



Declaration of Candidacy

Candidates for election as Second Vice President or Director Elected Nationally must complete this form and submit it to the Executive Director at the principal headquarters of ORI by 5:00 PM (CDT) on July 1st of the year in which the election is held.

National Director Requirements - Directors Elected Nationally or by Region must be Individual Members of the Corporation admitted to the practice of law. Each such director must meet the following qualifications at the time of election: (a) The candidate shall have been a DRI member for a total of at least five (5) years, and (b) The candidate shall have been a member of at least one ORI substantive law committee for at least three (3) years, and (c) The candidate must have registered for and attended at least one (1) ORI Annual Meeting within the previous three (3) years, and, within the three (3) years prior to the final day of the Annual Meeting, the candidate must have 1) registered for and attended at least two (2) DRI seminars, or 2) registered for and attended one (1) ORI seminar and one (1) ORI Regional Meeting.

Position sought

☐ Second Vice President* ☐ Secretary- Treasurer ☒ National Director

*If you have declared your candidacy for Second Vice President and are not the successful candidate, will you consider the Secretary - Treasurer Officer position?

☐ Yes ☐ No

Name: Thomas E. Ganuchau

Firm/Company: Beck Redden LLP

Address: 1221 McKinney St., Suite 4500, Houston, TX 77010

Telephone: 713-951-6219

Cell Phone: 713-724-4808

E-mail: tganuchau@beckredden.com

Born (location): New Orleans, Louisiana

Education: B.S. Petroleum Land Management, Louisiana State University

Juris Doctorate, Loyola College of Law, New Orleans, Louisiana.

Awards and achievements: TADC President's Award for Leadership and Dedication;
DRI Exceptional Performance Citation; Best Lawyers in America (2012- present); Texas Super
Lawyers (2012 - present); AV Preeminent Rated – Martindale Hubbell.

Areas of practice: Commercial Litigation, Employment (Trade Secrets/Non-Competition)

Professional Malpractice/Ethics, Energy Litigation

Years as a defense attorney: 25

Employment history: Law Clerk, Hon. Edith H. Jones, United States Fifth Circuit Court of Appeals (1991-1992);
Beck Redden LLP (Associate 1992 – 2001; Partner 2001 – Present)

Noteworthy defense work: Throughout the course of my 25-year career as a defense attorney, I have
represented countless lawyers and law firms in sensitive litigation and legal malpractice matters, and am often
engaged to protect the intellectual property and trade secrets of my clients. Not only do I preserve my clients'
most valuable assets: their reputations, their ideas, and their brands; but also, I ensure that each client is
provided the best result possible. My approach is to defend all of my clients with the utmost importance, as if
they are my only client – a trait that has earned me the trust and respect of my clients and my peers. Every
entity and individual that I have defended over the last quarter century is notable and significant in its own
unique way. Whether I am representing Fortune 150 companies on multi-million dollar disputes, or individuals
in personal disputes, each matter is significant in its outcome to the client and to me as their counsel. My
attached bio reflects many noteworthy career accomplishments.

Professional affiliations: International Association of Defense Counsel; Association of Defense Trial
Attorneys; Texas Bar Association; Louisiana Bar Association; Federal Bar Association; Harris County Bar
Association; Bar Association of the Fifth Circuit Court of Appeals; College of the State Bar of Texas,
Houston Bar Foundation (Life Fellow); Texas Bar Foundation (Life Fellow); Institute for Energy Law,
Advisory Board; American Bar Association.

DRI member since: 1995

Please describe your previous involvement in DRI, including but not limited to, leadership positions held.
Projects contributed to, Committee memberships, presentations given, and written materials authored.
Special accomplishments should also be noted.

DRI Texas State Representative; Committee Memberships: Commercial Litigation, Lawyers Professionalism
& Ethics; Professional Liability; Trial Tactics, Employment and Labor Law.

List any leadership roles in other defense organizations. Board of Directors and Executive Committee
of the National Foundation for Judicial Excellence; Texas Association of Defense Counsel: President
(2011-12); Executive Committee (2005-2013 serving as Secretary, Treasurer, Executive Vice President,

and Immediate Past President); Board of Directors (2001 – 2013, 2015 – present); District Director, Membership and Administrative Vice President (3 terms), and DRI State Representative; Frequent speaker at TADC seminars, TADC Annual Meeting Chair (multiple occasions), Chair 50th Anniversary Meeting; Meeting Chair (numerous other meetings), Nominating Committee, and Trial Academy Faculty.

