



## THOMAS E. GANUCHEAU

PARTNER

Over the course of his career, Tom Ganucheau has earned the trust and respect of his peers, including regularly representing lawyers and law firms in sensitive legal malpractice matters. Tom has made a career out of preserving his clients' most valuable assets: their reputations, their ideas, and their brands. Tom has been recognized in Thomson Reuters *Super Lawyers Texas* magazine and as one of Texas' *Best Lawyers in America*. Tom has been active in the Texas Association of Defense Counsel, recently serving as its President.

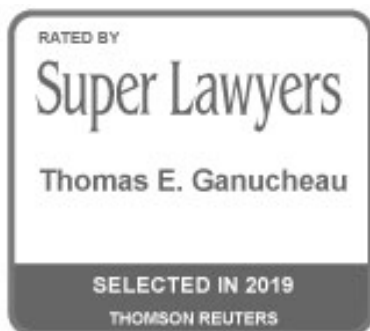
Since joining the firm more than 25 years ago after serving as a law clerk to the Honorable Edith H. Jones of the United States Court of Appeals for the Fifth Circuit, Tom's practice has included a wide variety of litigation matters, including complex commercial and business litigation, energy/oil and gas litigation, real estate litigation, products liability, environmental/toxic tort, insurance coverage, intellectual property, trade secrets, and professional malpractice. Tom's broad litigation experience serves his clients well.

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**NAMED IN  
BEST LAWYERS  
IN AMERICA 2012 – 2020**  
Commercial Litigation  
Litigation - Labor and Employment



**AV® PREEMINENT RATED  
MARTINDALE HUBBELL**



### RELATED PRACTICES

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Employment

Professional Liability

Commercial Litigation

Energy

Intellectual Property

Products Liability/Personal Injury

### REPRESENTATIVE EXPERIENCE

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#### Professional Liability

Multiple representations of law firms and attorneys against claims of malpractice, breach of fiduciary duty, deceptive trade practices, misrepresentations, and related claims arising out of legal representation in both litigation and commercial matters.

**Representation of law firm and its partners** arising out of allegations of tortious interference with contract and interference with prospective business relations arising out of the attorney's split-off from prior firm and forming a new firm.

## Energy

**Representation of working interest owner and former operator against claims of trespass to try title, trespass, bad faith trespass, fraud, and tortious interference, among other claims.** These claims arose from a title dispute and conflicting claims of ownership because of conflicting leases covering multiple tracts of land.

**Representation of international engineering firm in lawsuit involving the engineering and construction of a petrochemical plant.** Worked with other Beck Redden attorneys and filed suit against a Texas Petrochemical Company over the engineering and design of a petrochemical plant in Baytown, Texas, when petrochemical company made decisions that prevented the plant from being completed on schedule and on budget, and then failed to pay under the contract.

**Representation of working interest owners against energy company regarding claims of breach of contract and negligent misrepresentation, among others,** arising out of Subscription Agreement for private placement of company's common stock and failure to honor put options.

**Representation of royalty owners against operator on claims of breach of contract, fraud, negligence, and negligent misrepresentation** relating to the operation of oil and gas field in Texas, including claims of breach of duties to the non-operators, violation of a joint operating agreement, and allegations of fraud and misrepresentations.

**Representation of manufacturer of oilfield equipment against claims of products liability.**

**Multiple representations of oilfield service companies and individuals involving claims of breach of contract, breach of fiduciary duty, theft, and misappropriation of trade secrets.**

**Representation of an energy company against claims of seismic trespass.**

**Representation of major energy company in numerous matters, including class action, against claims of fraudulent inducement, breach of duty of good faith and fair dealing,** violation of the Texas Insurance Code, breach of contract, negligent handling of claims, conspiracy, and common law fraud, among other claims, arising out of company's insurance scheme put in place for its employees.

**Representation of individual against claims of breach of contract, breach of fiduciary duty, fraud, and quantum meruit,** arising out of alleged business relationship formed to exploit Barnett Shale opportunities.

**Representation of major energy company against its London insurers** for failure to abide by their obligations and duties arising under an energy package of insurance issued by the Insurers, relating to damages to a pipeline gathering system.

## Commercial Litigation

**Representation of industrial equipment manufacturer against claims of breach of contract, breach of warranty, and related claims** arising out of alleged failure of the equipment to meet warranted specifications.

