



Mark C. Walker brings nearly four decades of trial and appellate experience to his role as a neutral, offering parties the distinct advantage of a mediator who has successfully navigated complex disputes from both sides of the courtroom. His extensive background spans high-stakes commercial litigation, product liability cases, healthcare disputes, and regulatory matters—experience that provides invaluable insight into the strategic considerations and practical realities that drive settlement negotiations.

As a Board-Certified Personal Injury Trial Lawyer since 1990 and former member of the Texas Board of Legal Specialization examination commission, Mark understands the nuances of the factual and legal differences leading to wins and losses. His experience informs his views on case valuation, litigation risks, and the pressures facing both plaintiffs and defendants. His approach combines the tenacity and creativity that made him successful as a trial and appellate lawyer with the neutral perspective essential for effective mediation.

Mark's philosophy centers on thorough preparation and realistic case assessment—principles that served his clients well in litigation and now benefit the parties he serves as a mediator. His deep understanding of business disputes, tort claims, regulatory compliance, and fiduciary matters enables him to quickly grasp complex issues and guide parties toward practical solutions.

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## Notable Case Experience

*The following cases represent Mark's distinguished career as a trial and appellate attorney, providing the foundation for his expertise as a neutral:*

### Commercial, Business and Construction Disputes

- Representation of Mexican billionaire in child abduction case under Hague Convention
- Representation of lawyers and law firms in ethical, grievance, and business disputes
- Representation of hotel owners in shareholder derivative suits
- Represented commercial property ownership groups in recovery of conversion by property manager
- Representation of product sellers and manufacturers in disputes with suppliers and buyers
- Representation of auto and motorcycle dealerships in all levels of disputes with consumers and manufacturers

- Representation of contractors in disputes with owners and other contractors
- Representation of securities and insurance brokers in licensure disputes
- Appealed for national company in age discrimination case. See *Jackson v. Host International*, 2011 U.S. App. LEXIS 2077 (5th Cir. 2011)
- Payment and performance bond disputes. See, e.g., *Nat'l Amer. Ins. Co. v. Innovative PBX Serv.*, 2003 U.S. Dist. 4613 (W. D. Tex. 2003)
- Representation of smelter in arsenic exposure cases
- Successfully defended entertainer Damon Wayans in defamation and business disparagement suit. *Reed v. Wayans*, 2007 U.S. Dist. LEXIS 80996 (W.D. Tex. 2007)
- Representation of insurers in tortious interference matters
- Representation of physician groups in tortious interference and disparagement matters
- Defense of companies in malicious prosecution and defamation cases
- Representation of professional group dissolutions in litigation, shareholder disputes

## **Reputational Torts and the Texas Citizens Participation Act (TCPA)**

- Representation of multiple entities, organizations, individuals, professionals, in commercial and business disputes, suits for defamation and business disparagement, particularly involving presentation and defense of early dismissal motions under the Texas Citizens Participation Act and Tex. R. Civ. P. 91a, including all appeals.

## **Governmental Entities**

- Representation of school district in ad valorem tax cases. See *The El Paso Independent School District v. Sharp*, 923 S.W.2d 844 (Tex. App.—Austin 1996, writ denied)
- Representation of city against ongoing tribal claims for land. See *Ysleta del Sur Pueblo v. City of El Paso*, 2021 WL 5504744, at \*2 (5th Cir. 2021).
- Representation of town for damages and remediation for new sewage system failure and collapse with ground subsidence
- Representation of farmers and business entities before local, state, and federal agencies

## **Healthcare**

- Successful defense of TPA in dispute over medical payment coverage. *Contreras v. Clint I.S.D. and Access Administrators*, 342 S.W.3d 413 (Tex. App. – El Paso 2011, no pet.)
- Representation of physician against hospital group on credentialing and defamation disputes
- Representation of medical groups and physicians in business dissolution and disputes
- Representation of physicians and medical groups in defense of professional complaints
- Representation of physicians before Texas Medical Board
- Representation of hospitals in Medicare reimbursement litigation
- Representation of hospitals in accreditation disputes
- Representation of clinic in discrimination cases
- Defense of medical facilities against employee injury claims. See *Torres v. TransHealth*

*Management*, 509 F.Supp.2d 628 (W.D. Tex. 2006)

- Defense of employers in employment discrimination and retaliation cases.

