

Jeffrey B. McClure



Partner

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Jeff is an experienced trial lawyer with extensive jury trial experience over his 32 years in practice. He has focused on the defense of personal injury claims in the areas of products liability, toxic torts and medical malpractice, in addition to handling insurance coverage and bad faith litigation, antitrust litigation by physicians against hospitals and other doctors, and qui tam litigation against health care providers.

Jeff also has an extensive administrative health law practice, representing health care institutions, physicians, nurses and other health care providers in disciplinary actions before their respective licensing boards and representing hospitals in hearings pertaining to medical staff privileges. He also advises healthcare clients on a wide variety of matters including insurance issues, compliance with HIPAA and other laws regulating the confidentiality of health care information, maintenance and protection of peer-review privileges, the Natural Death Act, the Health Care Quality Improvement Act, EMTALA and other state and federal laws regulating health care providers and institutions.

REPRESENTATIVE EXPERIENCE

- Representation of Texas physicians in disciplinary actions initiated by Texas Medical Board including allegations of substandard quality of care, improper prescribing of medications to family members, failure to supervise physician assistants, improper termination of physician/patient relationship, improper billing practices and failure to communicate with patient
- Representation of professionals at other Texas licensing boards, including Board of Nurses, Board of Examiners of Physician Assistants, Board of Examiners of Psychologists, Board of Pharmacy and Board of Accountancy
- Representation of health care providers qui tam litigation involving allegations of Medicare billing fraud
- Representation of Texas dental pathologist in litigation filed in California state courts arising out of biopsy samples examined in Texas for California dentists and allegations of dental malpractice, violation of patient confidentiality, fraud and conspiracy
- Defense verdicts in several jury trials representing OB/GYN physicians, including case involving allegations of failing to respond to epidural anesthesia complications, resulting in cardiopulmonary arrest of laboring patient and consequent brain damage and persistent vegetative state suffered by the patient, and case involving allegations of improper prescription of an anti-fungal medication to a 65-year-old female patient on blood thinning medication for atrial fibrillation, resulting in drug interaction, extensive bleeding in the brain and brain damage

INDUSTRIES

Administrative
Government
Health Care
Insurance
Legislative Advocacy
State Regulatory

PRACTICES

Antitrust Litigation
Commercial Litigation
Health Care Litigation and Compliance
Litigation
Mass Tort
Probate, Wills and Trust Litigation
Products Liability
Professional Liability
Qui Tam

EDUCATION

JD, 1977, *summa cum laude*, Ohio State University Moritz College of Law, Order of the Coif
BS, 1974, University of Miami

ADMISSIONS

Texas 1978
California 1978
US Court of Appeals for the Fifth Circuit
US District Court for the Northern District of Texas
US District Court for the Southern District of Texas
US District Court for the Eastern District of Texas

Jeffrey B. McClure

US District Court for the
Western District of
Texas

- Defense verdicts in numerous jury trials representing hospitals, including case involving accusations of failure to recognize oversedation in a six-year-old child, resulting in cardiopulmonary arrest and death three hours after tonsillectomy surgery, and case involving accusations of failure to provide proper skin care to elderly female patient in the ICU, resulting in development of decubitus ulcer, sepsis and death
- Defense verdict in jury trial representing anesthesiologist accused of administering excessive amounts of blood pressure medication to patient during surgery to repair cheekbone fracture, resulting in cardiopulmonary arrest, brain damage and eventual death of 34-year-old female patient
- Defense verdicts in multiple jury trials for surgeons, including case involving allegations of failure to properly repair a tear in the spinal canal occurring during surgery to repair herniated disk, resulting in loss of cerebrospinal fluid and neurologic injuries; case involving accusations of improper use of pedicle screws and hardware in a lumbar fusion operation and failure to recognize subsequent failure of pedicle screws, resulting in disability and the need for extensive anterior/posterior multi-level fusion operation; and case involving allegations of negligent perforation of the small intestine of a 55-year-old female patient during surgery to correct incontinence, resulting in massive abdominal infection, eight subsequent surgeries and lengthy period of hospitalization
- Defense verdicts in jury trials for asbestos products manufacturers, including brake shoe manufacturer accused of failing to warn of cancer risks of product, resulting in lung cancer and death of 58-year-old maintenance worker
- Defense verdicts in several jury trials for internal medicine physicians, including case with allegations of failure to diagnose and treat a spinal abscess in a 60-year-old man hospitalized for severe back pain, resulting in loss of neurologic function to lower extremities
- Defense verdict in jury trial for medical group which employed social worker accused of having sexual relationship with former patient in violation of Texas Civil Practice & Remedies Code Chapter 81
- Representation of major commercial mortgage lender in series of lawsuits arising out of lender's foreclosure on loan to owners of nursing home and claim that lender was directly and derivatively liable for injuries and/or deaths of residents of nursing home

