



Andrew J. McCluggage

Partner

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Andy McCluggage is a trial lawyer. His practice focuses primarily on product liability, premises liability, commercial automobile, and industrial accident claims involving property damage, personal injury, and wrongful death. Andy also has experience with construction defect, consumer law, and professional liability claims.

Andy has represented clients large and small in lawsuits involving allegations of defects in automobiles and automobile components, tires, industrial equipment, construction equipment and components, oilfield equipment, and marine equipment.

Andy's transportation practice extends from coast to coast, and includes representing local, regional, and long-haul trucking companies and their drivers in claims for personal injury, property damage, and wrongful death. Andy also has experience assisting trucking companies with DOT/FMCSA compliance issues and advising them before, during, and after DOT audits.

Andy has defended property owners, property management entities, and contractors involving a wide variety of premises liability claims, ranging from simple slip and falls to third-party criminal conduct cases. Andy has also represented facility owners, managers, and operators in a wide variety of industrial accident claims, including those against employers for workplace negligence associated with non-subscriber programs.

Andy has represented contractors of all sizes in construction defect claims and has obtained favorable decisions from both Courts and Arbitration Panels in these cases.

Andy's energy practice includes representation of well interest owners, petroleum services companies, product manufacturers, production crews, and other entities related to the energy sector.

Services & Industries

- Transportation
- Restaurants, Retail & Hospitality
- Admiralty & Marine
- Products Liability
- Gulf Coast Practice

Andy represents bar and restaurant owners in Dram Shop/Liquor Liability claims throughout Texas ranging from allegations of simple personal injury to multiple fatalities. He has successfully resolved dozens of Dram Shop cases despite catastrophic liability and damages facts.

Representative Experience

- Obtained favorable jury verdicts in trucking lawsuits involving serious personal injury and aggravated liability facts coupled with admitted fault.
- Trial and Arbitration experience in personal injury, consumer law, and construction defect actions.
- Obtained Summary Judgment on behalf of large residential homebuilder in personal injury action. Affirmed on Appeal: *Alonso v. Westin Homes Corporation, et al.* 2016 WL 7234474 (Tex. App.—Houston [14th Dist.] December 13, 2016, no pet.).
- Obtained denial of all claims from Arbitration Panel on behalf of subcontractor in construction defect arbitration seeking nearly \$2 Million in damages arising out of renovation work on a condominium complex in Galveston, Texas.
- Obtained Summary Judgment on behalf of international valve and fitting manufacturer in negligence and premises liability action.
- Obtained Summary Judgment on behalf of Fortune 500 clothing retailer in premises liability action.
- Represents national products manufacturers in catastrophic personal injury and wrongful death claims.
- Represents major automobile parts retailer in premises liability, product liability, commercial automobile claims, and consumer law/DTPA claims.
- Represents local and regional transportation companies in DOT audits.
- Represents national, regional, and local transportation companies in personal injury and wrongful death claims.
- Represents individuals and businesses in personal and commercial automobile accident claims.

Education

- South Texas College of Law (J.D., 2008)
 - magna cum laude
 - South Texas Law Review
 - Board of Advocates
- Texas A&M University (B.A., 2005)
 - History

Bar Admissions

- Texas, 2008

Court Admissions

- United States District Court, Southern, Eastern, Western District of Texas

Professional and Community Activities

- Defense Research Institute

- Defense Research Institute: Trucking Law Committee, Regional Editor: DRI Trucking Law Compendium
- Houston Bar Association
- First Colony Little League Board Member

Speeches and Presentations

- The Courtroom vs. The Conference Room: ADR Strategies in Advance of Trial (2016).
- 2016 Tort and Legislative Update: Recent Developments in Texas Tort law; Thompson Coe Texas Insurance and Tort Law Update (2016)
- Defense Lawyer Essentials: Defending the Personal Injury or Wrongful Death Lawsuit (2015)
- UM/UIM Claims: An Update; Thompson Coe Texas Insurance and Tort Law Update (2015)
- Investigating the Catastrophic Claim: Preserving and Gathering the Evidence that Matters; Thompson Coe Texas Insurance and Tort Law Update (2014, 2015)
- To Subscribe or Not to Subscribe: Workers' Compensation and Defending the Nonsubscriber Claim; Thompson Coe Texas Insurance and Tort Law Update (2013)
- I'm From the Government, and I'm Here to Help: The Texas Tort Claims Act; Thompson Coe Texas Insurance and Tort Law Update (2012)
- The Defense Lawyer's Toolbox: The Essentials for Defending the Personal Injury or Wrongful Death Lawsuit; Thompson Coe Texas Insurance and Tort Law Update (2011)
- 2010: A Courtroom Odyssey - Effective Use of Technology at Trial; Thompson Coe Houston Seminar; Texas Insurance and Tort Law Update (2010)
- Tort Law Update: Emerging Theories and Limits, Including Latent Claims, Product Cases, and New Coverage Issues; Advanced Insurance and Tort Claims Seminar (2009)
- Premises Liability: A Good Place to Be; Texas Insurance and Tort Law Update (2009)
- It's Been Four Years: Medical Liability Act After HB4; Texas Department of Insurance Continuing Legal Education (2007)

Professional Recognition

- Named a 2013-2020 Texas Super Lawyer - Rising Star.

Publications

April 18, 2018

Texas Supreme Court Clarifies Plaintiff's Burden for Establishing Vicarious Liability

May 15, 2015

What happens when the claimant settles with the tortfeasor pre-suit?

