

**R. James George, Jr., PARTNER**



**Practice Areas Include:**

- Commercial and Business Litigation
- Copyright and Trademark Litigation
- Media and First Amendment Law Litigation/Counseling
- Public Entity and Constitutional Litigation/Counseling
- Securities Litigation

**Phone:** 512.495.1448

Since graduating from law school in 1969 and clerking for the Fifth Circuit and the Supreme Court of the United States, Jim George has been representing clients in litigation and related matters. He has represented a wide variety of clients in trial and appellate courts throughout the United States.

Jim has been included in *The Best Lawyers in America*® for Best Commercial Litigation, Commercial Litigation and First Amendment Law since 1987. He has successfully argued two cases before the U.S. Supreme Court and multiple cases before the Supreme Court of Texas.

Jim has successfully tried jury cases in both rural counties and all of the major cities in Texas, as well as in Louisiana and Michigan. He has successfully prosecuted and defended class action cases.

Jim has represented plaintiffs and defendants in patent, securities, media, contract, and tax cases. He has represented National Western Life Insurance Company, individual investors in securities cases, CBS, NBC, Time Warner, The Wall Street Journal, Warburg Pincus Equity, LP, the City of San Antonio, and many international corporations, as well as individuals and small business owners.

## EDUCATION

- Bachelor of Arts, University of Texas (1966)
- Juris Doctor, with high honors, University of Texas School of Law (1969)
  - Phi Kappa Phi
  - Order of the Coif
  - Chancellors
  - Research Editor, Texas Law Review (1969)

## PROFESSIONAL EXPERIENCE

- Partner, George Brothers Kincaid & Horton, LLP (2012-present)
- Partner, George & Brothers, LLP (2004-2012)
- Partner, George & Donaldson, LLP (1996-2004)
- Partner, George, Donaldson & Ford, LLP (1992–1996)
- Associate, Partner, and Shareholder, Graves, Dougherty, Hearon & Moody (and its predecessor firms) (1971-1992)
- Law Clerk to the Honorable Thurgood Marshall, Associate Justice of the United States Supreme Court (1970–1971)
- Law Clerk to the Honorable John R. Brown, Chief Justice of the United States Court of Appeals for the Fifth Circuit (1969–1970)

## BAR ADMISSIONS

- State Bar of Texas (1969)
- United States Supreme Court
- United States Court of Appeals, Fifth Circuit
- United States Court of Appeals, Seventh Circuit
- United States Courts of Appeals, Ninth Circuit
- United States Court of Appeals, Eleventh Circuit
- United States Court of Appeals, District of Columbia Circuit
- U.S. District Court, Northern District of Texas
- U.S. District Court, Eastern District of Texas
- U.S. District Court, Southern District of Texas
- U.S. District Court, Western District of Texas
- U.S. Court of Federal Claims

## AWARDS

- Selected by Thomson Reuters for inclusion in *Texas Super Lawyers* (2003-2004, 2008-2014)
- Selected for inclusion in *Best Lawyers*® for Bet-the-Company Litigation, Commercial Litigation and First Amendment Law (since 1987)

- Selected for inclusion in *Best of the Bar* in *Austin Business Journal* for Civil Litigators (September 2003)
- Selected for inclusion in *Texas' Top Notch Lawyers* in Texas Lawyer Go-To Guide (2002)
- AV® Preeminent (5.0) Peer Review Rating by Martindale.com  
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## PROFESSIONAL ASSOCIATIONS & ACTIVITIES

- American Bar Association, Member
- The Association of Trial Lawyers of America, Member
- Bar Association of the Fifth and Seventh Federal Circuits, Member
- American Counsel Association, Member
- Capital Area Trial Lawyers, Member
- Texas Trial Lawyers Association, Member
- Austin Bar Association, Member
- Texas Bar Foundation, Fellow
- American Law Institute, Member; Members Consultative Group, *Restatement of the Law (3rd): Restitution and Unjust Enrichment* (2003 – present)
- Texas Law Review, Board of Directors (2002-2011); President (2006-2007)
- ABA Subcommittee on Interactive Services, co-chair (1996-1997)
- Supreme Court Code of Conduct Advisory Committee, Former Member
- International Society of Barristers, Former Fellow

