

FLANAGAN PARTNERS LLP



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Andy Dupre concentrates his practice on civil appeals and high-stakes commercial litigation. He has championed the interests of a diverse range of clients—and prevailed—in a number of must-win cases. Those achievements include successfully petitioning the Louisiana Supreme Court to intervene repeatedly on behalf of a Fortune 500 company and, in a separate matter, a large mineral-exploration company. As one in-house counsel put it, he is “is one of the most intuitive, talented and persuasive appellate attorneys I have worked with in my 30+ years of practice.” In addition to aiding trial counsel on appeal, Mr. Dupre regularly vindicates policyholders wrongfully denied coverage by their insurers.

Mr. Dupre, who is an A/V rated advocate by his peers, served as law clerk to Louisiana Supreme Court Justice Jeffrey P. Victory and previously was a judicial intern to Judge James J. Brady of the United States Middle District of Louisiana in Baton Rouge. He received his law degree *magna cum laude* from the Louisiana State University’s Paul M. Hebert Law Center. He is a member of the *Louisiana Law Review*, graduated in the top 10 of his law-school class, and was inducted into the Order of the Coif.

Representative Cases

- Louisiana Supreme Court (2014). Representing the petitioner in an oil-and-gas dispute, obtained the reversal in part of a large judgment based on an option agreement and the resuscitation of the petitioner’s reconventional demand against the respondents.
- Eastern District of Louisiana (2014). Successfully defended a business owner and his new company against claims by his former employer. The former employer alleged that the business owner violated a noncompete agreement. It also claimed that the business owner misappropriated trade secrets, committed unfair trade practices, and breached his fiduciary duties. After a two-day trial, the federal court rejected each of these claims. The case settled thereafter.
- Louisiana Supreme Court (2014). Representing a plaintiff in a putative class action against a major health insurer, enrolled after the Louisiana Supreme Court granted the insurer’s writ application and docketed the case for full review. After oral argument, prevailed in a 5-2 ruling that allowed the insured to sue the health insurer for contract liability arising from an in-network provider’s balance-billing.

Education

Louisiana State University,
Paul M. Hebert Law Center,
J.D., 2009, *magna cum laude*

- Order of the Coif
- Member,
Louisiana Law Review

Louisiana State University,
B.A., 2006

Judicial Clerkship

Hon. Jeffrey P. Victory,
Louisiana Supreme Court,
2009-10

News & Recognition

- AV® Preeminent Peer Review Rated in Martindale-Hubbell
- Named in the Louisiana Super Lawyers® Rising Stars list (2016)
- Selected to New Orleans Magazine’s Top Lawyers list for Appellate Practice (2015)

Publications

- Andy Dupre, *Re-framing the appeal to win affirmation*, LOUISIANA ADVOCATES, August 2015 Vol. XXX, No. 8.
- Andy Dupre, *Proving the appeal to win reversal*,

- U. S. Fifth Circuit Court of Appeals (2014). Representing a national title insurer, successfully won on summary judgment the dismissal of a venture-capital firm's claim against the title insurer for reimbursement of its outstanding \$10 million loan balance. The U.S. Fifth Circuit unanimously affirmed the judgment.
- Louisiana Fourth Circuit Court of Appeal (2014). Representing an injured plaintiff on appeal, defended the lower court's award of \$4.66 million in damages. The appellate court unanimously affirmed.
- Louisiana Supreme Court (2012). Representing a public utility company post-judgment in a case of first impression, obtained a unanimous reversal by the Louisiana Supreme Court of a lower-court opinion construing the Overhead Power Line Safety Act, La. R.S. 45:141-146, in a manner adverse to utility companies' interests.
- Western District of Louisiana (2014). Representing a multinational shipping company in an international maritime lien dispute with a vessel, obtained summary judgment against the vessel and the entry of substantial damages against it.
- Eastern District of Louisiana (2012). Representation of an environmental-remediation company in this \$18 million federal securities-fraud case arising from the Gulf oil spill. The plaintiffs were former investors. After a two-week trial in the Eastern District of Louisiana (New Orleans), the jury rejected the plaintiffs' claims in their entirety and awarded them nothing. The court then denied the plaintiffs' motion for a new trial and ordered them to pay the defendants over \$60,000 in court costs. The U.S. Fifth Circuit affirmed the jury's verdict in its entirety.
- U. S. Fifth Circuit Court of Appeals (2011). Enrolling on appeal to represent the plaintiff, successfully petitioned the U.S. Fifth Circuit Court of Appeals to reverse a summary judgment dismissing a \$4 million property-damage claim.
- Louisiana Supreme Court (2011). Representing a public utility company post-judgment, successfully petitioned the Louisiana Supreme Court to unanimously reverse an appellate court ruling that had stricken the utility company's third-party demands against its statutory indemnitors.
- Louisiana Fifth Circuit Court of Appeal (2010). Representing a public utility company post-judgment, successfully petitioned the appellate court to grant writs and reinstate the utility company's third-party demands against its statutory indemnitors; the appellate court declined to follow a precedent it had issued only weeks before.

LOUISIANA ADVOCATES,
September 2015 Vol.
XXX, No. 9.