



Eric A. Johnston

Partner

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PRACTICE AREAS

General Litigation

*Complex Business
Litigation*

Labor & Employment

*Personal Injury & Wrongful
Death*

Privacy and Data Security

Electric Energy

Eric represents clients in a variety of practice areas with a primary focus on complex business litigation, representation of governmental entities, and employment law. His cases include commercial disputes, litigation involving governmental entities, employment discrimination claims, Fair Labor Standards Act claims, and claims of violations of the United States Constitution. His additional experience includes defending products liability actions on behalf of pharmaceutical and medical device clients and personal injury actions. He also has experience handling creditor's rights and bankruptcy issues.

Prior to practicing law, Eric worked in various finance positions.

Representative Experience

- Obtained summary judgment in federal court in Dallas on behalf of a news organization in a case where the plaintiff, a former employee, made claims of discrimination based on race and national origin under Title VII, violations of the Family Medical Leave Act, breach of contract and defamation. Summary judgment affirmed by the United States Court of Appeals for the Fifth Circuit.
- Obtained summary judgment in federal court in Austin on behalf of large property owner against claims of violations of Americans with Disabilities Act and negligence.
- Obtained summary judgment in federal court in San Antonio on behalf of governmental client in a case where land owner plaintiffs were asserting Fifth Amendment claims.
- Obtained summary judgment in federal court in Austin on behalf of employer, who was sued for discrimination based upon sex, race, and national origin discrimination.
- Obtained dismissal for medical device manufacturer in federal court in Orange County, California in a case where the plaintiff alleged that she was injured due to a defective medical device. Also obtained dismissal in federal court in San Diego, California in a medical device product's liability case on the grounds that the case was preempted by federal law.
- Obtained a favorable appellate ruling on behalf of client, a Texas county, against claims of wrongful death resulting from a single car collision. The trial courts' order was affirmed by the Texas Court of Appeals for the Third District.
- Obtained a favorable appellate ruling on behalf of governmental client on claims of violations of Civil Rights by incarcerated prisoner. The district court's granting of summary judgment was affirmed by the United States Court of Appeals for the Fifth Circuit.
- Obtained verdict for client in a bench trial in Travis County, Texas, in a case in which the client was sued for violations of deed restrictions and land use.

Publications & Presentations

- Co-Speaker, *Occurrence Based Loss of Use - Force Majeure, Impossibility of Performance, Casualty Loss, Civil Unrest, and Related Issues*, 2020 Leasing Institute, UT Law CLE, Webcast (November 12, 2020)
- Co-Presenter, *Navigating the FFCRA: What It Means for Your Business*, McGinnis Lochridge Employment Seminar (October 8, 2020)
- Partner Eric Johnston Quoted in Austin Business Journal Discussing Gym Reopenings (May 19, 2020)
- Reopening the Workplace: Navigating the Legal and Practical Challenges for Employers (April 29, 2020)
- You learn that someone was in your place of business recently and now they have been diagnosed with the COVID-19 virus. Common questions answered. (March 30, 2020)
- Eric Johnston & William Grubb Author Article on Law360 Regarding COVID-19 (March 20, 2020)
- Eric A. Johnston of McGinnis Lochridge Wins Dismissal in Empower Texans Suit (March 14, 2018)
- Co-Presenter, *Strategies for Dealing Ethically and Civilly with Difficult People in Law*, Lloyd Lochridge American Inns of Court (December 2017)
- Presenter, *Texas Tort Claims Act – Basics*, Texas Young Lawyers Association, Government Law Section (December 2017)
- Author, Client Alert: Overtime Rule Invalid, McGinnis Lochridge (August 31, 2017)
- Presenter, *The Nuts and Bolts of Dispositive Motions*, Texas Bar CLE, Advanced Government Law (July 26, 2017)
- Partner Eric Johnston shares his view with *Law360* on the U.S. Department of Labor's Overtime Exemption Rule (May 19, 2016)
- Eric A. Johnston Quoted in “Attorneys Pay Tribute To Scalia, A Beautiful Legal Mind”, *Law360* (February 16, 2016)
- DOL Overtime Rule Now Expected Late 2016 (November 2015)
- FLSA Salary Test May Double Amid Boom in Lawsuits (June 30, 2015)
- Family and Medical Leave Act: Update (March 18, 2015)
- Co-author and Speaker, *Managing Employee Leaves of Absence*, National Business Institute, Austin, Texas (January 2015)
- Presenter, *Employment Law Update*, Texas A&M University, V.G. Young School of County Government (November 14, 2014)
- Presenter, *Sovereign Immunity or “I Fought the Law and the Law Won”*, Texas Association of Defense Counsel (June 2014)
- Co-Presenter, *Affordability of Legal Services: Could it end up costing you?*, Lloyd Lochridge American Inn of Court (March 2011)
- Co-Presenter, *The Effect of Instant Connectivity on Trials*, Lloyd Lochridge American Inn of Court (January 2011)
- Co-Author, *Manufacturer Liability for Off-Label Uses of Medical Devices*, Los Angeles Lawyer (April 2009)

Professional Associations & Community Involvement

- American Bar Association
- Texas Bar Foundation, Fellow
- Austin Bar Association
- Los Angeles Bar Association
- Lloyd Lochridge American Inn of Court
- First Tee of Austin (Board of Directors, 2014)

Professional Recognition

- Recognized as a Benchmark Litigation Labor & Employment Star (2021)
- Austin Monthly's Top Austin Attorneys 2020, Civil Law Litigation

Court Admissions

- Supreme Court of the United States of America
- United States Court of Appeals for the Fifth Circuit
- United States District Court for the Northern, Western and Southern Districts of Texas
- United States District Court for the Central and Southern Districts of California

Bar Admissions

- Texas
- California

Education/Professional Background

- Pepperdine University School of Law, J.D., 2005
- Purdue University, B.S., 2001