

## James E. Zucker

PARTNER

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### Credentials

- University of Virginia School of Law  
J.D.  
Order of the Coif  
Editor-in-Chief, *Virginia Law Review*
- University of Virginia  
M.A., History
- The College of William and Mary  
B.A. Government, *magna cum laude*  
Phi Beta Kappa  
Distinguished Military Graduate
- Law Clerk to the  
Hon. Jerry E. Smith,  
U.S. Court of Appeals for the Fifth Circuit
- Admitted to Practice:  
Texas

Jim is a trial lawyer who represents companies in complex commercial litigation. While many of his clients are in the upstream and midstream sectors of the oil and gas industry, Jim also has experience in a broad range of industries including technology, financial services, medical, and governmental entities.

Jim is recognized in Commercial Litigation by *Best Lawyers in America*.

Prior to law school, Jim served as an armor officer in the United States Army and taught at Garcia Elementary School in north Houston as a member of Teach For America. He currently serves on the Board of Directors for Yellowstone Academy, an inner-city Houston charter school focused on academic excellence and spiritual growth.

### Experience

- **Legacy Separators v. Halliburton.** Represented plaintiff in pursuing patent/trade-secret claims over oilfield gas separator operations. In the last Houston jury trial before the Covid-19 lockdown, we settled with one defendant and defeated Halliburton's defenses and counterclaims. The jury hung on whether Halliburton systems infringe. The case settled before the second trial.
- **TMH Physician Organization v United Healthcare.** Represented the physicians' organization affiliated with Houston Methodist in a contract dispute with United Healthcare. United purported to accelerate the termination date of their contract with TMHPO. We filed suit and obtained a temporary restraining order prohibiting United from terminating physicians or notifying patients that physicians would be terminated from United's network. The parties settled the lawsuit shortly thereafter.

- **Confidential Client.** Represented an electric generation plant in an arbitration involving complex breach of contract and declaratory judgment claims valued at over \$90 million brought by a part-owner and purchaser of the plant's capacity after it raised various challenges to the plant's administration of the power purchase agreement, calculation of the reservation payment, and pass-through of costs. Following a one-week arbitration hearing, a three-arbitrator panel issued a unanimous decision in our client's favor on each of the significant claims.
- **Occidental Energy Marketing, Inc. v. West Texas LPG Pipeline, L.P.** Prevailed on summary judgment on competing declaratory judgment claims regarding whether the pipeline or the shipper was responsible for resolving component and volume imbalances under the tariff. Occidental claimed that West Texas was responsible for resolving a \$14 million NGL imbalance while West Texas countered it was Occidental's obligation. The court also granted West Texas's summary judgment on Occidental's tort claims.
- **Business Logic Holding Corp. v. Morningstar, et al.** Part of trial team representing Business Logic in breach of contract and trade secrets case related to retirement advice software. Prepared witness outlines and worked with a key testifying expert to translate technical software concepts into a form the jury could understand. The firm secured several key pre-trial rulings, including dismissal on summary judgment of defendants' counterclaim. One business day before trial, defendants agreed to pay Business Logic \$61 million to settle the case, which represented a recovery of 95% of the maximum claimed damages. The settlement is reported to be the 9th largest disclosed trade secrets settlement in U.S. history.
- **Brandon A. Backe, et al. v. City of Galveston, Texas, et al.** Successfully prosecuted as co-lead counsel a high-profile, federal civil rights jury trial on behalf of an ex-MLB player and other victims of alleged police brutality, including examination at trial of more than 20 witnesses, court argument, and related legal briefing.
- Represented the largest non-profit healthcare system in Texas in a breach-of-fiduciary-duty suit against one of the largest asset managers in the country related to the management of an enhanced-cash investment fund, which sustained losses in 2007 related to sub-prime mortgage-backed securities. The case was settled favorably for our client as trial was set to begin.
- **Doctors Hospital and GE HFS v. Beazley Insurance Co.** Successfully represented GE HFS at trial in the Southern District of Texas and on appeal to the U.S. Court of Appeals for the Fifth Circuit regarding insurer's breach of contract. The verdict was ranked among the top 100 national and top 25 Texas verdicts of 2010.
- Represented industrial facility owner in two-week arbitration hearing following contract dispute with steam generation plant that uses the facility's waste heat to generate steam that then is sold to an oil refinery.
- Successfully represented a major oil company in a confidential arbitration concerning the operation of a gas pipeline.
- **GeoMet Operating Co., Inc. v. CNX Gas Co., LLC, et al.** Represented GeoMet in several related litigation matters stemming from its efforts to produce and market coalbed methane in Southwestern Virginia.

- **American Airlines, Inc. v. Frequent Flyer Depot, et al.** Represented American in suit against several companies and individuals who have defrauded American regarding its AAdvantage frequent flier program.

### Professional Honors & Affiliations

- “Texas Super Lawyer” in Business Litigation, *Thomson Reuters*, 2023-2024
- Best Lawyers in America in Commercial Litigation, 2022-2025
- “Texas Rising Star,” by Thomson Reuters’ Super Lawyers in *Texas Monthly Magazine*, 2014-2017
- “Houston Top Lawyer” in Business & Commercial Litigation, *H Texas Magazine*, 2015-2018
- Trustee: Houston Young Lawyers Foundation, 2016-2018
- Board Member: Yellowstone Academy
- Member: State Bar of Texas, Houston Bar Association, Houston Young Lawyers Association

### Presentations & Publications

- “10 Times to Call Your Litigator (When You Haven’t Been Sued),” Texas General Counsel Forum Virtual CLE Presentation, May 13, 2021 (panelist)
- “‘Forum’ and ‘Venue’: A Distinction With a Difference in Texas,” *The Texas Lawyer*, April 5, 2018 (co-author)
- “The Supreme Court Offers Jeffrey Skilling a Mixed Result,” *The Houston Lawyer*, January/February 2011
- “Note: Better a Catholic than a Communist: Reexamining *McColum v. Board of Education* and *Zorach v. Clauson*,” (93 Va. L. Rev. 2069), 2007