
MICHAEL C. FALICK_{PLLC}

BUSINESS LITIGATION

OVERVIEW

Mike represents businesses, property owners, lenders, and individuals in contract, real estate, construction, financial-services, and commercial disputes. His work spans the life cycle of a dispute and includes pre-suit investigation, temporary restraining orders and injunctive relief, discovery and motion practice, settlement negotiations, trial, and appeal in Texas state and federal court, including matters before the U.S. Courts of Appeals for the Fifth Circuit and the Federal Circuit.

BAR ADMISSIONS

Admitted to practice in Texas and Colorado

COURTS

- Texas state trial and appellate courts
- Colorado state trial and appellate courts
- United States District Court for the Southern District of Texas
- United States Court of Appeals for the Fifth Circuit
- United States Court of Federal Claims
- United States Court of Appeals for the Federal Circuit

EDUCATION

1991 South Texas College of Law — J.D. (Recognized for outstanding service, Board of Advocates)

1987 Tulane University, A. B. Freeman School of Business — B.S.M.

1983 St. John's School — Houston, Texas

PROFESSIONAL EXPERIENCE

1996–2026 Rothfelder & Falick, LLP — Houston, Texas · Co-founding partner

1991–1996 Kirkendall, Isgur & Rothfelder, LLP — Houston, Texas · Associate 1991–1994;
Partner 1994–1996

PRACTICE AREAS

1. Real estate and property

Litigation involving the ownership, purchase, sale, use, leasing, financing, and taxation of real property.

- Real estate litigation — purchase and sale disputes
- Title and closing fraud (DTPA, statutory real-estate fraud)
- Undisclosed-defect purchase fraud
- Construction defects prosecuted and defended (including RCLA)
- Mechanic's-lien foreclosures for suppliers and contractors
- Payment and draw disputes
- Subcontractor and insurer claims
- Condominium and HOA litigation and governance
- Landlord-tenant — distress warrants, lockouts, holdovers, defaults, recapture
- Commercial and residential leases, including commercial ground leases
- Waste claims and security-deposit statutes
- Property-manager fraud
- Mortgage and lender liability
- Secured lending and receivership defense (Texas and Colorado)
- Eminent domain and condemnation — TxDOT and municipal takings
- Inverse condemnation and federal takings litigation (Fifth Amendment flood-control, U.S. Court of Appeals for the Federal Circuit, §1983)
- Billboard relocations and condemnations
- Zoning and land use — permit protests, TABC, municipal permitting, SCUP denials
- Property tax / ad valorem appraisal appeals (Tax Code ch. 42)
- Deed restrictions

2. Billboard and outdoor media

Outdoor advertising and sign matters at the administrative, municipal, and constitutional levels.

- TxDOT permit denials litigated at SOAH and on appeal
- Sign relocations and condemnations
- Municipal sign-code constitutional challenges
- Billboard property-tax appeals
- Billboard lease drafting and disputes
- Sign-lease fraud

3. Business and commercial

Contract, ownership, fiduciary, competition, and other commercial disputes for businesses and individuals.

- Contract and UCC — sworn accounts (prosecution and defense), promissory notes
- Tortious interference and business disparagement
- Fraudulent transfer (TUFTA) and veil piercing
- Business torts and fraud
- Fiduciary duty — partnership, association, trustee, and departing-employee contexts
- Trade secrets and departing-employee litigation — TUTSA, Harmful Access by Computer Act
- Temporary restraining orders, temporary injunctions, and non-competes
- Trade name and unfair competition (Assumed Business Name Act)
- Defamation and libel (federal)
- Securities and FINRA broker-dealer arbitration (including vacatur proceedings)
- Commercial arbitration (AAA)
- Entity formation and corporate — LLC formation, operating agreements, buy-sell agreements

4. Employment

Employment disputes and employment-related torts on both plaintiff and defense sides.

- Discrimination and wrongful termination (TCHRA / Title VII)
- Employment torts
- Wage and hour (FLSA / Texas Payday Act)
- Severance and separation disputes
- Non-compete and non-solicitation litigation

5. Financial and insolvency

Banking, lending, collections, bankruptcy, and first-party insurance-coverage disputes.

- Banking disputes
- Collections — prosecution (including oilfield services)
- Consumer-debt defense (card issuers, sworn-account defense)
- Bankruptcy — adversary proceedings, creditor representation, claims administration
- Chapter 11 appearances
- First-party insurance coverage (DTPA, Insurance Code ch. 541)

6. Energy and environmental

Oil and gas disputes, utility billing, and environmental remediation litigation.

- Oil and gas disputes
- Oilfield collections
- Utility and energy billing disputes (Winter Storm Uri electricity charges)

- Environmental remediation litigation (TCEQ/NRC-supervised remediation trust)

7. Government and tax

Representation of governmental entities and state and local tax and regulatory disputes.

- Municipal and governmental representation (small-city litigation counsel: defense, collections, bankruptcy adversary)
- State tax controversy — sales and use (Tax Code §112)
- PUC water and sewer tariff disputes

8. Probate, estate, and trust

Contested probate, estate, and trust matters.

- Contested estates
- Receivers in probate and trust matters
- Nonjudicial trust administration
- Trustee and beneficiary disputes

9. Appellate practice

Appeals across all of the areas above — state and federal, including the U.S. Court of Appeals for the Federal Circuit — plus original mandamus proceedings.

