bar Association. He enjoys an AV rating, which is the top rating from Martindale Hubbell. He is Board Certified – Consumer and Commercial Law – TEXAS BOARD OF LEGAL SPECIALIZATION.

In serving the needs of his clients in complex commercial litigation, real estate litigation and financial services litigation, Mr. Albert tries lawsuits to juries and judges with an eye toward best overall outcomes for each client. He works to identify lightning rods in transactions that might lead to litigation down the road. Understanding triggers, he helps clients prevent litigation where possible and enhance a client's position of strength. Craig has also acted as an arbitrator related to commercial lease issues and has been called at trial as an expert witness on attorney fee issues.

During his 20-plus year career as a trial lawyer, Mr. Albert has geared his practice to

meet the following objectives: every client phone call or email message is returned promptly; the firm's billings are consistently accurate and communicate the value delivered and the progress achieved on the client's case; and his team consistently plans out the "next step" as it wisely conducts litigation on behalf of the client.

Education

B.A., University of Texas, with honors in Plan II, 1986

J.D., University of Texas, 1990

Court Admissions

Admitted to practice before:

Texas State Courts

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

North Carolina State Courts

Commercial Litigation

2011 Plaintiffs' jury verdict in federal court in Houston on multiple claims of fraud and fiduciary breach against commercial real estate broker.

2011 Successful defense of \$30 million of pooled mortgage repurchase claims asserted by Countrywide in California lawsuit.

2010 Bench trial prosecution of equipment lease claims in bankruptcy court, including defeat of counterclaims for repair costs.

2010 Successful prosecution of indemnity claims against equipment manufacturer in defense of trade secret misappropriation lawsuit.

2009 Prosecution of injunctive claim against trade association to the effect of blocking decertification of client by association.

2009 Prosecution of fraudulent transfer claims against individual principals in real estate development company related to excess distributions of net proceeds.

2009 Favorable settlement against regional bank of statutory conversion claim related to disloyal employee's theft and deposit of health insurance reimbursement checks.

2007 Defeat of injunction request sought by national restaurant franchisor seeking decharacterization of former franchise store.

2005 Effective defense of multi-million dollar fiduciary claim against former regional vice-president of national automotive dealership company.

Commercial Lease and Other Real Estate Litigation

2011 Multi-contractor compromise settlement to secure release of mechanic's liens from landlord premises related to tenant default.

2010 Successful defense of claims brought under Interstate Land Sales Act related to condo purchase contracts.

2009 Favorable settlement of claim for wrongful termination of commercial lease allegedly based upon racial discrimination.

2008 Service as arbitrator in commercial lease dispute involving triple net lease.

2006 Effective defense of commercial lessee which abandoned office premises with multi-year term balance and multi-million dollar accelerated rent delinquency.

2006 Prosecution of commercial lessee's claim against landlord related to cap on controllable operating expenses.

2006 Successful defense of mechanic's lien claim and lis pendens related to alleged partnership with real estate developer.

2005 Multi-million dollar jury verdict against railroad which caused collapse of drainage culvert and resulting flood of manufacturing facility.

2005 Summary judgment for commercial lessee against landlord related to unpaid tenant allowance exceeding \$1 million.

2005 Successful prosecution of commercial subtenant claim stemming from landlord's failure to provide attornment election upon termination of prime lease.

2005 Summary judgment against defaulting lessee by which the court rejected a constructive eviction claim based upon alleged rat infestation.

2004 Jury verdict awarding damages to lessee wrongfully denied trade fixtures upon termination of lease.

Condemnation

2011 Property owner's jury verdict against gas pipeline operator for damages to Denton County ranchette from easement condemnation, leading to settlement of companion case.

2009 Unanimous jury verdict against gas pipeline company in favor of ranch owner recovering compensation for remainder damage caused by pipeline easement condemnation.

2008 Recovery of \$3.85 million award related to taking of 12,000 square feet of frontage from office tower property for expansion of Interstate 35.

2007 Recovery of \$1.8 million award related to city's taking of retail store site for construction of park.

2007 Settlement of gas pipeline easement condemnation claim after selection of jury hostile to private company use of eminent domain authority.

Real Estate Brokerage Disputes

2009 Dismissal of fiduciary claim against real estate broker of purchaser claim alleging confidentiality of 1031 exchange status.

2009 Defeat of fraud and fiduciary claims asserted against real estate broker related to listing of medical office building for sale lease-back.

2007 Preparation and successful prosecution of broker's lien for full payment of commission for sale of substantially same property to identified purchaser.

Residential Construction Liability Litigation

2011 Summary judgment against condo purchaser on \$2 million claim for alleged reduction in value from Construction defects.

2005 Successful defense of developer in action brought by condominium association for construction defects with resolution being achieved through participation of insurers of design professionals.

Insurance Policy Litigation

2011 Summary judgment against insurance company on coverage claim under policy related to construction-based constructive eviction of tenant.

2011 Pre-suit settlement from insurance company for ammonia-based explosion of cold storage plant.

2011 Enforcement against insurance company of appraisal provision in property policy and recovery of fees.

Employment Related Claims

2010 Dismissal of non-compete covenant and compensation claims from federal case asserting supplemental jurisdiction.

2007 Defense of sales commission claims related to security clearance sales out of territory prescribed by company.

2007 Effective defense of nationally syndicated radio personality from injunction suit to enforce non-compete covenant prohibiting particular radio format.

Attorney Fee Expert and General Counsel

Trial testimony as fee expert, typically realizing complete recovery for client.

Service as outside real estate counsel for restaurant operator with 130+ sites in three states.

Service as outside general counsel for Victory Park.