



**John R. Clayton** - Partner  
Energy, Environmental, Legislative, Litigation, Construction

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Education

- B.A. Chemistry, University of Arkansas
  - J.D., University of Arkansas School of Law
  - Mr. Clayton attended Arkansas Medical School from 1962 to 1963.
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Court Admissions

- 1966, Arkansas
- 1991, Texas
- United States District Court for the Eastern and Western Districts of Arkansas
- United States District Court for the Northern, Southern, Eastern, and Western Districts of Texas
- United States Court of Appeals for the Eighth Circuit
- United States Supreme Court



John R. Clayton is a litigation defense attorney with 42 years of experience defending commercial and energy sector clients in liability exposure cases, including those with hundreds of millions of dollars at stake.

His practice is focused on representing large corporations, including petroleum, gas, and electric utility companies, oil refineries, pipeline companies, electric generation plants, and related energy companies, as well as specialty insurance carriers and self-insured companies. Also, his practice focuses on representation of companies involved in commercial business litigation and construction issues. He handles various litigation defense matters, including:

- complex commercial litigation
- construction litigation
- liquid and gas pipeline ruptures, including all related regulatory issues
- toxic and environmental torts and related regulatory issues
- oilfield services and superfund claims, remediation, and administrative issues
- refinery shut-downs and releases
- all kinds of chemical releases into the environment
- nuclear power plant construction and potential loss issues
- commercial construction litigation for owners and contractors
- products liability
- personal injury defense
- EPA, FERC, OPS (PHMSA), DOT, Clean Air Act, Clean Water Act, RCRA, OSHA and analogous federal and/or state regulations handling regulatory and operational matters, including tariffs and compliance hearings, briefings, advice and trials for all types of companies regulated by these and other agencies
- SEC—handling regulatory matters and advise companies regulated by this agency and defending clients for alleged Securities Act violations

- IRS—handling regulatory matters and advise companies regulated by this agency and defending clients for alleged IRS Act violations
- general contract disputes
- malpractice litigation (defense for attorneys, doctors, hospitals and accountants)
- all business torts
- banking litigation, including lender liability and officer and director liability
- real estate litigation
- Civil RICO litigation
- DTPA litigation
- White collar crime defense
- Mediation and arbitration dispute resolutions, both representing a party or serving on three person panels
- Advising officers, general counsel, directors and operational vice presidents on legal, regulatory, operational, business, and integrity issues

Prior to relocating to Houston, Texas in 1992, Mr. Clayton practiced in Little Rock, Arkansas as a commercial and tort defense attorney in the state's third-largest firm, serving as head of its Litigation Section. In addition, he has served as a Juvenile Judge, a Visiting District Judge and prosecuted criminal cases in Arkansas.

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## Representative Matters

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- Energy
  - Successfully represented large natural gas distributors and refined product pipeline companies before regulatory commissions.
  - Defended a major energy company in litigation and regulatory matters in a case involving an environmental tort to a large Texas city water source caused by a refined product pipeline rupture. The case was settled successfully in the third week of trial.
  - Represented a petroleum corporation in an environmental tort matter involving hydrocarbon releases. Received a favorable jury verdict after a four-week trial.
  - Represented a large privately owned energy company relative to a pipeline rupture with two deaths and various property and environmental damages. Case was tried for three weeks and settled favorably.
  - Represented a large pipeline company against a pipe manufacturing company and found a manufacturing defect which caused the rupture and resulted in a large recovery for the pipeline company.
  - Represented one of the largest Natural Gas Distribution Companies for 27 years; approving contracts, pipeline construction issues, condemnations, regulatory issues, trials for liability defense, public service commission hearings and advising general counsel and company CEO.
  - Represented nuclear power plant in construction and operational disputes.
- Products Failure

- Defended a major pipeline company that had purchased poorly designed and substandard-performing equipment that resulted in environmental damage and personal injury. This case was favorably settled just before trial.
- Brought suit for negligence, including punitive damages for failure to properly manufacture and inspect pipe for nuclear steam reactor. Trial and return was for several million.
- Defended large refinery company for product failure due to alleged equipment contamination. Defense verdict.
- Commercial Litigation
  - Defended a State Bank for several large breach of contract cases, including one in which a large furniture manufacturing company sued bank client alleging business disparagement, fraud, and intentional emotional distress on company guarantors (borrowers). Suit was for the book value of the bank. Defense verdict.
  - Defended breach of contract, conspiracy, fraud and manufacturer and lender liability against large commercial insurance carrier by hundreds of purchasers of manufactured homes in various rural subdivisions. Settled before trial for less than .1% of the multi-million dollar claims.
  - Defended \$500 million-dollar fraud and breach of contract suit for warehousing loans in alleged violation of banking regulations. Settled out CEO, director and President before Federal Court trial completion for very nominal amount.
  - Defended one of the U.S. largest privately owned domestic company for business torts and breach of contracts; allegations in multiple millions; settlement for nominal amount.
  - Defended various construction and commercial litigation matters for large US and international clients in the food, trucking, intellectual property, building, real estate, hospital, manufacturing, energy and banking industries.

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## Memberships

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Mr. Clayton is a member of the Texas Bar Association, the Arkansas Bar Association as a sustaining member, the American Bar Association, the American Trial Lawyer's Association and the Arkansas Trial Lawyers Association, having served on its Board of Governors. Mr. Clayton is also a member of the Houston Bar Association.

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## Military

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Mr. Clayton served in the United States Army and U.S.A.R. from 1966 to 1974.

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## Publications & Speaking Engagements

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Mr. Clayton authored the *Arkansas Bar Association Trial Handbook* section on "How to Handle the Expert Witness," 1993 and wrote "Beware the Hidden Lawyer" *Texas Lawyer* (November 8, 1999). He has spoken on various subjects at the Arkansas Bar Association's Annual Convention.

Featured speaker at the 2007 and 2008 Annual National Association of Corrosion Engineers (NACE) on the subject of U.S. Justice Department enforcement (civil and criminal) of regulations governing energy companies, pipelines, and refineries.

Mr. Clayton was a candidate in the statewide campaign for Arkansas Attorney General, 1982. He was the Chairman of a four-year term for constitutional officers in Arkansas and spoke statewide in 1983 on governmental responsibility to insure passage by popular vote.

Mr. Clayton has been a speaker at various schools, churches, and affiliated organizations regarding drug trafficking following his years of prosecuting such criminal conduct (1969-1975).

Additional background and references will be provided upon request.

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News

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- [John Clayton to Speak on Pipeline Integrity Management](#)
- [John Clayton Speaks on Corrosion Controls and Regulators at NACE International](#)