

Jim A. Moseley

Partner

After a distinguished 18-year career serving on the Texas Fifth District Court of Appeals, former Justice Jim Moseley is now the Leader of the firm's Appellate Practice Group. In addition to guiding clients through complex state and federal appeals in Texas and across the country, Jim focuses on fulfilling his personal commitment to build a high-quality group of seasoned lawyers who will provide the same exceptional service long after he leaves the practice of law.

As one of the 13 justices on the Fifth District Court of Appeals, Jim's jurisdiction covered the Dallas area, including Collin, Dallas, Grayson, Hunt, Kaufman and Rockwall counties. He authored more than 1,500 opinions in all areas of civil and criminal law and sat as a non-authoring justice in more than 3,000 additional cases. In 2003, Jim was commissioned to sit for a recused Texas Supreme Court justice and authored the Court's plurality opinion (*St. Joseph's Hospital v. Wolff*, 94 S.W.3d 514 (2003)).

Having served as a former appellate justice for over eighteen years, Jim has read more briefs and heard more oral arguments than almost any practicing appellate lawyer. He brings the insights from that experience to every case, formulating strategy and arguments, overseeing the research, and fine-tuning later drafts of the briefs. In many cases Jim stays in the background, guiding practice group members (or outside attorneys) and matching their expertise with the work to be done. This approach helps control costs while still maximizing the likelihood of success on appeal.

In more challenging cases involving unique or complex issues, however, Jim can take a more hands-on approach and is deeply involved in every phase of the appeal. In either situation, the result is high-quality, high-value legal representation that maximizes the likelihood of a successful outcome.

Jim and his team also provide litigation support to the firm's trial lawyers,



Jim A. Moseley
1601 Elm Street
Suite 4600
Dallas, TX 75201
jmoseley@grayreed.com

D: 469.320.6174
T: 214.954.4135
F: 469.320.6820

Practices
Appellate Advocacy
Commercial Litigation
Arbitration
Antitrust
Eminent Domain & Condemnation

Education
J.D., Baylor University School of Law,
Notes & Comments Editor, Baylor Law
Review; Phi Delta Phi legal fraternity.
(1978)
B.A., Baylor University (1976)

Bar Admissions
Texas

Court Admissions
United States Supreme Court
United States Court of Appeals, D.C.
Circuit
United States Court of Appeals, Fifth
Circuit
United States Court of Appeals, Seventh
Circuit
United States Court of Appeals, Eighth
Circuit
United States Court of Appeals, Ninth

including guidance on preserving appealable errors, research on complex issues, drafting dispositive motions, preparing jury questions and crafting discovery requests focused on limiting the disputed issues at trial.

A licensed AAA arbitrator, Jim is in high demand to adjudicate a broad range of complex commercial disputes involving substantial dollar amounts. Jim's strength is working through complex disputes, i.e. complex fact issues, contractual terms, causation theories, damage models, or procedural (arbitrability) issues.

Before serving on the Dallas Court of Appeals, Jim practiced law in Dallas and Odessa (Texas) for 14 years. He also served four years as Regional Director of the Federal Trade Commission during the Reagan Administration. There he was responsible for the FTC's enforcement of federal antitrust and consumer laws in a five-state area. Jim is a former chair of the Antitrust & Business Litigation Section of the State Bar of Texas and an elected member of the American Law Institute.

Circuit
United States Court of Appeals, Tenth
Circuit
United States District Court, Northern
District of Texas
United States District Court, Western
District of Texas
United States District Court, Eastern
District of Texas

Experience

- As co-counsel, Jim obtained Fifth Circuit judgment affirming the district court's judgment in favor of international franchiser against its former franchisee in the British Isles (and the franchisee's principal). The judgment awarded the franchisor \$3.15 million and dismissed franchisee's counterclaim seeking over \$9 million in damages. [*Jani-King Franchising, Inc. v. Jani-King \(GB\), Ltd. and Ian Thomas*, No. 17-11254](#) in U.S. Court of Appeals for the Fifth Circuit.
- Jim led a team that obtained appellate court writs in three original proceedings (two mandamus, one habeas) to protect the former employee's rights in post-judgment trial-court motions filed by a former employer.
- As co-counsel in an arbitration matter involving wind energy development, Jim helped obtain \$60 million-plus arbitration award against a California Company (as a contract signatory) and its parent and sister companies (as alter ego entities). Jim's responsibility was to

oversee the legal research and briefing, as well as deliver the final closing argument for the claimants.

