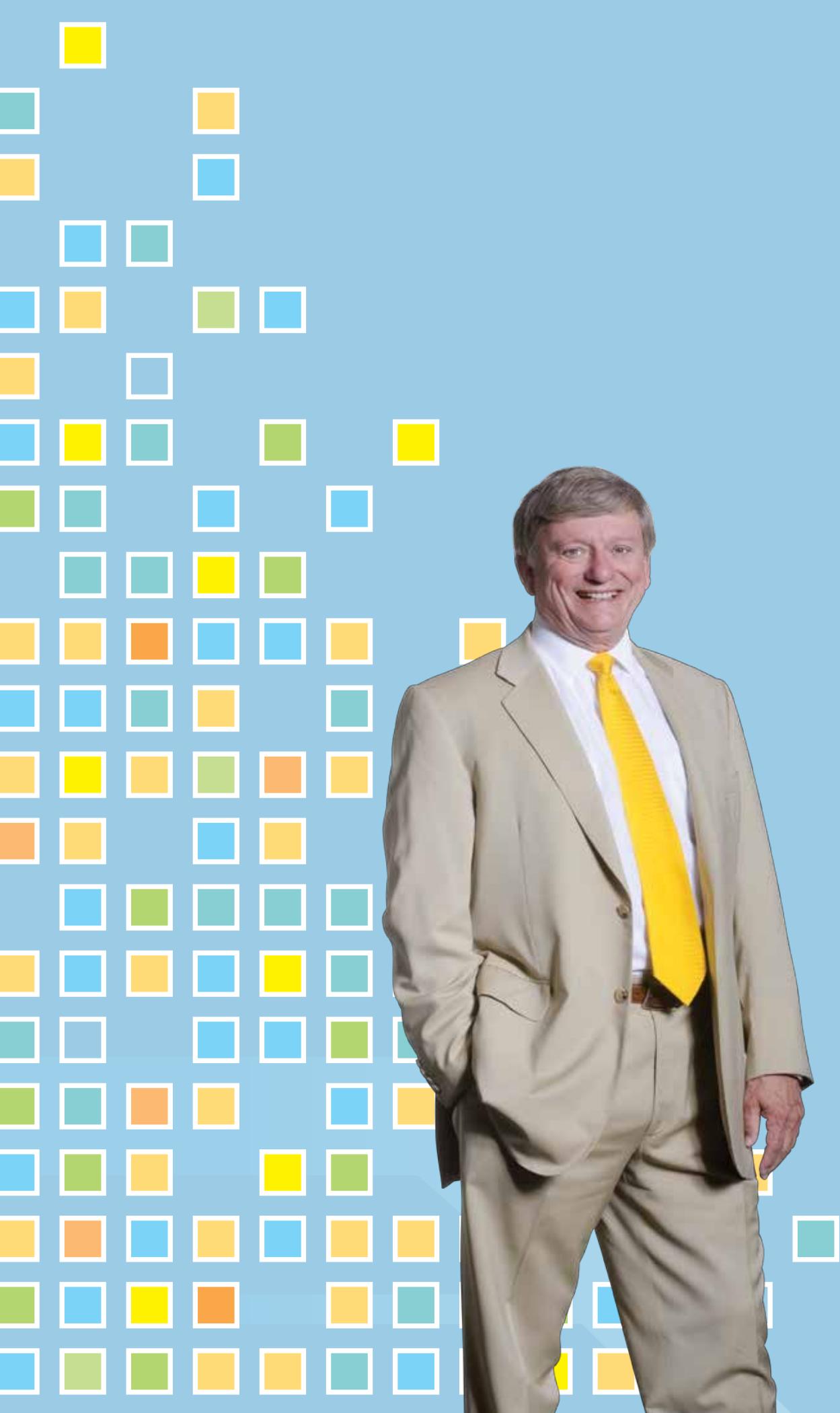


RH & A

RUSTY HARDIN & ASSOCIATES, LLP



There's something that doesn't feel quite right about touting our firm.

It makes me a little uncomfortable creating a brochure to tell you how "great" we are. I've spent my career resisting such aggressive marketing. I've been around long enough to believe your achievements should speak for themselves.

On the other hand, that kind of thinking doesn't take into account the fact that you want to know as much as possible about the firm you hire, and I hope this brochure helps you do that.

