James E. Rogers

Partner, Litigation

Houston
T: +1 713 968 3861

james.rogers@akerman.com
vCard

A versatile lawyer with extensive experience in complex commercial litigation, trade secrets, restrictive covenants, unfair competition, insurance coverage, accounting and legal professional liability and price redetermination proceedings; James Rogers has tried multiple trials and arbitrations in Texas, Florida, Missouri, California, and internationally on behalf of both plaintiffs and defendants.
He represents clients in oil and gas, energy, petrochemical, accounting, insurance, aviation, and products liability disputes. In addition, James provides insightful guidance on matters pertaining to the enforcement of commercial security rights, wrongful foreclosures, construction, and asset acquisition disputes; as well commercial insurance coverage and bad faith disputes.

Clients value James' accessibility, creative approach, and ability to craft solutions for a variety of situations.James believes in creatively solving problems and getting the best result in every situation. He tirelessly advocates for his clients and believes in making time for them whenever, wherever, and however needed.

A dedicated wine enthusiast, James earned a Sommelier Certificate from the Court of Master Sommeliers.

Notable Work

Trade Secrets and Restrictive Covenants: Prevailed in multiple temporary restraining order and temporary injunction proceedings involving trade secret and restrictive covenant claims in multiple industries, including insurance, fiber optics, industrial gases and products, and financial services.

Commercial Arbitration: Represented a client in an AAA commercial rules arbitration; obtained a complete exoneration of claims exceeding $25 million against the officers, directors (managers) and majority shareholders of an LLC alleging breaches of fiduciary duty and contract, and wrongful foreclosure related to the purchase and sale of an electric power plant facility.

Areas of Experience

Energy and Infrastructure
Insurance Litigation
International Litigation and Arbitration
Litigation
Product Liability and Mass Torts
Real Estate Litigation
Oil & Gas: Downstream and Petrochemical
Oil & Gas: Environmental
Oil & Gas: Midstream
Oil & Gas: Upstream
Financial Services
Commercial Disputes
Trade Secrets, Restrictive Covenants, and Unfair Competition
Professional Liability

Education

J.D., University of Houston Law Center, 2005, Moot court competition team: international competition award winner - China, Austria, France
B.A., Texas A&M University, Philosophy, Classical Language, 2002
Certificate, University of Cambridge, Judge Business School, Business Management & Finance, 2018

Admissions

Bars

Texas

Courts

U.S. District Court, Northern District of Texas
U.S. District Court, Southern District of Texas
U.S. District Court, Eastern District of Texas
U.S. District Court, Western District of Texas
U.S. Supreme Court
U.S. Court of Appeals, Fifth Circuit
U.S. Bankruptcy Court, Southern District of Texas
U.S. Bankruptcy Court, Western District of Texas
U.S. Bankruptcy Court, Eastern District of Texas

Kickbacks: Represented a family investment office in obtaining a $15 million judgment involving paying kickbacks to, and otherwise aiding and abetting, former agents' breaches of fiduciary duties and fraud in connection with the purchase of millions of dollars in inventory, including obtaining cash payments and the denials of bankruptcy discharges.

Wrongful Foreclosure: Represented independent oil and gas companies and commercial vendors in several suits to collect on promissory notes, foreclose on collateral and including fraudulent transfers.

Class Action Defense: Successfully resolved four separate class actions involving one of the largest industrial gas companies in North America in multi-state class actions alleging excessive and improper transportation and fuel surcharges.

Commercial Contracts: Represented an oil and gas company in a suit on sworn account for gas pipeline survey services. After discovery and a threatened counterclaim, the Plaintiff voluntarily dismissed their suit with no settlement payment, and provided our client commercial concessions and meetings on further survey services.

Wrongful Termination: Represented an industrial gas company in a contentious, multi-party wrongful termination case where a compressed gas truck drivers was terminated for testing positive for drug use. After extensive discovery and motion practice, the Plaintiff voluntarily dismissed our client with no settlement payment.

Legal Malpractice: Obtained a voluntary dismissal of legal malpractice claims made against a prominent Houston attorney after winning two summary judgments and other favorable rulings prior to trial. The Plaintiff withdrew the claims and dismissed the case with no settlement payment.

Accounting Malpractice: Litigated and favorably resolved extensive multi-jurisdiction matter regarding accounting malpractice claims in numerous suits throughout Texas, California, and New York regarding alleged leveraged foreign currency option tax shelters and corporate tax returns and accounting.

Published Work and Lectures

- *The Texas Lawbook*, Co-Author, "Expert Voices: 'Dear GC, You May Need to Amend Your Form Natural Gas Contracts,'" May 11, 2023
- *Law360*, Co-Author, "Natural Gas Contract Provisions That Add Certainty, Flexibility," July 7, 2021
- *Reuters Practical Law,* Co-Author, "Securities Deposit Laws (Commercial Lease): State Comparison Chart," April 21, 2020
- *Reuters Practical Law,* Co-Author, "Securities Deposit Laws (Residential Lease): State Comparison Chart," April 21, 2020
- *Law360*, Co-Author, "Is 'Manifest Disregard' Defense Only Mostly Dead In Texas?" March 20, 2019
- American Arbitration Association, South Texas College of Law, Co-Presenter, "ADR in the Oil & Gas World," January 10, 2017
- *Texas Lawyer,* Co-Author, "Practice Tips for Rule 202 Pre-Suit Petitions," March 11, 2016
- *Texas Lawyer,* Co-Author, "Preserving Claims for Future Damages After an Oilspill," January 2014

U.S. Bankruptcy Court, Northern District of Texas

Related Content

James Rogers to Speak on the State of Energy in Alternative Dispute Resolution
September 19, 2023

Force Majeure Remains Hot Topic for Natural Gas Industry
May 11, 2023

Akerman Lawyers James Rogers and Jay Zhang Publish Article in *Law360* on Natural Gas Contract Pricing Options
July 07, 2021

- *Houston Journal of International Law,* Volume 27, Author, "Going Too Far is Worse Than Not Going Far Enough: Principle-Based Accounting Standards, International Harmonization, and the European Paradox," 2005

Affiliations

- AAA Energy Advisory Committee, Board Member
- AAA-ICDR Innovation & Technology Council, Board Member
- Texas Bar Foundation, Member
- Center for American and International Law, Institute for Energy Law, Past Advisory Board Member
- Houston Young Lawyers' Legal Lines Program
- American Bar Association
- Houston Young Lawyers Association
- Houston Bar Association
- Texas Association of Defense Counsel
- Coach, University of Houston Law Center Vis East International Arbitration Moot Court Team, 2006-2009

Honors and Distinctions

- *Super Lawyers Magazine* 2013-2020, Listed as a "Rising Star" for Business Litigation
- *Thomson Reuters* 2013-2019, Texas Rising Star