

## James E. Horne

Of Counsel

Jim's practice primarily involves first and third-party insurance coverage opinions and litigation. He is licensed to practice law in Washington, Oregon and Hawaii and has represented clients throughout the Western United States in a broad range of areas including insurance coverage disputes, product liability, and in appeals. He has over thirty-five years of litigation experience in state and federal courts.

Jim has extensive federal and state trial and appellate experience involving a wide range of civil litigation matters throughout the Western United States. He has served as trial counsel in product liability claims involving various products, prescription medications, and medical devices including asbestos; urea-formaldehyde; Phentermine of the "Fen-Phen" diet drug combination; the food supplements goldenseal and Echinacea; football and bicycle helmets; wall-mounted heaters; and other electrical equipment and appliances. He also has experience with building and construction defect claims on behalf of contractors, building owners and occupants (condominiums, apartment buildings, hotels, parking and other facilities in the hospitality industry) as well as fire loss and property damage claims, including business interruption, loss of use, and loss of access claims.

### PRACTICE EMPHASIS AND EXPERIENCE

- Asbestos and Toxic Tort Defense
- Commercial Litigation
- Environmental Defense
- Environmental Insurance Coverage
- General Liability Defense



### CONTACT

Main Phone: (206) 689-8500  
Direct Phone: (206) 346-3934  
JHorne@FoUm.law

### EDUCATION

J.D., Willamette University College of Law, 1981, *cum laude*

- Minority Law Students Association

B.A., English, Gonzaga, 1978, *magna cum laude*

### BAR / COURT ADMISSIONS

State of Washington, 1981

Oregon State Bar Association, 1982

Hawaii State Bar, 1989

U.S. District Court, Western District of Washington

U.S. District Court, Eastern District of Washington

U.S. District Court, Oregon

Ninth Circuit Court of Appeals

U.S. Supreme Court

# James E. Horne

Of Counsel

- Insurance Coverage Analysis & Litigation
- Premises Liability

## RECOGNITION

- “AV” rated by Martindale-Hubbell, the highest rating obtainable by members of the legal community
- Recognized as a “Super Lawyer” in 1994 by *Super Lawyers* magazine

## REPRESENTATIVE CASES

- Successfully won a summary judgment motion finding that, as a matter of law, the policy exclusion for "bodily injury" or "property damage" which is "expected or intended" by any "insured" was clear, unambiguous, and enforceable and precluded proof of an "occurrence" within the policy's meaning. Judge Evan Jones granted the declaratory judgment relief and found that the client could withdraw its defense of the named insureds in an underlying lawsuit in Whatcom County Superior Court.
- Successfully represented a Naval equipment manufacturer sued for asbestos-containing component parts it did not manufacture, sell, or place into the stream of commerce. The Court found no liability for equipment added to the product after the sale.
- Successfully represented an equipment manufacturer of a rooftop shuttle-delivery system at the Seattle Kingdome alleged to have injured a third-party worker. Case dismissed for statute of limitations violation when service was not effectuated within the Washington statutory time limit. On certification from the Ninth Circuit, the Washington Supreme Court held the central authority for service under the Hague Convention was not the “agent” of the defendant company, but service on the central authority would have tolled the running of the 90-day time limit for service after the statute of limitations.
- Represented one of numerous potentially responsible parties sued for the clean-up of an old landfill in Kitsap County under the Washington Model Toxics Control Act (“MTCA”).
- Insurance coverage litigation for anticipated Year 2000 computer issues that largely did not materialize.
- Filed an *Amicus Curiae* Brief on behalf of the Insurance Environmental Litigation Association regarding whether an insured landlord was entitled to insurance coverage for loss to his rental property caused by the clandestine operation of an illegal methamphetamine laboratory.
- Represented a Canadian citizen and company against the Internal Revenue Service which sought financial records from client’s U.S. Bank on behalf of Revenue Canada under the 1942 Convention Respecting Double Taxation.
- Successfully represented the former Tacoma Chief of Police against criminal prosecution for recording a phone call placed by a private attorney through the switchboard of the Tacoma Police Department.

# James E. Horne

Of Counsel

- Filed an *Amicus Curiae* Brief on behalf of the National Association of Realtors, Washington Association of Realtors, and the Tacoma-Pierce County Association of Realtors successfully advocating for the Washington Supreme Court's creation of non-lawyer Limited License Legal Technicians ("LLLT") to be able to complete standardized real estate forms without potential criminal liability for the unauthorized practice of law.

## PROFESSIONAL & CIVIC INVOLVEMENT

- Washington State Bar Association
- Washington Defense Trial Lawyers, Board of Trustees (2019 – present)
- King County Bar Association
- Tacoma-Pierce County Bar Association
- American Judicature Society, member

## ARTICLES & PRESENTATIONS

- Presenter: Washington Defense Trial Lawyers "Annual Ethics Seminar" regarding ethical dilemmas in a "Day in the Life of a Civil Defense Litigator", November 11, 2020
- Presenter: "Ethics Workout" CLE, King County Bar Association, 2017
- Author: Federal and State RICO Acts, Civil and Criminal, Chapter 25A of the Washington State Bar Association's Commercial Law Deskbook
- Co-author and co-presenter: "Ethical Obligations of Counsel in light of *Magaña v. Hyundai Motor America*", Washington Defense Trial Lawyers (WDTL) Annual Insurance Law Seminar