

Amy Douthitt Maddux

OF COUNSEL

Direct 713 490 3827

Fax 713 652 3057

Email [Amy Douthitt Maddux](mailto:Amy.Douthitt.Maddux@shibley.com)



THE FACTS

- J.D. (magna cum laude), Baylor University School of Law, 1996 (Editor in Chief, Baylor Law Review)
- B.S. (magna cum laude), Texas A&M University, 1992
- Judicial Clerk, Hon. Priscilla R. Owen, The Supreme Court of Texas, 1996-97
- Board Certified in Civil Appellate Law by the Texas Board of Legal Specialization

BIOGRAPHY

Board Certified in Civil Appellate Law, Amy Maddux is dedicated to serving clients in appeals before the Texas Supreme Court, the Fifth Circuit, and numerous other state and federal courts of appeals. Her appellate practice includes not only traditional appeals, but also mandamus petitions, interlocutory appeals, and amicus briefing. At the trial court level, she has extensive experience in briefing and trial support, particularly relating to summary judgment motions, the jury charge, post-judgment motions, and preservation of error issues.

One of the hallmarks of Shipley Snell attorneys is the broad experience each brings to the table. Not only does Ms. Maddux's experience include service as a briefing attorney for the Supreme Court of Texas, her trial and appellate career has included such diverse areas of law as commercial disputes, shareholder actions, energy litigation, class

Shipley Snell
Montgomery

LLP

actions, personal injury claims, property disputes, toxic torts, insurance issues, and employment law.

Like Mr. Shipley, Ms. Maddux is a former partner in the Houston office of Baker Botts. She has found that working on engaging matters for exceptional clients in a small firm environment enables her to focus more closely on the unique needs of each client and case. And she is able to do what she loves – research, writing, legal analysis, and strategy – in a highly collaborative environment.

With two sets of twins at home and a busy work schedule, Ms. Maddux wishes she had more time to indulge her passion for writing – something other than legal briefs.

SELECTED MATTERS

- Represented a leading producer of industrial chemicals in a multi-million dollar contract dispute and counterclaim. Representation included a successful opposition of a motion to compel arbitration.
- Obtained reversal of judgment against property owner on statute of frauds grounds and successfully defended the court of appeals' decision before the Texas Supreme Court: *Alattar v. Ganim*, 355 S.W.3d 1 (Tex. App.—Houston [14th Dist.] 2010, pet. denied improvidently granted).
- Successfully defended a jury verdict in favor of Pennzoil directors in a shareholder action complaining of breaches of fiduciary duties in connection with Shell-Pennzoil merger: *Elloway v. Pate*, 238 S.W.3d 882 (Tex. App.—Houston [14th Dist.] 2007, no pet.).
- Successfully defended a jury verdict in an asbestos exposure case, despite jury charge error, by showing that error was harmless because of lack of evidence quantifying plaintiffs' asbestos exposure with regard to each defendant: *Verret v. Am. Biltrite, Inc.*, No. 2-04-244-CV, 2006 WL 2507318 (Tex. App.—Fort Worth Aug. 31, 2006, pet. denied).

