



James D. Johnson

Member

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James D. Johnson is a Member in the Litigation practice group, focusing primarily on commercial litigation. He practices out of the Firm's office in Evansville, Indiana.

James works frequently with clients across many industries, guiding his clients through complex civil litigation. For nearly three decades, he has advised clients in diverse industries in a broad array of business matters, including issues of complex commercial law, civil litigation, appellate law, trade secrets, and intellectual property.

In addition to his experience in commercial law, James is a highly skilled trial attorney. He has tried 30 jury trials to verdict. James is an accomplished orator above and beyond his trial work, having handled more than 50 appeals and multiple oral arguments before state and federal courts. He has been named to *The Best Lawyers in America*® for Appellate Practice since 2007.

Above all, James is passionate about his work. He holds a leadership position with the Firm's internal commercial law practice group, and enjoys that he gets to spend his days drafting briefs and taking cases to trial. If he ever ends up with spare time at work, he uses it to make sure he stays current on what's happening in his practice areas.

When he's not at the office, James makes the most of his free time by spending time with his wife or getting in a round of golf.

Awards

- AV-Preeminent, Martindale-Hubbell, Peer Review Ratings
- Indiana *Super Lawyers*®, Business Litigation (2014-2022)
- Leadership in Law Distinguished Barrister, Indiana Lawyer (2013)
- *The Best Lawyers in America*® for Appellate Practice (2012-2022)
- Defense Lawyer of the Year, Defense Trial Counsel of Indiana (2007)
- Indiana Law Review, Associate Editor (1986-1987)

Notable Legal Experience

- Represented oil and gas developer in case concerning leases and unitization agreement
- Represented an institution of higher education in its defense of a false claims case brought by the United States Department of Education alleging that the client was not in compliance with the terms of an agreement relating to the use of recruiters and access to the Federal Student Loan Program

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- Represented the owner of a local business, which included the owner's last name in the corporate name, in a dispute with another family member who opened an identical business (including the name) in close proximity to the client's facility
- Represented an agent of a national moving company in defending claims alleging misappropriation of more than \$5 million relating to invoicing of clients
- Defended a lender in a class action case alleging predatory lending practices
- Represented the developer of property intended to house a big box retailer in litigation brought by residents of a nearby housing subdivision
- Represented a regional health care provider in a breach of contract claim relating to the servicing of two Kentucky nursing facilities
- Defended an appeal of the trial court's award of summary judgment for client in case involving a vendor's lien and equitable mortgage before the Indiana Court of Appeals

Work History

- Jackson Kelly PLLC (2014-Present)
- Rudolph, Fine, Porter & Johnson, LLP (1987-2014)

Practices

- Appellate
- Class Action & Complex Litigation
- Commercial Litigation
- Construction Law
- Litigation

Industries

- Banking
- Construction
- Financial Services

Education

- Indiana University Robert H. McKinney School of Law (J.D., *cum laude*, 1987)
- Florida State University (B.S. in Criminology, 1984)

Admissions

- Illinois (2006)
- Indiana (1987)
- Supreme Court of the United States of America
- U.S. Court of Appeals, Seventh Circuit
- U.S. District Court, Southern District of Indiana
- U.S. District Court, Northern District of Indiana
- U.S. District Court, Southern District of Illinois

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Professional Organizations

- Indiana Commercial Courts Committee
- United States District Court for the Southern District of Indiana, Federal Judge Selection Panel
 - Re-appointment of Magistrate William Hussman

- Appointment of Magistrate Matthew Brookman in 2015
- Appointment of Magistrate Doris Pryor in 2017
- Evansville Bar Association
- Indiana State Bar Association
- American Bar Association
- Defense Research Institute (DRI)
- Defense Trial Counsel of Indiana, President (2014)
- Brooks American Inns of Court
- United States District Court for the Southern District of Indiana, Local Rules Advisory Committee

Speaking Engagements & Publications

Speaking Engagements

- Speaker, "Modification of Fiduciary Duties in Limited Liability Companies," Defense Research Institute (DRI) Commercial Litigation Seminar (2018)
- Speaker, "Beyond the Four Corners of a Contract," Defense Research Institute (DRI) Business Litigation and Intellectual Property Seminar (2012)

Writings and Publications

- Co-author with Spencer W. Tanner, "Modification of Fiduciary Duties in Limited Liability Companies," Defense Research Institute's *In-House Defense Quarterly* (2018)
- Author, "Extra-Contractual Actions in Commercial Transactions," Defense Research Institute's *In-House Defense Quarterly* (2017)
- Author, "Focus on Your Business' Insurance Coverage to Avoid a Loss," Tri-State Better Business Bureau Newsletter (2014)
- "Fraud in Inducement and Integration Clause," Tri-State Better Business Bureau Newsletter (2011)

Community

- Ronald McDonald House Charities of the Ohio Valley, Board President