



James

James A. Brown

Shareholder, New Orleans
Leader, Professional Liability
Group; General Counsel and
Loss Prevention Partner
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Overview

James Brown is an experienced trial lawyer handling complex litigation throughout the courts of Louisiana and the U.S., with a focus on banking, contract, and professional liability disputes, class action defense, and insurance coverage litigation. A Fellow of the American College of Trial Lawyers, he has a national reputation in key areas of complex litigation: corporate disputes, class actions, legal malpractice defense, director and officer liability, antitrust, trusts and estates litigation, and other complex issues. Following multiple terms of service on the firm's Board of Directors, Compensation Committee, and as the Chair of the Commercial Litigation Section, Mr. Brown now serves as the firm's General Counsel and Loss Prevention Partner. He also heads the Professional Liability Group.

For over three decades, James has represented national and international businesses, financial institutions and other entities in complex commercial and professional liability cases. He also has defended national legal malpractice carriers and law and accounting firms, and has handled trust and estates litigation and other types of commercial claims and disputes. James has tried difficult, high-stakes cases in these areas in both state and federal courts.

Here are two cases that illustrate James's value to clients:

- A national management consulting firm was facing post-Katrina lawsuits brought by the Louisiana Attorney General, claiming that our client was part of a conspiracy to underpay victims for property damage. We developed a new theory of "disguised class and mass action" that enabled us to remove the case to federal court, where we prevailed, avoiding a potential nine-figure exposure.
- James successfully defended one of the world's largest law firms against securities law and related claims, resolving the case favorably following a ruling of the U.S. Fifth Circuit sustaining a contested removal of the case to federal court. See *Firefighters' Retirement System v. Citco Group, Ltd., et. al.*, 796 F.3d 520 (5th Cir. 2015).

James represents other major institutional clients, such as Attorneys' Liability Assurance Society, Inc.. "The unifying theme of these cases is their size, complexity and large exposure," James notes.

Practice Areas

Business Litigation
Energy Litigation
Toxic Tort & Environmental Litigation
Appellate
Securities Litigation

Bar Admissions

Louisiana, 1984

Education

Paul M. Hebert Law Center, Louisiana State University, J.D., 1984

- Order of the Coif
- *Louisiana Law Review*, Editor-in-Chief, 1983 - 1984

Louisiana State University, B.A.,
Valedictorian, *summa cum laude*, 1981

- Phi Kappa Phi
- Mortar Board
- Omicron Delta Kappa

Clerkship

Law clerk to the Honorable Alvin B. Rubin, Circuit Judge, United States Fifth Circuit Court of Appeals, 1984-85

Experience

- Defending one of the nation's largest pharmaceutical companies against claims of deceptive/unfair trade practices, racketeering and related claims in multiple opioid cases;
- Defending Blue Cross Blue Shield Association against an antitrust class action suit challenging its nation-wide licensing system (2019);
- Defending one of the world's largest actuarial firms against professional negligence claims brought by the Louisiana Commissioner of Insurance, as Receiver of a failed Affordable Care Act insurance cooperative (2019);
- Representing a major Louisiana concessions company in a bad faith/coverage suit against its employment practices liability insurance carrier (2019);
- Successfully defended an international public relations firm against high-profile breach of contract and related claims by a national utility company (2019);
- Successfully defended a national technology company against claims of negligent testing of a "point of sale" software system (2018);
- Successfully defended a major Louisiana financial institution against contractual and other claims by a discharged senior officer (2018);
- With Shannon Holtzman of our firm, successfully defending a national law firm against a class action suit arising from its tax collections work for the City of New Orleans. See *Fransen v. City of New Orleans*, 2016-0844 (La. App. 4 Cir. 3/28/18), 2018 WL 1516989 (affirming judgment substantially restricting class following class certification trial) (2018).
- Successfully defended a leading national retailer and motor fuel distributor against suits by a New Orleans retail chain seeking to invalidate motor fuel distribution contracts. We obtained full enforcement of our client's contracts along with a refund of a substantial portion of our attorneys' fees for the client's benefit (2017).
- Successfully defended an international law firm in a major securities case in Louisiana (2013-2016).
- Successfully defended one of the nation's largest flooring retailers against a wrongful death claim alleging emissions from the flooring (2016).
- Secured a major procedural victory for an international law firm in the U.S. Fifth Circuit Court of Appeals, following which the claims against the firm were resolved on favorable terms. See *Firefighters' Retirement System v. Citco Group, Ltd., et. al.*, 796 F.3d 520 (5th Cir. 2015)
- Lead counsel for FDIC in director and officer liability case in San Juan, Puerto Rico (2012-2015). Obtained \$34 million settlement for FDIC in 2015
- With other firm attorneys, successfully defended class action claims against a national law firm in a three-day class certification trial (2015)
- Lead counsel for FDIC in a director and officer liability case in Atlanta, GA (2012-2016). Obtained over \$17 million in settlements and judgments for FDIC in 2015 and 2016.
- Secured dismissal of RICO, unfair trade practice and related claims against international law firm (2012).
- Secured summary judgment dismissing legal malpractice claims against a large New Orleans law firm and national legal malpractice carrier (2012).
- Secured a federal court judgment recognizing the non-governmental status of a Louisiana charter school operator and its right to redress under 42 U.S.C. Section 1983 for deprivation of its vested contractual rights in violation of Article 1, Section 10 of the U.S. Constitution. The judgment was the first of its kind and has landmark significance to the charter school movement sweeping the nation. *Advocates for Arts-Based Education Corporation v. Orleans Parish School Board*, 2010 U.S. Dist. Lexis 6019 (EDLA Jan. 26, 2010).
- Defended an international law firm and one of its senior partners in a two week jury trial in Mississippi (2010).
- Defended a former CEO of Louisiana's second largest HMO in a three week federal white collar jury trial (2008).

