PMM LAW

Mark L. Clark

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Director and Shareholder

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Select Areas of Litigation Practice

- Admiralty & Maritime
- ADR
- Business (general)
- Chemicals
- Commercial Litigation
- Construction
- Contractual Indemnity
- Energy Litigation
- Environmental
- Insurance Coverage
- Insurance Litigation
- Intellectual Property/Trade Secret/Patent
- International Litigation
- Labor & Employment
- Mass Tort & Toxic Tort
- Personal Injury
- Products Liability
- Professional Risk
- Real Estate Litigation
- Trans. & Motor Vehicles

Education

- South Texas College of Law
  Houston, Texas
  J.D., 1993
- Abilene Christian University
  Abilene, Texas
  B.A., 1990

Mark Clark has successfully provided leadership to his clients in litigated matters for over 29 years. Corporations and major insurers have consistently relied on Mark's trial skills, judgment and tenacity in the trial and arbitration of their matters. His experience covers energy, marine, environmental spills and clean up as well as a large spectrum of litigation in the transportation, construction and commercial arenas.

Mr. Clark also has a broad practice in insurance coverage and contractual indemnity litigation. He has had the distinction of being the lead attorney for the Defense in *In Re Larry Doiron, Inc. (2018),* in which the U.S. Fifth Circuit dramatically changed maritime rules with regard to identifying maritime contracts. Mark's practice is national with a focus on the Gulf South where he is licensed in Texas, Louisiana, Mississippi and Alabama.

Admission to Practice

- Texas, 1994 including all state and federal courts
- Louisiana, 2007 including all state and federal courts
- Mississippi, 2007 including all state and federal courts
- Alabama, 2014 including all state and federal courts
- U.S. Court of Appeals for the Fifth Circuit
- U.S. Supreme Court

Memberships & Affiliations

- State Bars of Texas, Louisiana, Mississippi and Alabama
- Institute for Energy Law Advisory Board Member
- The Network of Trial Law Firms (NTLF)
- Houston Bar Association
- Texas Bar Foundation, Fellow
- Houston Young Lawyers Association, Life Fellow
- Texas Association of Defense Counsel
- International Association of Defense Counsel,
  - Vice Chair Environmental & Energy Law Committee
- Mariners Club of Houston

Representative Presentations

- Panelist, *Mitigating Litigation Risks in an Ever Changing International Environmental Regulatory Climate*, International Association of Defense Counsel Annual Meeting, Prague, Czech Republic, July 7, 2026
- *Tort Reform: Separating the Silver Bullets from Window Dressing*, Seminar Presented to The Trial Network, Montage Resort, Laguna Beach, California, November 7, 2025
- *Insurance Litigation Risks in a New World Order*, Seminar Presented to The Trial Network, Tamaya Resort, New Mexico, April 26, 2025
- *Shifting Sands in Mass Torts*, Seminar Presented to The Trial Network, Ritz Carlton, Amelia Island, Florida, May 3, 2024
- *Misappropriation of Trade Secrets and Related Actions in the Employment Context*, Seminar Presented to The Trial Network, Silverado Resort, Napa, California, November 2023
- *Legal Gaslighting in Mass Torts: Products Liability vs. Public Nuisance*, Seminar Presented to The Trial Network, Ritz Carlton, Lake Oconee, Georgia, April 2023

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Representative Presentations *(continued)*

- *Climate Change Litigation Across the Globe*,
  - International Association of Defense Counsel, Webinar, January 25, 2023
  - Presented to the International Association of Defense Counsel, Mid-Year Meeting, JW Marriott Turnberry Resort, Miami, Florida, February 19, 2024
- *Stop Your Employees from Taking Unnecessary Risks*, National Webinar Presented through Lorman Education Services, November 2021
- *Highway Accidents: A Neglected Source of Occupational Injury*, National Webinar Presented through Lorman Education Services, October 2019
- *Houston Marine and Insurance Energy Seminar*, Speaker regarding *Maritime Contracts and Oil & Gas Indemnities under In re Larry Doiron, Inc.*, 879 F.3d 568 (5th Cir. 2018), Presented in Houston, Texas, September 2018
- *Fifth Circuit Indemnity Ruling, In Re Larry Doiron, Inc.*, Houston Marine Energy and Insurance Conference, September 2018
- *In Re Larry Doiron, Inc*. Panel Discussion, Tulane Admiralty Law Institute, New Orleans, Lousiana, March 1, 2018
- Panelist and Speaker, on Discussion of *Developments On the Outer Continental Shelf Lands Act*, Tulane Admiralty Institute, February 28, 2018 to March 2, 2018
- *In Re Doiron: The Coming Sea Change in Maritime Offshore Contracts*, Private Client Group, London, England, November 2017
- *Damages in Personal Injury*, National Business Institute, New Orleans and Baton Rouge, September 2017
- *Traumatic Brain Injury Defenses and Damage Assessment*, Thompson Coe Webinar, January 2017 and second presentation to Private Client Group, September 2017
- *Punitive Damages for Unseaworthiness: Tabingo or McBride, Which Approach Will Prevail*, Presented to Private Client Group, London, England, April 2017
- *Hull and P&I Coverage in the Energy Marine Context*, Private Client Group, Houston, Texas, March 2017
- *Troublesome Contractors: The Impact of Bridging Agreements on Work Place Safety Rules, Conduct Policies and Litigation Exposures*, Association of Corporate Counsel, Houston, Texas, and The Woodlands, Texas February, 14 and 21, 2017
- *Bad Faith Issues in Uninsured Motorist Claims: Real World Problems and Real World Solutions*, New Orleans, Louisiana, December 19, 2016
- *Insurance Bad Faith in Louisiana*, National Business Institute, Baton Rouge and New Orleans Seminars, October 2016
- *Contractual Defense and Indemnity in Oil and Gas Contracts*, Presented at Thompson Coe's 9th Annual Texas Insurance and Tort Law Update, Houston, Texas, May 2016
- *U.S. Metals vs. Liberty Mutual: Defective Components and the Impaired Property Exclusion*, Webinar Presented to the Texas State Bar Insurance Division, March 2016
- Panelist on *Oilfield Construction Liabilities*, Energi Insurance Services Summit, Washington D.C., October, 2015
- *Louisiana Evidence: Understanding the Proper Way to Authenticate and Challenge Exhibits and Expert Testimony Under the Rules of Civil Procedure*, National Business Institute, New Orleans, Louisiana, November 2014

