

**JAMES C. WINTON**  
**BAKER & HOSTETLER, LLP**  
**1000 Louisiana, 20<sup>th</sup> Floor**  
**Houston, Texas 77002-5009**  
**(713) 646-1304**

**ACADEMIC HONORS AND AWARDS**

SOUTHWESTERN UNIVERSITY SCHOOL OF LAW, J.D., *magna cum laude*,  
Los Angeles, 1977

- Class Ranking: # 1 of 391
- West Publishing Company Hornbook Award (first in class)
  - End of First Year–1975
  - End of Second Year–1976
  - End of Third Year–1977
- AmJur Book Awards: Criminal Procedure  
Contracts  
Torts  
Constitutional Law  
Corporations
- Additional Highest Grade: Sales and Secured Transactions
- Staff Member, SOUTHWESTERN LAW REVIEW, 1975 – 1976, Article on "Court Martial Jurisdiction Over Off Base, Off Duty, Out of Uniform Drug Offenses" accepted for publication 1976.
- Certificate of Distinguished Service March 30, 1976

UNIVERSITY OF SOUTHERN CALIFORNIA, B.A., Political Science, *cum laude*, 1974

**PROFESSIONAL**

February 1, 1981 - Present: BAKER & HOSTETLER LLP, Houston and Los Angeles.

- Principal Practice in oil & gas, admiralty and general litigation, focusing on pipeline, ocean, air and truck transportation, involving major litigation before the state and federal courts of Texas and the Fifth United States Circuit Court of Appeals, as well as litigation in the United States District Court for the Northern and Southern Districts of Mississippi.
- Admiralty cases include claims involving *in rem* actions on liens and mortgages; Petitions to Limit Liability; product liability; environmental claims; Oil Pollution Act; cargo, injury and death under the Jones Act, unseaworthiness, Death on the High Seas Act and general maritime law; the Suits in Admiralty Act, Public Vessels Act, Defense Bases Act claims, maritime contracts, marine insurance policies and other general maritime law claims, including disputes over Contracts of Affreightment in effect from 1937 – 1992; *in rem* tort claim against vessel operator for conversion of gaming equipment; insurance coverage suit against underwriters on off-shore construction of platform damaged in hurricane; suit against offshore drilling contractor under OPA for cost of removal of drilling rig which sank in hurricane and

landed on top of sub-sea pipeline; damage to barge under charter party caused by solidification of cargo of No. 6 Oil in transit; cargo claims against client following loss of feeder vessel in typhoon in Bay of Bengal; representation of mortgagee in enforcing fleet mortgage against eight United States Lines LANCER class container vessels; product liability claims arising out of failure of subsea pump on dredge barge; and a wide variety of mortgage foreclosure and personal injury cases.

- Pipeline litigation includes condemnation and contractual and prescriptive easement issues, alleged violations of the Interstate Commerce Act and Sherman Anti-Trust Act by a crude oil pipeline in which plaintiff sought over \$160 Million in damages; personal injury claims by over 4,000 persons allegedly injured by an LPG leak including two class actions; allegations of property damage and personal injury caused by crude oil pipeline leaks; environmental and personal injury claims arising out of oil spills and gas leaks, discrimination claims relating to tariff issues, attempts to ship non-conforming oil on common stream pipelines, changes in tariff provisions, issues involving insurance and indemnity coverage owed by services contractors, and other personal injury and death claims arising from incidents on pipeline facilities.
- Oil and gas litigation includes claims of forfeiture of oil and gas lease, royalty claims, disputes among working interest owners, allegations of theft of a seismic prospect in which plaintiff sought over \$80 Million; delay and disruption claims arising out of a construction project at a CO<sub>2</sub> recovery project in which plaintiff sought over \$20 Million; numerous insurance coverage claims arising out of contractual provisions providing for defense, indemnity and insurance of exploration and production companies by various oilfield services companies.

August 22, 2005 – Present: Adjunct Professor, University of Houston Law School, General Maritime Law;

January 1978 – January 1981: Trial and Defense Counsel, Head Legal Assistance, Naval Legal Service Office, Naval Station, San Francisco.

- Prosecuted and defended courts martial for manslaughter, attempted murder, embezzlement, aggravated assault, robbery, larceny, destruction of government property (including Commandant of the Marine Corps' VIP aircraft); child abuse, use, possession and distribution of drugs; and various military offenses such as orders violations, disrespect, desertion and unauthorized absences.

## **PUBLISHED MARITIME DECISIONS**

### **UNITED STATES CIRCUIT COURTS OF APPEAL:**

- *The Prudential Insurance Corporation v. SS AMERICAN LANCER, et al*, 870 F.2d 867 (2<sup>nd</sup> Cir. 1989), affirming trial court in case known as the case of the missing zeroes in which a fleet mortgage covering eight vessels was misrecorded at \$92,000 instead of the intended \$92,000,000. The case represents a significant interpretation of the equity principles of admiralty law under the United States Ship Mortgage Act in favor of client.