- Secured dismissal of antitrust price fixing claims filed by the Louisiana Attorney General against one of the world's largest international consulting firms. *State of Louisiana, ex. rel., James D. Caldwell v. Allstate Insurance Co., et. al.*, No. 07-9409 (East. Dist. La. Dec. 17, 2008).
- With other attorneys, secured a reversal and remand of an award of \$72 million in sanctions against a federal banking agency. Mr. Brown and other firm attorneys were hired to handle the matter on appeal from the sanctions award. *FDIC v. Maxxam, Inc., et. al.*, 523 F.3d 566 (5th Cir. 2008).
- Secured dismissal of antitrust claims filed by the Louisiana attorney general against one of the nation's leading pharmaceutical manufacturers (2008).
- Developed a successful legal theory for removal of state attorney general suits against industry as disguised "class" and "mass" actions subject to the Class Action Fairness Act. See *State of Louisiana, ex. rel., James D. Caldwell v. Allstate Insurance Co., et. al.*, 2008 U.S. App. Lexis 15275 (5th Cir. July 18, 2008).
- Successfully defended the former president of one of Louisiana's largest health maintenance organizations against multiple civil actions brought by the company's Receiver (2006).
- With other attorneys, secured dismissal of a major class action brought against a federal banking agency and credit card bank challenging the insured status of the bank. (2005).
- Secured dismissal of malpractice claims against a major law firm arising from a corporate merger transaction. (2004)
- With other firm attorneys, achieved dismissal of federal RICO claims filed against the former management of one of Louisiana's largest health maintenance organizations. (2003)
- Part of the legal team that secured an important victory for a federal banking agency in the United States Court of Appeals for the Fifth Circuit. The class action attacked the insured status of a federally insured banking institution. *Heaton v. Monogram Credit Card Bank*, 297 F.3d 416 (5th Cir. 2002).
- Working with Liskow & Lewis attorneys, obtained a reversal by the Louisiana Supreme Court of a large malpractice judgment entered against a law firm and national malpractice carrier. The firm was retained to handle the appeal after the adverse judgment was rendered by the district court. The decision is important to many other pending and future cases. *Hendrick v. ABC Ins. Co.*, 00-CC-2403 (La. 5/15/01), 787 So.2d 283.
- In a professional liability case for a federal banking agency, secured an important victory in the United States Fifth Circuit involving the failure of Louisiana's largest thrift institution. *FDIC v. Barton*, 233 F.3d 859 (5th Cir. 2000).

