

## John Zavitsanos

Partner

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JOHN ZAVITSANOS, born Lefkada, Greece; admitted to Texas bar, 1987.

John Zavitsanos has been recognized by attorneys across the United States as one of the best lawyers in America. [www.bestlayers.com](http://www.bestlayers.com). 2008 is the third consecutive year this has bestowed this recognition on Mr. Zavitsanos by the nationally recognized publication of the same name. This distinction is awarded to less than 1% of all lawyers in the country. Mr. Zavitsanos was also a charter recipient of the designation of "Texas Super Lawyer" by *Texas Monthly* magazine and has been named a Super Lawyer every single year this award has existed. Much like the "Best Lawyers" distinction, this award is voted upon by members of the bar and is limited to the top 5% of all practicing lawyers in the state of Texas. Moreover, Mr. Zavitsanos has repeatedly been identified as one of Houston areas best lawyers by *H Texas* magazine (he has received this distinction every year this award has existed as well) and is personally "AV" rated (the highest possible rating) by MARTINDALE-HUBBELL, the premier legal directory in the United States. In 2008, *Texas Monthly* recognized Mr. Zavitsanos as one of the top 100 regional attorneys in the area of business litigation. Mr. Zavitsanos has also been board certified in civil trial law since 1997 by both the Texas Board of Legal Specialization and the National Board of Trial Advocacy, an achievement held by less than 2% of all practicing lawyers in the state of Texas.

Mr. Zavitsanos' cases have been featured in the *Wall Street Journal*, the *New York Times*, the *National Law Journal*, the *American Lawyer*, the *Texas Lawyer*, and many other national publications. Mr. Zavitsanos (and the rest of the Firm) represents both plaintiffs and defendants in a wide variety of cases. He has tried nearly 75 cases to a verdict in a multitude of areas of the law including oil and gas, complex commercial disputes, director and officer liability, non-compete/trade secret disputes, employment, and catastrophic personal injury.

Given Mr. Zavitsanos' extensive trial experience, he is often hired as special trial counsel by other law firms. He uses a number of innovative techniques in the courtroom that have enabled him to win the overwhelming majority of his many trials. Mr. Zavitsanos regularly lectures on these techniques to other members of the bar throughout the state of Texas. For example, Ms. Zavitsanos has been involved in a number of cases that involved more than 1,000 exhibits admitted into evidence. He was able to present these cases to the jury in a completely

“paperless” fashion and seamlessly move from one exhibit to the other so that the jury could understand the various issues.

Mr. Zavitsanos’ litigation experience includes not only a multitude of jury trials, but a significant number of temporary restraining orders, temporary injunction hearings, administrative trials, oral arguments to the federal and state courts of appeal, and participation in countless dispositive hearings. It is for this battle tested experience that he is asked to frequently lecture at CLE seminars on trial techniques in complex cases.

Having tried nearly 75 cases to a verdict, Mr. Zavitsanos is regularly hired by other lawyers on the eve of trial to assume first chair trial responsibility. In 2007 alone, Mr. Zavitsanos tried six cases to conclusion, including a three week bench trial on behalf of a Fortune 300 company involving a \$150 million offshore pipeline dispute. Following a ruling in favor of the Firm’s client, the case settled with the plaintiff paying a substantial amount to the Firm’s client in exchange for the acquisition of certain assets. All six cases Zavitsanos tried in 2007 resulted in verdicts in favor of the Firm’s clients.

In the area of employment law, Mr. Zavitsanos has represented scores of senior executives in negotiations with their employer in the preparation of employment agreements or in the negotiations of settlements under existing employment agreements. In those rare instances where a settlement could not be achieved, Mr. Zavitsanos has represented these executives and officers against their employer in jury trials. Mr. Zavitsanos has never lost an employment law jury trial. At the same time, Mr. Zavitsanos has represented many publicly traded companies in a variety of disputes with former employees including non-competition agreements, theft of trade secrets, Title VII disputes, and a variety of other claims. Whether representing the employee or the employer, his trial record is unblemished.