**Representation of automotive testing equipment manufacturer against claims of breach of warranty, and violations of the Texas DTPA,** relating to allegations that the equipment failed to meet its warranted specifications and alleged defects in the product.

**Representation of minority owner against corporation and majority owner arising out of a self-dealing transactions and exploitation of company assets,** resulting in the entry of an injunction against the majority owners and the appointment of a receiver over the corporation.

**Representation of automated trading company and its principals against claims of tortious interference with contract and civil conspiracy** arising out of the hiring of a professional from a potentially competing business.

**Representation of individual against claims by former employer when hired by new safety equipment manufacturer** against claims of breach of contract, breach of fiduciary duty, and misappropriation of trade secrets.

**Representation of national REIT in multiple actions arising out of development, leasing and management of shopping center properties.**

**Representation of investment advisor in numerous actions by former customers** relating to losses suffered in market declines.

**Defense and representation of automotive dealership and its principal in litigation and administrative proceedings** arising out of proposed sale of numerous dealerships and claims of violation of franchise agreements.

### **Products Liability/Personal Injury**

**Representation of safety equipment manufacturer against personal injury claims** over the alleged failure of the product to meet warranted specifications.

**Representation of dietary supplement manufacturer against claims of strict liability, negligence, breach of warranty, and deceptive trade practices** arising out of personal injuries allegedly sustained by ingestion of supplements.

**Representation of major pharmaceutical manufacturer in suits** arising from the use of prescription drugs.

**Representation of a chemical company against personal injury claims** arising out of exposure to a superfund site.

**Representation of the owner of a former refining operation** against personal injury claims arising out of exposure to the site.

### **Intellectual Property**

**Representation of international publisher in multiple actions** raising claims of trademark infringement, false advertising, trademark dilution, trademark infringement and unfair competition.

**Representation of international sporting goods equipment manufacturer** in various matters arising out of violations of trademark and copy rights, and trade dress, as well as matters relating to distributor issues

## **PROFESSIONAL ACTIVITIES AND MEMBERSHIPS**

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DRI – The Voice of the Defense Bar, 1996 – Present

- National Director, 2018 – Present
- Board Liaison - Professional Liability Committee, 2018 – Present
- Board Training & Engagement Committee, 2020 – Present
- DRI State Representative, 2015 – 2018
- Annual Meeting Steering Committee, 2017-2018, 2018 – 2019
- Professional Liability Committee (Steering Committee Member)
- Alternative Dispute Resolution Committee
- Appellate Advocacy Committee
- Commercial Litigation Committee
- Diversity and Inclusion Committee
- Employment and Labor Law Committee
- Intellectual Property Litigation Committee
- Law Practice Management Committee
- Lawyers' Professionalism and Ethics Committee
- Litigation Skills Committee

National Foundation for Judicial Excellence

- Board of Directors, 2014 – Present
- Executive Committee, Member-At-Large
- Member, Development Committee
- Member, Nominating Committee
- Publications Chair (Past)
- Editor, *Judicial Excellence* (newsletter) (Past)

State Bar of Texas, 1992 – Present

- Oil, Gas, and Energy Resources Law Section

- Litigation Section
- Computer and Technology Section
- Labor and Employment Law Section

#### Texas Association of Defense Counsel

- President, 2011 – 2012
- Immediate Past President, 2012 – 2013
- Executive Vice President, 2009 – 2010
- Secretary/Treasurer, 2007 – 2009
- Membership Vice President, 2004 – 2007
- Board of Directors, 2001 – 2013; 2015 – 2018
- Long Range Planning Committee, 2016 – 2017
- DRI State Representative, 2015 – 2018

#### International Association of Defense Counsel

- Vice Chair, In House Counsel and Law Firm Management Committee

Federation of Defense & Corporate Counsel, Member

Association of Defense Trial Attorneys, Member

Institute for Energy Law, Advisory Board Member

Louisiana Bar Association, 1991 – Present

Texas Bar Foundation – Life Fellow

Houston Bar Foundation – Life Fellow

Bar Association of the Fifth Federal Circuit

College of the State Bar of Texas – Fellow Member

## HONORS & AWARDS

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Named in *Best Lawyers* in America for Commercial Litigation and Litigation - Labor and Employment, 2012 - 2020