- *Trinidad Corporation v. SS KEIYOH MARU, et al.*, 845 F.2d 818 (9<sup>th</sup> Cir. 1988). Collision of two tankers at the entrance to Los Angeles harbor. This is a significant decision regarding application of *The PENNSYLVANIA Rule*.

#### UNITED STATES DISTRICT COURTS:

- *Langford v. Santa Fe Drilling Co.*, 50 F.Supp.3d 631 (E.D. Tex. 1999) dismissal for lack of subject matter jurisdiction defining principle place of business for purpose of diversity jurisdiction.
- *The Prudential Insurance Corporation v. SS AMERICAN LANCER, et al.* 686 F.Supp. 469 (S.D. N.Y. 1988). Trial court opinion in case of the missing zeroes.
- *United States v. Michael R. Caprio*, 12 M.J. 30 (COMA 1981) in which it was held for the first time that the Government may petition for review of an adverse ruling of the Court of Military Review in extraordinary relief matter. Court martial charges were dismissed because of an intervening discharge and re-enlistment of the accused. The case was among the first appeals by the government ever taken up on a writ because of unusual circumstances in which the member sought early discharge and re-enlistment in order to take advantage of a re-enlistment bonus. While the trial judge's decision was ultimately upheld here, this decision was a companion to another case in which the Court of Military Appeals overturned existing law on the subject. COMA chose to overturn the broader case rather than the narrower one presented here in order to correct an injustice (to the government) in the law.

#### SIGNIFICANT UNPUBLISHED MARITIME DECISIONS:

##### UNITED STATES COURTS OF APPEAL:

- *PDS Gaming Corporation v. M/V OCEAN JEWEL OF ST. PETERSBURG, et al.*, United States Court of Appeals, Eleventh Circuit, 07-10088-JJ, reversing order of trial court vacating arrest.
- *PDS Gaming Corporation v. M/V OCEAN JEWEL OF ST. PETERSBURG, et al.*, United States Court of Appeals, Eleventh Circuit, 07-10419-J, petition for writ of mandamus to set aside stay pending interlocutory appeal.

##### TRIAL COURT DECISIONS:

###### United States District Courts:

- *Hamish Webster v. Santa Fe Drilling Co.*, United States District Court, Northern District of Texas, No. 98-1314, *forum non conveniens* dismissal of personal injury claims by Scottish citizen injured while working in Azerbaijan—January 12, 1999.
- *Jenario Astienza, et al. v. Keystone Shipping Company and Chesapeake Shipping, Inc.*, United States District Court for the Northern District of Texas, Dallas Division, No. 3:95CV1213-G summary judgment for clients, owner and operator of four Kuwaiti tankers reflagged as United States vessels but trading entirely foreign, on claims by International Order of Masters, Mates & Pilots on behalf of 42

crewmembers alleging breach of shipping articles, breach of collective bargaining agreement and violation of various provisions of United States Shipping Act governing wages—September 5, 1997.

Texas State Courts:

- *Andrew v. Santa Fe International Corporation*, County Court at Law No. 4, Dallas County, Texas: *forum non conveniens* dismissal of personal injury claims by Scottish citizen injured on Panamanian flag drilling rig operating in Egypt—August 22, 2000.
- *West v. Santa Fe International Corporation*, personal injury action by Scottish citizen and resident injured in accident on Panamanian flag drilling vessel operating in North Sea, filed in 23rd District Court, Brazoria County, motion to transfer to Dallas County for improper venue filed under pre-1995 venue statute, granted by Hon. Neal Caldwell, followed by *forum non conveniens* motion to dismiss granted by 160th District Court, Dallas, County, Texas—May 2, 1995.

**PUBLICATIONS**

- James C. Winton, *Corporate Representative Depositions in Texas—Often Used But Rarely Appreciated*, 55 BAYLOR L. REV. 651 (2003)
- James C. Winton & Farrell A. Hochmuth, *Corporate Representative Depositions in Texas*, 28 The Advocate 34 (Fall 2004).