## PUBLICATIONS & PRESENTATIONS

### Articles & Papers

- R. James George, Jr., *Liberating Yourself From the Billable Hour*, Litigation (Journal of the Section of Litigation of the American Bar Association)(Winter 2006)

### Speeches

- Co-presenter, *Texas Public Information Act v. Discovery: Matter of Timing*; State Bar of Texas 26th Annual Advanced Administrative Law Course (June 12-13, 2014, Austin)
- Panel member, *Regulatory Perspective: Macro Challenges vs. Micro Control*, Texas Lyceum, Liquid Gold: The Texas Water Law Crisis (August 9-11, 2012, Amarillo)
- Co-presenter, *Fighting Payday Lenders in Arbitration: Combating the Practice of Continuing to Charge a Fee for Doing Nothing*, State Bar of Texas, Poverty Law Section (September 10, 2010)
- *Media Law*, Texas Association of Legal Professionals, 55th Annual Education Conference (April 30-May 1, 2010, Austin)
- *Lawyers' Liability for Oil and Gas Deals*, Securities and Arbitration Section, Houston Bar Association (April 19, 2007)
- Panel Member, *The Warren Court: 40 Years After Chief Justice Earl Warren's Retirement*, Austin College Law Symposium (March 27, 2009, Sherman)

## SIGNIFICANT CASES

### Supreme Court of Texas

- *Edwards Aquifer Auth. V. Chemical Lime, Ltd.*, 291 S.W.3d 392 (Tex. 2009)
- *Hallco Texas, Inc. v. McMullen County*, 221 S.W.3d 50 (Tex. 2006)
- *In re Cerberus Capital Mgmt., L.P.*, 164 S.W.3d 379 (Tex. 2005)
- *New Times, Inc. v. Isaacks*, 146 S.W.3d 144 (Tex. 2004)
- *Universal Health Servs., Inc. v. Renaissance Women’s Group, P.A.*, 121 S.W.3d 742 (Tex. 2003)
- *Huckabee v. Time Warner Entm’t Co., L.P.*, 19 S.W.3d 413 (Tex. 2000)
- *In re Nolo Press / Folk Law, Inc.*, 991 S.W.2d 768 (Tex. 1999)
- *Memorial Hospital – The Woodlands v. McCown*, 927 S.W.2d 1 (Tex. 1996)
- *Carrollton-Farmers Branch Indep. School Dist., v. Edgewood Indep. School Dist.*, 826 S.W.2d 489 (Tex. 1992)
- *Upham v. White*, 639 S.W.2d 301 (Tex. 1982)
- *Romo v. Austin Nat’l Bank*, 615 S.W.2d 168 (Tex. 1981)

