

## James P. Wagner

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### Introduction

Jim is an experienced civil litigation attorney and his practice focuses on construction, insurance coverage and other complex commercial disputes. For nearly 40 years, Jim has successfully represented property owners, developers, contractors, design professionals, non-profit agencies and others in a variety of contract disputes, tort claims, insurance coverage disputes and other matters. Drawing on a wealth of litigation experience, Jim applies his lessons learned to quickly analyze and resolve highly technical disputes, always seeking the most cost-effective path to achieve the client's goals. Jim is highly respected in his field, having written and presented on a wide variety of construction and insurance coverage issues.

### Experience & Results

- *CH2M Hill v. Apollo Inc.* Successfully represented design professional in resolution of claims related to design and construction of a large wastewater treatment facility in Central Oregon.
- *CH2M Hill v. Great Northern Engineering.* Successfully represented owner of large industrial buildings on Alaska North Slope in recovery of damages from foundation designer and property insurer due to thawing of permafrost and resulting building subsidence.
- *CH2M Plateau Remediation Co. v. FE&C.* Successfully defended U.S. Department of Energy prime contractor against cost overrun claims brought by general contractor regarding design and construction of major nuclear waste processing facility at Hanford.
- *Levings v. Travelers Insurance.* Represented investor on claim against fidelity bond insurer of 1031 exchange facilitator who misappropriated proceeds from sale of apartment complex. Case of first impression under 2012 Washington statute regulating such transactions.
- *Schnitzer West v. PCL Construction and Underwriters at Lloyds, London.* Represented owner/developer of high-rise apartment complex in Bellevue, Washington, in successfully prosecuting \$4 million claim against contractor and insurer resulting from defective and damaged balcony railings.
- *Seattle School District v. Heery International, et al.* Defended \$2 million claim brought by School District against contractors, designers and project managers regarding alleged environmental contamination of new school building. Successfully resolved in mediation.
- *Aldrich & Associates v. Asian Counseling and Referral Service.* Successfully defended nonprofit owner of new organization headquarters facility against contractor's claims for additional construction costs and impacts. Resolved in mediation with very little additional compensation to contractor and most costs covered by designers' E&O insurance.
- *Amy's Kitchen, Inc. v. S&B James Construction, et al.* Represented major producer/distributor of organic and vegetarian food products in successfully prosecuting \$30 million claim against contractors and insurers resulting from defective and damaged concrete floor in new 140,000 square foot manufacturing facility near Medford, Oregon.

### Education

- Washington State University (B.A., *summa cum laude*, 1976)
- Stanford Law School (J.D., 1979)

## Admissions

- Washington
- Alaska
- Oregon

## Awards/Honors and Organizational Memberships

- Listed in *The Best Lawyers in America*® in Construction Law since 2019
- Top Lawyer - Construction Award Recipient, *Seattle Metropolitan Magazine*
- Named on the Washington Super Lawyers list by *Super Lawyers*® Magazine since 2006
- Martindale-Hubbell Peer Review Rated AV® Preeminent 5.0 out of 5
- Washington State Bar Association, Construction Section, Member
- American Bar Association, Forum on the Construction Industry, Contract Negotiation and Performance Section, Governing Committee, Member
- American Bar Association, Forum on the Construction Industry, Legislation Section, Member
- American Bar Association, Insurance Coverage Law Committee, Member
- American Arbitration Association, Washington and Alaska Construction Neutrals Panel, Member
- King County Bar Association, Member

## Publications/Speaking Engagements

- Speaker, "Do Additional Insured Requirements Violate Washington's Anti-Indemnity Statute?," (2012)
- Speaker, "The Circle of Blame: Allocation Issues with Multiple Insurers," (2011)
- Speaker, "CGL Insurance," Washington Insurance Conference, (2007-2010)
- Speaker, "Key Contract Clauses," Washington Construction Contract Conference, (2008-2011)
- Speaker, "The Additional Insured Quagmire: Where Are We and How Did We Get Here?," (2008)
- Speaker, "Best Practices in International Arbitration of Construction Disputes," (2007)
- Speaker, "Condominiums: Opportunities and Pitfalls," (2006)
- Speaker, "The Mold Challenge in Washington," (2006)
- Speaker, "Insurance Considerations for Contractors and Subcontractors," (2006)
- Speaker, "Wrap Insurance: Project Development and Construction in a Brave New World," (2006)
- Speaker, "Insurance Considerations: Coverage Wars in Insurance Construction Defect Cases," (2003)