James L. Moeller

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PRACTICE AREAS

Insurance Recovery & Counseling

Litigation

eDiscovery: Data, Records & Information Governance

Environmental Law

Environmental Insurance Analysis & Recovery

Environmental Litigation

Superfund

Employment & Labor

COURT MEMBERSHIPS

- U.S. Supreme Court
- Supreme Court of Missouri
- U.S. Circuit Courts of Appeals for the Sixth, Eighth, Tenth and D.C. Circuits
- U.S. District Court for the Western District of Missouri, Eastern District of Missouri, District of

James Moeller has over 35 years of experience trying complex cases, including environmental litigation, technology litigation, employment litigation, and general commercial litigation. He is adept at simplifying complex facts and concepts and transforming them into compelling, understandable arguments supporting his clients' positions. He believes the best trial lawyers get the best settlements. Jim has been recognized by his peers repeatedly over the years in *The Best Lawyers in America*, Missouri and Kansas *Super Lawyers*, and *The Best of the Bar*. He holds the AV *Preeminent* rating. Client service is a core value with Jim, who was among the first lawyers nationwide to receive a BTI Client Service All-Star Award in 2011.

He was lead trial counsel, lead appellate counsel, and counsel of record in the U.S. Supreme Court for General Electric Company in the landmark case, *General Electric Company v. Litton Business Systems, et al.*, 715 F. Supp. 949 (W.D. Mo. 1989); *aff'd.*, 920 F.2d 1415 (8th Cir. 1990), *cert. denied*, 113 S.Ct. 1390 (1991), deemed "the leading case in the country" on certain federal Superfund (NCP) issues by West's Environmental Law and, prior to Key Tronic, the leading case in the country on the recovery of attorney fees under CERCLA.

Jim has represented companies in a variety of cases arising under federal and state environmental laws, taking eight Superfund cases to judgment and settling many others in the context of various complex insurance, business, and other considerations.

As a former computer programmer, Jim has also handled litigation involving a variety of computer hardware and software failures, and he has a vibrant e-discovery practice, handling dozens of matters with

Kansas, District of Arizona and Western District of Michigan

EDUCATION

University of Missouri-Columbia School of Law, J.D., *cum laude*, 1978

University of Missouri-Columbia, A.B., *magna cum laude*, 1975

substantial e-discovery components. He has managed e-discovery in a number of large and complex cases, taken e-discovery compliance depositions, briefed and won e-discovery rulings, and prepared and produced technical and e-discovery expert witnesses.

Jim was involved in the Prudential Sales Practices Litigation, handling sales practices and agent cases in Missouri and Kansas, and has handled a variety of employment cases, warranty cases, and general commercial cases.

Representative Experience

Currently and for the past several years Mr. Moeller has been lead counsel for a large construction materials provider involved in environmental coverage litigation over long tail environmental claims arising out of a large Superfund (NPL) site in the Pacific Northwest.

- In 2019, Jim handled a case in the federal court in the US and coordinated discovery with UK counsel in a parallel international arbitration in London involving disputes over defective industrial machinery.
- In 2017, on behalf of a national accounting firm, he successfully resolved investigations and disciplinary proceedings by two state accounting boards and involving auditors who had been involved in an engagement that was the subject of an earlier SEC proceeding.
- In 2016, Jim tried a complex two-week construction arbitration involving steel fabrication and installation issues at an electrical generating facility, successfully defending the fabricator against a multi-million dollar claim by enforcing a contractual limitation of liability.
- In 2015, representing three leading New York investment banks, Jim successfully handled an $80+ million claim arising out of a public stock offering and involving more than 100 million pages of email and electronic documents.
- In 2014, he represented a regional hospital in claims against a software developer over defective electronic medical records software; also in 2014, on behalf of one of the world's largest privately held multinational agricultural and industrial product suppliers, Jim successfully resolved an arbitration involving a complex coal and gas pricing formula dispute arising under a long-term energy supply contract.