Involvement

Professional

- New Orleans Ethics Review Board – Member by appointment of the Mayor, 2013–2019. Vice Chair, 2017-18; Chair, 2018-2019 Oversees the New Orleans Inspector General and Independent Police Monitor and administers and enforces the New Orleans Code of Governmental Ethics. Mr. Brown Chaired the 2017 New Orleans Inspector General search.
- Chaired 2016 U.S. Magistrate Judge Merit Selection Panel by appointment of the Chief Judge of the federal court.
- Immediate Past Chair, American Bar Association Presidential Standing Committee on Lawyers' Professional Liability – by appointment of the ABA President
- American College of Trial Lawyers – Fellow and Louisiana State Committee Member
- Louisiana State University, Paul M. Hebert Law Center - Adjunct Professor in Torts and Trial Advocacy, 1992 - present
- Past Chair, Continuing Legal Education Program Committee, Louisiana State Bar Association
- Past Co-Chair, ABA Professional Liability Litigation Committee
- LSBA's "P's and Q's" Ethics and Professionalism Program, Co-chair
- Law Clerk to the Honorable Alvin B. Rubin, Circuit Judge, United States Fifth Circuit Court of Appeals, 1984 - 1985
- New Orleans, Louisiana State and American Bar Associations - Member

- Judge John C. Boutall American Inn of Court - Master
- Louisiana Bar Foundation - Fellow
- American Judicature Society - Member
- National Institute for Trial Advocacy - Member
- Advisory Council Vice Chair, Louisiana State University Honors College

Community

- New Orleans Center for Creative Arts (“NOCCA”) Institute - past Vice President and Director
- Lake Vista Property Owners Association – Past Director
- Council on Alcohol and Drug Abuse for Greater New Orleans - Past Director and Past President of United Way Funded Agency
- United Way Funded Agency - Past Director and Past President of VIALINK

Recognition

James is a Fellow of the American College of Trial Lawyers. In addition, he is highly regarded in the business and professional communities:

- LSU Law Center Distinguished Achievement Honoree, 2018
- *Best Lawyers in America* 2017 “Lawyer of the Year” in Professional Malpractice Law - Defendants, New Orleans
- *New Orleans Magazine's* List of "Top Lawyers," 2015-2019
- *Chambers USA America's Leading Lawyers for Business* - Litigation: General Commercial, 2010–2019 (Band 1 – highest ranking)
- *The Best Lawyers in America*, 2005–2020, in the areas of Bet-the-Company Litigation, Commercial Litigation, Legal Malpractice Law, Litigation - Antitrust, Litigation - Trusts and Estates, and Professional Malpractice Law
- *New Orleans CityBusiness* Leadership in Law Award
- *Louisiana Super Lawyers*, 2007–2019, Top 50 Louisiana Lawyers List, 2018-2019
- Benchmark Litigation “Local Litigation Star”



Presentations

James frequently speaks, teaches and publishes in the areas of professional liability, ethics and trial advocacy. He has given over 125 professional presentations to national, state and local bar associations in the areas of trial practice, complex litigation, and lawyer ethics and professional responsibility.

Publications

- “Defending the Corporate Deposition of the Law Firm: Selecting the Representative and Preserving Privileges,” Westlaw Professional Liability Journal, Vol. 24, Issue 6, December 2014 (with Carol Payne of Estes Okon and Craig Singer of Williams & Connolly)
- “Context and Purpose Must be Considered in Evaluating Attorney-Client Privilege With In House Counsel,” American Bar Association, Lawyers Professional Liability Standing Committee E-Advisory, August, 2014 (with Carey Menasco of Liskow & Lewis)
- “Federal District Court in Louisiana Concludes, in Legal Malpractice Case, That Loss of a Right to Jury Trial is No Loss At All,” American Bar Association, Lawyers Professional Liability Standing Committee E-Advisory, July 2012 (with Carey Menasco of Liskow & Lewis)
- "The Law of Lawyers' Liability – State of Louisiana," Chapter in *The Law of Lawyers' Liability*, 2012 American Bar Association, First Chair Press (with Carey Menasco of Liskow & Lewis)
- “Damages: You Can’t Always Get What You Want,” ABA Professional Liability Litigation Committee Journal, Winter 2012 (with Erin Delatte of Liskow & Lewis)
- "PCAOB Issues Concept Release on Alternatives for Auditor's Reporting Model," ABA Professional Liability Litigation Committee News and Developments, Spring/Summer 2011, Vol. 7, No. 1
- “The I Am Not Your Lawyer Case,” ABA Professional Liability Litigation Committee Journal Spring/Summer 2011, Vol. 7, No. 1 (with Carey Menasco of Liskow & Lewis)
- "Federal Bankruptcy Law Extends State Law Statute of Repose on Legal Malpractice Claims," ABA Professional Liability Litigation Committee Newsflash, September, 2009 (with Carey Menasco of Liskow & Lewis)
- "Legal Malpractice Law in Louisiana," American Bar Association Fifty-State Survey of Legal Malpractice Law, Professional Liability Litigation Committee (with Carey Menasco and Jessica Gladney of Liskow & Lewis), December 2008
- "When the Carrier and Insured Part Ways: The Insured’s Right to Independent Counsel" (with Shannon Holtzman of Liskow & Lewis), La. Bar Journal (June/July 2005)
- "Preserving Contribution Rights After Settlement: A Need for Resolution" (with Matt Jones of Liskow & Lewis), 56 La. L. Rev. 511 (1996)
- "Recent Developments Affecting Louisiana’s Discretionary Function Exception: Will Louisiana Follow Gaubert?" (with John C. Anjier of Liskow & Lewis), 53 La. L. Rev. 1487 (1993)
- "Hiring of Attorney to Represent Third Parties - The Umbrella Defense," 43 La. L. Rev. 1041 (1983)