## **Financial Services**

- Representation of national, regional, and community banks and credit unions on wrongful foreclosure, wrongful dishonor, and other lender liability cases. See, e.g., *Villarreal v. First Presidio Bank*, 2018 WL 3618686 (5th Cir. July 27, 2018) (reversing and rendering judgment for bank)
- Representation of regional bank in dispute with another bank over significant takeout loan for defaulted contractor. *City Bank v. Compass Bank*, 2010 U.S. Dist. LEXIS 34181 (W.D. Tex. 2010)
- Representation of lenders and commercial paper buyers in unfair debt collection practices cases, including class actions
- Representation of community banks and credit unions on commercial disputes with borrowers, depositors, and shareholders

## **Product Liability**

- Established framework for seller indemnification from manufacturers under Texas law. See *Fitzgerald v. Advanced Spine Fixation System, Inc.*, 996 S.W.2d 864 (Tex. 1999)
- Lead co-liaison counsel for Texas seller defendants in consolidated Ford/Firestone Tire/Explorer litigation
- Representation of multiple auto sellers in variety of automotive product liability litigation, including tread separations, rollovers, crashworthiness, restrain systems, sudden acceleration and other defects, and indemnification claims. See *Dick Poe Motors, Inc. v. DaimlerChrysler Corp.*, 169 S.W.3d 478 (Tex. App.—El Paso 2005, no pet.) (reversing trial court dismissal of case); *Dick Poe Motors, Inc. v. DaimlerChrysler Corp.*, 169 S.W.3d 507 (Tex. App.—El Paso 2005, no pet.) (reversing trial court dismissal of case)
- Defense of auto and recreational home manufacturers and component parts manufacturers. See *Hernandez v. Nissan Motor Corp.*, 740 S.W.2d 894 (Tex. App.—El Paso 1987, writ denied) (affirming directed verdict in sudden acceleration case)
- Representation of manufacturers and sellers in deceptive trade/misrepresentation matters

## **Insurance Coverage and Bad Faith**

- Litigation over coverage for casualty, property, life and other insurers. See, e.g., *State Farm County Mutual Ins. Co. v. Ollis*, 768 S.W.2d 722 (Tex. 1989) (per curiam decision on no duty to offer greater uninsured motorist coverage); *Oklahoma Surety Co. v. Williams, et al.*, 483 F. Supp. 541 (W.D. Tex. 2006) (affirming no uninsured motorist coverage for survivors of deceased employee)
- Provide coverage opinions
- Defense of insurers in bad faith and first-party contract cases, including UM/UIM, life,

health

- Payment and performance bonds.

## **Premises Liability, Personal Injury, and Toxic Torts**

- Represented multiple retailers over years in all types of premises liability litigation. (multiple cases reported on appeal)
- Defense of premises security cases. See, e.g., *Garcia v. El Paso Limited Partnership, d/b/a Sonic Drive-In No. 9*, 203 S. W.3d 432 (Tex. App.—El Paso 2006, no pet.) (affirming a summary judgment for restaurant in a wrongful death premises security case).
- Representation of multiple entities on compliance and enforcement actions with Texas Alcoholic Beverage Commission Defense of companies and employers in worksite injury cases. See, e.g., *Romero v. CMA, Inc.*, 808 S.W.2d 157 (Tex. App.—El Paso 1991, writ denied) (affirming defense judgment in severe electrical burn case)
- Defense of transportation companies in investigation and defense of death and catastrophic injury cases
- Representation of pipeline company and roofing company in asbestos cases

## **Election and Campaign Finance Law/Ethics**

- Successfully defended El Paso mayor against recall election by groups violating Texas campaign finance laws, which allowed City Council to move forward on over \$500 million in quality of life issues. *Cook v. Tom Brown Ministries, et al.*, 385 S.W.3d 592 (Tex. App. – El Paso 2012, pet. denied)
- Successfully defended El Paso City Council incumbent against ethics and criminal complaints by opponent in re-election campaign
- Formation and representation of political committees
- Representation of municipal, county and state candidates on campaign finance and election law compliance
- Prepare corporate campaign finance law compliance policies
- Provide advice to businesses on government agency ethics compliance