- In 2013, Jim represented a large publicly-traded company involved in health insurance claims processing in a dispute with a software development company over defective claims processing software that was successfully resolved in mediation. In that year he also successfully represented a large financial institution in managing e-discovery and other third-party discovery obligations arising out of class actions filed in New York and California.
- In 2011, he successfully defended three parallel law suits brought by residents and a local governmental unit against a major construction materials provider, seeking to shut down blasting and mining in a suburban underground limestone mine.
- In 2010, he produced a $35+ million recovery in an action brought by a company against certain directors and officers for waste and mismanagement. Also in 2010, Jim successfully defended an architectural copyright case with substantial insurance and e-discovery issues.
- In 2009, he tried and defeated all claims brought against his client in a $34 million case in federal court involving complicated environmental and leasehold claims made by a landfill developer against a quarry operator. He also briefed, argued, and won a multimillion-dollar case in the U.S. Court of Appeals for the Eighth Circuit involving claims brought against a real estate company arising out of an office relocation.
- In 2008, he successfully resolved complex royalty, environmental, and tort claims arising out of a breach and termination of a long term mining lease. Also in 2008, he successfully resolved product liability claims for a major construction material provider arising out of the catastrophic failure of material handling equipment.
- In 2007, for a major national bank, Jim completed the successful handling of complex refund and tax claims arising out of the issuance of $450 million in tax-free bonds, using both litigation and pre-litigation mediation to obtain a variety of recoveries and favorable results.
- In 2005, he completed the successful arbitration of a $200 million multi-party case involving construction claims at a complex industrial facility owned by a major multi-national corporation. A secure web-based repository was used to house 4.3 million documents and coordinate client representatives, experts, and consultants located in a number of cities in different countries. Hundreds of thousands of emails, e-documents, and electronic drawings were produced electronically in native electronic format.

- In 2004, he successfully resolved a very difficult race discrimination case filed against a Fortune 100 financial institution.
- In 2003, he advised a Fortune 300 chemical company with regard to litigation over alleged extensive groundwater contamination at a chemical manufacturing complex in the Eastern United States. He also defended a Fortune 700 company against a landlord's effort to shift liability for legacy environmental contamination.
- In 2001, he obtained summary judgment for a Fortune 100 energy company in a case involving alleged PCB contamination in several states from a natural gas pipeline.
- In 1999, he was lead trial counsel in a Los Angeles federal court case involving the failure of 18,000 computer disk drives. The successful trial resulted in a virtually complete recovery for a retailer of the defective drives.
- In 1998, he was lead trial counsel on behalf of two private corporations in a case tried in St. Louis against the U.S. Government over environmental contamination that the government generated during World War II. The court allocated 100 percent of the environmental liability to the United States and awarded a declaratory judgment for future costs. From 1998 to 2002, he was also lead trial counsel in several trials involving liability for PCB contamination in a river, a federal Superfund site on the National Priorities List.
- In the late 1990's, he was lead trial counsel for cost recovery litigation for a PRP group conducting a response at a fuel re-blending facility in the Midwest.
- In 1991, he was lead trial counsel in *Noblet v. Reproduction Systems, Inc.* 133 B.R. 493 (Bankr. W.D. Mo. 1991) (Title VII sexual harassment case tried in Bankruptcy Court).
- In 1987, he was lead trial counsel in *EEOC v. C.W. Transport*, 658 F. Supp. 1278 (W.D. Wisc. 1987) (EEOC employment discrimination class action).

Presentations

- Speaker, *2015 National eDiscovery Leadership Institute*, Kansas City, MO, September 2015
- Presenter, *National eDiscovery Leadership Institute Launch*, Kansas City, MO, October 2014
- Speaker, *Lathrop Gage State of Litigation Conference*, Kansas City, KS, June 2011

Publications

- Co-author, *Model Order Has Import Beyond Patent Cases*, National Law Journal, January 30, 2012
- Co-author, *Model Order Limiting E-Discovery has Implications in more than Just Patent Cases*, InsideCounsel, December 6, 2011