Named to Thomson Reuters *Texas Super Lawyers*, 2012 - 2019

Named in *Texas' Best Lawyers* - Texas for Labor and Employment Law, 2013 - 2015

"State Leadership Award," DRI - The Voice of the Defense Bar, 2018

"Exceptional Performance Citation," DRI - The Voice of the Defense Bar, 2011 - 2012

Recipient of the Texas Association of Defense Counsel's "President's Award" for Outstanding Service

## PUBLICATIONS AND PRESENTATIONS

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Presentation, *Practical Tips to Avoid the Legal Malpractice Lawsuit*, HLRS CLE Luncheon (April 2018)

Presentation, *Practical Tips to Avoid a Legal Malpractice Lawsuit*, TADC West Texas Seminar (August 2017)

Presentation, *Meeting the Ethical Challenges of Joint Representation*, TADC 2016 Annual Meeting (September 2016)

Presentation, *The Challenges of Joint Representation*, Beck Redden LLP Legal Malpractice CLE Program (October 2015)

Presentation, *Malpractice Prevention*, State Bar of Texas Business Disputes Seminar (September 2015)

Presentation, *Avoiding the Malpractice Lawsuit*, Texas Association of Defense Counsel Meeting (September 2015)

Panelist, *Recruiting and Retaining Clients: Rebooting Your Legal Self*, Texas Association of Defense Counsel Spring Meeting (May 2015)

Presentation and Paper: Paper (*Legal Malpractice in Texas – The Basics, Causes and Avoidance*) and Presentation (*Legal Malpractice – Causes and Avoidance*) presented at the Texas Association of Defense Counsel 2014 Winter Meeting

Panelist, *Keeping Your In-House Lawyer Happy*, State Bar of Texas Business Disputes Seminar (September 2014)

Speaker, *Legislative Update*, Houston Bar Association Bench Bar Conference, 2013

Co-author, *Requirements For Practicing Law in Louisiana by Out -Of-State Attorneys*, TADC Annual Meeting, 2009 (download pdf)

Panel Member, *Licensing in Adjacent States, The Benefits for a Trial Lawyer*, TADC Annual Meeting, 2009

Speaker, *The Many Challenges and Obligations Presented by Electronic Discovery*, Texas Association of Defense Counsel Meeting (July 2006)

Speaker, *Discovery, Privilege & The Former Employee*, Association of Corporate Counsel-America, Houston Chapter (March 2006)

Speaker, *Corporate Representative Deposition and Privilege and the Former Employee*, Association of Corporate Counsel-America, Houston Chapter (February 2006)

Speaker, *Conspiracy*, Texas Bar Association Cause of Action Seminar (2005)

Speaker and Co-Author, *Attorney Liability/Attorney Malpractice “The Bad News and the Good News*, Texas Association of Defense Counsel Meeting (Summer 2004)

Speaker, *Class Action and Multi-District Litigation Under HB4*, Jefferson County Bar Association seminar (October 2003)

Speaker and Author, *Attorney Liability/Attorney Malpractice*, Texas Association of Defense Counsel Meeting (Fall 2003)

Speaker and Co-Author, *Damages-Evaluation and Proof in Business Litigation*, Texas Association of Defense Counsel Meeting (Summer 2002)

Speaker and Co-Author, *Mandamus Relief in the Discovery Context*, Texas Association of Defense Counsel Meeting (Summer 2000)

Speaker, *Summary Judgment, Part One: Procedure, Burden of Proof, Etc.*, University of Houston Law Foundation’s Collecting Debts and Judgments (1999)

Speaker and Author, *Damage Update 1999*, Texas Association of Defense Counsel Meeting (Summer 1999)

Speaker, *Attorney-Client Privilege-Until Death Do We Part*, Texas Association of Defense Counsel Meeting (Spring 1996)

Speaker, *Protecting Yourself From Toxic Litigation*, Fundamentals of Texas Environmental Law Compliance (December 1993)

## EDUCATION

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J.D. Loyola Law School, cum laude, 1991

- *Loyola Law Review*

- Alpha Sigma Nu, National Honor Society

B.S., Louisiana State University, Petroleum Land Management, 1985

## COMMUNITY INVOLVEMENT

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Houston Area Parkinson Society  
- Board of Directors

The HAY Center Foundation  
- Board of Directors

## ADMISSIONS

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State Bar of Texas

State Bar of Louisiana

United States Court of Appeals for the Fifth Circuit

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

United States District Courts for the Eastern, Middle and Western Districts of Louisiana