Leadership

James is the immediate past Chair of the American Bar Association Presidential Standing Committee on Lawyers’ Professional Liability by appointment of the President of the ABA. The 10-member presidential standing Committee plans, sponsors and produces the biannual ABA National Legal Malpractice Conference, which draws together hundreds of leading attorneys and insurance industry professionals from around the nation to address current issues relating to prosecution and defense of legal malpractice cases, loss prevention and professional liability insurance. The Committee also publishes newsletters and alerts on late breaking cases and developments to the members of its Lawyers’ Professional Liability Consortium.

He is also a former member of the firm’s Board of Directors and serves as the firm’s General Counsel and Loss Prevention Partner.

After Hours

James is an accomplished amateur violinist and guitarist.

News/Insights

NEWS

8.15.19

Fifty-Seven Attorneys Recognized in The Best Lawyers in America, BL Rankings, LLC, 2020 Edition

NEWS

4.25.19

Sixteen Liskow Lawyers, Nine Practice Areas Recognized in Chambers USA

NEWS

12.27.18

Thirty-Nine Liskow Lawyers Selected to 2019 *Louisiana Super Lawyers*, Thomson Reuters

NEWS

11.9.18

Thirty-Eight New Orleans Liskow Lawyers Named “Top Lawyer” by New Orleans Magazine

NEWS

8.15.18

Eight Liskow Attorneys named *Best Lawyers* “Lawyer of the Year” and Fifty-Two Attorneys Recognized in *The Best Lawyers in America*, BL Rankings, LLC, 2019

NEWS

5.3.18

Fifteen Liskow Lawyers, Eight Practice Areas Recognized in Chambers USA

EVENTS

4.23.18

James Brown is Seminar Chair of Louisiana State Bar Association's CLE During Jazz Fest

NEWS

1.16.18

James Brown Named Distinguished Achievement Honoree by LSU Law Center

NEWS

12.27.17

Forty-Four Liskow Lawyers Selected to 2018 *Louisiana Super Lawyers*, Thomson Reuters

NEWS

11.3.17

Forty Liskow Lawyers Named “Top Lawyer” by *New Orleans Magazine*

NEWS

10.4.17

Liskow & Lewis Receives 2018 *Benchmark Litigation's* “Highly Recommended” Ranking and Six “Local Litigation Stars” Are Recognized

NEWS

8.16.17

Seven Liskow Attorneys Named *Best Lawyers* "Lawyer of the Year" and Forty-Nine Attorneys Recognized in *The Best Lawyers in America, Woodward White, Inc.* 2018

NEWS

5.26.17

Twenty Liskow Lawyers, Seven Practice Areas Recognized in Chambers USA

NEWS

12.29.16

Forty-One Liskow Lawyers Selected to *Louisiana Super Lawyers, Thomson Reuters* 2017

NEWS

11.10.16

Forty-Four Liskow Lawyers Named "Top Lawyer" by New Orleans Magazine

NEWS

8.15.16

Eight Liskow Attorneys named Best Lawyers "Lawyer of the Year" and Fifty-One Attorneys Recognized in *The Best Lawyers in America, Woodward White, Inc.*

NEWS

5.27.16

Twenty Liskow Lawyers, Seven Practice Areas Recognized in Chambers USA

NEWS

8.28.15

Forty Liskow Attorneys Named "Top Lawyer" by New Orleans Magazine

NEWS

8.17.15

Fifty Attorneys Recognized in *The Best Lawyers in America, Woodward White, Inc.*

NEWS

5.27.15

Twenty-One Attorneys, Seven Practice Areas Recognized in Chambers USA

NEWS

1.9.15

Liskow & Lewis Attorneys Named to *Louisiana Super Lawyers, Thomson Reuters* 2015