I've learned that most people know us for our work in criminal defense, handling high-profile criminal cases. Actually, about 85 percent of what we do is on the civil side of the law, representing clients – both plaintiffs and defendants – in various types of complex commercial litigation, contract and trade secret disputes, and personal injury cases involving serious injuries – just a few examples of the kind of civil law we practice every day.

In this brochure, I hope to make you aware of the widely diverse nature of our practice. **For starters, we are a trial firm.** We will settle a case when it is smart to do so, but at our core we are courtroom lawyers who try cases.

It is very important to me that this not be considered just "Rusty's firm." Each of the lawyers is an integral part in all that we do. In the pages that follow, you'll learn more about the hard-working, experienced, and talented fellow lawyers who work so unselfishly together in our firm. These are outstanding attorneys who also happen to be very nice people. I'm confident walking into a courtroom anywhere in the country with any of them by my side. These people are the reason for our firm's success.

Finally, we take pride in being an island of calm and comfort during times of great turbulence or trauma. We all believe that it is a blessing to practice law and a privilege to represent our clients.

Thank you very much for your interest in learning more about us.

What we do at Rusty Hardin & Associates

I guess it's too simplistic to say we aggressively represent our clients. Or that we have a strong faith in juries and the judicial system and we know how to relate to jurors. Here is a more specific breakdown of the kind of work we do:

CIVIL PRACTICE: Plaintiff & Defense

We represent both plaintiffs and defendants in a wide variety of civil matters, including complex commercial litigation, contract and theft of trade secret disputes, and personal injury cases involving serious injuries. Depending on the type of case, some of our plaintiff clients have received jury awards and out-of-court settlements ranging from several thousand to millions of dollars.

Everyone wants to win but we also know that how you win is often just as important to our clients. That's why we don't "over-discover" civil cases. We believe in preparing and trying cases, not in doing irrelevant and unnecessary work just because it is possible to do so. When feasible, we utilize our in-house investigator to discover facts and conduct formal interviews with witnesses. In addition, we are thoroughly prepared to efficiently deal with the extensive

technological requirements of modern discovery.

We pride ourselves on being able to work harmoniously and effectively with larger full-service firms on various trial matters. We have enjoyed complementary working relationships with firms such as the New York office of Davis Polk & Wardwell, the Chicago and Washington, D.C. offices of Mayer, Brown, Rowe & Maw LLP, the New York, San Francisco, Los Angeles, and Washington, D.C. offices of Latham & Watkins LLP, and the Houston offices of Fulbright & Jaworski LLP and Baker & McKenzie.

Client Capsule: Arthur Andersen LLP, ExxonMobil, Dow Jones & Co., Rice University, Houston Texans, Venetian Hotel/Las Vegas Sands, Formosa Plastics Corporation, J. Howard Marshall II, Trigeant, Lopez Negrete, former Houston Mayor Bob Lanier, Wade Boggs, Roger Clemens.

CRIMINAL PRACTICE: Individuals & Corporations

Three of our lawyers began their careers in the criminal courts as state prosecutors. Having served in the public sector, we bring a dual perspective to our private criminal practice. We can evaluate criminal cases from both the prosecution and the defense viewpoints. We believe this is a major benefit to our clients.

In addition, our firm does not shy away when the glare of publicity shines brightly. We believe our ability to cope with such outside distractions is an asset that we bring to our representation of clients.

Our criminal defense team has brought cases to trial in jurisdictions across this country, defending clients in both state and federal courts. We have represented corporations and employees in various federal white-collar crime cases. We have also represented individuals in matters of personal conduct, including the normal fare of state court criminal charges. In addition, we are frequently retained by corporations and public entities to advise them during the course of criminal investigations by both federal and state authorities.

Client Capsule: Arthur Andersen LLP, Burlington Resources, City of Houston, Houston Port Authority, Former Houston Police Chief C.O. Bradford, Harris County Hospital District, Rudy Tomjanovich, Warren Moon, Steve Francis, Scottie Pippen, Calvin Murphy, Roger Clemens, various public officials and public entities.



Jim Yarbrough
Director of Investigations

INVESTIGATIVE SERVICES

As Director of Investigations, Jim Yarbrough coordinates litigation support for the firm's civil and criminal cases. Jim has brought to our firm the capability of doing much more detailed investigations than we have ever done, and he has been a tremendous asset in our ability to discover a case at the billing rates of a private investigator as opposed to the billing rates charged by lawyers and outside investigators. Jim works closely with the firm's attorneys in coordinating investigations that have included matters with criminal ramifications as well as corporate governance matters involving the Sarbanes-Oxley Act, the fiduciary duty of boards and upper management, and internal investigations concerning possible misconduct by employees.