- As co-counsel, Jim obtained a federal court judgment confirming the above arbitration award as to the California company. (The motion to confirm as to the alter ego entities is abated at this time.)
- As co-counsel before the Fifth Circuit Court of Appeals, Jim helped successfully defend a sanction order entered against an attorney who lied to the trial court in a Fair Debt Collection Practices Act case. In the same case, as counsel of record in the United States Supreme Court Jim filed a brief that convinced the United States Supreme Court to deny the sanctioned attorney's petition for certiorari.
- Jim led a team of attorneys in representing a debt buyer in a series of appeals that ultimately impacted Idaho state law regarding use of business records in consumer collection cases.
- As co-counsel before the Fifth Circuit Court of Appeals, Jim obtained a judgment affirming the trial court's remand of claims (to Texas state court) asserted in connection with the design and construction of a solar power plant in Idaho.
- As co-counsel, Jim obtained a state court of appeals' judgment reversing the trial court's dismissal of breach of contract claims against three European nationals based on lack of personal jurisdiction.
- As co-counsel, Jim obtained a Texas court of appeals' judgment reversing the trial court and dismissing breach-of-contract claims against non-Texas entities and individuals for lack of personal jurisdiction.

Press Releases

- "Gray Reed Secures Verdict for Jani-King in Franchise Enforcement Action" (September 18, 2018)
- "Gray Reed Attorney Receives Distinguished Counselor

Award” (June 22, 2017)

- “Texas Appellate Justice Jim Moseley Joins Gray Reed & McGraw” (July 31, 2014)

Speeches and Presentations

- “Antitrust in the HR World”, Leading Builders of America (May 26, 2020)
- “The Balancing Act: Trade Associations & Antitrust Laws”, Leading Builders of America (May 24, 2018)
- “The Occasional Tourists’ Guide to the Texas Courts of Appeals”, Solo & Small Firm Section, Dallas Bar Association (February 1, 2017)
- “Judicial Legal Writing - Fall 2014 Seminar”, Federal Bar Association (Fall 2014)
- “How to Try a Business Torts Case—From Voir Dire to Verdict”, Texas Bar CLE 4th Annual Business Torts Institute panel discussion (Sept. 20, 2013)
- “The New Rules: Dismissals and Expedited Actions”, Dallas Bar Association Business Litigation Section (March 12, 2013)
- “Judicial Legal Writing - Fall 2012 Seminar”, Federal Bar Association (Fall 2012)
- “A Quick Look at Mandamus”, Collin County Bar Association Appellate Section (March 15, 2012)
- “Judicial Legal Writing - Fall 2011 Seminar”, Federal Bar Association (Fall 2011)
- “Credibility with the Court - Sherman”, Grayson County Bar Association (Feb. 23, 2011)
- “Judicial Legal Writing - Fall 2010 Seminar”, Federal Bar

Association (Sept. 2010)

- “Credibility with the Court - Grand Prairie”, Dallas Criminal Defense Lawyers Association, Annual CLE Program (June 11, 2010)
- “Credibility with the Court - Rockwall”, Rockwall County Bar Association, Bench-Bar Conference (Apr. 24, 2009)
- “Credibility with the Court - Dallas 2008”, Texas Criminal Defense Lawyer’s Association, Sixth Annual Forensics Seminar (Oct. 23, 2008)
- “Credibility with the Court - Dallas 2007”, Texas Criminal Defense Lawyer’s Association, Fifth Annual Forensics Seminar (Oct. 4, 2007)
- “Credibility with the Court - Austin”, University of Texas School of Law, 2007 Page Keeton Civil Litigation Conference (Oct. 1, 2007)
- “Credibility with the Court - Austin 2007”, University of Texas School of Law’s 17th Annual Conference on State and Federal Appeals (May 31, 2007)
- “Credibility with the Court ”, Collin County Bar Association Appellate Section (Apr. 13, 2007)
- “The Future of Legal Practice”, Dallas Bar Association, 2006 Bench-Bar Conference (Sept. 29, 2006)
- “Texas Rules of Appellate Procedure”, Dallas Bar Association Criminal Law Section, Annual CLE Program (Aug. 18, 2006)
- “Signs and Omens: Texas Appeals in the 21st Century - Dallas 2006”, Dallas Bar Association Criminal Law Section, Annual CLE Program (Aug. 18, 2006)
- “Legal Writing/Writing for DBA’s Headnotes”, Dallas Bar Association Minority Business Development Initiative (Aug. 4, 2006)
- “Credibility with the Court - Dallas 2006”, Dallas Bar Association