### Texas Courts of Appeals

- *Jennings v. WallBuilder Presentations, Inc. ex rel. Barton*, 378 S.W.3d 519 (Tex. App.—Fort Worth 2012, pet. filed)
- *Zumwalt v. City of San Antonio*, No. 03-11-00301-CV, 2012 WL 1810962 (Tex. App.—Austin. May 17, 2012, no pet.)
- *City of San Antonio ex rel. San Antonio Water Sys. v. Lower Colorado River Auth.*, 369 S.W.3d 231 (Tex. App.—Austin 2011, pet. granted, judg’t vacated w.r.m.)
- *Eco Built Inc. v. Lulfs*, No. 03-08-00427-CV, 2010 WL 3629821 (Tex. App.—Austin. Sept. 17, 2010 no pet.)
- *McCalla v. Ski River Dev., Inc.*, 239 S.W.3d 374 (Tex. App.—Waco 2007, no pet.)
- *Bexar Metro. Water Dist. v. City of San Antonio*, 228 S.W.3d 887 (Tex. App.—Austin 2007, no pet.)
- *Warren v. Warren Equip. Co.*, 189 S.W.3d 324 (Tex. App.—Eastland 2006, no pet.)
- *Witkowski v. Brian, Fooshee and Yonge Props.*, 181 S.W.3d 824 (Tex. App.—Austin 2005, no pet.)
- *Sheshunoff v. Sheshunoff*, 172 S.W.3d 686 (Tex. App.—Austin 2005, pet. denied)
- *Goldstein v. Mortenson*, 113 S.W.3d 769 (Tex. App.—Austin 2003, no pet.)
- *Coalition for Long Point Pres. v. Texas Comm’n on Env’tl. Quality*, 106 S.W.3d 363 (Tex. App.—Austin 2003, pet. denied)
- *TCA Building Co. v. Entech, Inc.*, 86 S.W.3d 667 (Tex. App.—Austin 2002, no pet.)
- *Bobbitt v. Cantu*, 992 S.W.2d 709 (Tex. App.—Austin 1999, no pet.)
- *Daniewicz v. Thermo Instrument Sys., Inc.*, 992 S.W.2d 713 (Tex. App.—Austin 1999, pet. denied)
- *Granada Biosciences, Inc. v. Barrett*, 958 S.W.2d 215 (Tex. App.—Amarillo 1997, pet. denied)
- *Sharp v. Caterpillar, Inc.*, 932 S.W.2d 230 (Tex. App.—Austin 1996, writ denied)
- *City of Stephenville v. Texas Parks and Wildlife Dept.*, 940 S.W.2d 667 (Tex. App.—Austin 1996, writ denied)
- *Time Warner Entm’t Co., L.P. v. Hebert*, 916 S.W.2d 47 (Tex. App.—Houston [1st Dist.] 1996, no writ)
- *Universal Underwriters Ins. Co. v. State of Texas*, 903 S.W.2d 124 (Tex. App.—Austin 1995, no writ)

