



James L. Sowder

Business, Commercial Litigation & Insurance Section
Chair

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Jim Sowder represents financial institutions, insurance companies, business entities, contractors, property owners' associations, association board members, and individuals in a variety of commercial matters, including litigation, arbitration, and mediation in complex contract disputes, contract enforcement, class actions, professional liability claims against engineers, business torts, non-compete agreements, creditor's rights, insurance regulation, lender liability, and bank litigation.

Jim has defended and has acted as coordinating counsel for insurance companies in multistate class actions involving regulatory and pricing disputes.

Jim also represents general contractors and subcontractors involving construction defect, RECLA, nonpayment, and indemnity claims.

Representative Experience

- Represented multiple insurance carriers in multi-state class actions alleging RICO, fraud, deceptive trial practices and violations of state insurance laws regarding pricing of insurance premiums for general liability and property policies.
- Defended numerous claims against property owners' associations and board members regarding claims involving board governance, enforcement of deed restrictions, challenges to lien foreclosures, architectural control committee decisions, and counter claims in assessment disputes.
- Secured favorable settlement for credit union against vendor where alleged damages were in excess of \$1 million.
- Obtained defense verdict for insurance company to verdict where plaintiff sought class certification and damages and attorney's fees in excess of \$2 million.
- Secured judgment through bench trial against business broker for commingling of funds and breach of fiduciary duty.
- Secured favorable settlement for subcontractor in lawsuit where lien claim

Services & Industries

- Commercial Litigation
- Business
- Insurance Regulatory & Transactions
- Professional Liability
- Community Associations
- Transportation

exceeded \$1 million.

- Obtained jury verdict for engineering company where plaintiff alleged conspiracy damages in excess of \$1 million in first party insurance lawsuit.
- Defended insurance rating agency at trial asserting negligence, gross negligence, and breach of contract claims where alleged damages exceeded \$800,000.
- Defended charter schools in arbitration where investor sought significant damages.
- Obtained jury verdict where client sued former attorneys and law firm for malpractice relating to representation in partnership dissolution.
- Prosecuted and defended non-compete clauses under employment agreement.
- Obtained verdict on behalf of data analysis vendor where plaintiff sought in excess of \$2 million.

Education

- Texas Tech University School of Law (J.D., 1985)
- United States Military Academy (B.S., 1977)

Bar Admissions

- Texas, 1985

Court Admissions

- United States District Court, Northern District of Texas
- United States District Court, Eastern District of Texas
- United States District Court, Southern District of Texas
- United States District Court, Western District of Texas
- United States Court of Appeals, Fifth Circuit

Professional and Community Activities

- Defense Research Institute
- Texas Bar Association
- Dallas Bar Association
- United States Army, 5 years - Captain

Speeches and Presentations

- "*Important Bankruptcy Issues in Insurance Law*," Thompson Coe Webinar, March 17, 2020
- Discovery Issues Affecting Forensic Engineering, HAAG Engineering
- Mechanics and Materialman's Liens in Texas, HAAG Engineering

Professional Recognition

- Named to Texas *Super Lawyers*® list for Business Litigation a Thompson Reuters Business, 2011-2018
- "AV" Peer Review Rated by Martindale Hubbell

Construction

Overview

Jim Sowder defends architects and engineers relating to professional liability claims, breach of contract, and deception trade practice claims. His experience includes litigation and arbitrations concerning design defects, and responding to complaints filed with state professional licensing boards.

Representative Experience

- Obtained settlement for architect in class action alleging violation of its federal and state disability acts.
- Obtained settlement for design engineer in water detection system affecting 12 homes.
- Obtained summary judgment for claims asserted against forensic engineer for professional negligence.
- Coordinated defense counsel in multiple homeowner and commercial claims for storm damage against engineer arising from Hurricane Katrina.

Publications

April 10, 2020

Effects of Coronavirus Legislation on Insurance-Related Bankruptcy Matters

08.01.13

2013 Life & Health Insurance Legislation in Texas

08.01.13

2013 Property & Casualty Insurance Legislation in Texas