Appellate Section (Apr. 20, 2006)

- “Signs and Omens: Texas Appeals in the 21st Century - Houston”, Houston Bar Association, Appellate Section (Feb. 22, 2006)
- “Signs and Omens: Texas Appeals in the 21st Century”, Tarrant County Bar Association Appellate Section (Nov. 18, 2005)
- “Signs and Omens: Texas Appeals in the 21st Century”, State Bar of Texas, 19th Annual Advanced Civil Appellate Practice Course (Sept. 9, 2005)
- “Legal Ethics”, Moderator - Dallas Bar Association Law Student Professionalism Conference (May 26, 2005)
- “Signs and Omens: Texas Appeals in the 21st Century - Dallas 2004”, Dallas Bar Association Appellate Section (Dec. 16, 2004)
- “Statesmen for the Constitution - Mesquite”, Mesquite Bar Association (Nov. 17, 2004)
- “The New Rules: Interlocutory Appeals & Stays, Conflict Jurisdiction, Appeal Bonds, & Interest Rates”, Dallas Bar Association Appellate Section (Nov. 20, 2003)
- “Legal Writing/Writing for Headnotes ”, Dallas Bar Association Publications Committee (2003 - 2005)
- “Statesmen for the Constitution - Rockwall”, Rockwall County Bar Association, 2003 Annual Dinner (May 17, 2003)
- “The Microsoft Decision: What’s Next?”, Moderator - The Federalist Society for Law & Public Policy Studies (July 30, 2001)

Honors

- Distinguished Counselor Award, State Bar of Texas Antitrust & Business Litigation Section (2017)

- Selected by his peers for inclusion in Woodward/White, Inc.'s The Best Lawyers in America in the fields of Appellate Practice and Commercial Litigation (2017 – 2020)
- Award in Recognition for Service, Dedication, and Efforts to Preserve the Seventh Amendment, the American Board of Trial Advocates (Dallas Chapter) (2015)
- FTC Award for Superior Service (1985)
- FTC Chairman's Award for Excellence (1984)

Organizational Involvement

Professional Activities, Memberships & Affiliations

- State Bar of Texas
 - Chair, Antitrust & Business Litigation Section (2006 - 2007)
- American Law Institute (2005 – present)
- Texas Supreme Court Advisory Committee (2012 – 2015)
- Board Member, State Bar College (formerly College of the State Bar of Texas) (2012 – 2018)
- Board Member, Dallas Bar Association (2002 – 2003)
- Co-Chair, Dallas Bar Association Bench-Bar Conference (2006)
- Chair, Antitrust Subcommittee, Corporate, Securities & Antitrust Practice Group, The Federalist Society for Law & Public Policy Studies (1999 – 2002)
- Dallas Lawyer's Chapter of The Federalist Society for Law & Public Policy Studies
 - Chair (1987 - 1988)

- Co-Founder (1987)

Community Activities, Memberships & Affiliations

- Board of Advisors, University of North Texas Mayborn School of Journalism (2014 – 2019)
- The Voice of Hope (a ministry to West Dallas)
 - Vice-Chair, Board of Directors (1999 – 2001)
 - Board of Directors (1997 – 2001)
- Director, Coppell Family YMCA (1999 – 2001)
- Outside Advisory Council, Pine Cove Camps Inc. (1998 – 2003)
- Professional Advisory Council, University of North Texas Journalism Department (1986 – 1993)