

James E. Holland, Jr.

PARTNER

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A uniquely creative trial and appellate lawyer who thrives in both court and arbitration, Jim reshapes his clients' most difficult legal challenges. Whether they have large, sophisticated legal departments or limited experience, clients trust Jim with their bet-the-business problems.

Jim's considerable knowledge of complex litigation ensures creative resolution of clients' most difficult problems. Jim is best known for his consistent victories in construction litigation, but he is also top choice for disputes involving insurance, lender liability, intra-company management and real estate. Because of his unique ability to analyze complex legal issues, Jim is often enlisted to reshape strategies mid-case when clients face mounting risks. His fresh ideas and sophisticated analysis changes the course of the litigation, creating wins for cases that were destined for defeat.

Jim leverages his background as an insurance adjuster for a national insurance company to aid his clients and has represented developers, contractors, purchasers, insurers, municipalities, investors, businesses and property owners. His extensive experience addresses all elements in complex litigation, including construction defects, contract disputes, wrongful termination, payment and Miller Act disputes, liens, claims for equitable adjustment, and an array of commercial torts. He has also been indispensable in cases involving the

PRACTICES & INDUSTRIES

Business Litigation
Construction
Business Ownership Disputes

ADMISSIONS

Arizona, 2002

EDUCATION

Arizona State University, J.D., *magna cum laude*, 2002

- Order of the Coif
- Willard H. Pedrick Scholar

Arizona State University, B.S., *summa cum laude*, 1998

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emerging medicinal cannabis industry and the national opioid litigation.

EXPERIENCE

Pioneering a novel analysis, Jim persuaded the Arizona Supreme Court to reject all prior decisions across the nation regarding the statute of limitation for a subcontractor's veil-piercing claim. The published decision affirming his summary-judgment win is *Specialty Companies v. Meritage Homes*, 248 Ariz. 434 (2021).

Jim joined a cadre of lawyers defending pharmacists and pharmaceutical companies in opioid litigation. The plaintiffs voluntarily dismissed their claims in Arizona after the defense team persuaded the Arizona Supreme Court to address several novel issues of law regarding the claims.

Persuading the Arizona Supreme Court to reverse prior unfavorable precedent, Jim obtained summary judgment for his client regarding the anti-deficiency statute's applicability to construction loans. The published opinion is *BMO Harris Bank, N.A. v. Wildwood Creek Ranch, LLC*, 236 Ariz. 363.

Championing a corporate client, Jim recovered more than \$10 million through litigation after the company's former executive diverted company money to purchase multimillion dollar insurance policies prior to his death.

Hired to represent a commercial-building owner after its prior counsel was unable to obtain a \$500,000 settlement for construction defects, Jim reframed the issues and collected a \$2 million settlement.

Breaking new legal ground, Jim won a case that clarified subrogation and other legal doctrines for discharging liens, options, and other encumbrances. The published appellate opinion is *Brimet II LLC v. Destiny Homes Marketing*, 231 Ariz. 457.

Employing a first-of-its-kind analysis, Jim was able to place his client's development issue on a referendum ballot despite admitted defects in the petition. The published appellate decision is *Forszt v. Stop Oro Valley Outrageous Giveaways*, 212 Ariz. 263.

Successfully litigating the expansive scope of arbitrators' powers, Jim helped his client avoid court in a commercial construction dispute. The published appellate decision is *Sun Valley Ranch 308 v. Robson*, 231 Ariz. 287.

Suing a structural engineer for defective designs affecting multiple homes in a development, Jim obtained a judgment for the entire claim, including an award of all attorneys' fees and costs and monetary sanctions against the design engineer.

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Representing a general contractor that faced multi-million-dollar liability for terminating a subcontractor from a military construction project, Jim obtained an arbitration award defeating all seven of the subcontractor's claims (including wrongful termination, Miller Act, prompt-pay act, and various other claims), recovered the added expense of hiring a replacement subcontractor, and was awarded his attorney fees and costs.

Retained to represent a victim's family after it lost its wrongful-death claim against the Phoenix Police Department, Jim created a sophisticated indemnity theory to obtain a multi-million-dollar settlement.

RECOGNITIONS

Selected to the 2023, 2024 editions of *Best Lawyers in America*©

PROFESSIONAL & CIVIC ACTIVITIES

Home Builders Association of Central Arizona

Soley for Kids, Inc.

- Charity that Jim and his wife created to deliver new shoes to needy children in Mexico

Boy Scouts of America

Goodwill of Central Arizona, Inc., May 2007-Dec 2013

- Board of Directors – Secretary
- Executive Committee

Arizona Bar Association

Maricopa County Bar Association

NEWS

152 Stinson Attorneys Selected to the 2023 *Best Lawyers in America* List
08.18.2022

SPEAKING ENGAGEMENTS

"A New Frontier: Enforcing Waivers of the Implied Warranty of Good Workmanship and Habitability"
CLE, September 12, 2019

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Testified to Arizona Legislative Committee regarding the Purchaser Dwelling Action statute, November 14, 2018

"Update on Emerging Trends in Homeowner Defect Claims" CLE, November 13, 2018