

Rising Star: Spagnoletti Law's Marcus Spagnoletti

By **Daniel Connolly**

Law360 (August 10, 2023, 9:21 AM EDT) -- Marcus Spagnoletti of Spagnoletti Law Firm has helped win compensation for maritime workers severely injured in accidents, including the sinking of the oil rig Troll Solution, earning him a spot among the transportation law practitioners under age 40 honored as Law360 Rising Stars.

How his family history influenced his career choice:

Spagnoletti's family has been involved in the maritime industry for generations.

"My great-grandfather was a merchant seaman from Italy. My grandfather was a longshoreman out in New York and New Jersey. My father studied maritime law at the University of London. And I am sort of the next generation of folks either involved in or helping people in the maritime industry who are somewhat like my great-grandfather when he was a merchant seaman."

His biggest case:

Spagnoletti cited the sinking of the Troll Solution as one of the most significant cases of his career. The Troll Solution was a "jack-up rig" — a floating, self-propelled drilling rig that can maneuver on its own and is equipped with legs that can be lowered to the ocean floor, burrow down, and start extracting minerals.

"We represented 42 international plaintiffs. We had primarily clients from Mexico, but also we had a Croatian client, a Pakistani client, a Romanian client and a Polish client. And English was no one's first language. So we had to manage that," Spagnoletti said.

"Getting jurisdiction over a defendant here in the United States was difficult. There was originally a Rule B proceeding or attachment that was done," he said, referring to a type of seizure of a company's assets under maritime law.

"And then after that, we sued the American Bureau of Shipping for its

2023



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RISING
STAR



Marcus Spagnoletti
Spagnoletti Law

Age: 38

Home base: Houston

Position: Principal

Law school: University of Miami
School of Law

First job after law school:

Working for his father at a
predecessor firm, Spagnoletti & Co.

failures in certifying that the vessel was safe. And the American Bureau of Shipping has not been sued successfully very often in the United States. And we sued a co-defendant who designed the jack-up. So this turned into a maritime product liability case and a case against a [ship] classification society, or what is commonly thought of as only a classification society," Spagnoletti said.

"And neither one of them thought that they should have been sued, or thought that we had jurisdiction based on the location of the accident and the causes of action that were pleaded," he said.

Spagnoletti began working on the case with his father about 2015 and stayed with it through tumultuous years that included the launch of his own law firm, a 2018 skateboarding accident that left him with a traumatic brain injury, his lengthy recovery, and the disruption of the COVID-19 pandemic beginning in 2020. Shortly after a trial began in 2022, the case was settled.

"And as a result of that case, and multiple appeals, we developed a law here in Texas that will call for corporate responsibility and liability when a corporation is headquartered in our state, which is certainly in some regards a seminal concept," he said.

His most interesting recent case:

Spagnoletti is representing family members of three workers who died in the sinking of the Seacor Power, which capsized in April 2021 in rough seas in the Gulf of Mexico near Louisiana while delivering equipment to an oil rig.

"I represent one family who lost a family member who was a crew member of that vessel. And as a crew member, he was entitled to damages under the Jones Act. His claim was governed by the Death on the High Seas Act, but supplemented by the Jones Act." Spagnoletti said.

"His family can get whatever pecuniary damages, however much money they lost or he lost, as a result of the claim. And his damages are supplemented by the Jones Act, so his family can recover pre-death pain and suffering, nonpecuniary damages.

"Now, I also represent two other family members of decedents who were not crew members. They were just passengers going out to the outer continental shelf," he said.

"Because they were passengers and not crew members, their damages — despite being maritime workers just like my other client — their damages are limited to only their pecuniary loss. These men died a tragic death, they were on a vessel that was sinking in the middle of the Gulf of Mexico. And they knew that they were going to die," Spagnoletti said.

"And because one of them was a crew member on the vessel and the other man was not, one family gets to get damages, rewarding that pre-death pain and suffering in the fate they knew that awaited them. And the other two only get how much money they were worth to their family: dollars and cents. That's it. I just find that absolutely, absolutely ridiculous," he said.

"I'm 38 years old, I'm not going to stop until I've exhausted all my personal, emotional and mental capacity to try to see the courts or Congress or some arm of our government acknowledge this current inequity in maritime law," he said.

What motivates him:

Spagnoletti cites the 2018 skateboarding accident and his recovery as pivotal in his life, and he still volunteers at the trauma center that helped him. The accident increased his empathy for the injured

people he represents, he said.

"My proudest moment as an attorney is when my clients or their families write to me or tell me how thankful they are for what I've done for them. Because it validates why I get up every morning. Yes, I run a successful business. But that's not what makes me the most proud. What makes me the most proud is that I'm having an effect on people's lives who need it."

His thoughts on the future of the legal industry:

Spagnoletti believes the COVID-19 pandemic changed how juries behave.

"Just from my experience, and talking to people, there's a certain amount of humanity that is reflected back at the lawyers by the juries, regardless of politics, that I did not feel as much before COVID," he said.

"And maybe I'm just hoping in this regard, but I think that people are speaking to lawyers and in court as jurors, and communicating a certain humanity that we are to treat our fellow citizens with," Spagnoletti said. "And I think that ultimately may have an effect on more fair resolutions for folks that are traumatically injured, and more efficient handling of cases or claims."

--As told to Daniel Connolly.

Law360's Rising Stars are attorneys under 40 whose legal accomplishments belie their age. A team of Law360 editors selected the 2023 Rising Stars winners after reviewing more than 1,350 submissions. Attorneys had to be under 40 as of May 1, 2023, to be eligible for this year's award. This interview has been edited and condensed.