- State and federal appellate practice
- Federal Circuit appeals
- Original mandamus proceedings
- Post-judgment motions and appellate briefing

Additional matters

- Privacy and electronic-surveillance torts (federal Wiretap Act)
- Personal injury and premises negligence
- Attorney's fees litigation (including Rohrmoos-standard fee trials)

CAPABILITIES ACROSS MATTERS

- Temporary restraining orders and injunctive relief
 - State and federal court litigation
 - Pre-suit investigation and strategy
 - Settlement negotiations and enforcement
 - Post-judgment motions and appellate briefing
-

REPORTED DECISIONS

Selected reported opinions in which Mike appeared as counsel of record, grouped by court:

Supreme Court of Texas

Sysco Food Services, Inc. v. Trapnell, 890 S.W.2d 796 (Tex. 1995) — co-counsel for respondents. Texas Supreme Court opinion addressing evidentiary standards for expert testimony and preservation of appellate error.

Miller v. HCA, Inc., 118 S.W.3d 758 (Tex. 2003) — counsel for respondents. Texas Supreme Court decision addressing a physician's emergent-circumstances exception to the general rule requiring parental consent for treatment of a minor child.

United States Court of Appeals for the Fifth Circuit

McDaniel v. Anheuser-Busch, Inc., 987 F.2d 298 (5th Cir. 1993) — counsel for defendant / third-party appellant. Fifth Circuit opinion addressing indemnity and contribution among industrial-accident defendants.

Texas Courts of Appeals

Trapnell v. Sysco Food Services, Inc., 850 S.W.2d 529 (Tex. App.—Corpus Christi 1992), aff'd, 890 S.W.2d 796 (Tex. 1995) — co-counsel. Products-liability appeal addressing admissibility of expert testimony and preservation of Daubert-style challenges.

Truck Insurance Exchange v. E.H. Martin, Inc., 865 S.W.2d 213 (Tex. App.—Waco 1993, no writ) — counsel for appellees. Interlocutory appeal in an insurance-coverage and duty-to-defend dispute.

Truck Insurance Exchange v. E.H. Martin, Inc., 876 S.W.2d 200 (Tex. App.—Waco 1994, writ denied) — counsel for appellees. Subsequent appeal addressing coverage, duty to defend, and damages in the same insurance dispute.

Judwin Properties, Inc. v. Griggs & Harrison, P.C., 911 S.W.2d 498 (Tex. App.—Houston [1st Dist.] 1995, no writ) — co-counsel for appellant. Summary-judgment decision addressing legal-malpractice, breach-of-contract, and fiduciary-duty claims arising from a client-file disclosure.

McMahan v. Greenwood, 108 S.W.3d 467 (Tex. App.—Houston [14th Dist.] 2003, pet. denied) — co-counsel for appellees. Appeal addressing breach of fiduciary duty, fraud, and damages in a closely held business dispute.

Fondren Construction Co. v. Briarcliff Housing Development Associates, Inc., 196 S.W.3d 210 (Tex. App.—Houston [1st Dist.] 2006, no pet.) — counsel for appellants. Construction-defect and warranty appeal.

Zboyan v. Far Hills Utility District, 221 S.W.3d 924 (Tex. App.—Beaumont 2007, no pet.) — co-counsel for appellee. Appeal addressing governmental-entity liability and utility-district authority.

State v. Clear Channel Outdoor, Inc., 274 S.W.3d 162 (Tex. App.—Houston [1st Dist.] 2008, pet. denied) — co-counsel for appellee. Inverse-condemnation and sovereign-immunity ruling in favor of billboard operator.

Tex-Fin, Inc. v. Ducharme, 492 S.W.3d 430 (Tex. App.—Houston [14th Dist.] 2016, no pet.) — co-counsel for appellant. Appeal addressing unemployment-compensation contested-case review and employer/independent-contractor classification.

Southwest Sunrise, LLC v. John Gannon, Inc., No. 14-25-00237-CV (Tex. App.—Houston [14th Dist.] July 2, 2026, no pet.) (mem. op. on rehearing) — counsel for appellee. Judgment reversed and remanded on rehearing; original opinion withdrawn.

United States District Court for the Southern District of Texas

- *Beardmore v. Jacobsen*, 131 F. Supp. 3d 656 (S.D. Tex. 2015) — sole counsel for defendant on motion for summary judgment. Opinion (Harmon, J.) has been cited in 28 subsequent decisions, including the Connecticut Supreme Court in *Scholz v. Epstein*, 341 Conn. 1 (2021), addressing Texas conversion of intangibles, the Texas Theft Liability Act, and Texas Uniform Trade Secrets Act displacement.
- *Riddle v. Tex-Fin, Inc.*, No. H-08-3121 (S.D. Tex. June 14, 2010) — counsel for defendants Tex-Fin, Inc. and T.A. Hall, Jr. Post-verdict order (Rosenthal, C.J.) on cross-motions for judgment as a matter of law and plaintiff's motion for new trial in Fair Labor Standards Act action; both parties' motions for judgment denied and new trial granted based on irreconcilable inconsistency in the jury's verdict.

COMMUNITY

- Spring Branch ISD, Board of Trustees — Trustee, 2004–2013
- Board President — 2007–2008 and 2010–2011

PERSONAL

Mike has lived in Houston since 1966 and graduated from St. John's School in 1983. He earned a business degree from Tulane University's A. B. Freeman School of Business in 1987 and his J.D. from South Texas College of Law in 1991, where he was recognized for outstanding service to the Board of Advocates. Mike commenced his legal practice in 1991. Mike and his wife, Julie, both grew up in Spring Branch where they also raised their children, Avery and Stephen. Mike and Julie now live in the Heights and enjoy spending time in the mountains of Southern Colorado whenever possible.