

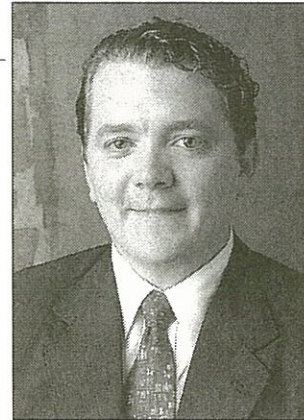
## SCOTT M. CLEARMAN

McClanahan & Clearman

Houston

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Insurance, Antitrust, Complex  
Commercial Litigation and RICO



Scott Clearman wanted to be an astronaut. Then came the presidential turmoil of Watergate. Clearman, then still a youngster and watching the machinery of government at work, latched on to the idea of being a lawyer.

"I was just mesmerized by what was going on," Clearman says. Now, it is his business clients who are mesmerized, as Clearman racks up victories for them in insurance litigation.

With a degree in social sciences from Southwestern University in Georgetown, Clearman went on to earn his law degree from the University of Texas School of Law in 1988. After graduation, he went to work for the former Hirsch, Glover, Robinson & Sheiness. Clearman says he worked on defense matters in large insurance coverage cases. He also did some plaintiffs work, something he felt drawn to.

Clearman says he heard a discussion in the firm's hallway one day that dealt with insurance underwriting and asked to get involved. The client, a business, was being sued by an insurance carrier for allegedly failing to pay workers' compensation premiums, and Clearman says he spotted something that seemed odd. He says the insurance company was suing only for about half of what it had been demanding. In researching rates, Clearman says he found that the suit sought what

they legally were allowed to collect and, in doing more research, found other insurance companies had demanded, before suing, more than he says the law allowed.

Wanting to pursue the issue, Clearman, referred by the firm, worked with then-solo Randy McClanahan in 1992. Later the two partnered, forming McClanahan & Clearman in 1994. He would become co-lead and liaison class counsel in *Weatherford, et al. v. Employer's Casualty*, a workers' compensation antitrust case with more than 150 defendant insurance companies in Dallas County district court. His clients recovered more than \$208 million.

Currently, Clearman is in U.S. District Court in Houston, with a case before Judge David Hittner that Clearman describes as "perhaps the mother of all workers' comp cases." This suit, against many of the same insurance companies, alleges overcharges on a national basis. Further, the case is brought under RICO statutes, since it alleges that the insurance companies are not simply making the overcharges as individual companies but conspired to do it. "This one's probably going to the mat," Clearman says. Hittner granted class action status in August.