Jim is a former sergeant in the Homicide and Internal Affairs Divisions of the Houston Police Department. After completing 20 years with the Houston P.D., Jim joined Compaq Computer Corporation in its Corporate Security Department. In 1993, Jim left Compaq and became vice president of Swailes & Co., an investigative and security consulting firm, where he remained until he joined Rusty Hardin & Associates in 2003. He brings to the table more than three decades of investigative experience.

Under Jim's supervision, we provide a comprehensive array of investigative services including: Due Diligence, Corporate Governance, Internal Investigations, Witness Interviews, Witness Location, Research and Trial Preparation, and Computer Forensics.



Commercial Litigation

Business disputes are the primary driver of litigation, so it's not surprising that some of our most important and gratifying work comes from representing corporate clients. We are sensitive to both the public scrutiny and regulations that come into play when lawsuits involve publicly-traded companies as well as the personalities and politics that can affect the operation of privately-held businesses.



ExxonMobil

In 2006, our firm was retained as lead trial counsel and co-counsel with Fulbright & Jaworski on behalf of ExxonMobil in a lawsuit against Doosan Heavy Industries & Construction Co. and Fluor Daniel. The case involved engineering, design, and construction services provided as part of major plant modifications in ExxonMobil's Baytown and Baton Rouge refineries. The case settled shortly before trial under favorable terms for ExxonMobil, which our firm has represented in several other civil matters.



Stealth

We represented Stealth, LP, a physician partnership that opened Houston Town & Country Hospital in late 2005. The hospital was forced to close because it was unable to obtain contracts with the major health care insurance plans. We sued Memorial Hermann, the largest non-profit hospital system in Houston, for orchestrating an illegal boycott among the insurance providers to deny contracts with our client's facility. We reached a favorable, confidential settlement with Memorial Hermann on the eve of trial in 2010, and we later settled with five insurance companies that participated in the alleged boycott.



NCI Building Systems, Inc.

We represented NCI Building Systems, Inc. in a dispute with a former high-ranking executive. When the former executive resigned from the company, he signed an agreement that provided him with generous financial benefits in return for his agreement not to compete with the company, not to solicit the company's customers and employees, and not to take the company's documents. We discovered the executive copied all company documents in his possession onto an external hard drive the night before he signed the agreement. On October 14, 2011, a jury found the former executive committed common law fraud, statutory fraud, and breach of fiduciary duty, and he was unjustly enriched at the company's expense.



St. Luke's Episcopal Health System

We represented St. Luke's and a partnership affiliated with the health system in a series of lawsuits involving contractual issues and financing commitments for three hospital construction projects in the greater Houston area. Through aggressive litigation of the various claims and counter-claims, we helped St. Luke's reach a favorable, confidential settlement with the developer, resulting in a significant expansion of the St. Luke's health care facility network in the Houston area.



Arthur Andersen LLP

For almost five years, we represented the accounting firm of Arthur Andersen in various civil lawsuits and federal prosecutions arising from the financial collapse of Enron Corp. Our representation included serving as Arthur Andersen's legal counsel in a complex obstruction of justice case, in securities class actions, and in dozens of other lawsuits that were transferred to Houston by the federal multidistrict litigation panel. We also represented the firm in many state court matters around Texas.



Dow Jones & Company

Prior to our representation, this case resulted in the largest libel verdict in history. We were hired to help conduct post-judgment discovery concerning alleged misconduct, evidence tampering, and perjury by the plaintiffs in the case. Based on our investigation, we successfully argued for a new trial before the U.S. Court of Appeals for the 5th Circuit. After the case was sent back to the trial court, the plaintiffs dismissed all claims and took nothing.



Trigeant

We represented Trigeant, Ltd., the owner of an asphalt refinery in Corpus Christi, Texas, against allegations that the company acquired the refinery through a fraudulent transfer. Although the case had been on file for more than six years, we became involved just three months before trial when Trigeant replaced its lead trial counsel. For business reasons, Trigeant sought – and we obtained – a quick mediation on very satisfying terms.



