

## James Carlos McFall

### Partner

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James Carlos McFall is a seasoned trial lawyer and counselor to corporate, high-profile, and high net-worth clients in the financial, technology, media, sports, and entertainment industries.

### **Business Litigation and Dispute Resolution**

James has significant first-chair trial experience representing financial institutions, corporate officers, corporate directors, and shareholders in high-stakes, complex commercial litigation cases, investigations, and proceedings involving government agencies. James is particularly adept at identifying risk and working preemptively with executives, legal departments, and regulators to avoid litigation.

### **First Amendment and Media**

James has distinguished himself in high-profile First Amendment, media, and entertainment litigation matters. He has successfully represented television networks, newspapers, journalists, internet publishers, film directors, and producers in cases of libel, defamation, and misappropriation of likeness in California and Texas. For example, James obtained the dismissal of a lawsuit on First Amendment grounds that was filed against the writer, director, and producer of *Carter High*, a film that chronicles the experiences of members of the storied 1988 David W. Carter High School Football Team. He also advises networks, production companies, and high-profile individuals in transactions involving media rights.

### **Sports, Entertainment, and Innovative Technology**

James, alongside Foley partner Trey McDonald, work with professional sports teams, team owners, college and university athletic departments, NIL collectives, sports technology companies, sports facility operators, high-profile athletes, and sports personalities in an array of litigation and transactional matters, including Houston Texans Quarterback CJ Stroud, Savannah James, Orlando Magic Point Guard Anthony Black (No. 6 overall pick in the 2023 NBA Draft), and a number of All-Pro and All-American players.

James represented as lead counsel Orlando Magic point guard Anthony Black in a high-profile lawsuit against the Texas University Interscholastic League, securing an injunction that required state officials to recognize the star basketball player's eligibility and allowed him to participate in varsity athletics during his senior year.

Alongside Foley partner Trey McDonald, James helped lead the launch of sports tech company Lockerverse, one of six companies selected to participate in the prestigious Disney Accelerator. Prior to joining Foley, James practiced at a national law firm in its Dallas office.

## Representative Experience

- Served as first-chair trial counsel in multimillion-dollar disputes, including a two-week jury trial involving claims of fraud and breach of fiduciary duty with respect to a real estate investment and secured verdict in favor of client and damages award in excess of US\$12m.\*
- Won summary judgment in a Texas state court of more than US\$60m in favor of client in complex commercial dispute.\*
- Successfully represented NBA Lottery pick in high-profile eligibility dispute.\*
- Represented television networks, newspapers, journalists, internet publishers, film directors, and producers in cases of libel, defamation, and misappropriation of likeness in California and Texas.\*
- Litigated disputes and argued motions under the journalist's shield law, the federal Freedom of Information Act (FOIA), state open records and meetings laws, and state anti-SLAPP statutes.\*
- Defended the writer, director, and producer of the 2015 film *Carter High*, which chronicles the experiences of members of the storied 1988 David W. Carter High School football team leading-up to and following the team's 1988 state championship victory, in a misappropriation of likeness claim filed by individuals depicted in the film.\*
- Successfully represented a student in high-profile lawsuit regarding a James Bond parody video, resulting in one of the largest known recoveries in a student-speech case in U.S. history.\*
- Advising a global sports family office on general corporate, dispute resolution, and venture capital matters.\*
- Advising several high-profile sports clients on their publishing deals, company/fund formation, and sponsorship deals.\*

*\*Matters handled prior to joining Foley.*

## Accolades and Recognition

- *The Best Lawyers in America*, First Amendment Law (2023-2024)
- *Texas Super Lawyers Rising Stars* (2017-2018, 2020-2022)
- *D Magazine*, "Best Lawyers Under 40" (2021)

## Community Engagement

- American Bar Association
  - Forum on Communications Law, Governing Committee Member (2015-2022)

- First Amendment and Media Law Diversity Moot Court Competition, Co-Chair (2015-2021)
- Kids-U, Board Member
- Leadership Dallas (2021)
- Windcrest/Northeast Bridge Builders
  - Board Member (2015-Present)
  - Board President (2018-2023)
- Leadership Council on Legal Diversity Pathfinder Program (2016)
- Patrick E. Higginbotham Inn of Court (2014-2015)

## Presentations and Publications

- Panelist, "[The \\$4.4 Trillion Opportunity | Inclusion, Access & Innovation](#)," SCALE Global Summit (July 2023)
- Co-Author, "[Student Snapchat Decision May Hint at SCOTUS Social Media Rulings](#)," *Bloomberg Law* (May 2021)
- Co-Author, "[Race, Diversity, Inclusion, and the Media Bar: Will the National Conversation on Race, Diversity, and Inclusion Bring About Meaningful, Lasting Change Within Our Bar?](#)" ABA Forum on Communications Law's *Communications Lawyer*, Fall 2020, Vol. 36, No. 1 Issue (January 2021)
- Co-Author, "[Challenges of Zoom Jury Trials: Lawyer Rapport, Equal Protections, Technology Hurdles](#)," *Texas Lawyer* (June 2020)
- Panelist, "Put Me In Coach! A Discussion of Eligibility for High School, College, and Olympic Athletes," Dallas Bar Association Entertainment, Arts, and Sports Law Section (August 2022)
- Moderator, "The Media's Role in Covering Protests and Controversy," ABA Forum on Communications Law Annual Conference (January 2021)
- Panelist, "Public Sector Employees and First Amendment Issues," American Bar Association (January 2021)
- Panelist, "Texas Market: Is Everything Bigger in Texas? Trends That Are Reshaping the Legal Industry," Georgetown Texas Club (October 2020)
- Panelist, "Action & Allyship: A Roadmap for Diversity in Media Law," Media Law Resource Center (MLRC) Next Generation Committee (September 2020)

## Sectors

- [Innovative Technology](#)
- [Sports & Entertainment](#)

## Practice Areas

- [Business Litigation & Dispute Resolution](#)
- [Litigation](#)

## Education

- Washington University School of Law (J.D., 2012)



FOLEY & LARDNER LLP

- Senior Editor, *Washington University Law Review*
- Stanford University (M.A., 2009)
- Stanford University (B.A., 2008)

## **Admissions**

- Texas
- California
- S. District Court for the Northern, Southern, Eastern, and Western Districts of Texas
- S. District Court for the Northern, Central, and Southern Districts of California
- S. District Court for the Eastern District of Arkansas
- S. Court of Appeals for the Eleventh Circuit