PUBLICATIONS

- Resolution of Claims involving Medicare Beneficiaries under the MMSEA (July 1, 2009)

PROFESSIONAL RECOGNITION

- AV Preeminent Peer Review Rating, *Martindale-Hubbell* (2011)
- Texas Super Lawyer in Personal Injury Defense: Medical, *Texas Monthly* (2005-2011)
- Houston's Top Lawyers, *H Texas Magazine* (2009)

BRIEFINGS, SEMINARS & SPEECHES

Jeff is a frequent speaker to hospital, physician and attorney groups on a variety of litigation and health law topics. The following is a representative listing of recent

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presentations:

- "Defending Against Board Actions/Violations of the Nurse Practice," Risk Management Day at Memorial Hermann Memorial City Medical Center (April 2012)
- "Handling a Texas Board of Nursing Investigation," the Greater Houston Society for Healthcare Risk Management Annual Health Law Seminar (October 2011)
- "Electronic Medical Records: Friend or Foe," UT Southwestern Medical Center (March 2011)
- "You Be the Judge," Memorial Hermann Healthcare System, presentation to nurses on Texas Nursing Board Investigations, Sustaining Your Life as a Professional Nurse: Things I need to Know (November 2010)
- "Tips to Avoid Medical Malpractice & Medical Board Investigations," Harper & Pearson Company, P.C., Staying Alive in Business Series (October 2010)
- "Facing the Texas Medical Board: What You Need to Know When You Are the Subject of a TMB Investigation," GHA - American Physicians Insurance Company/Risks, Identification and Remedies of Substance Abuse (February 2010)
- Mock Voir Dire Presentation in the Honorable Sylvia Matthews's Court (November 2009)
- CLE Speaker, University of Houston Law Foundation - The Jury Trial: "Previewing the Case Through Opening Statement Even After Voir Dire," Houston, Texas (August 6, 2009)
- "Demonstrative Evidence and Courtroom Technology," University of Houston, The Jury Trial (March 2009)
- "Future Damages in Medical Negligence Cases - Defense Perspective," Texas Bar CLE Evaluating, Negotiating, Proving and Collecting Damages and Attorneys' Fees (February 2009)
- "Opening Statements," University of Houston, Litigation and Trial Tactics (December 2008)
- "Demonstrative Evidence and Courtroom Technology - On a Reasonable Budget," University of Houston, Advanced Evidence and Discovery (November 2008)
- "Texas Medical Board Investigations," Family Practice Department of The University of Texas Medical School at Houston (October 2008)
- "Medical Board Presentation," Tri-County Medical Society (June 2008)
- "Medical Board Presentation," Spar County Medical Society (May 2008)
- "Understanding and Avoiding Texas Medical Board Investigations," Denton County Medical Society (May 2008)
- "Mock Trial," Emergency Nurses Association 10th Annual Cool Topics in Emergency and Trauma Care Seminar (April 2008)
- OB/GYN Resident Didactic Lecture on Risk Management (April 2008)
- "Medical Board Presentation," Tarrant County Medical Society (April 2008)
- "State Bar Advanced Medical Malpractice Seminar," The Texas Board of Medical Examiners and the Texas Board of Nurse Examiners (March 2008)
- "The Texas Board of Medical Examiners and the Texas Board of Nurse Examiners," State Bar of Texas, 15th Annual Advanced Medical Malpractice Course (March 2008)
- "How to Try a Case in the "New Courtroom"," University of Houston, How to Offer and Exclude Evidence (March 2008)
- "Understanding and Avoiding Texas Medical Board Investigations," Nueces County Medical Society (February 2008)
- "Understanding and Avoiding Texas Medical Board Investigations," Midland County Medical Society (January 2008)
- "Demonstrative Evidence and Courtroom Technology on a Reasonable Budget," University of Houston Law Foundation Seminar (November 2007)
- "Risk Management Issues for Health Care Providers, Avoiding Risks Before Liability Becomes an Issue—Are You Doing It Right?," University of Houston Law Foundation, Health Law Seminar (July 2007)
- "Demonstrative Evidence and Courtroom Technology on a Reasonable Budget," University of Houston Law Foundation Seminar, Advanced Evidence & Discovery Seminar (July 2007)