- *Employers Cas. Co. v. Texas Ass'n of School Boards Workers Comp. Self-Insurance Fund*, 886 S.W.2d 470 (Tex. App.—Austin 1994, no writ)
- *Garth v. Staktek Corp.*, 876 S.W.2d 545 (Tex. App.—Austin 1994, writ dismiss'd w.o.j.)
- *Angelo Broad., Inc. v. Satellite Music Network, Inc.*, 836 S.W.2d 726 (Tex. App.—Dallas 1992, writ denied)
- *Orchid Software, Inc. v. Prentice-Hall, Inc.*, 804 S.W.2d 208 (Tex. App.—Austin 1991, writ denied)
- *Brady v. Cox Enters., Inc.*, 782 S.W.2d 272 (Tex. App.—Austin 1989, writ denied)
- *Public Util. Comm'n of Texas v. Houston Lighting & Power Co.*, 778 S.W.2d 195 (Tex. App.—Austin 1989, no writ)
- *E & B Carpet Mills, a Div. of Armstrong World Indus., Inc. v. State*, 776 S.W.2d 286 (Tex. App.—Austin 1989, writ dismiss'd)
- *Breen v. DeLord*, 723 S.W.2d 166 (Tex. App.—Austin 1986, no writ)
- *Langston v. Eagle Publ'g Co.*, 719 S.W.2d 612 (Tex. App.—Waco 1986, writ ref'd n.r.e.)
- *Wente v. Georgia-Pacific Corp.*, 712 S.W.2d 253 (Tex. App.—Austin 1986, no writ)
- *Board of Trs. of Austin Indep. Sch. Dist. v. Cox Enters., Inc.*, 679 S.W.2d 86 (Tex. App.—Austin 1984), *aff'd in part, rev'd in part*, 706 S.W.2d 956 (Tex. 1986)
- *Eagle Printing Co. v. Delaney*, 671 S.W.2d 883 (Tex. Crim. App. 1984)
- *Nat'l Western Life Ins. Co. v. Jones*, 670 S.W.2d 752 (Tex. App.—Austin 1984, no writ)
- *Aztec Life Ins. Co. of Texas v. Dellana*, 667 S.W.2d 911 (Tex. App.—Austin 1984, no writ)
- *Nat'l Western Life Ins. Co. v. Walters*, 663 S.W.2d 125 (Tex. App.—Austin 1983, no writ)
- *State v. Allstate Ins. Co., Inc.*, 654 S.W.2d 45 (Tex. App.—Austin 1983, writ ref'd n.r.e.)
- *Bullock v. Earle M. Jorgensen Co.*, 613 S.W.2d 12 (Tex. Civ. App.—Texarkana 1981, writ ref'd n.r.e.)
- *Lucio v. McCrocklin*, 605 S.W.2d 370 (Tex. Civ. App.—Beaumont 1980, writ ref'd n.r.e.)
- *Austin National Bank v. Romo*, 598 S.W.2d 30 (Tex. Civ. App.—Austin 1980), *aff'd*, 615 S.W.2d 168 (Tex 1981)
- *Shields v. Upham*, 597 S.W.2d 502 (Tex. Civ. App.—El Paso 1980, no writ)
- *Harrison County v. Clayton*, 587 S.W.2d 59 (Tex. Civ. App.—Beaumont 1979, writ ref'd n.r.e.)
- *Miller v. Reinert*, 534 S.W.2d 161 (Tex. Civ. App.—Waco 1976, writ dismiss'd)
- *Grace v. Rahlfs*, 508 S.W.2d 158 (Tex. Civ. App.—El Paso 1974, writ ref'd n.r.e.)
- *Boatright v. Peterson*, 490 S.W.2d 240 (Tex. Civ. App.—Austin 1973, writ ref'd n.r.e.)

#### **United States Supreme Court**

- *Atwater v. City of Lago Vista*, 532 U.S. 318 (2001)
- *Texas Monthly, Inc. v. Bullock*, 489 U.S. 1 (1989)

#### **Fifth Circuit Court of Appeals**

- *Texas Division, Sons Confederate Veterans v. Vandergriff*, 2014 WL 3558001 (C.A. 5 (Tex.))
- *Texas Cable & Telecomms. Ass'n v. Hudson*, 265 Fed. App'x 210 (5th Cir. 2008)
- *Planned Parenthood of Houston and Southeast Texas v. Sanchez*, 480 F.3d 734 (5th Cir. 2007)
- *Texas Ass'n of Bus. v. Earle*, 388 F.3d 515 (5th Cir. 2004)
- *Spiller v. White*, 352 F.3d 235 (5th Cir. 2003)
- *Hoover v. Morales*, 164 F.3d 221 (5th Cir. 1998)
- *Texas Life, Accident, Health & Hosp. Serv. Ins. Guar. Assoc. v. Gaylord Entm't Co.*, 105 F.3d 210 (5th Cir. 1997)

