



JAMES K. IRVIN

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Chair, Trial Practice Group

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AREAS OF PRACTICE

COMMERCIAL AND TOXIC TORT LITIGATION

Mr. Irvin is experienced in the litigation of antitrust, professional liability, construction, oil and gas, toxic tort and other commercial matters.

ADMITTED TO PRACTICE

All state and federal courts sitting in Louisiana and Rhode Island; State Bar of Texas; United States Court of Appeals for the Fifth Circuit; United States Supreme Court

EDUCATION

Vanderbilt School of Law, *Nashville, Tennessee*
Juris Doctor, June 1969

Assistant Editor, Vanderbilt Law Review
Editor-in-Chief, Vanderbilt Journal of Transnational Law
Member, Jessup International Moot Court Team

Dartmouth College, *Hanover, New Hampshire*
A.B., June 1963
Psi Upsilon
Varsity lacrosse

MILITARY SERVICE

U.S. Naval Reserve, Active Duty 1963-1966, U.S.S. Kitty Hawk, CVA - '63;

Naval Weapons Station, Yorktown, VA, Lt. U.S.N.R. (Ret.)

PROFESSIONAL EXPERIENCE

Milling Benson Woodward L.L.P.
New Orleans, Louisiana
January 1972-present

Hinckley, Allen, Salisbury & Parsons
Providence, Rhode Island
Associate, 1969-1972

PROFESSIONAL ASSOCIATIONS

American Bar Association, Antitrust and Litigation Sections
Federal Bar Association, New Orleans Chapter (President, 1997-98)
Louisiana State Bar Association (House of Delegates, 1999-2001)
New Orleans Bar Association
Louisiana Association of Defense Counsel
New Orleans Association of Defense Counsel
American Judicature Society
Defense Research Institute

SIGNIFICANT CASES

United States v. Falstaff Brewing Co., 332 F.Supp. 970, (D.R.I., 1971),
remanded, 410 U.S. 726, (1973), on remand, 383 F.Supp. 1020 (1974)
(participated in first trial and wrote pretrial and post-trial briefs).

Plywood Antitrust Litigation, 76 F.R.D. 570 (E.D.La.) (clients settled before
trial).

Schwegmann Bros. Giant Supermarkets v. Almaden Vineyards, Inc., (E.D. La.,
C.A. No. 74-1676) 1980-1 Trade Cas. CCH P63, 156 (clients settled before
trial).

C.L.B. Enterprises, Inc. v. E.I. du Pont de Nemours & Co., (E.D. La.) (tying and
phantom freight charges dismissed on summary judgment).

Rodrigue v. Chrysler Corp., 421 F.Supp. 903 (E.D. La. 1976) (antitrust, breach
of contract and dealer day-in-court claims against client. Antitrust claims were
disposed of on motion to dismiss and motion for summary judgment. Breach of
contract claims were disposed of on motion for directed verdict, and dealer-day
claims were disposed of on favorable jury verdict resulting in complete
exoneration of client).

JBC, Inc. v. American Can Co., et al., U.S.D.C., E.D. La., C.A. No. 75-1953 (1976) (was in charge of the antitrust aspects of a securities and antitrust suit brought against client bank and others. Successfully moved to dismiss antitrust claims and assisted in obtaining summary judgment on securities claims).

Cook v. Ochsner Foundation Hospital, 559 F.2d 968 (5th Cir. 1977) (Title VI litigation against numerous hospitals, involving charges of racial discrimination in patient admissions. Civil suit in federal court settled on terms favorable to client following favorable decision in Title VI administrative enforcement proceeding after six-week trial).

Kaiser Aluminum & Chemical Sales, Inc. v. Avondale Shipyards, Inc., 677 F.2d 1045 (5th Cir. 1982), *cert. den.*, 459 U.S. 1105, 103 S.Ct. 729, 74 L.Ed. 2d 953 (1983) (lawyer principally in charge of delay damage claims in \$600 million ship construction contract, loss of use coverage, and antitrust claims. Eventually settled for \$300 million on terms favorable to client).

Chalmette General Hospital v. Blue Cross of Louisiana, (E.D. La.) (group boycott claims against Blue Cross and member hospitals, eventually settled).

Orthopedic and Sports Injury Clinic v. Wang Laboratories, 922 F.2d 220 (5th Cir. 1991) (summary judgment on gross negligence claim).

C&B Sales and Service Co. v. McDonald, 177 F.3d 384 (5th Cir. 1999) (defense of breach-of-fiduciary-duty and RICO claims; RICO claims dismissed after six-week trial).

Phillips Petroleum v. OKC Ltd., 634 So.2d 1186 (La. 4/11/94) (in charge of successful defense of counterclaim in bench trial on breach of oil and gas farm-out agreement).

In re Bogalusa Chemical Release, (Circuit Court for Hinds County, MS, and 22nd Judicial District Court for the Parishes of St. Tammany and Washington) (Individual and class actions arising from October 1995 release of nitrogen tetroxide; 1999 Mississippi trial resulted in defense verdict following three-month jury trial).

Texaco Exploration and Production, Inc. v. AmClyde Engineered Products Company, Inc., 99-3623, 99-3646 c/w 00-813 and 00-1232(B), Eastern District of LA, (summary judgment and judgment of dismissal after trial of negligent misrepresentation and negligence claims against vessel classification society).