



James S. Hultz

Partner

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James Hultz is a partner in the Newport Beach office. He concentrates his practice in insurance coverage, construction, and real estate disputes.

Creative Pre-litigation Solutions

Litigation can be a long and inefficient process, so Mr. Hultz helps his clients pinpoint the core issues at the core of disputes and then works to resolve them as quickly and efficiently as possible. A common criticism of attorneys is that they rush to litigation to the detriment of their clients. Mr. Hultz employs or develops alternative and creative approaches and often achieves his clients' critical objectives without ever stepping foot in court. Mr. Hultz' goal is to eliminate unnecessary diversions so that his clients can devote their time and energy to running their businesses.

Proven Litigation Results

When other options are unfeasible litigation can be the most effective means to confirm and vindicate his clients' rights, Mr. Hultz has extensive experience litigating cases in state and federal courts across the country. He has an established record of success in high stakes and complex cases. Mr. Hultz concentrates his litigation practice primarily on insurance coverage disputes exclusively on behalf of corporate and individual policyholders. His focused, dynamic and creative approach has proven highly effective and he has helped his clients recover millions of dollars in policy benefits, attorney's fees and bad faith damages in cases involving nearly every type of insurance policy. Mr. Hultz also litigates construction and real estate disputes on behalf of property owners, developers and homebuilders. He was the lead attorney in the published *Standard Pacific Corp. v. Superior Court (Garlow)* decision, which was the very first California appellate decision upholding important homebuilder rights under the Right to Repair Act.

Real World Insurance Review and Risk Management Counseling

Mr. Hultz' extensive litigation and dispute resolution experience provides unique insight that allows him to identify and address insurance coverage issues *before* claims arise. He works extensively with his clients to review existing insurance policies and programs for gaps in coverage. He helps his clients develop holistic and proactive risk management programs to maximize all potential insurance and third party recovery resources.

Services

- Business Litigation
- Construction Litigation
- Coverage & Bad Faith Litigation
- Risk Avoidance, Transfer & Management
- Real Estate Litigation

Admissions

- California, 2001
- U.S. District Court, Central District of California, 2001
- U.S. Court of Appeals, Ninth Circuit, 2001

Education

- University of Southern California Gould School of Law (*J.D.*, 2001)
- San Diego State University (*B.S.*, *cum laude*, 1992)

Languages

- Korean

Prior to his legal career, Mr. Hultz attended the Defense Language Institute in Monterey, California and subsequently spent several years traveling and working throughout Korea as an intelligence analyst and linguist.

Successes

Insurance Coverage and Broker Malpractice

Recovered millions of dollars from the insurer of a small business arising from a fire that caused pollutants to flow into the public sewer system, and recovered an additional million from its insurance broker.

Builder Insurance Bad Faith Claim

Successfully litigated multi-million dollar claim on behalf of a builder policyholder in Texas Federal Court.

General contractor- duty to defend litigation

A project owner sued Mr. Hultz' general contractor client in a "bet the company" construction litigation. The general liability insurance carrier covering the project refused to defend and rejected all pre-litigation resolution efforts. Mr. Hultz filed suit against the insurer, quickly prevailed on a dispositive motion and obtained millions of dollars in damages and penalties from the insurer.

Master Developer- Insurance Review and Counseling

A Master Developer client asked Mr. Hultz to review the insurance program covering a massive residential construction project in Northern California. Mr. Hultz helped his client avoid catastrophic loss when he discovered major gaps in coverage that would have left his client completely exposed to several categories of potential liability. Mr. Hultz worked together with his client's risk management team, negotiated with the involved insurer representatives and resolved the coverage problems before construction even commenced.

Product Manufacturer- resolved coverage and broker negligence disputes through pre-litigation negotiation

Mr. Hultz represented a family-owned product manufacturer whose factory was destroyed in a major chemical fire. The client faced certain bankruptcy when the Commercial General Liability and Pollution Legal Liability insurer denied coverage. Without the insurance coverage, the company could not have rebuilt its facilities, much less defend the myriad claims and lawsuits from neighboring businesses and property owners. However, through extensive negotiations and creative coverage solutions, Mr. Hultz convinced the insurance carrier to provide coverage. He also negotiated a substantial recovery from the involved insurance broker. Without ever stepping foot into court, Mr. Hultz quickly obtained millions of dollars in recoveries which allowed his client to rebuild its business and quickly restart operations.

Professional Liability Insurance Coverage Litigation

Litigated a multi-million dollar claim on behalf of a policyholder against a Professional Liability insurer, in Complex court and in the California Court of Appeal. Ultimately first-chaired the trial and mediated the claim to resolution.

Insurance Coverage

Obtained a multi-million dollar settlement from a major insurance carrier to reimburse a national builder for structural repairs to several condominium projects.

Publications

July 14, 2020

Proposed California Legislation Would Eliminate Certain Obstacles to Coverage for COVID-19 Business Income Losses

April 16, 2020

Business Interruption Insurance Coverage Act of 2020: Yet Another Reason to Promptly Notify Insurers of COVID-19 Losses

April 13, 2020

Draft Federal Legislation Reinforces Advice to Promptly Notify Insurers of COVID-19 Losses

April 8, 2020

Vertical vs. Horizontal Exhaustion – California Supreme Court Issues Ruling Favorable to Policyholders

May 24, 2017

A Single Construction Defect Lawsuit as Multiple Occurrences: Five Reasons it Just Doesn't Add Up