- *FM Props. Operating Co. v. City of Austin*, 93 F.3d 167 (5th Cir. 1996)
- *Steve Jackson Games, Inc. v. U.S. Secret Service*, 36 F.3d 457 (5th Cir. 1994)
- *Snead v. Redland Aggregates, Ltd.*, 998 F.2d 1325 (5th Cir. 1993), *cert. dismissed*, 511 U.S. 1050 (1994)
- *League of United Latin Am. Citizens, Council No. 4434 v. Clements*, 999 F.2d 831 (5th Cir. 1993), *cert. denied*, 510 U.S. 1071 (1994)
- *U.S. v. Rich*, 992 F.2d 502 (5th Cir. 1993)
- *Total Plan Servs., Inc. v. Texas Retailers Ass'n, Inc.*, 925 F.2d 142 (5th Cir. 1991)
- *League of United Latin Am. Citizens, Council No. 4434 v. Clements*, 923 F.2d 365 (5th Cir. 1991)
- *League of United Latin Am. Citizens, Council No. 4434 v. Clements*, 914 F.2d 620 (5th Cir. 1990), *rev'd*, 501 U.S. 419 (1991)
- *English v. Hairston*, 888 F.2d 1069 (5th Cir. 1989)
- *Manax v. McNamara*, 842 F.2d 808 (5th Cir. 1988)
- *Bach v. Nat'l Western Life Ins. Co.*, 810 F.2d 509 (5th Cir. 1987)
- *Cranberg v. Consumers Union of U.S., Inc.*, 756 F.2d 382 (5th Cir.), *cert. denied*, 474 U.S. 850 (1985)
- *North Shore Labs. Corp. v. Cohen*, 721 F.2d 514 (5th Cir. 1983)
- *KVUE, Inc. v. Moore*, 709 F.2d 922 (5th Cir. 1983), *aff'd*, 465 U.S. 1092 (1984)
- *Lummis v. White*, 686 F.2d 225 (5th Cir. 1982)
- *Lummis v. White*, 629 F.2d 397 (5th Cir. 1980), *rev'd sub. nom. Cory v. White*, 457 U.S. 85 (1982)
- *Willingham v. Macon Tel. Pub. Co.*, 507 F.2d 1084 (5th Cir. 1975)(en banc)
- *U.S. v. Wasserman*, 504 F.2d 1012 (5th Cir. 1974)
- *U.S. v. Wilson*, 500 F.2d 715 (5th Cir. 1974)

#### Other Circuit Courts of Appeals

- *In re Nat'l Sec. Agency Telecomms. Records Litig.*, 671 F.3d 881 (9th Cir. 2011), *cert. denied*, 133 S.Ct. 421 (2012)
- *O.K. Sand & Gravel, Inc. v. Martin Marietta Techs., Inc.*, 36 F.3d 565 (7th Cir. 1994)
- *Texaco, Inc. v. Federal Power Comm'n*, 474 F.2d 416 (D.C. Cir. 1973), *vacated*, 417 U.S. 380 (1974)

#### Federal District Courts

- *Davis S R Aviation LLC v. Rolls-Royce Deutschland Ltd. & Co. KG*, No. A-10-CV-367-LY, 2012 WL 175966 (W.D. Tex. Jan. 20, 2012)
- *Davis S R Aviation LLC v. Rolls-Royce Deutschland Ltd. & Co. KG*, No. A-10-CV-367-LY, 2011 WL 5999332 (W.D. Tex. Nov. 30, 2011)
- *In re Nat'l Sec. Agency Telecomms. Records Litig.*, 633 F.Supp.2d 949 (N.D. Ca. 2009), *aff'd in part, rev'd in part*, 671 F.3d 881 (9th Cir. 2011), *cert. denied*, 133 S. Ct. 421 (2012)
- *In re Nat'l Sec. Agency Telecomms. Records Litig.*, 630 F.Supp.2d 1092 (N.D. Ca. 2009)
- *Health Net, Inc. v. Wooley*, No. 06-845-JJB, 2007 WL 3288708 (M.D. La. Nov. 6, 2007)
- *Planned Parenthood of Cent. Texas v. Sanchez*, 280 F. Supp. 2d 590 (W.D. Tex. 2003)
- *Rogers v. CIGNA Healthcare of Texas*, 227 F. Supp. 2d 652 (W.D. Tex. 2001)
- *GDF Realty Investments, Ltd. v. Norton*, 169 F. Supp. 2d 648 (W.D. Tex. 2001), *aff'd*, 326 F.3d 622 (5th Cir. 2003), *cert. denied*, 545 U.S. 1114 (2005)
- *MMAR Group, Inc. v. Dow Jones & Co., Inc.*, 187 F.R.D. 282 (S.D. Tex. 1999)

