



James T. Southwick Partner

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Overview

Jim Southwick is a partner in Susman Godfrey's Houston office. Though based in Texas, Jim represents plaintiffs and defendants in commercial trials throughout the country. His clients include public and private entities from the United States, Canada, Mexico, and South America. Jim has more than 20 years of experience winning high stakes commercial cases and trials.

Education

- College of William and Mary (B.A. 1982)
- Syracuse University College of Law (J.D., magna cum laude, 1989)

Honors and Distinctions

- [Board of Advisors](#), Syracuse University
- Editor-in-Chief, Syracuse Journal of International Law, 1988-89
- Order of the Coif
- Andrews Scholar
- Justinian Society
- Wall Street Journal Award
- Houston Bar Foundation Life Fellow
- Texas Bar Foundation Fellow

Professional Associations and Memberships

- New York State
- State Bar of Texas
- United States Supreme Court
- United States District Courts: Southern District of New York, Eastern District of New York, Northern District of New York, Southern District of Texas, Eastern District of Texas, Eastern District of Wisconsin

- Association of the Bar for the City of New York
- American Bar Association (Litigation and Antitrust sections)
- Houston Bar Association (Antitrust Section vice chairman 2008-09; Fee Dispute Committee)
- Houston Trial Lawyers Association

Notable Representations

City of Houston v. Towers Watson & Co.

Southwick led Susman Godfrey's representation of the City of Houston in a federal court suit against global professional services company Towers Watson for negligence and actuarial malpractice. In 2018 Southwick secured a \$40 million settlement for the City concerning Towers' actuarial work on pension benefits for the City's firefighters.

The Dial Corporation et al v. News Corp. et al.

Jim Southwick serves as co-lead counsel in this class action alleging federal monopolization claims in the United States District Court for the Southern District of New York. A settlement agreement was signed on the first day of trial in February 2016 requiring the defendants to pay \$244 million to a class of packaged goods manufacturers. The class action settlement was approved by the District Court in November 2016.

Vitamin C Antitrust Litigation

Southwick is co-lead counsel to a class of plaintiffs in this first-ever case where mainland Chinese companies were successfully sued under the U.S. antitrust laws. Following a full jury trial in federal court in 2013, Southwick and his co-counsel secured a \$148 million judgment more than \$32 million in settlements on behalf of direct purchasers of vitamin C. In June 2018, the U.S. Supreme Court unanimously reversed the Second Circuit's dismissal of the trial judgment and the case is once again before the Second Circuit. The district judge overseeing the case said he "can't imagine a more complex action" and "as to the quality of the plaintiffs' representation, I really can't say enough. I think this case was handled as good as it gets."

Schulein, et al. v. Petroleum Development Corp., et al.,

Southwick was one of a team of Susman Godfrey lawyers that represented more than 7000 limited partners who invested in the 12 limited partnerships. Plaintiffs alleged the defendants made false and misleading statements and omitted material information regarding the value of the partnerships in its proxy statements used to solicit votes in favor of mergers that cashed them out of their investments. After three years of litigation in federal court in Santa Ana, California, the case settled for \$37.5 million in March 2015, with the class receiving approximately \$24 million.

Securities America FINRA Arbitration

Southwick was the lead lawyer for a group of 80 clients who lost millions of dollars they invested in privately-placed notes offered by Securities America. Using Securities America's brokers, Medical Capital Holdings created a series of special purpose entities that issued more than \$2 billion of the notes before Medical Capital was revealed as a Ponzi scheme. Southwick's FINRA arbitration against Securities America, with 80 plaintiffs in a single action, was the largest of the scores of arbitrations brought against Securities America in the United States. In 2011, working closely with other lawyers who filed arbitrations, Southwick litigated and negotiated a hard-fought nationwide settlement of all the arbitrations and class actions in the country against Securities America relating to the sale of Medical Capital notes.

Milwaukee County v. Mercer Human Resource Consulting

Jim Southwick was lead trial lawyer for Milwaukee County and the Milwaukee County Pension System in a highly publicized actuarial malpractice case against the largest actuarial firm in the country. The case went

to trial in federal court in Wisconsin in May 2009. After several weeks of testimony, the defendant, a division of Marsh McLennan, paid \$45 million settlement to Milwaukee County — one of the largest actuarial malpractice recoveries on record.

