



Cliff Walston

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Clifford H. Walston is a senior litigation associate who joined Diamond McCarthy in July 2004. Prior to joining the firm, he was an associate with Spotswood LLC, a complex litigation boutique in Birmingham, Alabama. Cliff is a trial attorney who handles all types of complex commercial litigation with a special emphasis on financial disputes, class actions, lender liability cases, and other business matters.

Cliff's representations include:

- Co-lead attorney in the successful representation of Rabo Agrifinance, Inc. and Ag Acceptance Corporation, domestic subsidiaries of Rabobank International, in a dispute relating to the financing of a commercial farming operation located in the panhandle of West Texas. The dispute spawned a series of lawsuits in both state and federal court, including the following:
 - Successful defense of Rabo Agrifinance, Inc. and Ag Acceptance Corporation against claims of fraud, negligence, violations of the DTPA, Bank Holding Act, Texas Anti-Trust Act, breach of contract, and other lender liability claims. After a two week trial in the 222nd District Court of Deaf Smith County, Texas in which the plaintiffs sought more than \$10 million in damages, the jury returned a take-nothing verdict completely exonerating Cliff's clients. At trial, Cliff handled portions of voir dire and significant direct and cross-examination, including the cross examination of the plaintiffs' real estate valuation expert.
 - Successful representation of Rabo Agrifinance, Inc. and Ag Acceptance Corporation relating to rights in certain personal property and the joint ownership of certain real property. After a four day bench trial in the United States District Court for the Northern District of Texas, the court entered findings of fact and conclusions of law awarding additional requested relief to Cliff's clients. At trial, Cliff gave the opening and closing statements and handled significant direct and cross-examination.
 - Successful representation of Ag Acceptance Corporation in which Cliff's client obtained possession of a 7,000 acre commercial farm. After obtaining summary judgment awarding possession to Cliff's client, the adverse party appealed the possession order multiple times, ultimately appealing to the Seventh Court of Appeals for the State of Texas where Cliff presented the oral argument on behalf of his client.
 - Successful representation of Rabo Agrifinance, Inc. in the United States District Court for the Northern District of Texas. The trial court granted Rabo Agrifinance, Inc.'s motion for summary judgment on its breach of contract claim and entered a final judgment for approximately \$3.95 million.
- Successful representation of a bankruptcy trustee and a group of 1,100 Latin American investor/creditors in suits brought against a Big Four Accounting Firm in the U.S. Federal Court for the Western District of Texas arising out of the financial collapse of Inverworld, a cross-border investment company.

Location:

Houston, Texas

Education:

University of Texas at Austin
B.B.A. Finance, Business Honors
Program, with Honors, 1999

University of Texas School of Law
J.D., with Honors, 2002

Areas of Practice:

Financial Litigation
Class and Derivative Actions
Business Tort Litigation
Insolvency Litigation
Professional Liability Litigation
Mass Tort/Product Liability
Litigation

Admitted to Practice:

Texas, 2002
Mississippi, 2003
Alabama, 2004
Fifth Circuit Court of Appeals,
2003
Northern District of Texas, 2006
Southern District of Texas, 2006
Eastern District of Texas, 2003
Western District of Texas, 2007
Northern District of Mississippi,
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Southern District of Mississippi,
2003



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2003
Southern District of Mississippi,
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- Ongoing representation of a certified class in the United States District Court for the Southern District of Texas pursuing claims of breach of contract on behalf of thousands of bond indemnitors who were victimized by a group of bail bondsmen and insurance companies.
- Co-lead attorney in ongoing representation of World Trade Distribution, Inc., a Houston based international freight shipping company, against Saia, Inc. relating to World Trade's purchase of a multi-million dollar shipping facility in Harris County and Saia's abandonment of hazardous materials resulting in environmental contamination.

Cliff received his J.D. degree, with honors, from the University of Texas School of Law in 2002, where he completed the basic and advanced trial advocacy programs. Cliff is also a graduate of the Business Honors Program within the McCombs School of Business at the University of Texas at Austin, where he received a B.B.A. in Finance, with honors in 1999. In addition, Cliff was a recipient of the Texas Excellence Award for his outstanding leadership contributions and academic success.

Cliff was admitted to the State Bar of Texas in 2002, the Mississippi State Bar in 2003, and the Alabama State Bar in 2004. He is licensed to practice before the Fifth Circuit Court of Appeals, the Northern, Southern, Eastern and Western Districts of Texas, and the Northern and Southern Districts of Mississippi. He is a member of the Texas Trial Lawyers Association, American Bar Association, the State Bar of Texas, the Alabama State Bar, and the Mississippi State Bar.