

Andrew B. Bender

Shareholder

PRACTICE EMPHASIS:

Business Litigation and Appeals: Energy, Financial, Real Estate, Insurance, Healthcare, Product Liability

EDUCATION:

J.D., South Texas College of Law, Houston, Texas, 2012
Order of Barristers, National Order of Scribes
B.S., University of Florida, Gainesville, Florida, 2008

ADMITTED:

State Bar of Texas

COURT ADMISSIONS:

U.S. Supreme Court
U.S. Court of Appeals, Fifth and Eleventh Circuits
U.S. District Court, Northern, Eastern and Southern Districts of Texas



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Profile:

Board Certified in Civil Appellate Law by the Texas Board of Legal Specialization, Andrew Bender's practice revolves around civil litigation, with a focus on the preparation of briefing and the presentation of oral argument on appeal, as well as dispositive motion practice and jury charges at trial. At the appellate level, Andrew has represented clients in the United States Supreme Court; the United States Courts of Appeals for the Fifth and Eleventh Circuits; the Supreme Court of Texas; and the First, Second, Fourth, Seventh, Eighth, Ninth, Twelfth, Thirteenth, and Fourteenth Courts of Appeals of Texas. Andrew has achieved success for his clients at the trial level as well. For example, he helped one prominent Texas law firm secure the highest premises-liability verdict in Texas in 2018.

During law school, Andrew was a varsity oral advocate and brief writer for South Texas College of Law's nationally acclaimed advocacy program, where he helped claim the program's 108th and 110th national advocacy championships. During this time, he also interned for Chief Justice Sherry Radack and Justice Jane Bland of the First Court of Appeals of Texas.

Andrew continues to be involved with South Texas College of Law as an adjunct professor of appellate advocacy, working with students each semester to help prepare them for competition in national tournaments.

Professional Recognition:

Civil Appellate Law, Texas Board of Legal Specialization
"Texas Rising Star®," as Presented by Super Lawyers, in Appellate Law from 2017-2022
Scribes Award for Best Moot Court Brief in a National Competition for Academic Year 2011-2012
2012 Justice Bud Warren Memorial Award for Appellate Advocacy Writing
Best Brief & First Place, 2012 Andrews Kurth Moot Court National Championship
Best Brief & First Place, 2011 Judge John R. Brown National Admiralty Moot Court Competition
Best Brief & Third Place, 2011 National Health Law Moot Court Competition
Best Brief, 2011 National Latina/o Law Student Association Moot Court Competition
Best Brief, Runner-Up, 2012 State Bar of Texas (TYLA) Moot Court Tournament

Affiliations:

Member, Texas Association of Civil Trial and Appellate Specialists (TACTAS)
Member, Houston Bar Association (Appellate Practice Section)
Member, American Bar Association
Member, American Society of Legal Writers

Representative Experience:

- *First United Methodist Church v. Church Mutual Ins. Co.*, 2021 WL 3776728 (Tex. App.—Corpus Christi Aug. 26, 2021, no pet.) (reversing judgment and holding that insured is entitled to interest and fees under the Texas Prompt Payment of Claims Act)
- *Hinojos v. State Farm Lloyds*, 619 S.W.3d 651 (2021) (reversing judgment and holding that insurer's acceptance and partial payment of a claim within the statutory deadline does not preclude liability for interest on amounts owed but unpaid when the deadline expires)
- *Higgs v. Costa Crociere S.P.A. Co.*, 969 F.3d 1295 (11th Cir. 2020) (affirming seven-figure judgment for passenger against cruise ship operator and holding that the proper measure of medical expense damages under maritime law is the amount determined to be reasonable by the jury)
- *Tippett v. Safeco Ins. Co. of Indiana*, 2020 WL 827143 (Tex. App.—Fort Worth Feb. 20, 2020, no pet.) (reversing summary judgment and holding that appraisal panel had no authority to make findings concerning whether hail damage caused a covered loss under the policy)
- *Fisher v. Eagle Rock Custom Homes, Inc.*, 2020 WL 205975 (Tex. App.—Houston [14th Dist.] Jan. 14, 2020, no pet.) (holding trial court erroneously exercised personal jurisdiction over defendant and dismissing case for lack of jurisdiction)
- *Lambert v. State Farm Lloyds*, 2019 WL 5792812 (Tex. App.—Fort Worth Nov. 7, 2019, pet. filed) (reversing summary judgment and holding that payment of appraisal award does not bar claim under the Texas Prompt Payment of Claims Act as a matter of law)
- *Seim v. AllState Texas Lloyds*, 551 S.W.3d 161 (Tex. 2018) (holding that a trial court does not implicitly rule on an objection to summary-judgment evidence just by ruling on the summary-judgment motion itself)
- *Most Worshipful Prince Hall Grand Lodge of Texas v. True Level Masonic Lodge*, 2018 WL 1597646 (Tex. App.—Houston [1st Dist.] Apr. 3, 2018, pet. denied) (reversing and vacating trial court judgment awarding possession of property because the case could not be resolved without determining title to the property)
- *True Level Masonic Lodge v. Most Worshipful Prince Hall Grand Lodge of Texas*, 2018 WL 1597460 (Tex. App.—Houston [1st Dist.] Apr. 3, 2018, pet. denied) (affirming trial court judgment declaring that masonic grand lodge was entitled to possession of its property and use of its subordinate lodge's name)
- *Vast Construction, LLC v. CTC Contractors, LLC*, 526 S.W.3d 709 (Tex. App.—Houston [14th Dist.] 2017, no pet.) (holding general contractor could not recover six-figure attorney's fees award because it lacked a valid statutory basis)
- *McKnight v. Moss*, 2017 WL 2462315 (Tex. App.—Tyler June 7, 2017, no pet.) (reversing trial court judgment and holding that purchaser of property at tax foreclosure sale failed to conclusively prove that original property owner did not substantially comply with statutory right to redemption)
- *Thibodeaux v. Wellmate*, 190 F. Supp. 3d 566 (E.D. La. 2016) (denying summary-judgment motion in product liability action brought under the Louisiana Products Liability Act by a Chevron employee injured by a pressurized water tank while working on an offshore platform)

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Representative Experience Cont'd

- *Haver v. Coats*, 491 S.W.3d 877 (Tex. App.—Houston [14th Dist.] 2016, no pet.) (affirming denial of motion for summary judgment, which sought to summarily dispose of suit filed by the parents of a 23-year-old man killed by a constable who stepped on his face and kicked him in the ribs while lying handcuffed and unresponsive on the ground)
- *Bond Restoration, Inc. v. Ready Cable, Inc.*, 462 S.W.3d 597 (Tex. App.—Amarillo 2015, pet. denied) (reversing trial court judgment and rendering judgment in favor of prime contractor because the damages sought by plaintiff and awarded by trial court exceeded statutorily prescribed remedy)

Teaching Experience:

Adjunct Professor, Appellate Advocacy, South Texas College of Law

Recent Speeches and Publications:

Oil and Gas Class Actions in Texas, TXCLE Oil and Gas Disputes Course (2019)

Texas Court of Appeals Update, 30 App. Advoc. 380 (2018)

Texas Court of Appeals Update, 30 App. Advoc. 177 (2017)

Cloaked in Attorney Immunity: The Lone Star State's License to Lie?, 58 S. Tex. L. Rev. 145 (2016)

National Health Law Moot Court Competition: Best Brief, 33 J. Leg. Med. 459 (2012)

Brief for Respondent, 24 U.S.F. Mar. L.J. 127 (2011)