Formosa Plastics Corporation / Nan Ya Plastics Corporation

We represented Nan Ya Plastics Corporation, a publicly-traded company that is a part of the largest commercial concern in Taiwan, in a theft of trade secrets case filed in Texas. After aggressively challenging the plaintiff's claims for more than \$400 million in damages, we negotiated a settlement that was significantly less than Nan Ya's remaining defense costs. The terms were so favorable that the remaining defendant, Formosa Plastics Corporation, asked us to step in as co-counsel to represent it at trial.



Ponderosa Land Development Co.

Ponderosa purchased a parcel of land and entered into a lease with a national financial institution as a tenant. Unfortunately, the title insurance company in the transaction failed to note a restrictive covenant prohibiting placement of a bank on the property. After filing litigation against the title insurer, which offered pennies on the dollar to settle the claim, we represented Ponderosa in a Harris County jury trial that resulted in a verdict well in excess of the policy limits.



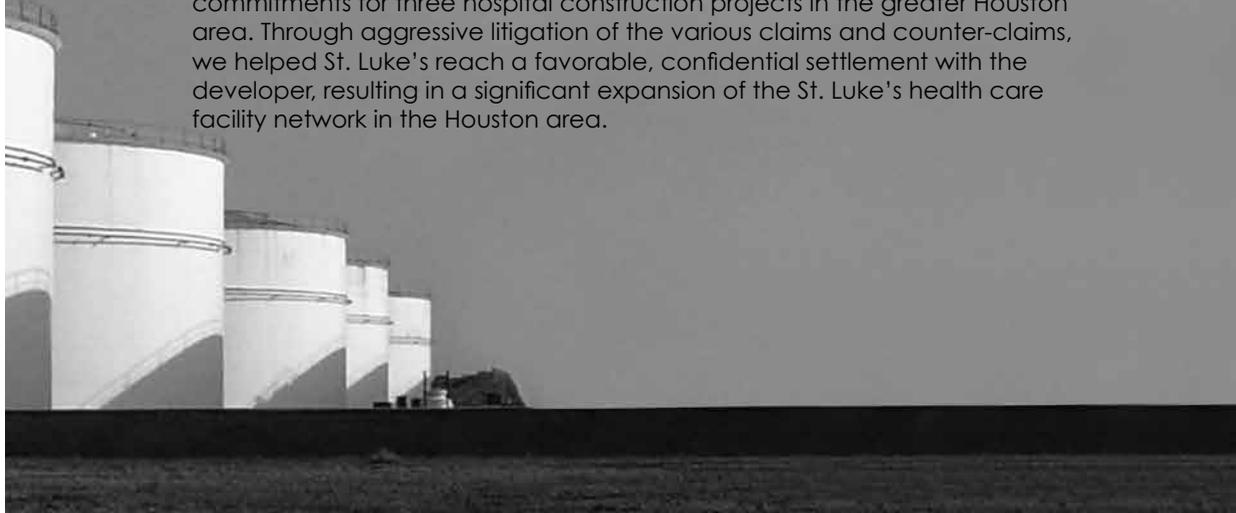
Venetian Hotel/Las Vegas Sands

We represented Las Vegas Sands Corp., the owner of the Venetian Resort Hotel Casino in Las Vegas, in a number of contract disputes involving the establishment of the company's resort operations in Macao, a special administrative region of the People's Republic of China.



Royal Bank America

Our client, Royal Bank America, was sued by an individual who borrowed several million dollars from the bank, defaulted on the loan, then sued the bank for breach of an oral contract and fraud, claiming that the bank had agreed not to sell the loan to any party the debtor had brought to the bank. After a trial, a Harris County jury handed down a verdict in favor of Royal Bank, finding that there was no oral contract and no fraud.



Representation in Cases Involving Public Figures

Over the years, our firm has developed a niche in representing individuals in high-profile matters that may include civil disputes or criminal charges. The cases can be particularly sensitive because they may also involve a host of potentially negative publicity. When the circumstances dictate, we deal comfortably with the media in an effort to assure that any news coverage is balanced and objective, but this is always a delicate balancing act that requires judgment and experience.

Roger Clemens

We represented Roger Clemens for purposes of the Congressional hearings and litigation that developed from the Mitchell Report's allegations of performance-enhancing substance abuse in major league baseball. The seven-time Cy Young Award winner was named in the report, based solely on accusations made by his former trainer. Roger repeatedly and consistently denied these charges and presented credible evidence of the honesty, integrity, and hard work that have made his historic career possible. We represented Roger in the criminal case brought by the Department of Justice alleging that he committed perjury before Congress in consistently denying the charges found in the Mitchell Report. After an initial mistrial in that case, Roger was found not guilty on all counts by a Washington, D. C., jury after eight weeks of testimony. In addition, we have represented the baseball legend in a civil defamation suit against his accuser, a civil defamation suit brought by his accuser, and other related hearings and investigations.

