



Andrew L. Johnson

Partner

ajohnson@thompsoncoe.com | 713-403-8205

Andrew L. Johnson is Board Certified in Civil Appellate Law by the Texas Board of Legal Specialization and represents individuals and companies in cases involving professional liability, premises liability, general casualty, and commercial disputes. His clientele includes attorneys and law firms, insurance brokers, large and small entities, management companies, staffing agencies, real estate agents, community associations, and financial-services providers.

Andrew handles matters around Texas state courts and in federal courts, arbitrations, and other proceedings, such as before FINRA, the Texas Real Estate Commission, and the Office of the Chief Disciplinary Counsel of the State Bar of Texas. He has substantial experience drafting appellate briefs, original proceedings, summary-judgment motions, motions to dismiss, post-arbitration motions, jury charges, and expert-related motions. Andrew frequently handles proceedings and appeals involving the Texas Citizens Participation Act (Chapter 27 of the Texas Civil Practice and Remedies Code, also called the Anti-SLAPP statute), the Certificate of Merit statute (Chapter 150 of the Texas Civil Practice and Remedies Code), special appearances challenging personal jurisdiction, and post-appraisal motions in insurance disputes. He also often argues before courts of appeals.

Before Thompson Coe, Andrew worked as a staff attorney at the Fourteenth Court of Appeals of Texas. While at the court, he wrote well over 100 proposed opinions, including in complex civil appeals.

Representative Experience

- Handled briefing in appeal in which we obtained affirmance of take-nothing judgment where plaintiff argued on appeal that the trial judge engaged in judicial impropriety. *Wiltfang v. Naegeli Transportation*, No. 14-19-00396-CV (Tex. App.—Houston [14th Dist.] September 10, 2020).
- Handled briefing in mandamus proceeding in which Court of Appeals agreed with our argument that the trial court lacked plenary power and was required to

Services & Industries

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designate the case as closed despite plaintiff's contention that live claims remained. In re Anderson, No. 01-20-00123-CV (Tex. App.—Houston [1st Dist.] August 20, 2020).

- Handled briefing in appeal in which we obtained reversal of trial court's order denying our engineering client's motions to dismiss based on plaintiff's failure to comply with the certificate of merit requirements of Chapter 150 of the Texas Civil Practice and Remedies Code. TRW Engineers, Inc. v. Hussion Street Buildings, LLC, No. 01-19-00895-CV (Tex. App.—Houston [1st Dist.] August 4, 2020).
- Handled briefing in appeal in which we obtained reversal of trial court's order denying our special appearance challenging Texas jurisdiction over our foreign client. Kumon North America Inc. v. Nguyen, No. 14-18-00639-CV (Tex. App.—Houston [14th Dist.] June 30, 2020).
- Handled briefing in appeal in which we obtained affirmance of dismissal with prejudice of claims against engineering client based on plaintiff's failure to comply with the certificate of merit requirements of Chapter 150 of the Texas Civil Practice and Remedies Code. Whitaker v. R2M Engineering, LLC, No. 07-20-00068-CV (Tex. App.—Amarillo May 28, 2020).
- Handled briefing in appeal in which we obtained affirmance of summary judgment in favor of hotel client in personal-injury suit. Saenz v. Starlight International Inc., No. 01-19-00562-CV (Tex. App.—Houston [1st Dist.] February 6, 2020).
- Handled briefing in appeal in which we obtained affirmance of summary judgment in favor of insurance broker in case involving numerous common-law, DTPA, and Insurance Code claims. R&M Mixed Beverage Consultants, Inc. v. Safe Harbor Benefits, Inc., No. 08-17-00054-CV, 578 S.W.3d 218, 223 (Tex. App.—El Paso 2019).
- Handled briefing in appeal in which we obtained affirmance of summary judgment in favor of religious order based on "coming-and-going" rule negating religious order's alleged vicarious liability. Berry v. Missionaries of Co. of Mary, Inc., No. 18-20487, 770 Fed. App'x 716 (5th Cir. 2019).
- Handled briefing in appeal in which we obtained affirmance of summary judgment in favor of financial services provider. Yazdchi v. TD Ameritrade, No. 14-17-00632-CV (Tex. App.—Houston [14th Dist.] March 5, 2019).
- Handled briefing and oral argument in appeal in which we obtained reversal of trial court's denial of our Anti-SLAPP motion and remand for award of attorney's fees. Clayton v. Oldcastle Materials Texas, Inc., 09-18-00063-CV (Tex. App.—Beaumont Feb. 14, 2019).
- Handled briefing in appeal in which we obtained affirmance of death-penalty sanctions the trial court ordered in favor of client based on plaintiff's evidentiary fraud. Pressil v. Gibson, No. 14-17-00517-CV, --- S.W.3d --- (Tex. App.—Houston [14th Dist.] Aug. 28, 2018).
- Handled briefing and oral argument in appeal in which we obtained reversal of trial court's order denying our clients' motions to dismiss based on Chapter 150 of the Texas Civil Practice and Remedies Code regarding certificates of merit in engineering-negligence lawsuit. Barron, Stark & Swift Consulting Engineers, LP v. First Baptist Church, Vidor, No. 09-17-00470-CV, 551 S.W.3d 320, 321 (Tex. App.—Beaumont May 17, 2018).
- Handled briefing and oral argument in appeal in which court of appeals affirmed summary judgment in favor of our insurer client based on rule that

payment of appraisal award bars plaintiff's contractual and extra-contractual claims. *Zhu v. First Community Insurance Co.*, No. 14-16-00226-CV, 543 S.W.3d 428 (Tex. App.—Houston [14th Dist.] Feb. 13, 2018).

