



## James L. Sowder

Partner

[jsowder@thompsoncoe.com](mailto:jsowder@thompsoncoe.com)

214-871-8267

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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. He 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

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 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.

#### CONSTRUCTION

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.

### **Awards & Recognition**

#### TEXAS SUPER LAWYERS

Listed for Business Litigation

2011-2020

#### MARTINDALE-HUBBELL

AV Peer Review Rated

### **Related Services**

Business and Commercial

General Liability/Catastrophic Injury

Insurance

Professional Liability

## **Publications & Speaking Engagements**

Effects of Coronavirus Legislation on Insurance-Related Bankruptcy Matters

Apr 10, 2020

**Important Bankruptcy Issues in Insurance Law**

Thompson Coe Webinar

2020

2013 Life & Health Insurance Legislation in Texas

Aug 1, 2013

2013 Property & Casualty Insurance Legislation in Texas

Aug 1, 2013

**Discovery Issues Affecting Forensic Engineering**

HAAG Engineering

**Mechanics and Materialman's Liens in Texas**

HAAG Engineering

## **Education, Admissions & Activities**

### 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 of Texas  
Northern, Southern, Eastern, Western

United States Court of Appeals  
Fifth Circuit

PROFESSIONAL AND COMMUNITY ACTIVITIES

Defense Research Institute (DRI)

Texas Bar Association

Dallas Bar Association

United States Army  
Captain, 5 years