In 2007, Mr. Zavitsanos was selected to serve on a five member committee by the Ecumenical Patriarch of the world-wide Greek Orthodox Church to investigate the possibility of initiating human rights litigation against the government of Turkey before the European Courts of Human Rights in Strasbourg, France. The Ecumenical Patriarch is the spiritual head of 300 million Orthodox Christians around the world and is located in Istanbul, Turkey. As a member of this committee Mr. Zavitsanos is working closely with numerous internationally renowned human rights lawyers, including lawyers from the American Center for Law and Justice, the European Center for Law and Justice and some prominent human rights lawyers from Turkey.

These are some of the results of Mr. Zavitsanos’ cases:

- In 2007, Mr. Zavitsanos was the lead trial counsel in a three week trial involving a \$150 million contractual dispute about a jointly owed offshore gas pipeline. Following a successful decision in favor of the Firm’s client, the plaintiff immediately launched settlement discussion and resolved the dispute by paying a substantial amount to Zavitsanos’ client in exchange for the acquisition of certain assets.

- In 2007, Mr. Zavitsanos, along with his partner Todd Mensing, represented a vice president of a publicly traded seismic company. Despite substantial evidence during trial that the plaintiff had been severed during a company wide restructuring, Zavitsanos and Mensing succeeded in obtaining a substantial seven figure verdict in favor of their client by proving age discrimination.
- In 2007, Zavitsanos prevailed in a lengthy arbitration in Chicago on behalf of a national drug company. He recovered all attorneys' fees incurred by the Firm's client against a codefendant from a prior wrongful death case in San Antonio, Texas. In the earlier case, the wrongful death case settled for millions of dollars, but Zavitsanos' client paid nothing. Following the conclusion of that litigation, Zavitsanos' client initiated arbitration against the codefendant to recover all of the fees from the defense of the San Antonio case. The arbitrator awarded Zavitsanos' client 100% of the fees incurred in defending the wrongful death case.
- In 2005, Mr. Zavitsanos was one of the lead attorneys representing over 63 plaintiffs in an accounting malpractice jury trial involving over \$30 million in actual damages. The case was covered by the national media extensively. Shortly after trial began, the defendant settled for a confidential amount.
- Between 1990 – present Mr. Zavitsanos has been state-wide counsel for Mercedes-Benz USA. During this time frame, Mr. Zavitsanos has tried a number of cases to verdict and has never lost a jury trial defending Mercedes-Benz. Zavitsanos and Joe Sibley tried a multi-week jury trial for Mercedes-Benz in 2007 and received a unanimous verdict (again) in favor of the company.
- In 2003, Mr. Zavitsanos represented a national pharmacy company as a plaintiff in a significant breach of contract case. Following the completion of the evidence, the defendant agreed to settle the case for 95% of the damages and attorneys fees incurred by Mr. Zavitsanos' client.
- In 2002, Mr. Zavitsanos was the lead lawyer for the defense in an \$8 million business tort case. The trial lasted over one month and included over 1,000 trial exhibits. Because of the voluminous number of documents and witnesses, Mr. Zavitsanos and his trial team utilized the latest technology to present the case to the jury. The trial was completely "paperless." Immediately prior to trial, Mr. Zavitsanos' client offered nearly \$1 million to settle the case which the plaintiff company rejected. Following the month-long trial, the jury found in favor of his client on every single claim.
- In 2001, Mr. Zavitsanos obtained a seven-figure jury verdict against a publicly traded company in a fraud claim brought by the company's former director of Mergers and Acquisitions.