State of Mississippi, Jim Hood ex rel. v. Microsoft

Southwick represented the Mississippi Attorney General, the Honorable Jim Hood, in a long-running action against Microsoft in Jackson, Mississippi, alleging the software maker violated Mississippi's Consumer Protection Act and Antitrust laws through its actions in the operating systems and office applications markets. The Attorney General announced the \$100 million plus settlement of the case on June 11, 2009.

Floorgraphics Inc. v. News America Marketing In-store Services

Southwick was lead trial counsel to Floorgraphics, Inc. on claims of unfair competition and computer espionage by a division of Rupert Murdoch's News Corp. In March 2009, the case went to trial before a jury in federal court in New Jersey. Midway through the trial, the case settled favorably for Floorgraphics with a confidential settlement.

At the conclusion of the New Jersey trial, the judge remarked on the record: "And I think the jurors feel as though, I do, that the lawyers have been extraordinary. Don't you? I see you shaking your heads because the lawyers are clearly, as we would say, the cream of the crop, extraordinarily well prepared, articulate, well spoken, in command of the material. I know I have my law clerks here and I said to them yesterday afternoon, 'Well, these are pros,' referring to the lawyers, and they behaved like pros and . . . I said to my law clerks, this is the way I want to see you in 10, 15 years, whatever, however long it takes. But obviously this case has been presented in a most professional way. And it's a pleasure for the Court to see lawyers conduct themselves the way these lawyers have, and to see how their whole presentation is supported by professionals who are working with them to make sure everything just goes like clock work. I appreciate it as a judge, and I'm sure you could appreciate it as well."

Enron Corp. v. Citigroup et al.

This adversary proceeding on behalf of Enron's bankruptcy estate sought recovery from eleven major investment banks for aiding and abetting the breaches of fiduciary duty and fraud of Enron's top officers. Southwick was part of a team of Susman Godfrey lawyers prosecuting the estate's claims in the United States Bankruptcy Court in New York City. Susman Godfrey reached settlements which netted the estate's creditors hundreds of millions of dollars.

Allapattah Services et al. v. Exxon

In 2006, with Steve Susman, Southwick successfully represented a small Florida law firm through a full bench trial in federal court in Miami concerning the rights of multiple law firms to one of the largest-ever awards of attorneys fees in a class action. Southwick and Susman recovered more than \$50 million (net of attorneys' fees) for the three-man law firm that originally filed the case.

In re Vitamins Antitrust Litigation

Jim Southwick was Susman Godfrey's lead trial lawyer representing a class of vitamin purchasers asserting claims that the world's largest vitamin manufacturers colluded and fixed the price of bulk vitamins for more than a decade in the 1990s. At the June 2003 trial in Washington D.C. against Mitsui and DuCoba, Inc., Southwick won a jury verdict in favor of the class of \$49.5 million, before trebling under the antitrust laws. Settlements before and after the trial with roughly twenty defendants recovered more than \$400 million for class members, net of fees.

Campbell v. Goodman Enterprises and Amana Corp.

Southwick was the lead attorney representing a nationally known manufacturer of air conditioners and kitchen appliances against class action claims of age discrimination brought by former employees. Mr. Southwick defeated class certification and won summary judgment against all plaintiffs' claims in federal court in Cedar Rapids, Iowa.

American Garment Finishers v. Levi-Strauss

Steve Susman and Southwick represented AGF in a breach of contract action against Levi's. The case settled for a confidential amount, netting our client a multi-million dollar sum after two-weeks of trial in federal court in El Paso, Texas.

Caldera Inc. v. Microsoft

As part of a team of Susman Godfrey lawyers representing Caldera, we sued Microsoft in federal court in Utah for illegally monopolizing the market for personal computer operating systems. The case settled on the eve of trial for a confidential sum. The Wall Street Journal reported the settlement was worth \$275 million.

Patir v. MFC International Corporation

Southwick was the lead defense trial lawyer representing the owner and seller of oilfield interests in far northern Russia. Plaintiff sued to recover a fee for allegedly brokering the sale of the oilfields to Russian buyers. Southwick defended the owners and sellers at trial in state court in Houston. The Plaintiff recovered nothing at trial. The decision was affirmed on appeal.

Horan v. Ensearch

Jim was lead trial lawyer representing an energy trader suing his former employer for stock options he was owed based on performance criteria. The client recovered a confidential sum following a two week arbitration in Houston, Texas.