Victoria Osteen

We represented Victoria Osteen in a personal injury lawsuit brought against her by a flight attendant, who had accused Mrs. Osteen of assaulting her after boarding a plane. The flight attendant sought both compensatory and punitive damages against Mrs. Osteen for an incident that was roundly denied by Mrs. Osteen and other passengers who testified at trial. After a week-long trial, a jury unanimously rejected the flight attendant's allegations in deliberations that lasted less than three hours.

Calvin Murphy

The former member of the Houston Rockets professional basketball team and member of the National Basketball Association's Hall of Fame was charged with three counts of aggravated sexual assault of a child and three counts of indecency with a child. Mr. Murphy alleged that his accusers were motivated by money. After a five-week jury trial, the jury acquitted Mr. Murphy on all counts in a little more than two hours.

Cathy McBroom

After United States District Judge Sam Kent sexually assaulted Cathy McBroom, she sought legal advice from several lawyers who each advised her to remain quiet about the assaults because he was a powerful federal judge. Then Ms. McBroom met Rusty. After hearing her story, Rusty agreed to represent her pro bono and threw the full weight of his firm's resources behind exposing the actions of Judge Kent. After conducting an exhaustive investigation and without fearing the consequences, Rusty publicly accused the judge of felony sexual assault, publicly criticized the 5th Circuit Judicial Council's investigation and reprimand of Judge Kent, and publicly and privately urged the Department of Justice to bring criminal charges against Judge Kent. These claims sparked extensive news media coverage of Judge Kent's assault and the 5th Circuit Judicial Council's kid-glove treatment of his "sexual harassment," in addition to Congressional outrage at Judge Kent's conduct and a federal criminal probe. Ultimately Judge

Kent was indicted, pled guilty, was sentenced to prison, and impeached. Ms. McBroom's courage to speak out against Judge Kent, fortified by Rusty's support, resulted in her being named Texas Lawyer's Impact Player of the Year for 2009.

J. Howard Marshall II

We served as co-lead trial counsel in the litigation and jury trial surrounding claims made by Anna Nicole Smith and J. Howard Marshall III against the estate of the late J. Howard Marshall II. We represented Mr. Marshall's family-owned corporation and Mr. Marshall's accountant in both his individual capacity and as trustee of various trusts established by Mr. Marshall during his lifetime. Although Ms. Smith dismissed her claim after the fourth month of trial, she remained in the lawsuit until the verdict because of a pending counterclaim. In a highly charged and high-profile case, the jury found against Ms. Smith and Mr. Marshall's oldest son in every respect.

Wade Boggs

While a player for the New York Yankees, Wade Boggs was sued by a Continental Airlines flight attendant based on her allegation of verbal assault arising from an argument that she had with Mr. Boggs on a chartered team flight. During the course of the two-day civil trial, we were able to show that the plaintiff escalated the situation, did not report the incident for three weeks, missed no flight assignments, and needed no counseling or other care as a result. Believing there was no legitimate basis for the claim, the jury returned a verdict in favor of Mr. Boggs in less than five minutes.

Jerry Eversole

Former Harris County Commissioner Jerry Eversole retained our firm to help him with a multi-year federal investigation into his friendship with a local contractor who did business with the county. Mr. Eversole was indicted on multiple charges relating to this friendship and, though some in the local media were all but demanding a prison term for him, his 2011 trial ended in a hung jury. Mr. Eversole steadfastly denied ever engaging in any official misconduct and we never relented in our defense of him on this issue. Ultimately, our firm negotiated a plea bargain for Mr. Eversole on the sole ground that he misled an FBI agent who came to his home, without warning, and asked Mr. Eversole a series of questions about his friend. Mr. Eversole received probation.





Personal Injury Claims

Helping individuals gain some form of justice in the wake of death or injury to a loved one is some of the most rewarding work we do.



Rigby v. Dr. Keith I. Rapp, et al.

We represented the family of a 98-year-old nursing home resident who was sexually assaulted by a fellow resident. The perpetrator was mentally ill and had a recent history of sexually deviant behavior in another nursing home owned by the same company. The jury found that the nursing home and its medical director failed to warn or protect residents, and returned a significant verdict in favor of the family. The trial court and court of appeals later eliminated the punitive damages award.



