

James C. Earle

Member

James Earle brings a skill set to the litigation table that is unique and varied. Developers, contractors, municipalities and product manufacturers have utilized his skills on cases involving commercial, industrial, residential, hotels, apartments, condominiums, and municipal projects.

He brings unique, practical experience to his litigation practice: he is one of few attorneys with hands-on experience in construction as a licensed California general contractor (B) and subcontractor (C-36 Plumbing); he served as a combat engineer, construction surveyor and soils analyst in the U.S. Army Corps of Engineers.

As lead counsel in over 40 jury trials, bench trials, and binding arbitrations, as well as over 700 mediations, his diverse experience has aided municipalities, developers, general contractors, sub-contractors, hotels, homeowners and national construction product manufacturers. His clients have received his support as lead counsel in products liability litigation in federal and state courts throughout the nation and Canada.

Representative Matters:

- Prosecuted and defended multi-million dollar defects claims brought against regional and national developers and builders involving thousands of single family residences
- Drafted and negotiated construction contracts for owners of multi-million dollar shopping center projects
- Served as national litigation coordinating counsel for a nationally known pipe material supplier in nationwide cases
- Successfully defended roof coating manufacturer in lengthy trial (30 days) involving claim by owner of 400,000 square foot HVAC manufacturing center alleging defective materials and failure to warn
- Represented developer in prosecution of land subsidence claims against adjacent property owners where we obtained \$1.4 million dollars in damages
- Represented general contractor with project in Southern California construction involving defect and delay claims on a \$7.3 million dollar manufacturing center
- Defended hundreds of general contractor and subcontractor claims and disputes, including construction defects, default and termination, mechanic's lien disputes, claims under performance and payment bonds, and liquidated damages clauses
- Prosecuted and defended claims involving HOAs in disputes with developers, general contractors and subcontractors over the construction of various single family and condominium projects
- Represented developer of large apartment complex in land subsidence lawsuit by tenants which resulted in a \$14.5 million dollar settlement
- Successfully defended general contractor in lengthy trial (30 days) and appellate courts in multi-million dollar claim involving construction negligence and water intrusion claims
- Prosecuted and defended mold and water intrusion claims by business owners and homeowners
- Defended developers/builders, general contractors and subcontractor of large multi-tract home projects in multi-party litigation alleging construction defects and mold claims
- Represented commercial property owners in Federal and State courts defending Americans with Disability Act (ADA) lawsuits
- Represented commercial property owners in litigation against construction and design professionals involving professional negligence, breach of contract, breach of warranty and Uniform Building Code violations
- Represented international construction material manufacturers in cases throughout the United States involving products liability, construction defects and compatibility issues
- Represented waste hauling business in dispute with municipality regarding contracts
- Represented national plumbing company in a California statewide class action that resulted in dismissal of the class action, a determination that Plaintiff was not the prevailing party and a further determination that Plaintiff was not entitled to attorney's fees and costs
- Represented City of Malibu in soils subsidence case involving eminent domain, flooding and fire related claims alleging preparation of construction contract on behalf of municipality and property owners
- Structured a development agreement on behalf of design professionals
- National litigation counsel for construction material product manufacturers
- Involved in multi-party construction and products liability litigation in numerous state and federal courts
- Negotiations with federal, state and local administrative agencies related to building code compliance and



Office

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Education

J.D., Golden Gate University School of Law, San Francisco, California, 1985

M.A., San Jose State University, San Jose, California, 1981

B.A., Rowan University, Glassboro, New Jersey, 1978

State Bar Licenses

Florida
Washington
Arizona
Colorado
Nevada
California

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- proposed modifications to the state and local building codes and regulations
 - Development of agreements for mass tract housing projects and single-family residential homes
 - Construction material product manufacturers and is involved in multi-party construction and products liability litigation in numerous state and federal courts
 - Represented construction pipe manufacturers, roofing manufacturers, tire manufacturers in defect and breach of warranty claims
 - Negotiated favorable settlement for nutrition supplement manufacturers in a contract dispute
 - Represented medical device suppliers and telecommunication companies with contract disputes, facility defect claims and regulatory issues
 - Defended developers/builders, general contractors, subcontractor and construction product manufacturers involving high rise apartments, condominiums and office buildings in multi-party litigation alleging water intrusion toxic tort and mold claims
 - Successfully represented high end homeowner in construction defect and failure to disclose litigation involving a \$25 million dollar plus residence

Publications/Presentations

- Author, "Necessary Steps," *Construction Today*, October 2018
- Moderator, American Arbitration Association® Construction Conference, March 23, 2018
- Presenter, "Effective Discovery in Construction Arbitration—What is really necessary? Keeping Arbitration Lean," American Arbitration Association Construction Conference, March 2015
- Presenter, "New Building Products and Technologies," Construction SuperConference, December 2008
- Presenter, "An Overview of New Building Technologies: What Owners and Developers Should Know," The Association of Owners and Developers (AOD) Seminar, May 2008
- Author, "California Construction Law, Winners and Losers," *Claims Magazine*, Published by the National Underwriter Company, May 2000
- Author, "Expert Fees and Construction Defect Issues," *The California Construction Law Reporter*, March 1996

Practices, Industries & Services

Construction Law

Memberships

- Member, Fellowship of the Construction Lawyers Society of America
- Chairperson, Los Angeles County Bar Association, Construction Law Subsection
- Executive Committee Member, Los Angeles County Bar Association, Real Estate Section
- Mediation Panel Member, United States District Court, Central District of California
- American Bar Association
- Army Engineer Association
- Building Industry Association
- American Arbitration Association

Honors

- LEED Green Associate
- For twelve years (2007, 2009-2019) James Earle has been named a Southern California Super Lawyer in a survey distributed by Thomson Reuters, a distinction honoring the top 5% of lawyers in the region
- Martindale-Hubbell, Peer Reviewed, AV® Preeminent™ Rating
- Certified Mediator, Pepperdine University Mediation Certification Program since 1995
- State of California General Contractor (B) and Subcontractor (C-36 Plumbing) Since 1982
- Named among Best Lawyers in America® for Construction Law by Best Lawyers® (2020-2021)