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## Sara Wilder Clark

PARTNER

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### Overview

Sara represents individuals, business entities, professionals, and governmental entities in a wide variety of complex commercial litigation, with an emphasis on commercial litigation, governmental representation, professional malpractice defense, and litigation related to real estate development. Sara speaks Spanish and has represented many Spanish-only speaking clients.

### Experience

#### **Commercial Litigation**

Obtained dismissal of premises liability claims against a national hotel chain in a suit alleging that the hotel's conduct contributed to arrest in the hotel parking lot.

Obtained dismissal of suit against landowners alleging trespass, nuisance, and violations of the Texas Water Code. Successfully defended that victory on appeal to the Austin Court of Appeals and the Texas Supreme Court.

Represented plaintiff owner of small software company in a contractual dispute over earn-out provisions in sales contract with one of the largest software companies in the world. Successfully tried case to a jury that sent out a note asking if they could award even more damages than plaintiff had requested.

Obtained defense jury verdict in favor of countertop distribution company in suit by one of its fabricator customers for various business torts and breach of contract.

Obtained dismissal of federal securities law claims and related breach of contract and business tort claims brought by telecommunications company against its former majority shareholder.

Hired by large international retail chain to assist trial counsel in preserving appellate error in cases that are expected to be appealed. In one such case, successfully defended zero damages verdict on appeal.

Representation of landowners, developers, general and limited partners, landlords and tenants in all types of disputes related to real estate development, including water trespass disputes and contract actions, and breach of fiduciary duty, fraud, and commercial lease disputes.

### **Governmental Entity Representation**

Successfully defended landowner's multi-million dollar claim under the Texas Water Code against the City of San Antonio arising out of the City's flood control measures. Obtained favorable settlement in a related declaratory judgment suit in which the City recovered significant attorneys' fees from the plaintiffs.

Successfully represented the City of Austin in summary judgment proceedings and a bench trial concerning City's controversial approval of redevelopment of Northcross Mall.

Obtained favorable settlement for municipal owner of sewage pipeline damaged by installation of fiber-optic cable.

Obtained dismissal of claims brought by developers against the City of San Antonio under Chapter 245 of the Texas Local Government Code.

Represented governmental owner of raw water transmission line that collapsed shortly after its construction. Case settled successfully at mediation after court denied various defense motions for summary judgment.

### **Professional Malpractice Defense**

Obtained defense jury verdict in favor of a massage therapy practitioner accused of professional negligence and other misconduct.

Obtained complete or partial summary judgments for lawyer and law firm clients in legal malpractice cases arising out of their underlying estate planning, appellate, personal injury, and commercial litigation representation.

## **Pro Bono/Family Law**

Appointed to represent indigent Spanish-speaking parents and children in proceedings brought by the Texas Department of Family and Protective Services. Where family reunification was not possible, successfully obtained termination of parental rights by agreement of the parties.

Volunteers to represent indigent Spanish-speaking individuals in family law matters through Volunteer Legal Services.

## **Selected Reported Cases**

City of San Antonio v. En Seguido, Ltd., 227 S.W.3d 237 (Tex. App.—San Antonio 2007, no pet.)

Gonzalez v. Wal-Mart Stores, Inc., 143 S.W.3d 118 (Tex. App.—San Antonio 2004, no pet.)

Krishnan v. Law Offices of Preston Henrichson, P.C., 83 S.W.3d 295 (Tex. App.—Corpus Christi 2002, pet. denied)

AMNEX v. Rowland, 25 F. Supp. 2d 238 (S.D.N.Y. 1998)

## **Awards**

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## **Practice Areas**

- Appellate
- Business Litigation & Torts
- Governmental Entity Litigation
- Pharmaceutical & Medical Device
- Professional Malpractice, Licensing & Regulation

## **Education**

- University of Texas, B.A., honors 1991
- University of Texas School of Law, J.D., honors 1995

## **Admissions**

- State Bar of Texas
- U.S. District Court for the Western, Northern, and Southern Districts of Texas
- U.S. Court of Appeals
- Fifth Circuit
- United States Supreme Court

## Activities

- Member, State Bar of Texas
- Member, Civil Litigation Section, Austin Bar Association
- Member, Civil Rights and Immigration Section, Austin Bar Association
- Fellow, Texas Bar Foundation
- Member, Austin Bar Association/Austin Young Lawyers Association Leadership Academy, 2013
- Board Member, Civil Litigation Section, Austin Bar Association, 2013 – 2017
- Board Member/Treasurer, Civil Rights and Immigration Section, Austin Bar Association, 2017 – 2019
- Board Member/Co-Chair of Program Services Committee, Volunteer Legal Services of Central Texas, 2015 – 2019
- Community and Charitable Organizations
  - Commissioner/Chair, City of Austin Human Rights Commission, 2013 – 2015
  - Board Member/Chair, Downtown Austin Community Court Advisory Board, 2015 – 2019
  - Member/President, South Central Affordable Community Development Corporation, 2017 – 2019