

**Joshua R. Flores** *Senior Associate*

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## Overview

Joshua R. Flores serves clients in the areas of fiduciary litigation, commercial and business litigation, and general civil litigation.

Josh's fiduciary practice includes representing clients in the State of Texas in matters relating to the prosecution and defense of claims for will contests, will and trust interpretation, probate and trust administration, and guardianship proceedings.

In addition, Josh routinely deals with business and commercial litigation matters, including claims involving breach of fiduciary duty, breach of contract, and business disputes between partners, members, and shareholders.

A tireless worker and exceptional advocate, Josh has a track record for success when the stakes are high. In addition, Josh regularly uses his experience to counsel clients on potential legal issues to reduce the risk of future litigation.

## Education

South Texas College of Law, J.D., 2013

Texas A&M University, B.A., 2010

## Practice Areas

Commercial Litigation

Estate, Trust, and Wealth Planning

Fiduciary Litigation

Insurance and Personal Injury

Intellectual Property

Probate, Trust and Guardianship

## Representative Experience

- Served as trial counsel and earned a unanimous jury verdict on a breach of contract matter in the 334th District Court of Harris County, Texas. Jury found the opposing party breached the contract at issue and client was awarded attorneys' fees, costs, and expenses in a case that had been ongoing for more than four years.
- Served as trial counsel and successfully prosecuted a client's case in the Probate Court of Galveston County, Texas that challenged the enforceability of a Marital Property Agreement obtained by the Decedent's spouse to convert approximately \$50 million of separate property into community property. In a unanimous verdict, the jury found the Marital Property Agreement was unenforceable and punitive damages were awarded against the Decedent's spouse.
- Served as counsel for the executor of one of the largest estates in Texas history. Successfully defended multiple claims brought by the sole beneficiary of the estate against the executor for breach of fiduciary duty and negligence which resulted in a settlement of all claims. Within the same estate, Josh was also successful in receiving a dismissal of all claims brought against the executor by the alleged common law spouse of the Decedent for wrongful disinterment.
- Acted as trial counsel in 319<sup>th</sup> District Court in Nueces County, Texas on behalf of the general partner of limited partnership. The limited partner brought claims for breach of fiduciary duty and breach the Partnership Agreement and alleged the general partner improperly leased a multi-million-dollar ranch (the Partnership's largest asset),

## Admissions

Texas, 2013

U.S. Court of Appeals for the Fifth Circuit

United States District Courts for the  
Northern, Southern, Eastern and Western  
Districts of Texas

diverted monies from the Partnership, and engaged in self-interested actions. The trial court awarded a summary judgment wholly in favor of the general partner.

- Lead counsel in the 11<sup>th</sup> District Court of Harris County, Texas for a member owning 33% of a limited liability company who brought breach of fiduciary duty claims against the other members of the company. As the second lawyer on the case, Josh negotiated a favorable settlement for the client that resolved conflicts that had been pending for over six years.
- Acted as lead counsel in representing a former employee of a national healthcare provider for claims of breach of contract relating to an employment agreement. Ultimately, the defendant settled with client for approximately \$300,000, without the former employee filing a lawsuit.
- Successfully defended an amendment to a will in the 155th District Court in Fayette County, Texas. Jury returned a verdict wholly in favor of the defendant, and ordered that the plaintiff take nothing. This included a finding that the plaintiff did not bring her suit with good faith and just cause, which precluded her from recovering attorneys' fees from the estate.

## Associations and Affiliations

- State Bar of Texas
- Houston Bar Association
- Houston Young Lawyer's Association
- Texas Young Lawyers Association
- American Bar Association
- Hispanic National Bar Association
- The Mexican-American Bar Association of Houston
- The Mexican-American Bar Association of Texas

## Awards

### Recognitions:

- Texas Super Lawyer - Rising Star (2017-2019)
- Top Lawyers in Houston by Texas Magazine (2016-2018)
- Top Lawyers in Houston by Houstonia Magazine (2016)

**Educational:**

- CALI award for Probate: Post Death Property Clinic South Texas College of Law
- Dean's List (South Texas College of Law)

**Articles and Publications**

- Houston Bar Association – 2015 New Licensee Institute: *The Dos, Don'ts and If I Only Knew Then*, Summer 2015
- Co-author: State Bar of Texas; 42nd Annual Advanced Estate Planning and Probate Law Course: *Options for Seeking Interim Relief in Trust and Estate Litigation*, June 2018
- Speaker: *Fiduciary Pitfalls*, December 2018.