



**Michael D. Stell**  
Attorney / Shareholder

#### Contact Info

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#### Areas of Concentration

Litigation – Complex Commercial  
Construction Law  
Corporate & Securities – Small  
Business  
Environmental  
Aerospace, Defense & Government  
Services  
Mergers & Acquisitions  
Real Estate

#### Education

University of Texas  
Juris Doctor with honors  
Phi Delta Phi

Texas Tech University  
Bachelor of Business Administration  
– Finance  
summa cum laude  
Phi Eta Sigma  
Beta Gamma Sigma  
Golden Key Society  
Phi Kappa Phi

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Michael Stell, a Shareholder at ScottHulse, specializes in complex litigation, construction law, and in the representation of small businesses.

Michael has handled complex litigation cases involving claims for real estate fraud, breach of fiduciary duty, trademark infringement, unfair competition, violations of the Truth in Lending Act, relief under the Uniform Commercial Code, violations of the Lanham Act, toxic torts, breach of contract, fraud, professional negligence and malpractice, wrongful discharge, breach of partnership obligations, inverse condemnation, violations of the Texas Deceptive Trade Practices Act, and usury.

As a member of the Firm's Construction practice group, Michael represents owners, developers, construction managers, builders, contractors, subcontractors, suppliers, engineers, architects, sureties, and insurance companies in all phases of public and private construction. Michael's expertise extends to all stages of the construction process, including determining the appropriate project delivery system; negotiating and drafting project documents; developing risk management programs; instituting contract administration and claims avoidance procedures; advising clients during the construction process; and handling claims through negotiation, mediation, arbitration, and trial.

Working closely with small businesses, Michael assists clients with business entity formation and organization; financing; business contracts and agreements; the purchase, lease, and sale of real estate; and the purchase and sale of businesses and assets.

Michael is a past Vice-Chairman of the American Bar Association's Business Torts Committee and a past member of the Board of

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## Admissions & Qualifications

State Bar of Texas

United States District Court  
Western District of Texas

United States Court of Appeals  
Fifth Circuit

United States Supreme Court

Directors for the El Paso Bar Association. He is also a member of the American Bar Association's Forum on the Construction Industry, the Texas State Bar's Construction Law Section, the Bar Association of the Fifth Federal Circuit, and the Texas Bar Foundation.

Actively involved in the community, Michael has served in leadership positions for many civic and charitable organizations, including the Greater El Paso Chamber of Commerce, the El Paso Public Library Association, Big Brothers/Big Sisters, and the Sunrise Rotary Club. He is also a past member of the Institutional Review Board for Texas Tech University Health Sciences Center-El Paso.

## Representative Matters

### Complex Litigation

- Represented major television network in successful breach of contract suit against pageant promoter arising out of the television production of the Miss America pageant
- Successfully represented major cigarette manufacturer in trademark infringement and unfair competition suit
- Represented major coupon processor in a suit against coupon redemption agent based on claims under the Lanham Act and for business disparagement
- Successfully defended Fortune 500 Company in numerous wrongful death and personal injury claims arising from the alleged exposure of workers to asbestos
- Represented a national bank in a successful trademark infringement and unfair competition suit
- Represented large regional retailer in prosecution of usury claim against supplier
- Represented lawyer in successfully obtaining dismissal of matter pending before the Office of Chief Disciplinary Counsel for the Texas Commission for Lawyer Discipline
- Represented municipality in successful resolution of suit asserting claim for inverse condemnation arising in connection with the construction of a telecommunications tower
- Defended regional retailer in consumer action alleging violations of the Truth in Lending Act
- Defended Fortune 500 Company in suit brought by finance company under the Uniform Commercial Code

### Construction

- Represented successful bidder in obtaining dismissal of lawsuit contesting award by the City of El Paso of bid exceeding \$6 million
- Represented a major national equipment supplier in suit to recover payment from general contractor in connection with the construction of the Wyler Aerial Tramway in El Paso, Texas for the Texas Parks and Wildlife Department
- Defended Fortune 500 Company in wrongful death and personal injury claims resulting in a multiple week trial arising from an electrocution incident on a construction site
- Trial counsel for homebuilder in multi-week trial arising out of alleged construction defect resulting in multiple severe personal injury claims

- Represented large regional retailer in the negotiation and drafting of construction contracts with contractors in connection with the construction of its retail stores
- Recovered judgment against subcontractor for defective performance of work for major national non-profit corporation
- Represented large national supplier in negotiating and drafting construction contract with contractor in connection with the expansion of the supplier's facility
- Represented regional retailer in connection with claims against contractor for delay and defective construction and the removal of mechanic's liens filed by various subcontractors
- Represented major contractor in a suit against subcontractor involving claims of defective and non-conforming work, inadequate project management and supervision, failure to complete the work, back-charges, change orders, claims for extra work, and differing site conditions in connection with the construction of the Texas Tech University Health Sciences Center – El Paso Medical Education Building

## Presentations

*Lien Perfection and Foreclosure.* Lecture presented at the Construction Lien Law Seminar of Lorman Education Services in El Paso, Texas. (multiple years)

*Construction Law: Selected Statutes Affecting the Construction Industry.* Lecture presented at the Construction Law Seminar of Lorman Education Services in El Paso, Texas.

*Damages and Remedies in Construction Law: Selected Issues.* Lecture presented at the Construction Law Seminar of Lorman Education Services in El Paso, Texas.

*Construction Risk: Selected Issues.* Lecture presented at the Construction Law Seminar of Lorman Education Services in El Paso, Texas.

*Fair Debt Collection Practices.* Lecture presented at the Collection Law Seminar of Lorman Education Services in El Paso, Texas.

*Legislative Update.* Lecture presented at the Annual Civil Trial Seminar in El Paso, Texas.

*Daubert/Robinson Analysis of Expert Testimony.* Lecture presented at the Annual Civil Trial Seminar in El Paso, Texas.

*How to Get An Expert Stricken or Admitted – The Daubert/Robinson Hearing.* Lecture presented at the Annual Civil Trial Seminar in El Paso, Texas.

*Challenging Expert Testimony.* Lecture presented at the Texas Association of Defense Counsel in Austin, Texas.

*Nonsubscriber Issues.* Lecture presented at the Employment Law Seminar of Lorman Education Services in El Paso, Texas.

*The Ethical Implications of Multidisciplinary Practice.* Lecture presented at the International Business Transactions Seminar of University of Texas at El Paso and the Center for Legal and Border Studies in El Paso, Texas.

## Publications

Co-Author: "Piercing the Corporate Veil", Texas Association of Defense Counsel, Williamsburg, Virginia.

## Organizations

- American Bar Association's Business Torts Committee (former Vice-Chairman)
- El Paso Bar Association (former Board member)
- American Bar Association's Forum on the Construction Industry
- Texas State Bar Construction Law Section
- Bar Association of the Fifth Federal Circuit
- Texas Bar Foundation
- Greater El Paso Chamber of Commerce
- El Paso Public Library Association
- Big Brothers/Big Sisters
- Sunrise Rotary Club
- Texas Tech University Health Sciences Center-El Paso (Institutional Review Board)