- *AT & T Communications of the Southwest, Inc. v. City of Austin*, 40 F. Supp. 2d 852 (W.D. Tex. 1998), *vacated*, 235 F.3d 241 (5th Cir. 2000)
- *MMAR Group, Inc. v. Dow Jones & Co.*, 987 F. Supp. 535 (S.D. Tex. 1997)
- *KVHP TV Partners, Ltd. v. Channel 12 of Beaumont, Inc.*, 874 F. Supp. 756 (E.D. Tex. 1995)
- *Steve Jackson Games, Inc. v. U.S. Secret Service*, 816 F. Supp. 432 (W.D. Tex. 1993), *aff'd*, 36 F.3d 457 (5th Cir. 1994)
- *Adams v. John Hancock Mut. Life Ins. Co.*, 797 F. Supp. 563 (W.D. Tex. 1992), *aff'd*, 49 F.3d 728 (5th Cir. 1995)
- *O.K. Sand & Gravel, Inc. v. Martin Marietta Corp.*, 786 F. Supp. 1442 (S.D. Ind. 1992)
- *State of Texas v. Ins. Servs. Office, Inc.*, 699 F. Supp. 601 (W.D. Tex. 1988)
- *Saenz v. Playboy Enters., Inc.*, 653 F. Supp. 552 (N.D. Ill. 1987), *aff'd*, 841 F.2d 1309 (7th Cir. 1988)
- *Terrazas v. Clements*, 581 F. Supp. 1329 (N.D. Tex. 1984)
- *Seaman v. Upham*, 563 F. Supp. 396 (E.D. Tex. 1983)
- *Seamon v. Upham*, 536 F. Supp. 1030 (E.D. Tex. 1982)
- *Morris v. U.S. Dept. of Justice*, 540 F. Supp. 898 (S.D. Tex. 1982), *aff'd*, 696 F.2d 994 (5th Cir.), *cert. denied*, 460 U.S. 1093 (1983)
- *Terrazas v. Clements*, 537 F. Supp. 514 (N.D. Tex. 1982)
- *Seamon v. Upham*, 536 F. Supp. 931 (E.D. Tex.), *vacated*, 456 U.S. 37 (1982)
- *Murray v. Leach*, 535 F. Supp. 765 (E.D. Tex. 1981)
- *Lummis v. White*, 491 F. Supp. 5 (W.D. Tex. 1979), *rev'd*, 629 F.2d 397 (5th Cir. 1980), *rev'd sub. nom, Cory v. White*, 457 U.S. 85 (1982)
- *Graves v. Barnes*, 378 F. Supp. 640 (W.D. Tex. 1974), *vacated sub. nom, White v. Regester*, 422 U.S. 935 (1975)
- *Graves v. Barnes*, 343 F. Supp. 704 (W.D. Tex. 1972), *aff'd in part, rev'd in part sub. nom, White v. Regester*, 412 U.S. 755 (1973)

#### Other

- *Wooley v. Lucksinger*, 61 So.3d 507 (La. 2011)
- *Wooley v. Lucksinger*, 961 So.2d 1225 (La. App. 1st Cir. 2007)
- *In re Petrosiences Int'l, Inc.*, 96 B.R. 661 (Bankr. N.D. Tex. 1988)
- *Sigman v. Gove*, 314 S.E.2d 238 (Ga. App. 1984)

#### COMMUNITY INVOLVEMENT

- KIPP-Austin Public Schools, Board Member (2012-present); Real Estate Committee, Member; Compliance/Legislative Affairs Committee, Member
- Planned Parenthood of Greater Texas Austin Community, Board Member (2012-present)
- Texas Appleseed, Board of Directors (2003-present); Executive Committee (2008 – present); Chairman (2005-2007)
- Huston-Tillotson University, Board Member (1987-2007); Board Chair (1998-2001)
- Texas Philosophical Society
- Goodwill of Central Texas Board Member
- Ronald McDonald House – Austin Board Member