- In 2000, Mr. Zavitsanos defended a Fortune 100 company in a highly charged sexual harassment case where the plaintiff rejected a significant settlement offer. Following a lengthy jury trial, Mr. Zavitsanos' client won on all claims and obtained a judgment for costs against the plaintiff.
- In 1999, Mr. Zavitsanos represented a plaintiff in a case under the Americans with Disabilities Act where the claimed disability was allergies. Prior to trial, the defendant offered nothing. Mr. Zavitsanos recovered a significant amount after the close of the evidence, but before the jury returned its verdict.
- In 1998, Mr. Zavitsanos tried what is believed to be the first same sex harassment case to verdict in the United States. Mr. Zavitsanos' client recovered over \$1,000,000 in damages and fees in this landmark case. *Mota v. University of Houston Health Science Center*, 261 F.3d 512 (5<sup>th</sup> Cir. 2001).
- In 1997, two weeks prior to trial, Mr. Zavitsanos was brought in to defend a significant sexual harassment case against a well-known rap music label. The case was followed within the music industry because the plaintiff's assertions included an allegation that the explicit lyrics of the music produced by this record label were played throughout their corporate offices and were part of the sexually hostile work environment. A number of prominent executives within the music industry testified during this trial. Following a two week trial, the jury deliberated less than forty-five minutes in delivering a verdict in favor of the record company. One interesting sidelight is that Mr. Zavitsanos was able to strike over 70 potential jurors for cause during jury selection.
- In 1997, Mr. Zavitsanos defended a Fortune 100 chemical company in a multimillion-dollar toxic exposure case. The plaintiff claimed that he was completely disabled due to being exposed to toxic substances. The plaintiff's "bottom line" settlement demand was over \$4,000,000. The case went to trial and, following the cross examination of the plaintiff by Mr. Zavitsanos, the case settled for a small fraction of the plaintiff's final demand and the amount that Mr. Zavitsanos had offered more than 18 months previously.
- In 1996, Mr. Zavitsanos was the lead trial lawyer on behalf of seven police officers who filed suit alleging that they were terminated because of their political expression. The case was followed nationally by a number of police organizations and, following a successful appeal, it is now considered one of the leading decisions in this area of the law. *Brady v. Fort Bend County*, 145 F.3d 691 (5<sup>th</sup> Cir. 1998).
- In 1995, Mr. Zavitsanos represented an oil and gas limited partnership that was a defendant in a suit involving allegations of fraud and breach of fiduciary duty. The plaintiff sought \$8 million in damages against Mr. Zavitsanos' client and several other defendants. Following a lengthy jury trial, Mr. Zavitsanos' client

was exonerated on all counts, even though the other defendants were found liable.

Mr. Zavitsanos' fast paced trial practice has not stopped him from finding time to serve his community. He is a member of the Archdiocesan Council of the Greek Orthodox Church of America, as well as a member of the executive committee of the Order of St. Andrew (the Greek Orthodox equivalent to the Knights of Columbus of the Catholic Church). He has served as a board member of the Houston Lawyer Referral Service and has worked on a number of *pro bono* cases over the years, including working on a prisoner abuse case that involved (at that time) one of the largest settlements with the state of Texas in Texas history for a single plaintiff. Mr. Zavitsanos was recognized as an Archon of the Ecumenical Patriarchate of the Greek Orthodox Church in 2004. An Archon is the highest honor that can be bestowed upon a member of the laity within the world-wide Greek Orthodox Church. There are less than 750 Archons in the United States. Mr. Zavitsanos has been married for nearly 20 years and has four children.

Prior to forming the Firm in 1993 with Joseph Ahmad, Mr. Zavitsanos was with the Houston office of Baker & Botts, L.L.P. in their trial department. While at Baker Botts, Mr. Zavitsanos tried many cases and obtained a verdict in excess of \$1 million as lead trial counsel during only his third year of practice.

## **EDUCATION**

- Loyola University of Chicago (B.S., *magna cum laude*, 1984)
- University of Michigan (J.D., 1987)

## **HONORS & DISTINCTIONS**

- Board Certified, Civil Trial Advocacy Specialist by the National Board of Trial Advocacy
- Board Certified, Civil Trial Law, Texas Board of Legal Specialization
- Who's Who in American Law
- Million Dollar Advocates Forum
- *The Best Lawyers in America*, 2006 - 2008
- Texas Super Lawyer, 2003 – 2008, *Texas Monthly*
- Outstanding Lawyers of America, 2003 – present
- Houston Areas Top Lawyers – *H Texas Magazine*, 2004 - 2008

- College of the State Bar of Texas, 2005

## **PROFESSIONAL AFFILIATIONS**

- State Bar of Texas (Sections in Litigation; Labor)
- Admitted in all state and federal trial and appellate courts in Texas
- Admitted to United States Supreme Court
- Admitted to the federal District Court of Colorado
- Houston Bar Association
- Texas Trial Lawyers Association
- Houston Trial Lawyers Association
- Fellow, Houston Bar Foundation
- Fellow, Texas Bar Foundation
- American Inns of Court