Durden v. Tully, et al.

We represented the family of a man who was killed when a reckless truck driver rear-ended his vehicle. Although liability was clear, insurance coverage was not, so we simultaneously prepared for trial in one lawsuit and battled the insurance company in another. After obtaining a ruling that the insurance company's coverage objections were invalid, the cases settled in a way that fairly compensated the family.



Henderson v. Skier's Choice, Inc., et al.

We represented the mother of a young boy who was killed in a ski boat accident. The product liability case against the boat's manufacturer was effectively proved when a company design expert admitted that the addition of a \$40 piece of protective equipment would have saved the boy's life. Soon thereafter, the case against the manufacturer settled on terms quite satisfactory for our client.



Guardado v. Nouri, et al.

We represented a woman who lost her husband of 43 years in a tragic and avoidable traffic fatality. Our client's husband was killed by an underage nightclub employee who was served alcoholic beverages until she was intoxicated. After leaving work, she got into a car and struck our client's husband, who later died. The employee was successfully prosecuted in Harris County for intoxication manslaughter, and with her cooperation, we pursued a lawsuit against the nightclub. Shortly before trial, the case was settled under confidential terms and to our client's satisfaction.



Campos Family

We represented the family of a welder who was killed in a motor vehicle accident with an 18-wheeler in Jackson County, Texas. After a thorough investigation, we satisfactorily resolved the family's claims without filing a lawsuit. During the investigation process, we obtained numerous recorded interviews with the first responders, emergency room physicians, and law enforcement personnel. These interviews conclusively demonstrated that the driver of the 18-wheeler and his employer were entirely at fault for the accident. As a result, we were able to convince the trucking company to compensate the family for their tremendous loss without forcing them to go through a difficult and protracted lawsuit.



Burrell v. Eternal Health, Inc., et al.

Laverne Burrell died from complications of a punctured colon caused by a "colonic" procedure that she had received at a health spa. Our investigation revealed that the spa's unlicensed employees used prescription medical devices in treating Mrs. Burrell, a violation of Texas health care regulations. The case settled for a confidential amount on terms that were very satisfactory to Ms. Burrell's family.



Zafar v. Minns, et al.

We represented the family of a 5-year-old boy who was killed by the driver of a large pickup truck. We filed a negligence lawsuit against the driver and the property owner. Despite a previous incident in which another child was almost struck because foliage on the property blocked the driver's view, the property owner had not trimmed the foliage. The case settled before trial for a confidential amount that was very satisfactory to the boy's family.



Lyons v. Greater Houston Transportation Company, dba Yellow Cab, et al.

We represented the widow and daughter of a man who was killed when a taxi driver ran a red light and broadsided the man's car. Investigators determined that the taxi driver was under the influence of an illegal substance. Although the taxi company claimed that it had minimal insurance, our diligent discovery proved that the company carried 50 times more insurance than represented. The case was settled before trial for a confidential amount that was very satisfactory to our clients.



Adams, et al. v. Bassham

We represented the family of a young man who was killed when a woman who had been drinking at a nightclub ran a red light and collided with his vehicle. We filed a lawsuit against the business based on claims that the woman was served alcohol despite being obviously intoxicated and posing a danger to herself and others. The case settled before trial for a confidential amount that was very satisfactory to the family.



Investigations

Perhaps nothing is more challenging for a company or individual than facing the full force of a prosecution by a government agency. We have the resources to assist clients in responding to these investigations, and we are fully prepared to defend their interests at trial if necessary.