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Representative Presentations *(continued)*

- *The Lodwick v. Chevron Impact on Limited Pollution Buyback Endorsements*, Presented to the International Association of Asbestos and Pollution Insurers in Cologne, Germany, December 15, 2013
- *Lodwick v. Chevron: The Limited Pollution Buyback and the Duty to Defend*, Presented to the International Association of Asbestos and Pollution Insurers, Cologne, Germany, 2013
- Legacy Oilfield Pollution Claims, Charles Taylor Adjusting, London, England, September 2013
- *Primer on Maritime Remedies*, Canopius Underwriting and Claims, London, England, September 2013
- *Defense, Indemnity and Additional Insured Issues in the BP Oil Spill*, Private Client CE, May and August 2013
- *Advanced Uninsured / Underinsured Motorist Law*, National Business Institute, August 2013
- *Handling Complex Auto Insurance Coverage Disputes*, National Business Institute, December 2012
- *Litigating Uninsured Motorist Claims in Louisiana*, National Business Institute CE, New Orleans, Louisiana, August 2011
- *Litigating Louisiana Bad Faith Claims*, National Business Institute CE, New Orleans, Louisiana, Presented 3 times: March 2010, August 2011, and April 2011
- *Special Challenges of Immigration in Workers Compensation Matters*, CEU Institute, Dallas, Texas, March 2011
- *Medicare and Its Interest in Workers Compensation / Longshore Settlements*, Presented to ESIS Claims Unit, September 2010
- *Mississippi Workers Compensation*, Presented to ACE, USA, January 2010
- *Remedies Under the Longshore Act*, Presented to American Longshore Mutual Association, July 2009
- *The Jones Act and Maritime Remedies*, Presented to Private Client, June 2008
- *Application of DOT Regulations in Trucking Litigation*, Lorman Education Services, March 2008
- *Primer on Maritime Personal Injury*, Presented to Private Client, July 2006
- *Trials and Tribulations: Claims Investigations, Privileges and Surprises*, Houston Claims Association, Presented February 6, 2005
- *Practical Advice on Workers Compensation and Employment Issues*, Presented to School District Administrators, May 20, 2005
- *Advanced Topics in Workers Compensation and Employment Law*, Lorman Education Services, Houston, Texas, December 2004
- *GATT Tuna Decision: International Trade and Environmentalism*, Currents International Trade Law Journal, Winter 1992

Representative Cases

- **Lead defense attorney** *In Re Doiron, Inc.* in which the U.S. Fifth Circuit established a new rule of law for determining whether an offshore oilfield services contract is maritime in nature. Successfully defeating an indemnity claim against the client.
- **Lead attorney** in *Chevron v. Lodwick,* which was the first appellate case in Louisiana to examine the duty to defend under the limited pollution buyback endorsement.
- **International Arbitration** – Among Mr. Clark's arbitration highlights, he has successfully prosecuted a claim of defective construction of crew boat against a vessel builder, defended an intellectual property claim with regard to subsea equipment, defended insurers in various arbitrated coverage disputes, and has defended clients when personal injury claims are sent to arbitration.

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Representative Cases *(continued)*

- **Contractual Indemnity** – Represented clients in dozens of lawsuits and third-party claims concerning defense and indemnity demands in maritime, Louisiana oilfield, Texas oilfield and construction matters.
- **Black Elk West Delta 32 Explosion** – Mr. Clark represented a major excess carrier in relation to the trial and settlement of a major offshore explosion involving 18 plaintiffs and several defendants.
- **Traumatic Brain Injury** – Mr. Clark defended an offshore energy service company in relation to a commercial auto incident involving a traumatic brain injury to an offshore worker.
- **Onshore Injury to Rough Neck** – Mr. Clark defended a drilling consultant in an onshore blowout case which severely injured a member of the drilling crew.
- **Jones Act Representation** – Mr. Clark has defended numerous vessel owners and offshore employers in dozens of Jones Act claims.
- **Environmental Injury**– Mr. Clark has defended personal injury claims arising from environmental exposures including oil spills, blowouts, and pollution for drilling fluid stored in unlined earthen pits. Mr. Clark has also defended insurers in coverage litigation related to claims for damages caused by pollution, pollution clean-up, and restoration, including Louisiana coastal erosion claims.
- **Wrongful Death** –Mr. Clark has defended clients in several cases concerning wrongful death in both land-based tort and maritime tort claims.
- **Commercial Auto** – Mr. Clark has handled dozens of trucking claims including paralysis, traumatic brain injury, wrongful death, and other injuries primarily arising in the energy or oilfield context.
- **Construction Defect** – Mr. Clark has defended numerous construction defect claims with relation to the construction of commercial and multi-family residential matters.

Community Service

- Trustee, St. Francis Episcopal School, Houston, Texas
- Director, Board of Harris County Municipal Utility District #372
- Former Senior Warden, St. Francis Episcopal Church Houston, Texas
- Social Committee and Bylaws Committee Member, Royal Oaks Country Club, Houston, Texas