

Charles A. Hammaker

Counsel

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Al Hammaker has substantial litigation experience. Al's trial and appellate experience in both federal and state courts include commercial litigation, personal injury defense, products liability litigation, collection matters, construction litigation, toxic tort and environmental litigation, probate litigation, property disputes, antitrust litigation and FINRA arbitrations. Al has handled numerous cases over the years in various types of litigation for national and international clients, including clients in the cable manufacturing industry, disposable lighter industry, refrigeration industry, plastics manufacturing industry, oil and gas industry, printing press manufacturing industry, dry-cleaning industry, transportation industry, and financial industry. Al also has experience in reinsurance and coverage disputes, primarily in the context of defending self-insured companies in personal injury and products liability cases.

Awards & Accolades

- Selected to the list of *Martindale-Hubbell AV*[®] Preeminent lawyers

No aspect of this or any advertisement has been approved by the Supreme Court of New Jersey. A description of the award methodologies can be found here.

Experience

Here are a few of the cases Al has handled over the years that are reported.

- Al tried his first case over 28 years ago. In the case of *Gilchrist v. Carroll*, 857 S.W.2d 602 (Tex. App.—Houston [1st Dist.] 1993), Al represented the plaintiff, Wyatt Field Services Company ("Wyatt"), a company in the business of heavy construction in the petrochemical field. In this case, Wyatt accepted a painting company's bid to paint and line two storage tanks. Wyatt relied on this bid when it submitted its bid to the contractor of the project. Well into the project, the painting company withdrew its

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AREAS OF PRACTICE

Business & Commercial
Litigation

Expungements

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Enforcement Defense

Financial Institutions Internal
Investigations

Financial Institutions Litigation
and Arbitration

FINRA Employment
Arbitrations

Labor & Employment Law

Retail Client Relationships

Senior & Vulnerable Investor
Group

EDUCATION

- J.D., University of Houston
Law Center, 1986
- B.A., College of William &
Mary, 1979

ADMISSIONS

State Bar of Texas

U.S. District Court Southern
District of Texas

bid, and Wyatt was forced to use another painting company at a significantly higher cost. Wyatt sued the original painting company for the difference in the original bid and the higher cost of painting and lining the tanks, a difference of over \$40,488. Al won at trial, obtaining a verdict of \$40,488 in damages, \$16,250 in attorney's fees, plus interest and costs. The painting company appealed the judgment, and Al won the appeal, successfully defending the verdict.

- In 1995, in the case of *Pepe Internat'l Dev. Co. v. Pub Brewing Co.*, 915 S. W.2d 925 (Tex. App.—Houston (1st Dist.) 1996), Al successfully reversed a lower court's order that denied the defendant's, Pepe International, motion to compel arbitration. The interlocutory appeal and mandamus action resulted in an order abating the underlying lawsuit and compelling the plaintiff, Pub Brewing Co., to arbitrate its claims against Pepe International.
- Al has defended numerous personal injury cases over the years. One that went to trial involved a manufacturing company located in Point Comfort, Texas. He defended Formosa Plastics Corporation in a personal injury case in which it was alleged to have failed to ensure proper safety conditions relating to machinery purchased by an affiliated company. The trial took place in a plaintiff-friendly jurisdiction, and Al lost at trial. The verdict totaled \$1,527,581.37. However, Al was successful on appeal. Not only did the Corpus Christ Court of Appeals reverse, it rendered the matter in favor of Formosa Plastics, holding that there was no evidence Formosa Plastics had created the condition that caused the plaintiff's injury. This case is reported at *Formosa Plastics Corp. v. Hunt*, 1999 LEXIS 1166, 1999 WL 33907483 (Tex. App.—Corpus Christi 1999).
- In another case, Al handled a three-week trial representing a plaintiff in a business dispute in which the defendant failed to deliver stock certificates and to pay certain debts of a dissolved partnership. Al obtained a verdict in favor of his client that exceeded \$1.5 million, including \$251,014 in attorney's fees. The defendant appealed, and Al also won on appeal. This is reported at *Gilchrist v. Carroll*, 2011 Tex. App. LEXIS 9427, 2011 WL 5999012 (Tex. App.—Houston [14th Dist.], 2011).

Civic Involvement

- Board of Directors, Galveston County Water Control & Improvement District No. 12

Professional Affiliations

- Texas Bar Foundation

U.S. District Court Northern
District of Texas

U.S. District Court Western
District of Texas

U.S. District Court of Arizona

U.S. District Court Western
District of Arkansas

U.S. Court of Appeals, 5th
Circuit