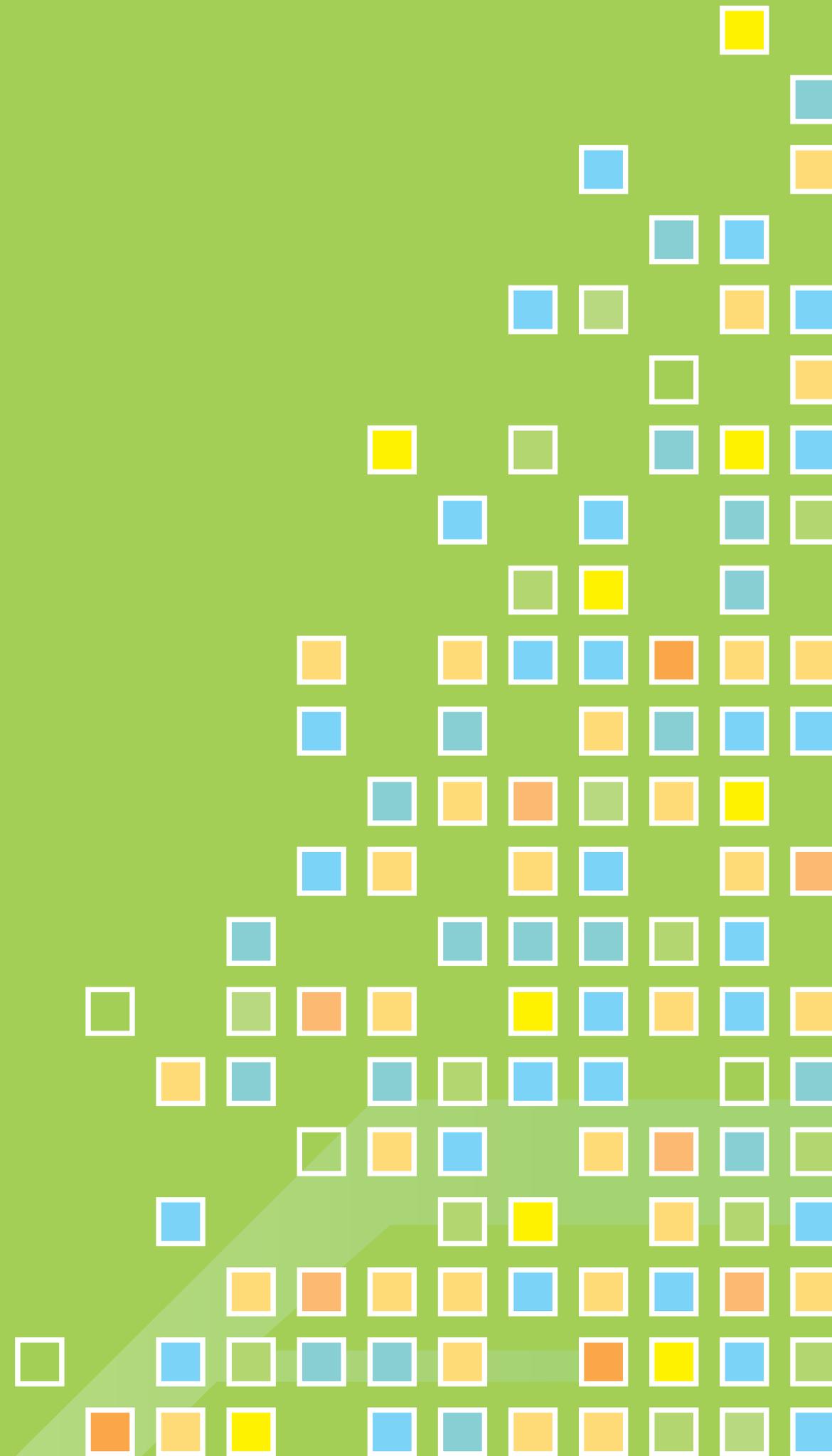


Burlington Resources

We represented Burlington Resources in a federal criminal investigation tied to the company's calculation and payment of oil and gas royalties. For almost three years, we helped the company negotiate inquiries from the Department of Justice, the Securities and Exchange Commission, and the Minerals Management Service. This matter concluded with a formal declination of charges by the U.S. Attorney in Wyoming.

A Word About Fees

Rusty Hardin & Associates works with clients on developing the most appropriate fee structure. In certain cases we charge an hourly fee. In others, we negotiate a flat fee, and in many cases we work on a contingency basis. We often develop a blended fee arrangement that consists of a reduced hourly fee and a percentage of recovery if we represent the plaintiff in a case or, if we represent the defendant, a reduced hourly fee and a percentage of any savings below a figure agreed upon in advance with the client. In addition to a reduced blended hourly rate and a certain percentage of recovery or savings, we have at times capped our monthly fees at an agreed-upon amount to give the client the ability to budget with certainty the monthly cost of the representation. We are very interested in providing our clients with some ability to predict what their total legal costs will be, so we are increasingly trying to persuade clients in civil cases to pay a flat fee plus costs. At the end of the day, however, we strive to find a fee arrangement that best suits the needs of our clients.



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