

James G. Munisteri

Partner

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Houston

713.276.5752



James (Jay) Munisteri is an active trial lawyer in Houston, particularly in the areas of energy and title litigation, international dispute resolution, corporate governance disputes, and cases involving the laws of multiple and international jurisdictions. Notable and recent trials include bet-the-company cases for a major title company and foreign energy company, representation of an offshore rig broker with claims of fraud and breach of fiduciary duty, trade secret theft, an offshore platform construction dispute, and physician shareholder disputes over control of health care facilities.

Having presented and deposed more than 100 C-suite executives and numerous expert witnesses, Jay is known for handling the most contentious disputes. Jay has handled corporate deadlocked disputes, typically for private companies, and has also represented senior executives and major institutions in white-collar matters, such as RICO claims. He is a veteran courtroom lawyer who has deep experience on both sides of the docket representing both plaintiffs and defendants. Jay also represents clients in domestic and international arbitrations.

Jay handles all forms of contentious business disputes, including both title disputes in real property and mineral title transactions as well as title insurance coverage disputes and agent/joint venture disputes nationally and for agents in Central America. These disputes have included a zero dollar verdict in the trial of a \$100 million title insurance coverage dispute involving land in Mexico, a zero dollar verdict in a trial over a \$50 million claim over a failed contract to purchase industrial property East of Houston, summary judgment in a \$20 million joint venture dispute with an agent for Central America, a receivership of \$200 million in various real property divided amongst three family members, settlement of a reinsurance dispute over a \$300 million claim arising from a West Virginia power plant contractor lien dispute, and settlement of a \$10 million claim by a lender for an unenforceable security interest. In addition, Jay has assisted on many smaller title insurance and real estate matters, sometimes jumping in to assist in depositions or trial preparation, and has represented title insurance companies in Section 1782 applications incident to foreign proceedings.

Jay frequently identifies alternative fee arrangements that highlight the efficiencies he brings to his cases, with the goal of making the budget and dispute resolution process more streamlined and predictable for his clients. He is a natural collaborator when working with teams of lawyers as co-counsel from other firms, evidenced by lawyers being a frequent referral source to Jay.

He is known by clients as a quick study – one who climbs into new subject matter quickly and easily. Jay is extraordinarily tenacious, and not always conventional in how he approaches cases. He effectively balances diplomacy and a warrior nature, a key trait in international dispute resolution that crosses borders and cultures. Jay frequently handles and has tried cases governed by the laws in the United States, Canada, England, Brazil, Chile, El Salvador, Venezuela, Uruguay, Argentina, Peru, Panama, Costa Rica, Ecuador, Guatemala, the British Virgin Islands, and Bermuda.

Particular sector experience includes energy, health care, nutrition, biotech, hospitals, and the title industry. Jay's clients have included:

- Aker Solutions Inc.
- Bassoe Offshore
- Community Health Systems Inc.
- Contango Inc.
- EMAS Inc.
- EyeSys Technologies
- Labrada Nutrition
- Newfield Exploration Co.
- Ping Petroleum Ltd.
- Stewart Title Guaranty Co.
- Tecsis Tecnologia e Sistemas

Affiliations

- Member, State Bar of Texas
- Member, American Bar Association
- Member, Houston Bar of Texas
 - Participant, Bar Association Committees Related to Insurance Coverage and Business Litigation
- Selected, Arbitrator for the International Center for Letter of Credit Arbitration
- Assisted, Drafting of the Rules of Arbitration for Letter of Credit Disputes

Community Involvement

- Member, Photography Committee, Museum of Fine Arts, Houston
- Director, Houston Center for Photography
- Class XI, Leadership Houston (1992)
- Past Member, Republican Party Judicial Candidates Screening Committee
- Chairmen Council, Camp For All



FOLEY & LARDNER LLP

- Director, FotoFest

Sectors

- Maritime
- Retail

Practice Areas

- Business Litigation & Dispute Resolution
- Construction
- Consumer Law, Finance & Class Action Group
- Distribution & Franchise
- Energy Litigation
- Government Enforcement Defense & Investigations
- Insurance & Reinsurance Litigation
- Litigation
- Securities Enforcement & Litigation

Education

- Southern Methodist University Dedman School of Law (J.D., 1986)
 - Associate Editor, *Southern Methodist University Law Review*
- The University of Texas at Austin (B.B.A., 1983)
 - Medieval History Studies, Oxford University

Admissions

- Texas State Courts (1986)
- U.S. District Court for the Eastern, Southern and Western Districts of Texas
- U.S. Court of Claims
- U.S. Court of Appeals for the Fifth Circuit
- Texas (1986)