



J. Benjamin King

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Ben King joined Diamond McCarthy in June, 2004. Ben has experience in a range of complex litigation matters at the trial and appellate levels, including director and officer liability, accounting liability, prosecution and defense of class action claims, and breach of contract claims in the Federal Court of Claims.

Ben's representations include:

- Ongoing representation of a putative class of distributors of CITGO gasoline against CITGO for breach of contract. The class plaintiffs allege that CITGO breached the UCC's obligation to get the open-price term of their contracts in good faith.
- Ongoing representation of a putative class of consumers bringing claims against an immigration bond company and its principal for allegedly charging illegal and outrageous rates. This class action has received significant attention in the Texas media.
- Ongoing representation of foreign companies bringing billion-dollar business tort claims in a multi-district litigation before the United States District Court for the Southern District of New York.
- Ongoing representation of a physician partnership in bringing multi-million fraud and breach of contract claims against Texas Health Resources.
- Ben recently led a team of Diamond McCarthy lawyers in the defense of a bank against claims of a former executive for unpaid bonus and severance pay. The litigation concluded after a week-long FINRA arbitration.
- Ben recently led a team of Diamond McCarthy lawyers in the litigation of a consumer class action case. The class members had contracted with an immigration bond company for the release of immigrants from INS detention. The class complaint alleged that the bond company, and the insurance companies that controlled it, charged unconscionable fees and uniformly breached their contracts with the class members. The matter settled on the eve of trial.
- Representation of bankruptcy trustees bringing claims against the debtors' former directors, officers, accountants, and other professionals.
- Representation of a bank holding company before and during the trial of its claims against the United States for breach of contract.
- Representation of Quitman County, Mississippi in a lawsuit against the State of Mississippi, in which Quitman County sought to require the State to provide a state-wide system of indigent criminal defense.
- Representation of one of the world's largest manufacturers of consumer goods in class action and third-party payer litigations.
- Representation of numerous clients on a pro bono basis in family law and landlord/tenant litigations.

Location:

Dallas, Texas

Education:

University of Mississippi, B.A.,
English, 1990

University of Alabama, M.A.,
English, 1992

Cornell University, J.D., 1998
Summa cum laude
Order of the Coif
Note Editor, *Cornell Law Review*
Moot Court Board
Boardman Prize

Areas of Practice:

Business Tort
Contract Disputes
Insolvency Litigation
Professional Liability
Accounting Malpractice
Class Actions
Toxic Tort Litigation

Clerkships:

The Honorable Alan E. Norris,
U.S. Court of Appeals for the Sixth
Circuit
1998-1999

Admitted to Practice:

District of Columbia (2000)
Texas (2004)



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Ben's litigation success and dedication to his client's interests resulted in his recent selection as a "Texas Rising Star" for 2007 by Texas Lawyer Magazine, a distinction reserved for the top 2.5% of Texas attorneys who are under 40 years of age or have been practicing law less than 10 years.

Ben received his J.D. degree from Cornell Law School in 1998, where he served as a Note Editor of the Cornell Law Review and as a member of the Moot Court Board. Ben received every major academic award given at Cornell: he graduated *summa cum laude*, a distinction awarded by special vote of the faculty in the cases of exceptional academic performance; he was awarded the Boardman Prize, given to the student with the highest GPA after his second year of law school; and he was awarded a Outstanding Scholastic Achievement Award, given to the students with the four highest GPAs after the first year of law school. After graduation he was elected to the Order of the Coif. His Note, *Clarification and Disruption: The Effect of Gasparini v. Center for the Humanities on the Erie Doctrine*, was published at 83 Cornell L. Rev. 161 (1997).

Ben also holds a B.A. degree in English from the University of Mississippi and a M.A. degree in English from the University of Alabama.

After law school he clerked for the Honorable Alan E. Norris of the United States Court of Appeals for the Sixth Circuit. Prior to joining the firm, Ben was an associate attorney at Arnold & Porter, L.L.P., in Washington, DC.

Ben is admitted to practice before the United States District Courts for the Northern and Southern Districts of Texas. He is licensed to practice in Texas and the District of Columbia. He is a member of the American Bar Association.

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