- Presented oral argument in original proceeding in which court of appeals granted our request for mandamus relief ordering trial court to lift abatement of professional-negligence lawsuit. *In re Shulman*, No. 14-17-00508-CV, 544 S.W.3d 861 (Tex. App.—Houston [14th Dist.] Dec. 12, 2017).
- Part of briefing team in appeal in which we obtained reversal of \$420,000 judgment because court of appeals agreed with our argument that oil-and-gas indemnity agreement could not be reformed. *BH Contractors, LLC v. Helix Energy Sols. Group, Inc.*, No. 14-15-01035-CV (Tex. App.—Houston [14th Dist.] Aug. 22, 2017).
- Handled briefing and oral argument in appeal in which we obtained reversal of trial court's denial of our Anti-SLAPP motion. *Urban Eng'g v. Salinas Constr. Techs., Ltd.*, 13-16-00451-CV (Tex. App.—Corpus Christi May 25, 2017).
- Handled briefing and oral argument in appeal in which we obtained reversal of trial court's order regarding certificates of merit. *Eng'g & Terminal Services, L.P. v. TARSCO, Inc.*, 14-16-00424-CV (Tex. App.—Houston [14th Dist.] Apr. 27, 2017).
- Handled briefing and oral argument in appeal in which we obtained affirmance of 12(b)(6) dismissal of plaintiff's constitutional claims against client. *Hartman v. Walker*, 16-40396 (5th Cir. Apr. 18, 2017).
- Supervised successful appellate defense of summary judgment based on Chapter 95 of the Texas Civil Practice and Remedies Code. *Alonso v. Westin Homes Corp.*, 14-15-00898-CV (Tex. App.—Houston [14th Dist.] Dec. 13, 2016, no pet.).
- Presented oral argument in insurance-coverage case in which court of appeals reversed almost \$400,000 judgment rendered against insurer client. *Serpikova v. American Risk Insurance Company, Inc.*, 14-14-00859-CV (Tex. App.—Houston [14th Dist.] Dec. 6, 2016).
- Obtained mandamus relief from First Court of Appeals ordering severance of insurance claims from underlying liability suit. *In re Essex Ins. Co.*, 01-16-00552-CV (Tex. App.—Houston [1st Dist.] Nov. 8, 2016, orig. proceeding).
- Successfully defended against opposing party's petition for writ of mandamus in fraud lawsuit. *In re Sunset Nursing Home, Inc.*, 01-15-00757-CV (Tex. App.—Houston [1st Dist.] July 23, 2015).
- Presented opening statement and pretrial legal arguments in jury trial involving community-association client.
- Presented fact witnesses and legal arguments during two-day temporary-injunction hearing.
- Prepared and argued jury charge in federal labor-and-employment case in which Thompson Coe obtained a take-nothing judgment.
- Obtained summary judgment under Chapter 82 of the Texas Civil Practice and Remedies Code for seller client, requiring manufacturer defendant to defend and indemnify client.
- Drafted successful motion to dismiss for attorney clients based on Texas Rule of Civil Procedure 91a.
- Argued for and obtained summary judgment for corporation based on economic loss rule.
- Obtained full dismissal of breach-of-contract, breach-of-warranty, and DTPA

- claims filed against management company.
- Drafted jury charge and was lead arguer at charge conference in malpractice lawsuit in which Thompson Coe obtained a take-nothing judgment.
- Obtained nonsuit for investment administrator client in breach-of-contract and breach-of-fiduciary-duty lawsuit.

Professional Recognition

- Board Certified in Civil Appellate Law by the Texas Board of Legal Specialization

Education

- St. Mary's University School of Law (J.D., 2007)
 - cum laude
 - St. Mary's Law Journal, Articles Editor
 - Phi Delta Phi
 - Clerkship, Hon. George C. Hanks, Jr., First Court of Appeals of Texas
 - Internship, Hon. Emilio M. Garza, United States Court of Appeals, Fifth Circuit
- Texas State University (B.S.A.S., 2004)
 - summa cum laude

Bar Admissions

- Texas, 2007

Court Admissions

- United States District Court, Southern and Eastern Districts of Texas
- United States Court of Appeals, Fifth Circuit

Professional and Community Activities

- State Bar of Texas Appellate Section, Councilmember Term Expiring 2023
- State Bar of Texas Appellate Section, Judicial and Section History Committee
- DRI 2021 Appellate Advocacy Seminar Committee
- Houston Red Mass Planning Committee
- St. Thomas More Society of Houston, Secretary 2018-2020

Speeches and Presentations

- "Update: Texas Appraisal - The Texas Supreme Court Has Spoken," Thompson Coe Webinar, August 6, 2019
- "When Regulators Come Knocking," 2018 Personal Financial Planning Conference, Houston CPA Society

Publications

May 15, 2020

Trial Techniques and Tactics

IADC Committee Newsletter

May 15, 2020

Legal Writing When Pressed for Time

For the Defense

July 22, 2019

Determining What Issues to Raise on Appeal

ABA Section of Litigation, Minority Trial Lawyer Committee Newsletter

April 18, 2018

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

April 28, 2017

Supreme Court of Texas Provides Guidance on Causation Standard for Legal-Malpractice Claims

September 14, 2015

Supreme Court of Texas to Determine Whether Responsibility-Shifting Provision of Lease Agreement Violates Public Policy