



JAMES D. HIGGASON, JR.

Senior Counsel

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Location

Houston, Texas

Education

Washington & Lee
University School of Law
(J.D., 1989) Articles
Editor, Washington & Lee
Law Review

Washington & Lee
University (B.A. in
Philosophy, 1984)

Areas of Practice:

Complex & High-Stakes
Litigation

- Bankruptcy, Third Party
& Professional Liability

Admitted to Practice:

Texas

New York

District of Columbia

U.S. District Courts for the
Northern, Southern,
Eastern and Western
Districts of Texas

For more than 20 years, Jim has tried complex commercial actions involving private and government parties in state and federal courts and arbitrations across the country. He has litigated matters involving commercial torts, professional malpractice, insurance coverage, business dissolutions, the Foreign Corrupt Practices Act, debtor-creditor rights, director and officer claims, and other commercial disputes.

Over the last several years, he has devoted much of his practice to and has had substantial success with debtor-creditor litigation, particularly matters arising in bank holding company bankruptcies. For example, he represented the Bank of New England Corporation bankruptcy trustee in securing unprecedented recoveries in a fraudulent transfer action against the Federal Deposit Insurance Corporation and in a malpractice action against BNEC's auditors. He also has obtained substantial recoveries for bankruptcy trustees in fraudulent transfer, auditor malpractice, and director and officer actions.

Jim publishes and speaks often on insolvency litigation and other issues arising in complex commercial actions. Before joining Diamond McCarthy, he was in the New York and Houston offices of Andrews Kurth LLP, where he was a partner in the trial section for 14 years. He is admitted to practice in New York, Texas and the District of Columbia.

Representative Matters

- Special litigation counsel for Imperial Capital Bancorp in tax refund litigation against the FDIC
- Obtained net recovery of over \$125 million for bank holding company bankruptcy trustee in fraudulent transfer action against FDIC
- Obtained net recovery of over \$75 million for bank holding company bankruptcy trustee in auditor malpractice action
- Obtained net recovery of over \$16 million for bankruptcy trustee in action against debtor's former directors and officers
- Secured partial summary judgment and take nothing settlement in \$200 million action arising from failed transaction involving sale of chemical plant
- Obtained favorable settlements for medical device companies in actions regarding European distributorship agreements

U.S. District Courts for the
Southern and Eastern
Districts of New York

- Representing litigation trust in fraudulent transfer action arising from leveraged buyout of large real estate holding company
- With other Diamond McCarthy lawyers, secured substantial verdict in arbitration against auditors of failed manufacturing company embroiled in fraud relating to reverse Chinese merger

Affiliations

- Houston Bar Association
- District of Columbia Bar Association
- State Bar of Texas