Describe your goals if you are elected to the above position. One goal is to raise awareness of the need to maintain our profession as a profession and the importance of our profession in society (see below). Another is to raise awareness among DRI members of the importance of being a member, as well as benefits brought through membership. As an organization, we must be at the forefront of being relevant to our members, (bringing value to our members). As such, another goal would be working with our organization to maintain relevance on all fronts with our members. As the practice changes with technology, and our profession as a profession is attacked, we need to be on the forefront of addressing these issues to benefit our members and to advise our membership of the issues facing our profession.

What do you believe is the most important issue confronting the defense bar?

Although there are many issues confronting the bar, the most important is the loss of the legal profession as a profession. The practice of law has become more and more of a business, with lawyers losing sight of the practice as a profession. With the focus of the practice becoming the bottom line, resulting in cuts of expenses (organization dues), law firms and lawyers are increasingly losing sight of their role as professionals, including preserving the civil justice system for all citizens, providing the best training to our associates so as to assure the next generation of well-trained class lawyers, and meeting the high professional and ethical standards that our profession requires. We are being faced with the prospect of corporations owning law firms, focusing even more on the bottom line and less on achieving the best result for our clients honestly, ethically, and economically. We are faced with online legal providers, "non-lawyer consumer-facing legal services" and online dispute resolution. Losing our profession, as a profession, results in a loss in confidence of the public in our profession, resulting in a negative view of lawyers in general and a distrust in the profession. And because of the focus on the bottom line, lawyers are becoming increasingly apathetic to the issues facing (and attacking) the profession.

Define the appropriate role for DRI as the national defense bar organization.

DRI must be at the forefront on national issues facing the defense bar. DRI is the largest national defense organization with a substantial network of defense leaders across the country, with the ability to sufficiently and efficiently address issues and create policy affecting the defense bar, and to protect the defense bar, its clients and the citizens from attacks on our civil justice system. The DRI's Center for Law and Public Policy brings home this position and offers a platform to be the national leader on such issues, and to provide assistance and coordination to SLDO's to address these issues. DRI must continue to act as the leading provider of quality education and training of defense lawyers, and should work toward a national coordinated effort with all SLDO's on issues of both local and national importance affecting our profession and the civil justice system.

Hobbies and/or interests: Fishing, boating, baseball, football, wine.

Family: Married to Lisa Melancon Ganuchau for 25 years. Two children – Mary Clare (Sr. at University of Mississippi) and John (Jr. at Rhodes College).



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THOMAS E. GANUCHEAU

PARTNER

Over the course of his career, Tom Ganucheau has earned the trust and respect of his peers. He has regularly represented lawyers and law firms in sensitive legal malpractice matters, and is often engaged to protect the intellectual property and trade secrets of his clients. In short, 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 twenty 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.

REPRESENTATIVE EXPERIENCE

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

National Foundation for Judicial Excellence

- Member-At-Large, Executive Committee
- Board of Directors, 2014 - Present
- Member, Development Committee

Texas Bar Association

- Computer and Technology Section
- Labor and Employment Law Section
- Litigation Section
- Oil, Gas, and Energy Resources Law Section

American Bar Association

Louisiana Bar Association

Life Fellow, Texas Bar Foundation

Life Fellow, Houston Bar Foundation

Bar Association of the Fifth Federal Circuit

College of the State Bar of Texas

Texas Association of Defense Counsel

- President, 2012
- DRI State Representative, 2015 - present
- Executive Vice President, 2009-2010
- Secretary/Treasurer, 2007-2009
- Membership Vice President, 2004-2007
- Board of Directors, 2001 - present

International Association of Defense Counsel

Association of Defense Trial Attorneys

Defense Research Institute

- Texas State Representative

Institute for Energy Law, Advisory Board

AWARDS AND RANKINGS

Named in *Best Lawyers in America* for Litigation - Labor and Employment, 2012 - 2017

Named to Thomson Reuters *Texas Super Lawyers*, 2012 - 2016

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

"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

RELATED NEWS

Beck Redden Partner Elected to Executive Committee of National Foundation for Judicial Excellence

08.03.16

PUBLICATIONS AND PRESENTATIONS

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)

COMMUNITY INVOLVEMENT

Houston Area Parkinson Society

- Board of Directors

EDUCATION

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

ADMISSIONS

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