## **Intellectual Property**

- Obtained largest copyright and service mark violation judgment for entertainer. *Michael Buffer v. GRM Communications, et al.*, No. EP-09-CV-421-DB (W.D. Tex. 2010)
- Representation of custom boot maker prosecuting copyright infringement, and obtaining boot copyrights
- Representation of companies in copyright and trademark infringement cases
- Representation of patent applicants

*This comprehensive litigation background enables Mark to understand the full spectrum of legal and business considerations that influence settlement decisions, making him uniquely qualified to facilitate productive negotiations in complex disputes.*

## **Education and Credentials**

### **Education**

- The University of Texas at Austin, B.A., 1981 *magna cum laude*
- Phi Beta Kappa
- The University of Texas at Austin, graduate school
- The University of Texas School of Law J.D., 1985

### **Acknowledgments**

- State Bar of Texas:
  - Standing Ovation Award 2020
- *Martindale-Hubbell*® AV Preeminent® Peer Review Rating
- The Best Lawyers in America®
  - Commercial Litigation and Personal Injury Litigation, 2011-2025
  - “Lawyer of the Year,” Personal Injury Litigation - Defendants, 2022
- *Texas Super Lawyers*®
  - Civil Litigation Defense, 2006-2024

### **Professional Involvement**

- Vice Chair, State Bar of Texas, Continuing Legal Education Committee, 2024 to date
- Fellow of the Texas Bar College, 2022 to date
- Founding Leadership Cabinet Member, Paso del Norte Center at Meadows Mental Health Policy Institute, Texas
- El Paso Bar Association, Chair, Ethics Committee, 2005, 2013-2014
- Texas Association of Defense Counsel, Board of Directors, 2009-2016; Vice President of Publications, 2012-2014
- Texas Board of Legal Specialization, Personal Injury Trial Law Exam Commission, Member, 2007-2012
- American Board of Trial Advocates, El Paso Chapter President, 2019
- American Bar Association
- Defense Research Institute
- Antitrust and Business Litigation Council, State Bar of Texas

## **Community Involvement**

- Mental Health of America, Board of Directors, 2016-2018
- Texas Suicide Prevention Council, Member, 2016-2018
- Texas Suicide Prevention Collaborative, Board of Directors, 2020- date
- Principal author and proponent, Texas HB906 (2023), extending orientation on suicide prevention and mental health to all incoming students at all institutions of higher education in Texas (roughly 600,000 students annually)
- Paso Del Norte Center Center, Meadows Institute, Leadership Cabinet, 2022-present
- Greater El Paso Chamber of Commerce, Governing Board, 2008-Present; Legal Counsel, 2011
- El Paso County Historical Society, Board of Directors, 2013-2016
- Ex-Students Association of the University of Texas, National Council, 2013-Present
- El Paso President, 1994-1996
- El Paso Art Museum Advisory Board, Chairman, 2007-2008
- International Federation of Fly Fishers, Texas Council, Board of Directors, 2013

## **Court Admissions**

- State Bars of Texas, New Mexico, Colorado
- U.S. District Courts, Northern, Southern, Western and Eastern Districts of Texas
- U.S. District Court, District of Colorado
- U.S. District Court, District of New Mexico
- U.S. Court of Appeals, Fifth Circuit
- U.S. Supreme Court

## **Publications/Presentations**

### **Presentations and Conferences**

#### **Course Director**

- Course Director, State Bar of Texas 2025 Advanced Personal Injury Law Course
- Course Director, State Bar of Texas 2019 Advanced Civil Trial Course
- Course Director, State Bar of Texas 2016 Damages in Civil Litigation
- Course Director, State Bar of Texas 2015 Business Disputes Course

#### **Select Presentations**

- Author and Panel Moderator, “Trends and Developments in Texas Judicial Disclosure and Recusal Rules,” State Bar of Texas 47th Annual Advanced Civil Trial Course, October 2024
- Author and Panel Moderator, “Trends and Developments in Texas Judicial Disclosure and