In The News

- Inside Washington Publishers: Missouri Case Could Test EPA's Use of 'Flow' as Stormwater Surrogate
  June 29, 2011

News Releases

- Eight Lathrop GPM Attorneys Named Lawyer of the Year, 89 Ranked as The Best Lawyers in America©
  August 17, 2023
- Six Lathrop GPM Attorneys Named Lawyer of the Year, 95 Ranked as The Best Lawyers in America©
  August 18, 2022
- Missouri & Kansas Super Lawyers Recognizes 30 Lathrop GPM Attorneys
  November 16, 2021
- Seven Lathrop GPM Attorneys Named Lawyer of the Year, 100 Ranked as The Best Lawyers in America©
  August 19, 2021
- Missouri & Kansas Super Lawyers Recognizes 34 Lathrop GPM Attorneys
  November 16, 2020
- Lathrop GPM Attorneys Named to The Best Lawyers in America©, Lawyer of the Year, and Ones to Watch for 2021
  August 20, 2020
- Missouri & Kansas Super Lawyers Recognizes 42 Lathrop Gage Attorneys
  November 13, 2019
- Best Lawyers in America 2020 Names 72 Lathrop Gage Attorneys; 13 Lawyers of the Year
  August 15, 2019
- Super Lawyers Recognizes 47 Lathrop Gage Attorneys in Missouri and Kansas
  November 14, 2018

- Best Lawyers in America Recognizes 70 Lathrop Gage Attorneys
  August 15, 2018
- Super Lawyers Recognizes 57 Attorneys from Lathrop Gage in Missouri and Kansas
  November 9, 2017
- Best Lawyers in America Recognizes 78 Lathrop Gage Attorneys
  August 15, 2017
- Best Lawyers in America Recognizes 78 Lathrop Gage Attorneys
  August 16, 2016
- Super Lawyers Recognizes 71 Lathrop Gage Attorneys
  October 14, 2013
- 81 Lathrop Gage Attorneys Named “Best Lawyers in America”
  August 15, 2013
- 75 Lathrop Gage Attorneys Named Missouri & Kansas Super Lawyers
  October 15, 2012
- 80 Lathrop Gage Attorneys Named “Best Lawyers in America”
  August 22, 2012
- 54 Lathrop Gage Attorneys Named Missouri & Kansas Super Lawyers
  November 1, 2011
- Two Lathrop Gage Litigators Named BTI Client Service All-Stars
  February 16, 2011
- 62 Lathrop Gage Attorneys Recognized by Super Lawyers Magazine
  October 13, 2010
- 59 Lathrop Gage Attorneys Named Best Lawyers in America
  August 6, 2010
- James L. Moeller Joins Lathrop Gage as Partner
  September 18, 2009

Professional Affiliations

- American Bar Association, Litigation and Environmental Sections
- Federal Court Committee, Vice Chair
- Kansas City Bar Association, Technology Committee
- Kansas City Metropolitan Bar Association, Federal Courts Advocates Section
- The Missouri Bar

Community Involvement

- First Tuesday - Kansas City (an Internet and e-commerce networking group), Founder and Chair of Organizing Committee
- Junior Achievement, Board of Directors, 2005-2009
- Kansas City Public Library District, Board of Trustees, President (1994-1996; 1998-2000); Vice President (1990-1993); Trustee, (1988-2001)
- MOCSA (Metropolitan Organization to Counter Sexual Assault), Board of Directors

Honors

- Selected among *The Best Lawyers in America*®, 2012-2024 (multiple prior years)
- *Missouri & Kansas Super Lawyers*, 2010-2021
- Order of the Coif, Member - Missouri Law Review, Curator's Scholar
- Martindale-Hubbell® "AV Preeminent" Rating
- Named a BTI Client Service All-Star in the first (2011) class of All-Stars named - one of 318 attorneys nationwide who were recognized for superior client service
- Casteel Scholar, Guy Thompson Prize
- Phi Beta Kappa, Pi Sigma Alpha, University Scholar
- Schaperkoetter Scholar, Kinney Scholar