

PRACTICE AREAS

- Class Actions & Multi-District Litigation
- ERISA & Benefits
- Litigation
- Securities, Corporate Governance & Sarbanes-Oxley
- White Collar, Regulatory Defense, and Investigations

EDUCATION

- B.A., College of the Holy Cross, cum laude;
- Phi Beta Kappa
- J.D., Duke University; Order of the Coif;
- Articles Editor, Duke Law Journal

BAR & COURT ADMISSIONS

- New York
- North Carolina
- District of Columbia
- U.S. Supreme Court
- U.S. Court of Appeals, Federal Circuit
- U.S. Court of Appeals, Second Circuit
- U.S. Court of Appeals, Fourth Circuit

JAMES (JIM) P. MCLOUGHLIN, JR.



MEMBER

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In complex arbitrations, civil and criminal trials, and appeals, Jim McLoughlin's objective is to maximize the impact of the entire litigation team.

His extensive litigation and arbitration track record includes arbitrations before the NASD, the NYSE, the American Arbitration Association, and the International Chamber of Commerce; trials and appeals in numerous state and federal courts; and international matters.

Services Mr. McLoughlin regularly provides his diverse clients include:

- Complex business litigation
- Corporate investigations
- Securities litigation and arbitration
- ERISA litigation
- Class action litigation
- Healthcare litigation
- Criminal defense, including:
 - Internal investigations
 - White collar crime
 - Grand jury matters
- Recently represented minority shareholder in the prosecution of breach of fiduciary duty and theft of corporate assets litigation.

CONTINUED

- U.S. Court of Appeals, Fifth Circuit
- U.S. Court of Appeals, Eighth Circuit
- U.S. Court of Appeals, Ninth Circuit
- U.S. Court of Appeals, Eleventh Circuit
- All North Carolina Federal District Courts
- All New York Federal District Courts

OTHER AREAS OF LAW

- Trials
- Arbitrations
- Appeals

JAMES (JIM) P. MCLOUGHLIN, JR.

- Recently represented a national healthcare company in the defense of an anti-trust class action in Arizona arising from alleged price-fixing by hospitals in the hiring and payment of hospital staff.
- Assists a client with the management of its litigation portfolio, including tax, civil, regulatory and labor matters in South America.
- Recently won an arbitration defending a client against multi-million dollar Sarbanes-Oxley and state law claims brought by a terminated employee who alleged he was terminated because he was a whistleblower.
- Represented the Bank of America Corporation in connection with the investigation of that corporation's merger with Merrill Lynch by the Attorney General of North Carolina and the negotiation of the settlement of that investigation.
- Represented a defendant in the first anti-terrorism trial after September 11.

Representative Cases

Past reported civil matters in which Mr. McLoughlin has participated include:

- *Rexam Inc. v. United Steel Workers of America*, 2006 WL 2530304 (D. Minn. August 31, 2006).
- *Robert A. Johns v. Rexam Medical Packaging*, 2005 WL 1308319 (M.D. Ga. June 1, 2005), *aff'd* 2006 WL 1071854 (11th cir. 2006).
- *Simonini v. Bell*, 2003 U.S. App. Lexis 13295 (4th Cir. 2003).
- *Coastal Healthcare v. Schlosser*, 673 So.2d U.S. App. 62 (Fla. App. 1996).
- *Moss v. J.C. Bradford & Co.*, 334 N.C. 688; 436 S.E.2d 381 (N.C. S.Ct. 1993).
- *Lowder v. All Star Mills, Inc.*, 103 N.C. App. 479; 405 (1991) *aff'd* 330 N.C. 119; 409 S.E.2d 595 (1991).
- *Jeske v. Brooks*, 875 F.2d 71 (4th Cir. 1989); Fed. Sec. L. Rep. (CCH) P94, 494 (1989).

OF NOTE

Awards and Professional Recognition

CONTINUED

JAMES (JIM) P. MCLOUGHLIN, JR.

- Best Lawyers 2012, Charlotte Litigation - Banking and Finance Lawyer of the Year.
- Included in *Best Lawyers in America* for Commercial Litigation, Bet the Company Litigation, Banking and Finance Litigation, Regulatory Enforcement Litigation and Litigation Securities 2009 - 2012
- Recognized in the 2010-2012 editions of *Benchmark Litigation* as a "Local Litigation Star" in the areas of Civil, Criminal, Corporate Governance, Healthcare, Internal Investigations & Securities
- Included in *Chambers Partners USA* in North Carolina - Litigation: General Commercial, 2006 - 2012
- Selected for inclusion to the *North Carolina Super Lawyers* list in 2006 - 2012. His primary areas of practice are Business Litigation, Criminal Defense, and Securities Litigation.

Seminars and Publications

- Published "Deconstructing United States Sentencing Guidelines Section 3A1.4: Sentencing Failure in Cases of Financial Support for Foreign Terrorist Organizations," University of Minnesota's Law Journal entitled *Law & Inequality: A Journal of Theory & Practice*, Vol. 28, No. 1, Winter 2010
- Published "Evaluating and Protecting Against Risk Through A Corporate Risk Officer," *Corporate Board Member Magazine*, Second Quarter 2011 (with John Fagg)
- "The Company's Response to Reinforcement Actions and Criminal Proceedings," 15th Annual Dan K. Moore Program in Ethics, University of North Carolina School of Law Center for Banking and Finance (2005)

PROFESSIONAL AFFILIATIONS

- Law Clerk to Hon. Eugene Gordon, Senior Judge, United States District Court, Middle District of North Carolina
- Fellow of the Litigation Counsel of America
- Member, Board of Trustees, Lawyers' Committee for Civil Rights Under Law

CONTINUED

JAMES (JIM) P. MCLOUGHLIN, JR.

- American Bar Association
- North Carolina Bar Association
- New York State Bar Association
- National Association of Criminal Defense Lawyers