- Recusal Rules,” State Bar of Texas 47th Annual Advanced Civil Trial Course, July 2024
- Moderator, “Business Disputes,” Texas Bar CLE, September 2023
- Paper author and panel moderator (with former Dallas Court of Appeals Justice and former Chair, State Commission on Judicial Conduct, David Schenck, and Dykema Dallas appellate specialist Chris Kratovil), “Developments and Trends in Texas Rules of Judicial Disclosure, Recusal, and Disqualification,” “Business Disputes Course,” State Bar of Texas CLE, September 28-29, 2023April 5, 2023
- Paper author and panel moderator (with former Dallas Court of Appeals Justice and former Chair, State Commission on Judicial Conduct, David Schenck, and Dykema Dallas appellate specialist Chris Kratovil), “Developments and Trends in Texas Rules of Judicial Disclosure, Recusal, and Disqualification,” State Bar of Texas webinar, April 5, 2023
- Paper author and moderator of panel (El Paso Court of Appeals Chief Justice Yvonne Rodriguez, trial and appellate certified lawyer Joe Hood), “Trends in Judicial Disclosure and Recusal Rules,” Tex-ABOTA webinar, January 10, 2023
- “The Rocky Path of the Bill of Rights,” Daughters of the American Revolution, Constitution Day, September 17, 2022.
- Author, “Reputational Torts and the Texas Anti-SLAPP Law: The Essential Guide with Updates on the Texas Defamation Mitigation Act,” The Advocate, Texas State Bar Litigation Section Report, Vol 99, Summer 2022
- “Defamation, Business Disparagement, and the Anti-SLAPP Update,” State Bar of Texas, 38th Annual Litigation Update Institute, January 2022
- “The Essential Guide To The Texas Anti-Slapp Law, The Texas Defamation Mitigation Act, And Rule 91A,” State Bar of Texas 36th Annual Litigation Update Institute, January 30-31, 2020
- “The Nuts and Bolts of the Texas Anti-SLAPP Law with 2019 Amendments,” University of Texas School of Law – 43rd Annual Page Keeton Civil Litigation Conference, November 22, 2019
- “Anti-SLAPP Statute”, 42nd Annual Advanced Civil Trial Course, Texas Bar CLE, Houston, November 1, 2019
- “Federal Judges’ Panel”, 42nd Annual Advanced Civil Trial Course, Texas Bar CLE, Dallas, August 22, 2019
- “State Judges’ Panel”, 42nd Annual Advanced Civil Trial Course, Texas Bar CLE, Dallas, August 21, 2019
- “The Nuts and Bolts of the Texas Anti-SLAPP Law with 2019 Amendments,” Texas State Bar College – 21st Annual Summer School, July 19, 2019
- “Texas Anti-SLAPP Law: Essential Navigation Tools,” 42nd Annual Page Keeton Civil Litigation Conference, November 8, 2018
- “Anti-SLAPP v. Pro-SLAPP: Who Wins?,” 41 Annual Advanced Civil Trial Course, State Bar of Texas, Houston, October 25, 2018
- “Anti-SLAPP v. Pro-SLAPP: Who Wins?,” 41 Annual Advanced Civil Trial Course, State Bar of Texas, San Antonio, July 19, 2018
- “The Texas Anti-SLAPP Law: Essential Navigation Tips,” San Antonio Bar Association, May 17, 2018

