



## Cliff Walston

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Clifford H. Walston is a partner 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.

In 2008, Texas Monthly named Cliff a "Rising Star" in its Super Lawyers edition, a distinction reserved for the top 2.5% of Texas attorneys who are under 40 years of age or have been practicing law for less than 10 years.

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.

### Location:

Austin, 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,  
2003  
Southern District of Mississippi,  
2003



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Southern District of Mississippi,  
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- 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.
- 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.
- Co-lead attorney in ongoing defense of Fraser Thermal and Ze-gen, Inc., a leading developer of gasification technology converting waste into near zero-emissions syngas, in parallel proceedings in state and federal court related to alleged patent infringement and alleged theft of trade secrets.

Cliff received his J.D. degree, with honors, from the University of Texas School of Law in 2002. 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 Exes Award For Scholarship and Leadership 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 also a member of the Texas Trial Lawyers Association and the American Bar Association.