- Successfully reversed summary judgment and obtained rendition that indemnity agreement covered intentional torts and was not against public policy: *Oxy USA, Inc. v. Sw. Energy Prod. Co.*, 161 S.W.3d 277 (Tex. App.—Corpus Christi 2005, pet. denied).
- Successfully obtained reversal and rendition in favor of ship channel industries in a nuisance case that established new principles to determine when a nuisance is temporary or permanent: *Schneider Nat’l Carriers, Inc. v. Bates*, 147 S.W.3d 264 (Tex. 2004).
- Successfully reversed summary judgment in a case involving breach of an international consulting contract: *Medallion Int’l Corp. v. Sylva*, No. 10-01-00243-CV, 2004 WL 1211613 (Tex. App.—Waco June 2, 2004, no pet.).
- Successfully defended summary judgment on contract, fraud and misrepresentation, and insurance claims arising out of the settlement of a prior lawsuit: *Atl. Lloyds Ins. Co. v. Butler*, 137 S.W.3d 199 (Tex. App.—Houston [1st Dist.] 2004, pet. denied).
- Successfully obtained mandamus relief from an order compelling production of privileged documents: *In re Union Carbide Corp.*, No. 01-02-01153-CV, 2003 WL 22682301 (Tex. App.—Houston [1st Dist.] 2003, orig. proceeding).
- Successfully defended summary judgment based on construction of terms in a severance agreement: *Creel v. Houston Indus., Inc.*, 124 S.W.3d 742 (Tex. App.—Houston [1st Dist.] 2003, no pet.).
- Obtained affirmance of summary judgment in a case involving alleged lack of insurable interest in employees covered by corporate-owned life insurance: *Ball v. SBC Comm’ns, Inc.*, 2003 WL 2146729 (Tex. App.—San Antonio 2003, pet. denied).
- Successfully defended denial of a temporary injunction in an interlocutory appeal involving a covenant not to compete: *Cardinal Health Staffing Network, Inc. v. Bowen*, 106 S.W.3d 230 (Tex. App.—Houston [1st Dist.] 2003, no pet.).
- Successfully defended a no-evidence summary judgment based on lack of qualified and reliable expert testimony: *Praytor v. Ford Motor Co.*, 97 S.W.3d 237 (Tex. App.—Houston [14th Dist.] 2002, no pet.).

- Successfully defended a directed verdict that a broker-dealer was not vicariously liable for broker's fraud and stealing from client: *Millan v. Dean Witter Reynolds, Inc.*, 90 S.W.3d 760 (Tex. App.—San Antonio 2002, pet. denied).
 - Obtained reversal of jury verdict and rendition of judgment in the defendant's favor based on no duty to warn of dangers associated with a floor-level water heater. *Entex v. Gonzalez*, 94 S.W.3d 1 (Tex. App.—Houston [14th Dist.] 2002, pet. denied).
 - Successfully petitioned for the first statewide multidistrict litigation in Texas: *Union Carbide v. Adams*, 166 S.W.3d 1 (Tex. J.P.M.L. 2003).
-

DETAILS

BAR ADMISSIONS

- Texas

COURT ADMISSIONS

- U.S. District Court for the Southern District of Texas
- U.S. Court of Appeals for the Fifth Circuit

AFFILIATIONS

- Bar Association of the Fifth Circuit
- Houston Bar Association (Appellate Section, former member of Charity and Speakers Committees)
- Former member, Editorial Board, *The Appellate Lawyer*

PUBLICATIONS & PRESENTATIONS

- Case Update: Beyond Boilerplate – Affidavits Must Contain the Basis of the ‘Personal Knowledge’

- “Appellate Review of MDL Decisions,” The Appellate Lawyer, 2006
- “Injunctions and Restraining Orders,” Litigation and Trial Tactics, University of Houston Law Foundation, Houston and Dallas, May 2003
- “Preservation of Error in State and Federal Courts,” HBA/CLE Seminars, April 2002
- “Things You Should Know About Preserving Error in Texas State Court,” Houston Management Lawyers Forum, February 2002
- “Post-Judgment Motions,” The Civil Appellate Law Course for Trial Practitioners, South Texas College of Law, December 2002
- “What Is Left of Limited Fund Class Actions After Ortiz v. Fibreboard?” The Appellate Lawyer, Fall 1999
- “All-GOP Court Did Mean Business, But Not Always,” National Law Journal, September 1999
- “Injunctions and Other Non-Damage Remedies,” Litigation and Trial Tactics, University of Houston Law Foundation, July 1999

HONORS & AWARDS

- Named a “Texas SuperLawyer,” (a Thomson Reuters service) 2014-2017