- “The Texas Anti-SLAPP Law and the Texas Defamation Mitigation Act,” University of Texas Annual Page Keeton Civil Litigation Conference, November 2, 2017
- “Threshold Dispositive Motions – The Texas Anti-SLAPP Law,” State Bar of Texas Advanced Civil Trial Course October 25, 2017
- “Anti-SLAPP,” 9th Annual Texas State Bar Business Disputes Course, Texas Bar CLE, September 8, 2017
- *The Texas Anti-SLAPP Law*, State Bar of Texas Soaking in Some CLE Conference, Padre Island, Texas, May 18, 2017
- *Texas Anti-SLAPP Law Update*, State Bar of Texas 9th Annual Damages in Civil Litigation Course, Houston, Texas, February 16, 2017
- *Anti-SLAPP: What is Left of Reputational Torts So Long As This Statute is on the Books?*, University of Texas School of Law 40th Annual Page Keeton Civil Litigation Course, October 27, 2016
- *The Texas Anti-SLAPP Statute*, State Bar of Texas 8th Annual Business Disputes Course, Houston, Texas, September 23, 2016
- *Damages in Civil Litigation*, Course Director, Texas State Bar, Dallas, Texas, February 4-5, 2016
- *The Texas Anti-SLAPP Law: An Update*, State Bar of Texas Litigation Update Institute, Austin, Texas, January 2016
- *Texas Anti-SLAPP Law*, Speaker and Course Director, State Bar of Texas Business Disputes Course, Dallas, Texas, September 10-11, 2015
- “*Anti-SLAPP Statute*,” Speaker, SBOT – Advanced Civil Trial Course, Houston, October 30, 2014
- “*Update of Texas Anti-SLAPP Law*,” Speaker, UT Law School – 38th Annual Page Keeton Civil Litigation Conference, Austin, October 24, 2014
- “*The U.S. Constitution & Corporations: Limits and Expansion of Corporate Constitutional Rights*,” Speaker, SBOT – Business Disputes Course, Houston, September 11, 2014
- “*Anti-SLAPP Statute*,” Speaker, SBOT – Advanced Civil Trial Course, Dallas, August 21, 2014
- “*Anti-SLAPP Statute*,” Speaker, SBOT – Advanced Civil Trial Course, San Antonio, July 17, 2014
- “*Saving the Seventh Amendment*,” Speaker, Federal Bar Association, El Paso Chapter, February 25, 2014
- “*Motion to Dismiss: Anti-SLAPP*,” Speaker, The Ultimate Motions Practice Seminar, State Bar of Texas, Austin, September 20, 2013
- *Defamation, Business Disparagement, and Anti-SLAPP*, Presenter, State Bar of Texas Business Disputes Conference, Dallas, Texas, September 12, 2013 “Accident Investigations,” Speaker, National Retail Company’s Annual Meeting, Denver, Colorado, July 30, 2013
- “*Protecting the Professional Reputation: Remedies and Unintended Consequences*,” Speaker, Texas Society for Medical Staff Services- Sun City Chapter Meeting, June 14, 2013
- *Automotive Product Liability Conference*, Sponsored by the American Conference



Institute, Moderator, June 6, 2013

- “*The Texas Anti-SLAPP Statute: Issues for Business Tort Litigation*,” 7th Annual Bill of Rights Course: Litigating the Constitution, May 31, 2013
- “*The Texas Anti-SLAPP Statute: Issues for Business Tort Litigation*,” Texas Paralegal Journal, Winter 2013 Vol. 18 No. 3, January 22, 2013
- “*The Texas Anti-SLAPP Statute: Issues for Business Tort Litigation*,” by Mark C. Walker and David M. Mirazo, edited for the 36th Annual Page Keeton Civil Litigation Conference, October 25 & 26, 2012, October 25, 2012
- “*The Texas Anti-SLAPP Statute: Issues for Business Tort Litigation*,” Business Torts Institute, State Bar of Texas, September 11, 2012
- “*The Texas Anti-SLAPP Statute: Issues for Business Tort Litigation*,” presented to The Texas Association of Defense, Counsel’s 2012 West Texas Seminar, August 11, 2012
- *The Texas Anti-SLAPP Statute: Issues for Business Tort Litigation*, State Bar of Texas Webinar, May 22, 2012

## Publicity

- “El Paso Mayor John Cook Wins Recall Appeal,” by Marty Schladen, El Paso Times, February 17, 2012
- “Court of Appeals Hears Recall Case” by Marty Schladen, El Paso Times, January 25, 2012
- “El Paso City Council recall hearing postponed until Nov. 14” by Marty Schladen, El Paso Times, October 27, 2011
- “Recall case likely to extend beyond El Paso,” by Marty Schladen, El Paso Times, October 2, 2011
- “Judge OKs recall process; clerk to get petitions today,” by Marty Schladen, El Paso Times, September 15, 2011
- El Paso City Council race gets dirty: Candidates challenge claims made in campaign literature, by Cindy Ramirez, El Paso Times, June 7, 2011