

Defamation case against Texas legal recruiter allowed to proceed

DLA Piper wins decision by the U.S. Court of Appeal over lower court's blocking of a defamation lawsuit filed in Hong Kong against recruiter Robert Kinney

NEW ORLEANS, LOUISIANA, USA, November 10, 2020 /EINPresswire.com/ -- A defamation lawsuit filed in Hong Kong by [DLA Piper LLP](#) on behalf of legal recruiters Evan Jowers and Alejandro Vargas was wrongly blocked last year by a lower court, the 5th U.S. Circuit Court of Appeals has ruled.

The Nov. 6 decision clears the way for DLA Piper to proceed with its lawsuit in Hong Kong against Texas-based legal recruiter Robert Kinney, who is accused of trying to ruin the reputation of Jowers, a Hong Kong-based rival and former Kinney employee.

The decision is a win for Jowers in a years-long court battle between the legal recruiters over business in the valuable Asian market.

Kinney initially sued Jowers in 2017 in state court in Austin, Texas, alleging that Jowers violated a non-compete clause and took trade secrets when he left the year before to form his own Big Law recruiting company, [Jowers/Vargas](#), in Hong Kong. That lawsuit is still working its way through U.S. courts. In August 2019 Jowers filed a countersuit in federal court in Texas claiming Kinney violated RICO statutes and employment laws.

Jowers also filed a lawsuit against Kinney in May 2019 in Hong Kong that claims Kinney defamed him in emails to candidates and firms Jowers works with.

The Hong Kong case was put on hold in December 2019 when U.S. District Judge Robert Pitman issued an injunction, concluding that Jowers' Texas countersuit was a duplication of the defamation lawsuit.

DLA Piper represents Jowers in the successful Nov. 6 appeal and in the Hong Kong action. Attorneys James Bookhaut and Marc Katz successfully argued that Pitman should have considered other legal precedents when he enjoined the separate defamation lawsuit. The Fifth Circuit agreed with their arguments that the trial court applied an incorrect "logical relationship" test, which would, if applied, render anti-suit injunctions commonplace.

Based in Hong Kong since 2015, Jowers is recognized as the leading U.S. attorney recruiter in Hong Kong and China. Since 2006 he's placed hundreds of American attorneys in Big Law in Asia. He created the well-known "The Asia Chronicles" blog in 2008 for AboveTheLaw.com. For many years he's advised top J.D. programs regarding legal careers in Asia, including as part of Harvard's "Ask the Experts" program.

The appeal is *MWK Recruiting Inc. v. Jowers*, 19-51064 (5th Circuit, Nov. 6, 2020). Jowers' Texas trial counsel will be Robert Tauler, of Los Angeles-based [Tauler Smith LLP](#).

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