SpencerFane®

Frederick T. Johnson

Partner

Contact

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Overview

Fred Johnson is a trial attorney and the co-chair of the firm's Litigation and Dispute Resolution practice group. He has more than 30 years of experience litigating and trying cases to juries, judges, and arbitrators. He has represented clients as trial counsel in more than 30 contested jury and bench trials, numerous arbitrations, mediations, and contested hearings.

Fred has represented both plaintiffs and defendants in a wide range of commercial, employment, and other litigation matters. He has significant experience handling cases and trials involving contract disputes, fiduciary duties, employment agreements, trade secrets, and non-compete agreements. Fred has handled and tried cases involving the oil and gas industry, construction, manufacturing, transportation, as well as cases involving legal malpractice, insurance coverage, trust agreements, real estate, and products liability, among others. During his career, Fred has represented clients in federal and state courts in his home state of Texas as well as California, Colorado, Delaware, Florida, Illinois, Louisiana, Missouri, New York, Oklahoma, and Utah.

Education

- South Texas College of Law, 1992 (J.D.)
- Stephen F. Austin State University, 1986 (B.A.)

Bar Admissions

- Texas

Court Admissions

- U.S. Court of Appeals for the Fifth Circuit
- U.S. Court of Appeals for the Eighth Circuit
- U.S. District Court for the Eastern District of Texas

- U.S. District Court for the Western District of Texas
- U.S. District Court for the Northern District of Texas
- U.S. District Court for the Southern District of Texas
- U.S. District Court for the District of New Mexico
- U.S. Bankruptcy Court for the Southern District of Texas

Distinctions

- American Board of Trial Advocates, Member
- ABOTA Foundation, Fellow
- Texas Bar Foundation, Life Fellow
- Martindale-Hubbell, AV-Rated

Related Experience

- Represents a family-owned Texas industrial valve manufacturing company in various matters including a 4-day arbitration hearing in a multimillion-dollar dispute with a fabrication company over a construction contract for the fabrication of custom engineered modular process units; various employment related disputes; and a dispute against former employees and a competitor for theft of trade secrets and breach of fiduciary duty.
- Represented a startup business in the industrial and oil and gas tank cleaning and maintenance market. Fred's client pioneered an entirely new tank cleaning system involving submersible remote operated machines, external ports for ease of access, and separation tanks to remove and repurpose what were previously viewed as waste products. The case involved defense against claims of breach of contract, trade secret misappropriation, and breach of non-competition agreements. Fred and his team reached a favorable settlement that allowed the new company to pursue their business enterprise without significant restrictions or prohibitions.
- Represented a communications hardware company in a trade secret dispute alleging that the company's prior management level employees misappropriated trade secrets, breached noncompetition agreements, and wrongfully disclosed confidential business information to a competitor. Successfully defeated motions for summary judgment filed by the defendants on every cause of action and motions to continue the trial of the case. As a result, the case settled favorably at mediation less than two weeks before trial.
- Represented a nationwide trucking firm in a jury trial over insurance coverage after the company's excess insurer denied coverage for a verdict in an underlying lawsuit tried by another firm. When the jury in the underlying case awarded more than $12 million to two plaintiffs, the client sought insurance coverage but was denied by one of its excess carriers. Fred and his colleague at Spencer Fane successfully convinced a Missouri jury that the insurance company wrongly denied coverage under its excess policy.
- Represented a pipeline construction company in various employment lawsuits in state and federal court alleging violations of Title VII and the Civil Rights Act by former employees.
- Represented homeowners in litigation against their builders, geotechnical engineers, structural engineers, and subcontractors for failure to investigate, design, and construct the homeowners' multimillion dollar homes. Both cases involved multiple defendants, competing claims, technical experts, and detailed analysis of the construction projects from inception to completion. After prolonged litigation, summary judgments, and multiple fact and expert depositions, both cases settled favorably for the homeowners.
- Represented a geotechnical engineering firm in various matters related to the company's work performing geotechnical investigations for energy companies, municipalities, and others.
- Represented a Columbus, Ohio-based biotech startup in a dispute in Salt Lake City, Utah, federal court against a large multinational company over allegations of theft of trade secrets and breach of material transfer agreement. The case included managing 16 experts in complex scientific and legal subject areas and more than 50 depositions

around the U.S. The parties reached an eight-figure settlement agreement prior to trial.

- Represented a former employee alleging breach of a purchase and sale agreement against the larger competitor company that acquired his company. After a five-day contested arbitration hearing, the arbitration panel awarded his client $1.4 million in damages and attorneys' fees.
- Represented a high-net worth client in a dispute with lawyers and advisors for mishandling a multi-million-dollar trust agreement that threatened to remove his client as the sole primary beneficiary of the trust. After months of contentious litigation, the client reached a confidential settlement that resolved all outstanding claims and counterclaims and kept Fred's client in his position as beneficiary and trustee.
- Represented an elderly widow in contentious family litigation over the estate assets left to her by her husband of more than 60 years. The case involved claims of misappropriation of assets and breach of fiduciary duty by the trustees and executors overseeing the widow's estate.
- Represented a Black driver against his employer limousine service for claims of racial bias, hostile workplace and retaliation. After a week-long jury trial in federal court, the jury awarded Fred's client actual damages and attorneys' fees. The case was appealed, and Fred's client prevailed on appeal.
- Represented a property owner in a dispute with a general contractor for massive cost overruns involving restoration and renovation of the client's Aspen, Colorado, home. The case was settled favorably during jury selection in Pitkin County, Colorado.
- Represented a real estate development company against its insurance company and insurance broker for breach of contract and breach of the duty to defend and indemnify the client in an underlying case despite coverage afforded under the terms and conditions of the general liability policy. The parties reached a favorable settlement that paid the client the full value of his damages.
- Represented a Houston-based seismic company in a lawsuit against its former outside counsel for breach of fiduciary duty and legal malpractice arising out of a conspiracy to defraud the company into paying a personal settlement for the company's then-CEO in an unrelated domestic dispute. The parties reached a favorable settlement for the company prior to trial.
- Represented the development arm of a publicly traded real estate investment trust in litigation against a former employee and vendor for breach of fiduciary duty, breach of contract, fraud, and conspiracy. After a two-week trial in superior court in Orange County, California, while the jury deliberated, the parties reached a fully secured settlement that paid the client its actual damages.
- Represented a real estate development company asserting claims against an environmental consulting firm alleging negligent investigation of environmental conditions on the site of property the client sought to purchase. Shortly before trial, the parties reached a favorable seven-figure settlement that ensured the client could remediate the site and recover lost profits on the proposed business venture.