



## James H. Stilwell

### Managing Partner

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## Practice Areas

- Estate Planning, Wills and Trusts
- Probate/Disputes
- Business Formation
- Business Transactions and Documents
- Real Estate
- Trials, Mediation and Arbitration
- Employment Law

## About James

James H. Stilwell is the Managing Partner and one of the Founders of the law firm. He handles a wide-range of litigation matters, and also regularly prepares estate planning documents and helps clients with business transactions. He is “AV” rated by Martindale-Hubbel (its highest ranking both as to skill and ethics), was named one of Texas’ top ranked lawyers across the areas he practices in, has a 10.0 rating on the AVVO platform, and in the past has been recognized as a “Super Lawyer” for his Will and Trust litigation work. James is also an accomplished appellate lawyer having numerous published opinions by various Texas Appellate Courts, including the Texas Supreme Court.

James also has an extensive background of service to his community, including having served as the Chairman of Leadership Montgomery County, the Chairman of the Woodlands Area Chamber of Commerce, one of the Founders and Directors of The Woodlands Charities, Inc., Vice President of The Woodlands Bar Association, member of

the Memorial Hermann-The Woodlands Medical Center Advisory Board, as well as having served numerous other non-profits in and around Montgomery County, Texas. He is deeply involved in his church, has served in leadership positions both in his local church and with the Houston-North District of the United Methodist Church, and many times as a Delegate to the Texas Annual Conference of the United Methodist Church. James is married to Janet (an ordained deacon in the United Methodist Church) and has 2 adult daughters, Sarah and Maggie.

## Education

The University of Texas Law School, J.D., 1995  
Constitutional Law Precept  
Articles Editor, *The Review of Litigation*

Baylor University, B.A. Double Degree in Political Science and Economics, 1992  
Top Political Science Graduate, 1992  
Baylor Honor Council  
Presidential Scholarship  
1988 National Youth of the Year  
Lyndon Baines Johnson Intern to Congressman Bill Archer

## Publications and Presentations

### Publications

- ["The Chicken or the Egg - Insurance and Indemnification Clauses in the Same Contract."](#) Corporate Counsel publication (2007).
- "When Actions Speak Louder Than Words: The Case for a Quasi-Estoppel Exception to the Statute of Frauds." 22 Rev. Litig. 69 (2003).
- "Texas Premises Liability Jury Definitions, Instructions, and Questions for Criminal Actor Cases – A Pattern to Ease the Madness?," 17 Rev. Litig. 259 (1998).
- "Walking the High Wire: Practical Possibilities for Regulatory Responses to the Electromagnetic Field Quandary," 15 Rev. Litig. 141 (1996).

- “Straddling the Wire: Electromagnetic Fields and Personal Injury Suits,” 14 Rev. Litig. 545 (1995).

## Presentations

- Coordinating Client Assets (presentation at Financial Advisors Compliance meeting, Montgomery County, 2019).
- What Happens When I’m Gone? (Presentations at multiple venues in 2011-2018)
- FOF & COL, not BFF LOL (Findings of Fact and Conclusions of Law presentation for M.C. CCL#2 Brown Bag CLE – 2016).
- Business Owner Overview of the Texas Open Carry Law (Presentations to Woodlands Area Chamber of Commerce – 2016; and M.C.B.A. – Law Day 2016).
- OMG not LOL: Employer Liability for Employee’s Who Text/Talk While Driving; Woodlands Area Chamber of Commerce, Annual Employment Law Update (October 2013, October 2010).
- Business Planning for Uncertain Times: Dealing with the Killer D’s – Death, Disability, Divorce, Departure and Downturn. Presented to Woodlands Chamber of Commerce, seminar series (July 2013, August, 2009).
- Rainmaking Panel (Presentation for Woodlands Bar Association, Small Firm Section 2012).
- Pursuing Attorneys’ Fees (Presentation for “Lawyers Who Stare at Goats” CLE Sponsored by WBA and M.C. 9<sup>th</sup> District Court – 2010).
- Opening Statements: This is not your Father’s Oldsmobile; Oral Advocacy CLE - Lone Star Corporate College (September 2010).
- “What Every Lawyer Should Know about Wills and Powers of Attorney” – Presentation to Woodlands Bar Association (July 2009, 2010 and 2011).
- “Creditor Exempt Assets: When You Can’t Take it With You, and the Creditors Can’t Take it Either,” Wills & Probate Institute, South Texas College of Law CLE (2007).
- “Opening Statements for the 21st Century,” The Jury Trial 2007 CLE, Houston & Dallas (August 2007).

