

Providing a Sound Legal Contingency Plan

If your company is the plaintiff in a civil lawsuit, you want a good result but you don't want to end up paying most of your recovery to your attorney.



"When you pay your attorney by the hour, it is in his or her best financial interest to bill as many hours as possible," says Houston courtroom veteran Scott Clearman. "The line between the client's interests and the attorney's is a fine one."

Clearman helps clients avoid monstrous legal bills by working on a contingency fee basis. He pays the case expenses, and clients pay the court costs. Clients reimburse him for case expenses only if he wins their case. Clearman

says his clients appreciate the fact that his compensation is tied directly to how well he handles each case, which also creates a strong level of trust.

"My clients aren't calling me every week to see what's happening, and they're not calling about a bill that's too high," he explains. "They know I'm doing everything that needs to be done because the best possible outcome for me is to get the best outcome for my clients."

Clearman says he knew from a young age that he wanted to be a courtroom litigator. He remembers watching the Watergate hearings as a child, and enjoying Representative Barbara Jordan's and Senator Howard Baker's examination of witnesses "to try to get the truth."

He began his career at a defense firm before forming the commercial plaintiff's firm of McClanahan & Clearman. Recently, he founded The Clearman Law Firm in Houston. During his career, he has garnered favorable resolutions for his clients in cases involving RICO, ERISA, Medicare, insurance, class actions, regulated industries, oil and gas, and real estate.

Clearman also served as national litigation counsel for a corporation facing more than 40 lawsuits across the nation, handling both the trial work and the appeals for the company under a contingent fee agreement. "I replaced two national law firms and streamlined the litigation. In the end, my fee was less than several months of those firms' hourly charges," he says.

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—SCOTT M. CLEARMAN

Notable Cases

Clearman recently made headlines when his client earned a unanimous plaintiff's decision from the conservative Texas Supreme Court in a case involving the federal Medicare Act. "This case is one of the best examples of business clients using contingent fees to enforce their rights," he says. With the Supreme Court decision favoring Clearman's hospital clients, the case heads back to the trial court.

Clearman also has secured sizeable settlements for Texas businesses in legal battles with insurers that overcharged for workers' compensation insurance. He also has represented the families of deceased workers, challenging the propriety of corporate-owned life insurance.



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