



Luke Madole
Partner

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“Human controversies flowing from past events will be resolved, justly or otherwise. Just resolution depends, foremost, upon truth. Truth-revealing advocacy is labor, common-sense, judgment and, when done well, a masterpiece.”

Mr. Madole is at home in a courtroom. He has tried over 80 cases to jury verdict as lead counsel and selected another 30 juries for other trial lawyers. His jury trials as lead counsel in civil cases range from contract, construction, employment, insurance, real estate, landlord-tenant, fraud, and deceptive trade practices to oil and gas disputes including non-operators vs. operator, joint interest auditing, operator vs. drilling contractor, and investor vs. promoter.

“Any time you work in prosecution, you gain an appreciation for the system as a whole.”

As a criminal prosecutor, he prosecuted misdemeanors and violent felonies such as aggravated kidnapping, sexual assault, aggravated robbery, and capital murder. As Division Chief of the Specialized (White Collar) Crime Division of the Dallas County Criminal District Attorney’s Office, Mr. Madole successfully prosecuted an elected official for misuse of office and obtained a conviction of the owner of an illegal landfill for engaging in organized crime. The resulting 30-year sentence is believed to be the longest jury sentence ever returned in an environmental case. As a result, he was recognized by the Texas Natural Resources Conservation Commission, the Texas Parks and Wildlife Department, and the United States Environmental Protection Agency.

“Take for example, the environmental case. I knew nothing about environmental law, but I knew how to advocate a case. An Assistant Attorney General taught me the applicable environmental law enabling me to show the jury that the “I thought I had permits” defense was not only false, but malicious. My sense, in the world today, is that most people would say, ‘I need the best construction lawyer, or patent attorney’ or something like that. That may not be exactly right. I’ve been trained in advocacy. Advocacy is a discipline unto itself, like any other type of law. In the arena of human controversy, clients are often best served by getting an advocate rather than a specialist.”

In cases resolved by summary judgment, other pre-trial motions, bench trial, settlement, or otherwise, Mr. Madole has participated in a wide array of civil litigation, including legal malpractice, corporate governance, accountant malpractice, mortgage insurance, non-compete disputes, trademark infringement, trade secrets, restrictive covenants, civil rights, healthcare, employment, securities, intra-corporate disputes, landlord-tenant issues, and UCC matters.

From 2005 through 2011, Mr. Madole has been recognized by *Texas Monthly* magazine a “Super Lawyer” in business litigation, an honor bestowed on only 5% of Texas attorneys.

Representative Matters

Real Estate/Fraud/Deceptive Trade Practices

G. Richard Goins Constr. Co. v. S.B. McLaughlin Assocs., Inc., 930 S.W.2d 124 (Tex. App. – Tyler 1996, writ denied). Successfully defended Canadian developer against Texas home-builder and Oklahoma dentist claiming fraud, deceptive trade practices and the like relative to a lake-lot development.

Oil and Gas

Gannon v. Payne, 706 S.W.2d 304 (Tex. 1986). Canadian oil and gas investment dispute.

Restrictive Covenants

Farm and Home Savings Assoc. v. Strauss, 671 S.W.2d 682 (Tex. App. – 1984, no writ). Assisted successful defeat of Developer's covenants not truly intended to run with land.

Indep. Am. Real Estate, Inc. v. Davis, 735 S.W.2d 256 (Tex. App. – Dallas 1987, no writ). Successfully enforced residential restrictive covenants for homeowners against commercial developer.

Construction

George A. Fuller Company of Texas, Inc. v. Carpet Services, Inc., 823 S.W.2d 603 (Tex. 1992). Construction dispute in which usury law was paramount.

Landlord – Tenant

Italian Cowboy Partners, Ltd v. The Prudential Insurance Co. of America. [Cause No. 01-07465-C in County Court at Law No. 3, Dallas County, Texas] On behalf of family-owned restaurant, obtained rescission of lease and \$1,500,000 judgment against the landlord, Prudential, for fraud and on alternative claims.

White Collar Crime

Megason v. State, 19 S.W.3d 883 (Tex. App. – Texarkana 2000, pet. ref'd), obtained and upheld corruption conviction of elected official.

Legal Malpractice

Industrial Clearinghouse, Inc. v. Jackson Walker LLP, 162 S.W.3d 384 (Tex. App. – Dallas 2005, pet. denied). Successfully represented law firm in trial court and assisted on appeal which upheld summary judgment in favor of law firm against plaintiff alleging malpractice in bankruptcy and non-bankruptcy representations.

Non-prime Lending, Seller-Servicer Termination, Contracts

Hurt, Trustee v. Fannie Mae [Adversary 09-01055-LK, W.D. Tex.], appeal reported at 354 F.3d 372 (5th Cir. 2003). Participated in lengthy trial with multiple Carrington Coleman trial lawyers conducting, on behalf of Fannie Mae, successful defense against claim of business destruction made by terminated Title 1 lender and successful prosecution of Fannie Mae's net \$14,000,000 counter-claim.

Consumer Law

Boyd v. Barrett, Burke, No. 00-01853-J, 191st District Court, Dallas County (2001). Represented law firm who had foreclosed on Ms. Boyd's home. Law firm obtained verdict and judgment that Ms. Boyd take nothing by reason of her claims for violation of the Fair Debt Collection Practices Act, the Texas Debt Collection Act and the Texas Deceptive Trade Practices Act.

Civil Action No. 3:00-CV-0531-L; *Curry v. The Brice Legal Group, P.C.*. Obtained dismissal of putative class action against law firm for plaintiff's/purported putative class representative's failure to state claims on which relief could be granted under Fair Debt Collection Practices Act and Texas Debt Collection Act.

Education

University of Texas
J.D., with high honors, 1980
B.A., mathematics, with honors, 1976

Admittances

Texas 1980

Associations/Affiliations

Barrister: First Dallas Inn of Court from 1988-1990.

Fellow: Dallas Bar Foundation since 1994.

Research Fellow: Center for American and International Law since 1990.

Member: American Board of Trial Advocates, Dallas Bar Association, State Bar of Texas, Texas District & County Attorneys Associations, American Bar Association.

Fellow: Texas Bar Foundation.

Speeches/Publications

Malpractice Issues in Bankruptcy Cases; Bankruptcy Issues in Malpractice Cases, 26th Annual Jay L. Westbrook Bankruptcy Conference, November 2007.