Jeffrey B. McClure

- "Discovery and Data Privacy Including Medical & Psychological Information," University of Houston Law Foundation Seminar, Advanced Civil Discovery & Electronic Evidence (April 2007)
- "Avoiding Texas Medical Board Investigations," UTMB Office of Continuing Education, OB/GYN Grand Rounds (April 2007)
- "Demonstrative Evidence and Courtroom Technology—How to Prepare and Use it on a Reasonable Budget," University of Houston, How to Offer and Exclude Evidence (March 2007)
- "Representing Professionals at Licensing Agencies," Webinar presentation with Mari Robinson, Chief of Enforcement for the Texas Medical Board, for API Insurance Co. (March 2007)
- "Avoiding the Hot Seat at the Nursing & Medical Boards," the Greater Houston Society for Healthcare Risk Management Annual Health Law Seminar (February 2007)
- "Demonstrative Evidence," University of Houston Law Foundation, Litigation and Trial Tactics Seminar (December 2006)
- "Representing Professionals at Licensing Agencies," Austin Bar Association, Advanced Texas Administrative Law Seminar (September 2006)
- "Texas Medical Board Investigations," Baylor College of Medicine Faculty (June 2006)
- "Future Periodic Payments of Judgments," Ninth Annual Healthcare Defense Counsel Meeting (April 2006)
- "Dealing with Texas Medical Board Investigations," MD Anderson Cancer Center Medical Staff (March 2006)
- "Jury Research and Attitudes in Medical Malpractice Litigation," the Greater Houston Society for Healthcare Risk Management Annual Health Law Seminar (February 2006)
- "Chapter 74 of the Texas Civil Practice and Remedies Code," University of Houston Law School, Guest Lecturer (February 2006)
- "Informed Consent Under Texas Law," Houston hospital surgical nursing staff (February 2006)
- "Pitfalls in Settlement Document," State Bar of Texas Advanced Personal Injury Law Course (August 2005)
- "Previewing the Case Through Opening Statement," University of Houston Law Foundation Seminar, The Jury Trial (August 2005)
- "Settlement Credits After House Bill 4," Texas Bar Association, 12th Annual Advanced Medical Malpractice Course (March 2005)
- "Jury Selection After House Bill 4," Texas Bar Association, 12th Annual Advanced Medical Malpractice Course (March 2005)
- "What to Do If Investigated by the Texas Board of Medical Examiners," American College of Surgeons South Texas Chapter (March 2005)
- "The Impact of HIPAA on Personal Injury Practice," University of Houston Law Foundation, Advanced Civil Discovery Seminar (March 2005)

AFFILIATIONS

- Greater Houston Society for Healthcare Risk Management
- Houston Bar Association
- Texas Association of Defense Counsel
- American Society for Healthcare Risk Management
- American Bar Association
- American Board of Trial Advocates
- Defense Research Institute
- National Health Lawyers Association

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PRESS RELEASES

- 35 Andrews Kurth Lawyers Named in Texas Super Lawyers 2011 (September 12, 2011)
- 33 Andrews Kurth Lawyers Named in Texas Super Lawyers 2010 (September 10, 2010)
- 35 Andrews Kurth Lawyers Named in Texas Super Lawyers 2009 (September 16, 2009)
- Thirty-Five Andrews Kurth Partners Named in Texas Super Lawyers 2008 (October 3, 2008)