## Appellate Cases

- *Wisch Leasing Group v. The Woodlands Land Development Company, LP*; 09-19-00050-CV (Beaumont, filed 2/21/19); and 09-18-00461-CV (Beaumont, filed 12/11/18).
- *Eaker v. Mangiameli, et al*; 09-19-00036-CV (Beaumont, filed 2/11/19).
- *In the Estate of Farmer*, 09-18-00314-CV (Beaumont, filed 8/21/18).
- *Ng v. Morgan*; 09-17-00402-CV (Beaumont, filed 10/23/17).
- *Lone Star Groundwater Conservation District, et al v. City of Conroe, Texas et al*; 09-16-00201-CV; \_\_S.W.3d\_\_(Tex.App.-Beaumont, 2/2/17).
- *Benders Landing Estates HOA v. LGI Land LLC*; 09-16-00183-CV (Beaumont, filed 5/25/16).
- *Kohlhausen v. Baxendale*; 01-15-00901-CV (Houston [1<sup>st</sup>] Court of Appeals, filed 10/23/15).
- *Kemp v. Neyman*; 09-15-00178-CV (Beaumont, filed 5/12/2015).
- *Vidrine v. The Woodlands Land Development Company, LP*; 09-12-00378-CV (Beaumont, filed 12/2/2013).
- *LaChina v. The Woodlands Operating Company, LP, et al*, TX CA 14, 14-12-00066-CV (Tex.App.-Houston [14th Dist.] August 8, 2013).
- *Harris County Fresh Water Supply District No. 61 v. FWO Development, Ltd.*, 012913 TXCA14, 14-12-00496-CV (Tex.App. — Houston [14th Dist.] January 29, 2013)(Writ denied, Texas Supreme Court, 2014).
- *Smalley v. Smalley*, 042612 TXCA9, 09-11-00023-CV (Tex.App. — Beaumont, April 26, 2012).
- *Smalley v. Smalley*, 022411 TXCA9, 09-11-00023-CV (Tex.App. — Beaumont, February 24, 2011).
- *McDuffee v. Miller*, 102810 TXCA9, 09-10-00293-CV (Tex.App. — Beaumont, October 28, 2010).
- *Bryer v. The Woodlands Land Development Co., L.P.*, 090910 TXCA, 09-09-00326-CV (Tex.App. — Beaumont, September 9, 2010).
- *In re The Methodist Hospital*; 09-08-00273-CV (Beaumont, filed 6/16/2008).

- *Balakrishna v. Narayan*, 14-07-00914-CV (Houston [14<sup>th</sup>] Court of Appeals, filed 10/24/2007).
- *In re Estate of Hersey*, 223 S.W.3d 457, (Tex.App. — Amarillo, April 25, 2006).
- *Lee v. Hersey*, 223 S.W.3d 439, (Tex.App. — Amarillo, March 24, 2006).
- *Paul v. Merrill Lynch Trust Co. of Texas*, 183 S.W.3d 805 (Tex.App. — Waco, December 14, 2005).
- *Parks v. Landfill Market Consultants, Inc.*, 2004 WL 1351545 (Tex.App.—Houston [1st Dist.] June 17, 2004).

## Interests

James is a distance runner and regularly competes in Tough Mudder events. He also enjoys cooking, coffee, wine tasting, and has extensive knowledge about craft beer.