

James M. Underwood

Teaching

Baylor University Law School—May 2006 through present

- Professor of Law
- Subjects:
 - Torts I & II
 - Complex Litigation
 - Business Litigation
 - Appellate Advocacy
- Recipient of Baylor University Outstanding Faculty Award (non-tenured teaching)(2009)
- Coached the following student competition teams:
 - National Pretrial Competition (2008-2010)(St. Petersburg, FL)
 - American University's First Amendment Competition (Fall 2007)(Washington, D.C.)
 - National Mock Trial Competition (Fall 2006)(St. Petersburg, FL).
 - Rendigs Product Liability Competition (Cincinnati, OH 2010-2012)

Stetson University College of Law—Aug. 2002—May 2006

- Assistant/Associate Professor
- Subjects:
 - Civil Procedure
 - Pretrial Practice
 - Trial Advocacy
 - Complex Litigation
 - Federal & State Government Litigation Internship
- Golden Apple Award winner (2005), for best teacher on full-time faculty (voted by students).
- Recipient of Stetson University Outstanding Faculty Service Award (2005-06).
- Appointed by Florida Supreme Court to its Standard Jury Instruction Committee (Civil), January 2005 for three-year term.
- Coached the following student competition teams:
 - ABA National Moot Court (advanced to national finals)(Spring 2006)(Washington, D.C./Chicago, Ill)
 - National Moot Court Competition (Fall 2005/2006)(Atlanta, GA)
 - Texas Trial Lawyer's Mock Trial Competition (Fall 2002)(San Antonio, TX)

Scholarship

Torts: Principles in Practice (2014 Aspen Casebook Series).

Fundamental Pretrial Advocacy: A Strategic Guide to Effective Litigation Second Edition (2012 Thomson West)(co-author Charles Rose, III).

Teacher's Manual for Fundamental Pretrial Advocacy (2012 Thomson West)(co-author Charles Rose III).

Road to Nowhere or Jurisprudential U-Turn? The Intersection of Punitive Damage Class Actions and the Due Process Clause, 66 Washington & Lee Law Review 763 (Spring 2009).

Teacher's Manual for Fundamental Pretrial Advocacy (2008 Thomson West)(co-author Charles Rose, III).

Fundamental Pretrial Advocacy: A Strategic Approach to Effective Litigation (2007 Thomson West)(co-author Charles Rose, III).

Straight from the Horse's Mouth: Judicial Observations of Jury Verdicts and the Need for Tort Reform, 59 Baylor Law Review 419 (2007)(co-authors Larry Lyon, Bradley J.B. Toben, William Underwood and James Wren).

The Late, Great Diversity Jurisdiction, 57 Case Western Reserve Law Review 179 (2006).

From Proxy to Principle: Fraudulent Joinder Reconsidered, 69 Albany Law Review 1013 (2006).

Rationality, Multiplicity & Legitimacy: Federalization of the Interstate Class Action, 46 S. Tex. Law Review 391 (2004).

Supplemental Serendipity: Congress' Accidental Improvement of Supplemental Jurisdiction, 37 Akron Law Review 653 (2004)(Complex Litigation Symposium Issue).

Morse v. Elmira Country Club: Dealing with the Uncooperative Recipient of Mailed Service of Process, 47 Ohio St. Law Journal 713 (1986).

The Influence of Issues on Choice of Voting Cues Utilized by State Legislators, 39 Western Political Quarterly 118 (1986)(various co-authors).

Voting Cues in Two State Legislatures: A Further Application of the Kingdon Model, 66 Social Science Quarterly 983 (1985)(various co-authors).

Speaking

31st Annual University of Texas Page Keeton Civil Litigation Conference presentation on “What’s Happened to Vicarious, Derivative and Joint and Several Liability: Chapter 33 Questions You Need to Know” at University of Texas, Austin, TX (October 2007)

Faculty Colloquium presentation on “Fraudulent Joinder” at Mercer University College of Law, Macon, GA (November 2005).

Stetson University Annual Continuing Legal Education presentation entitled “Use of Expert Witnesses in Undue Influence and Incapacity Hearings,” Clearwater, FL (November 2005).

Young Scholars’ Presentation entitled “A Reexamination of Fraudulent Joinder” at annual conference of Southeastern Association of Law Schools, Hilton Head, SC (July 2005).

Moderator for discussion on “Legal Ethics and What the Public Knows” at annual conference of Southeastern Association of Law Schools, Kiawah Island, SC (July 2004).

Presentation on “The Starlink Litigation: Lessons Learned” at ABA Section on Environment’s Annual Conference, St. Louis, MO (August 2001).

Education

Ohio State University College of Law, J.D. (*summa cum laude*) 1987

- Rank: 1/217
- Executive Editor, Ohio State Law Journal
- Awards:
 - Law Journal Past Editors Award
 - Award for best student law journal article
 - American Jurisprudence awards (civil procedure, torts, business associations & tax)
 - Corpus Juris Secundum awards (federal courts, criminal law)
 - Academic Excellence awards (1985-86; 1986-87)
 - Order of the Coif

Oklahoma Baptist University, B.A. (*cum laude*) 1984

- Major: Political Science
- Kerr Scholar in Public Affairs
- Scales Award in American Government

Legal Experience

Akin, Gump, Strauss, Hauer & Feld, Dallas, TX (1998-2002)

- Partner in litigation section
- Primary practice defending putative consumer-oriented class action lawsuits and intellectual property matters.
- Head of firm's Lawyer College (in-house associate litigation training)
- Pro bono work defending various criminal matters by appointment from the U.S. District Court for the Northern District of Texas, Dallas Division.

Thompson & Knight, Dallas and Houston, TX (1988-1998)

- Partner in litigation section since 1994.
- Primary representation in medical malpractice, personal injury & commercial litigation (contract, fraud, oil & gas matters).
- Numerous trials (both first and second chair) in state and federal courts across Texas on personal injury disputes, medical malpractice cases, alleged brain damage claims, oil field services, contract disputes, and fraud claims.
- Participated in civil prosecution and trial on behalf of plaintiff Parker & Parsley Petroleum Co. in federal court in Midland, TX obtaining the largest jury verdict in the United States that year (\$175 million in 1990) against Dresser Industries and Baker Hughes for fraud in the oil patch.
- Participated in civil prosecution and trial in Harris County state court on behalf of plaintiff Texaco obtaining jury verdict in excess of \$28 million for breach of an indemnity agreement in oil & gas dispute (1998).
- Argued multiple appeals before Dallas Court of Appeals.
- Participated in drafting pattern jury instructions in Texas for fraud and negligent misrepresentation.

Law Clerk, The Honorable Jerry Buchmeyer, U.S. District Court Judge, Northern District of Texas, Dallas Division (1987-88).

Extern, The Honorable Alan E. Norris, U.S. Circuit Court Judge, Sixth Circuit, Columbus, OH (1987).

Other

Licensed by Texas Supreme Court (since 1988) and by Fifth and Tenth Circuit Courts of Appeal and various U.S. District Courts in Texas.

AV rated

Married for twenty-nine years to Carol Underwood with three children (Travis (23), Tyler (21) & Tanner (16)).

Elder Board, Harris Creek Baptist Church, McGregor, Texas (2008-2013).

Led group to Smolensk, Russia (2004) to work at orphanages in region and participated in two prior charitable trips to Tatarstan region of Russia (2000 and 2001).