## **REPORTED CASES**

- *In re Seiscom Delta, Inc.*, 857 F.2d 279 (5<sup>th</sup> Cir. 1988)
- *Gulf Coast Inv. Corp. v. NASA I Business Center*, 754 S.W.2d 152 (Tex. 1988)
- *Brady v. Fort Bend County*, 145 F.3d 691 (5<sup>th</sup> Cir. 1998)
- *Redwine v. AAA Life Ins. Co.*, 852 S.W.2d 10 (Tex. App. – Dallas 1993, no writ)
- *Evans v. United Air Lines*, 986 F.2d 942 (5<sup>th</sup> Cir. 1993)
- *LaBella v. Mercedes-Benz of North America*, 942 S.W.2d 127 (Tex. App. – Amarillo, 1997, writ denied)
- *Thompson v. City of Galveston*, 979 F.Supp. 504 (S.D. Tex. 1997)
- *Metropolitan Life Insurance Co. v. Haney*, 987 S.W.2d 236 (Tex. App. – Houston [14<sup>th</sup> Dist] 1999, pet. denied)

- *Texas Dept. of Public Safety v. Randle*, 31 S.W.3d 786 (Tex. App. – Houston [1<sup>st</sup> Dist.] 2001, no pet.)
- *Mota v. University of Texas Houston Health Science Center*, 261 F.3d 512 (5<sup>th</sup> Cir. 2001)
- *Pratt v. City of Houston*, 247 F.3d 601 (5<sup>th</sup> Cir. 2001)
- *National Union Fire Insurance Co. v. Willis*, 296 F.3d 336 (5<sup>th</sup> Cir. 2002)
- *Jones v. Star Motor Cars*, 45 S.W.3d 350 (Tex. App. – Houston [1<sup>st</sup> Dist.] 2001, no pet.)
- *Livesay v. Wellogix, Inc.*, 2003 WL 139730 (Tex. App. – Houston [1<sup>st</sup> Dist.] 2003)
- *In re: Wheat*, 2002 WL 31320095 (Tex. App. – Houston [1<sup>st</sup> Dist.] 2002)
- *Comsys Information Technology Svc. Inc. v. Twin City Fire Ins. Co.*, 130 S.W.3d 181 (Tex. App. – Houston [14<sup>th</sup> Dist.] 2003)
- *In re: KPMG*, 2005 WL 66475 (Tex. App. – Houston [14<sup>th</sup> Dist.] 2005)
- *Recognition Communication, Inc. v. American Automobile Ass'n.*, 154 S.W.3d 878 (Tex. App. – Dallas 2005)

## **PUBLICATIONS, PAPERS AND CLE PRESENTATIONS**

Mr. Zavitsanos has prepared the following written materials and made presentations at the following seminars:

- *Jury Selection and Voir Dire, Including Batson Challenges*, Employment Law Seminar, December 1998
- *Asserting, Contesting and Preserving Privileges Under the New Rules*, University of Houston Law Foundation - Advanced Civil Discovery Under the New Rules, June 2000
- *Punitive Damages - Phase II*, University of Houston Law Center - Litigation and Trial Tactics, December 2000
- *Preparing Your Witness for Deposition and Trial*, University of Houston Law Foundation, June 2002

- *Credibility and Impeachment: Fundamentals of Direct and Cross-Examination*, University of Houston Law Foundation - How to Offer and Exclude Evidence, September 2002

*Presuit Discovery and Discovery from Third Parties*, University of Houston Law Foundation - Advanced Civil Discovery Under the New Rules, June 2003

*Issues in Texas Law Class Actions-v-mass Actions: Strategic and Legal Considerations*, University of Houston Law Foundation - Advanced Personal Injury and Insurance Law, June 2003

*Witness Credibility - How To Prepare, Achieve, And Destroy It*, Lorman Education Services, September 2004

9Pt *Preparing Your Witness for Deposition and Trial*, Houston Bar Association, November 2004

1/2Pt *Types of Claims and Their Values*, Houston Bar Association, September 2005

1/4Pt *Preparing Your Witness for Deposition and Trial*, Houston Bar Association, March 2006

CPt *Witness Credibility - How To Prepare, Achieve, And Destroy It*; Lorman Education Services, June 2006

2Pt *Credibility and Impeachment - University of Houston Law Foundation – Advanced Evidence and Discovery*, November 2007

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\*\*Nothing on this web page is intended to represent that Ahmad, Zavitsanos & Anaipakos currently represents any particular clients mentioned because matters and client relationships naturally terminate from time to time.

\*\*\*Mr. Zavitsanos is board certified in civil trial law by the Texas Board of Legal Specialization.