James Hallowell

Partner

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New York



James L. Hallowell is a partner in Gibson, Dunn & Crutcher's New York office. Mr. Hallowell is a member of Gibson Dunn's Litigation Practice Group.

Mr. Hallowell has extensive experience in business and commercial litigation matters, with an emphasis on insurance and reinsurance litigation and arbitration, securities litigation, mergers and acquisitions and corporate control litigation, bankruptcy litigation, antitrust and government investigations.

In insurance and reinsurance matters, Mr. Hallowell has represented insurers in various matters. He defended The Variable Annuity Life Insurance Company ("VALIC") in breach of contract litigation brought in the West Virginia Business Court Division by two state agencies on behalf of the West Virginia Teachers Retirement System. Plaintiffs sought $120 million in "lost investment opportunity" damages arising from VALIC's liquidation of $248 million in annuity funds in five increments over four years instead of immediately on demand. In 2017, VALIC prevailed in an arbitration before three West Virginia Business Court judges. The West Virginia Supreme Court of Appeals unanimously affirmed the result.

Mr. Hallowell filed suit on behalf of life settlement investor Lavastone Capital, an affiliate of AIG, bringing RICO, fraud, breach of contract, breach of fiduciary duty and unjust enrichment claims against Coventry First, LLC and its owners. The high-profile matter proceeded on a "rocket docket" schedule in the Southern District of New York, culminating in a two month bench trial conducted in September and October 2015 before U.S. District Judge Jed Rakoff. The parties reached a confidential settlement while the case was under submission. In February 2017, *Benchmark Litigation* recognized the Lavastone action as its "Impact Case of the Year."

Mr. Hallowell also successfully defended American General Life Insurance Company against breach of contract and trade secret claims brought by Bancorp Services, LLC arising from American General's development of cutting-edge BOLI and COLI products. The plaintiffs in that action voluntarily dismissed their claims with prejudice as summary judgment loomed.

In corporate control litigation, Mr. Hallowell has represented companies, shareholders, directors and underwriters across a range of industries. He won a summary judgment victory in the Southern District of New York for Vista Outdoor Inc. arising from an earnout dispute with the founders of stand up paddle board leader Jimmy Styks. The Court held that through a sham purchase of nearly one million stickers, the founders sought to net themselves "a cool $6 million" earnout from Vista. But "[t]hanks, however, to the age-old doctrine of good faith and fair dealing, and similar legal protections," in the end it was the founders who were "stuck." The Second Circuit unanimously affirmed.

Mr. Hallowell represented Corvex Management and Related Fund Management in

Capabilities

Litigation
Anti-Corruption & FCPA
Antitrust and Competition
Class Actions
FDA and Health Care
Insurance and Reinsurance
Securities Litigation
White Collar Defense and Investigations

Credentials

Education

Harvard University - 1994 Juris Doctor

University of Virginia - 1991 Bachelor of Arts

Admissions

New York Bar

Clerkships

USDC, Southern District of New York, Hon. Thomas P. Griesa, 1994 - 1995

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litigation and arbitration regarding their investment in CommonWealth REIT, a multi-billion dollar, publicly traded real estate investment trust. After a two-week arbitration that resulted in the invalidation of defensive bylaws adopted by CommonWealth, Corvex and Related succeeded in a consent solicitation to remove the entire CommonWealth Board of Trustees, and convinced shareholders to elect a new independent slate of trustees. Mr. Hallowell's additional corporate control representations include matters for corporations such as iBasis, Inc. and Tenet Healthcare Corporation, and financial advisors such as Goldman Sachs, UBS, Oppenheimer & Co., Centerview Partners and Moelis & Company.

In bankruptcy and restructuring litigation matters, since 2020 Mr. Hallowell has represented the member insurance companies of a major international insurer in all aspects of the Boy Scouts of America bankruptcy proceedings, including at the bankruptcy court, district court and circuit court levels. In other recent engagements, he has represented Autopistas Metropolitanas de Puerto Rico in litigation related to the restructuring of the Puerto Rico Highways and Transportation Authority, as well as creditors and other participants in the Akorn Inc., iHeart, PG&E Corporation, and Sears Holdings bankruptcies.

In antitrust matters, Mr. Hallowell previously served as counsel to the Title Insurance Rate Service Association, Inc. (TIRSA), an insurance rating board licensed by the New York State Insurance Department, and to corporations such as Aetna, Intel and Micron. Mr. Hallowell represented TIRSA in all aspects of its successful defense of class action lawsuits alleging that New York title insurers violated the Sherman Act, the Real Estate Settlement Procedures Act and related state statutes in providing title insurance. Plaintiffs' claims were dismissed in New York federal court, and the dismissal was affirmed by the Second Circuit and the United States Supreme Court.

Mr. Hallowell has represented issuers and underwriters in securities class action matters, including Goldman Sachs, J.P. Morgan Chase, Merrill Lynch, FINOVA and Edison Schools. He has also represented financial institutions, insurers and individuals in government investigations, related criminal prosecutions and private litigation.

Mr. Hallowell volunteers his time to pro bono matters. In 2020 Mr. Hallowell received the Dedication to Justice award from the Brooklyn Bar Association Volunteer Lawyers Project, a non-profit organization committed to the premise that no New Yorker should be denied access to justice because of poverty. He is also a member of the Board of Directors of the Fund for Modern Courts, an independent, statewide court reform organization committed to improving the judicial system for all New Yorkers.

Mr. Hallowell received his Juris Doctor from Harvard Law School in 1994. He earned a Bachelor of Arts in Economics and English from the University of Virginia in 1991. In 1994 and 1995 he was a law clerk to Chief Judge Thomas P. Griesa in the United States District Court for the Southern District of New York.

Mr. Hallowell is admitted to practice in the State of New York, the Southern District, Eastern District and Northern District Courts of New York, the United States Court of Appeals for the Second Circuit and the United States Supreme Court. He is a member of the American Bar Association, the Federal Bar Council, the New York State Bar Association and the New York City Bar Association.

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