**SPEAKING ENGAGEMENTS**

- Houston Yacht Brokerage University, Yacht Brokers Association of America, Industry Experts Panel, August 11, 2011
- Webinar, Rule 30(b)(6) Corporate Depositions: Effective Defense Strategies, August 10, 2011
- TexasBarCLE, Advanced Evidence & Discovery Course 2005, Houston, Texas, April 7, 2005
- TexasBarCLE, Advanced Evidence & Discovery Course 2005, San Antonio, Texas, May 26, 2005
- TexasBarCLE, Prosecuting or Defending a Trucking or Auto Accident Case 2005, San Antonio, Texas, November 10, 2005
- University of Houston Law School, Civil Procedure Class, Corporate Representative Depositions, November 3, 2003;

**UNITED STATES NAVY JUDGE ADVOCATE GENERAL'S CORPS**

10 April 1975 - March 1997, Lieutenant Commander, JUDGE ADVOCATE GENERAL'S CORPS, UNITED STATES NAVAL RESERVE.

- Awarded Navy and Marine Corps Achievement Medal, for services as admiralty attorney, Civil Law Support Activity 111, September 1996;
- UNITED STATES NAVAL RESERVE:

Civil Law Support Activity 111, Naval Reserve Center, Naval Air Station, Dallas, Texas (April 95 - 30 September 96);

- Principal Duties: Support Office of the Judge Advocate General Code 31, Admiralty Division, during monthly drills reviewing claims, at Code 031
- Collateral Duties: Admin Officer, Security Officer, ResFirst Officer, Physical Readiness Test Coordinator

Prior Reserve Assignment: VTU, Naval Reserve Center, Houston, Texas (Jan - Mar 1995);

Various Reserve Units: 1975-1977 and 1982-1986, Los Angeles and Long Beach, California.

- ACTIVE DUTY:

Naval Legal Service Office, San Francisco (January 1978 - April 1981).

- As Trial Counsel (prosecution) and Defense Counsel.
- Head, Legal Assistance.
- Also served as Article 32 Investigating Officer.

## **PROFESSIONAL ASSOCIATIONS**

### Admitted to Practice--Bars

- State Bar of Texas: December 1988 - Present
- Bar of the District of Columbia: June 1980 - Present (inactive)
- State Bar of California: December 1977 – Present

### Admitted to Practice--Courts

- United States Supreme Court, 1995
- Fifth United States Circuit Court of Appeals, 1990
- Ninth United States Circuit Court of Appeals, 1985
- Eleventh United States Circuit Court of Appeals, 2003
- United States Court of Appeals for Veterans Claims, 2009
- United States Court of Military Appeals, 1979
- United States District Court for the Central District of California, 1981
- United States District Court for the Northern District of California, 1980
- United States District Court for the Southern District of California, 1983
- United States District Court for the Southern District of Texas, 1989
- United States District Court for the Eastern District of Texas, 1993
- United States District Court for the Northern District of Texas, 1992
- United States District Court for the Western District of Texas, 1993
- United States District Court for the District of Columbia, 1990
- United States District Court for the Northern District of Florida, 2009

### Admitted Pro Hac

- United States District Court for the Southern District of New York—2011

- United States District Court for the Middle District of Florida—2006
- United States District Court for the Northern District of Georgia—2002
- United States District Court for the Eastern District of Louisiana—2000
- United States District Court for the Northern District of Ohio—2000
- United States District Court for the Northern District of Mississippi—1993
- United States District Court for the Southern District of Mississippi—1993
- United States District Court for the Southern District of New York—1988
- United States Bankruptcy Court, District of South Dakota—2005
- Ohio Court of Appeals—2006
- Superior Court (Court of Appeals), Pennsylvania—2003
- Grant County, Arkansas—2003
- Bucks County, Pennsylvania—2002
- Cuyahoga County, Ohio—2002

#### Bar Associations

- Bar Association of the Fifth Federal Circuit
- Bar Association of the Eastern District of Texas
- Federal Bar Association-South Texas Chapter
  - President—2005
  - President Elect—2004
  - Vice President—2003
  - National Delegate—2006
  - Board Member—2002, 2007- 2009, 2011
- State Bar of Texas
  - Director, Texas Legal Protection Plan, 2006 – 2008
  - Director, State Bar of Texas Insurance Trust, 2009 - 2011
  - Life Fellow, Texas Bar Foundation
  - Member, State Bar College, 2002 - 2007
  - Elected, Board of Directors, State Bar of Texas, June 2002 – June 2005 Term
    - Outstanding Third Year Director, June 2004 – June 2005
    - Presidential Citation, for Leadership as Chair of the Facilities & Equipment Subcommittee, June 2004 – June 2005
  - Co-Vice Chair, Texas Disciplinary Rules of Professional Conduct Committee, 2007, 2008
  - Member, Texas Disciplinary Rules of Professional Conduct Committee, 2003 - 2011
- American Bar Association
- Houston Bar Association
  - Life Fellow, Houston Bar Foundation
- Maritime Law Association of the United States 1985 – Present
  - Proctor Member
  - Member of Carriage of Goods by Sea Committee
  - Member Limitation of Liability Committee

#### Rating

- A/V Rated by Martindale-Hubble