



JAMES M. ARMSTRONG

PARTNER

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PROFILE

Mr. Armstrong has 40 years of experience in the areas of major commercial litigation, including securities fraud and other shareholder and breach of fiduciary duty claims, oil and gas, intellectual property, employment, and general contract litigation. He has represented clients in major class actions and False Claims Act cases. Mr. Armstrong enjoys Martindale-Hubbell Law Directory's highest "AV" rating for lawyers and is listed in *The Best Lawyers in America*[®], *Missouri & Kansas Super Lawyers*[®], and *Chambers USA* as a leading general commercial litigation attorney in the United States. He was recognized by *Best Lawyers*[®] as the 2017 Wichita Legal Malpractice Law – Defendants "Lawyer of the Year," the 2016 and 2020 Wichita Litigation – Intellectual Property "Lawyer of the Year," and the 2013 Wichita Bet-the-Company Litigation "Lawyer of the Year."

Education

- University of Kansas (J.D., 1976)
Order of the Coif; Editor-in-Chief - *Kansas Law Review*
- Pennsylvania State University (M.A., 1972)
- University of Kansas (B.A., 1970)

Admissions

- U.S. District Court for the Western District of Oklahoma
- U.S. Court of Appeals for the Eighth Circuit
- U.S. Court of Appeals for the Tenth Circuit
- U.S. Court of Appeals for the Eleventh Circuit
- U.S. Court of Appeals for the D.C. Circuit
- U.S. District Court for the District of Kansas
- U.S. District Court for the Eastern District of Missouri
- U.S. District Court for the Northern District of Oklahoma
- U.S. District Court for the Southern District of Texas

FOULSTON

ATTORNEYS AT LAW

- U.S. District Court for the District of New Mexico
- Kansas (1976)

PRACTICE AREAS

- Litigation & Disputes
- Appellate Law
- Employment & Labor

COMMUNITY INVOLVEMENT

- Orpheum Theater, Former Board Member

RELEVANT EXPERIENCE

FOULSTON

ATTORNEYS AT LAW

- Plaintiff's counsel in jury trial involving claims against Fortune 500 company for breach of a joint venture agreement and breach of fiduciary duty, resulting in damage award of nearly \$3 million.
- Defense counsel in antitrust price fixing class action against women's accessories manufacturer.
- Defense counsel in False Claims Act claim against commercial airline manufacturer - summary judgment granted for defendants.
- Defense counsel in injunction action brought by labor union against major aerospace manufacturer.
- Defense counsel in age discrimination class action against major aerospace manufacturer - summary judgment granted for defendant and affirmed on appeal.
- Defense counsel in ERISA class action against major aerospace manufacturer.
- Defense counsel for governmental agency in injunction action brought by Planned Parenthood. Preliminary injunction against governmental agency reversed on appeal.
- Plaintiff's counsel in action for breach of covenant not to compete in insurance industry.
- Defense counsel in FERC litigation involving TransAlaska Pipeline.
- Defense counsel in several class actions brought by royalty owners against natural gas producers for improper expense deductions.
- Defense counsel in successful jury trial and subsequent appeal in Koch, et al. v. Koch Industries, Inc., 203 F.2d 1202 (10th Cir. 2000) (claims for more than \$1 billion in damages for alleged breach of contract, breach of fiduciary duty, and securities fraud).
- Defense counsel in gender discrimination class action claims against The Boeing Company in the federal courts of Kansas and Oklahoma.
- Defense counsel in state court class actions in several states, involving claims of crude oil mismeasurement.
- Defense counsel in multi-state class action involving claims of natural gas mismeasurement.
- Defense counsel in jury trial of False Claims Act qui tam litigation in the Northern District of Oklahoma.
- Plaintiff's counsel in trial of wrongful termination claim for corporate president, resulting in substantial actual and punitive damage award.

PROFESSIONAL MEMBERSHIPS, AFFILIATIONS, AND HONORS

- Recognized by *Best Lawyers*® as the 2016 & 2020 Wichita Litigation – Intellectual Property “Lawyer of the Year,” the 2017 Wichita Legal Malpractice Law – Defendants “Lawyer of the Year,” and the 2013 Wichita Bet-the-Company Litigation “Lawyer of the Year”
- Selected by peers for inclusion in *The Best Lawyers in America*® in the areas of Bet-the-Company Litigation, Commercial Litigation, Legal Malpractice Law – Defendants, Litigation – Antitrust, Litigation – Intellectual Property, Litigation – Labor and Employment, Litigation – Regulatory Enforcement (SEC, Telecom, Energy), and Litigation – Securities, 1999-2020
- Selected for inclusion in Missouri & Kansas Super Lawyers® List, 2005-2018 (a Thomson Reuters business)
- Identified by Chambers USA as a leading lawyer in the United States in the area of Litigation: General Commercial, 2013-2019
- Named a Local Litigation Star – Appellate, General Commercial by *Benchmark Litigation*, 2014-2020
- Named a Labor & Employment Star by *Benchmark Litigation*, 2018-2019
- American Bar Association Litigation Section
- Kansas Bar Association

FOULSTON

ATTORNEYS AT LAW

- Wichita Bar Association
- Kansas Judicial Council Civil Code Advisory Committee

PRESENTATIONS

2017

- Roundup of Current Ethics Issues and Cases - Federal, State and Local (Foulston Siefkin Ethics Seminar for Corporate Counsel)

2012

- Panel Discussion: "Waiving" Goodbye to the Attorney-Client Privilege (Foulston Siefkin Ethics Seminar for Corporate Counsel, Overland Park)