



JAMES C. MCMILLIN
SHAREHOLDER

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BIOGRAPHY

James McMillin's litigation and counseling practice concentrates in the area of complex commercial disputes, particularly those involving securities law, corporate governance (including contests for corporate control), corporate finance, intellectual property, antitrust and trade regulation. He practices nationwide in federal and state courts, as well as regulatory agencies and domestic and international arbitration tribunals. A portion of his practice is devoted to the representation of Indian tribes in Native American law and litigation.

Jim's achievements have earned him inclusion in *Chambers USA Guide to America's Leading Lawyers for Business* and *The Best Lawyers in America*. He has also been listed in *Marquis' Who's Who in American Law* since 1985 and is a 2010 recipient of *The Journal Record's* Leadership in Law Award for his professional and civic contributions.

Jim is the author of "Recent Developments in Litigation Under the Securities Act of 1933," *The Review of Securities & Commodities Regulation*, Vol. 33, No. 1 (2000); "Principled Fairness in the Regulation of Petroleum Prices," *Texas Law Review* (1979); and "Military Law," 1974/1975 *Annual Survey of American Law* 97.

REPRESENTATIVE EXPERIENCE

- Obtained a decision from the U.S. Tenth Circuit Court of Appeals reversing the district court and holding that the U.S. Department of Housing and Urban Development had acted arbitrarily in denying block grant housing funds to an Indian tribe.
- Successfully represented an Indian tribe in a suit to overturn a decision of the National Indian Gaming Commission (NIGC) that would have resulted in closing the tribe's gaming facility. Obtained a judgment in federal court that the NIGC's decision was arbitrary and capricious.
- Directed the firm's defense of pharmaceutical company Wyeth in Phen-Fen cases for 18 months until a global settlement was reached. Also maintained an active caseload of these cases while overseeing the work of 15 lawyers in the firm and was one of two lawyers on the expert witness team that took all depositions of the plaintiffs' expert witnesses.
- Successfully represented a maker of low pressure valves used in the petroleum industry in two landmark infringement claims against our competitors. In each case, the infringer acknowledged the validity of our client's marks, agreed that their use had constituted infringement, and agreed immediately to cease infringing.
- Successfully represented the leading manufacturer of direct fired heaters used in refineries throughout the world in a theft of trade secrets claim against its former president. As a result, the former president assigned all of his rights in a potentially revolutionary patent to our client, along with the associated know-how.

- Represented shareholders in a successful contest for control of a major Kansas City real estate development company.
- Obtained a defense verdict in a jury trial in federal court in Seattle, Washington involving an underwriter in a securities fraud case.
- Acted as special antitrust counsel to the underwriters in a \$1.3 billion initial public offering.
- Successfully defended a major food processor in a trademark infringement action in federal court in Los Angeles, California.
- Successfully defended a New York Stock Exchange-listed independent oil and gas company in a securities fraud action brought in federal court in Oklahoma City, Oklahoma.
- Obtained full restitution for plaintiffs in a commodities fraud action brought in federal court in Chicago, Illinois.
- Successfully defended a securities fraud action against a manufacturer of child safety products in federal court in Boston, Massachusetts.
- Obtained a dismissal of securities fraud claims against an underwriter prior to filing a motion to dismiss in a securities fraud action brought in federal court in Palo Alto, California.
- Obtained summary judgment in a securities fraud action against a pipeline company in federal court in New York.
- Conducted an internal fraud investigation of a subsidiary of a well-known entertainment company.

ADMISSIONS

- Oklahoma, 1997
- New York, 1977
- District of Columbia, 1979
- U.S. District Courts for the Western, Northern and Eastern Districts of Oklahoma
- U.S. District Courts for the Southern and Eastern Districts of New York
- U.S. District Court for the Northern District of California
- U.S. Court of Federal Claims
- U.S. Courts of Appeals for the Second, Seventh, Tenth and Eleventh Circuits
- U.S. Supreme Court

EDUCATION

- J.D., New York University, 1976; Root-Tilden Scholar
- B.A., with honors, University of Oklahoma, 1971

PROFESSIONAL ORGANIZATIONS AND MEMBERSHIPS

- Oklahoma Bar Association
- Association of the Bar of the City of New York
- American Bar Association
- William J. Holloway American Inn of Court (Master Emeritus)

CIVIC INVOLVEMENT AND LEADERSHIP

- Leadership Oklahoma City, Class XVII
- Board of Visitors of the College of Arts & Sciences of the University of Oklahoma
- Rebuilding Together (Operations Committee)
- Oklahoma Lawyers for Children