

# James H. Vorhis

Partner | San Francisco

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Jim Vorhis is Co-Chair of the Insurance Recovery & Counseling Group at Nossaman. He is a business litigator assisting clients in finding solutions to a wide range of disputes, with a particular emphasis on complex civil litigation in state and federal courts. His commercial litigation practice consists principally of business disputes involving insurance coverage, construction, financial services, and commercial contract and tort disputes.

Jim has successfully represented clients in all phases of litigation, and has developed experience managing complex discovery issues, conducting and defending depositions, and briefing and arguing major dispositive motions. He has helped clients achieve significant recoveries or defense verdicts in several high-profile trials. Jim is also experienced representing clients in alternative dispute resolution (ADR) proceedings.

## EXPERIENCE

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**Public Pension Fund Insurance Counseling.** Counsels numerous public pension boards in obtaining insurance, and represents those boards in the claim process with insurers and in litigation. Recently prevailed on an appeal with the Ninth Circuit on a coverage matter that resulted in the reversal of a District Court order granting summary judgment to the insurer and the client recouping all of its defense fees for underlying litigation.

**Texas Department of Transportation – U.S. 181 Harbor Bridge Replacement.** Member of the legal team advising on replacement of the nearly 60-year-old Harbor Bridge spanning the Corpus Christi shipping channel with a new structure that will be the longest cable-stayed bridge in North America.

**Texas Department of Transportation – Grand Parkway, Segments H, I-1 and I-2.** Part of the trial team assisting with contract administration and claims management in connection with a Dispute Board process – the first of its kind in the State of Texas. The Disputes Board issued a full defense verdict in favor of TxDOT.

**Arizona Department of Transportation – South Mountain Freeway.** Member of the legal team advising on disputes pertaining to the first P3 project in Arizona – the Loop 202 South Mountain Freeway Project. The largest single contract in ADOT's history, the freeway development is also ADOT's first DBM project and the longest-term DBM contract to date in the U.S. transportation sector. Represented client in claim dispute process and contract administration.

**Federal Deposit Insurance Corporation v. Galan-Alvarez, et al.** Representing the FDIC in \$250 million lawsuit against directors and officers of failed Puerto Rico Bank and corresponding insurance coverage action against D&O and excess carrier. In settling the case, the client received the second largest individual contribution in the history of the FDIC from the directors. Prevailed on summary judgment motion against the insurance carrier.

**Sonora HOA vs. Regency Skyport, et al.** Defended public agency developer and general contractor in a major construction defect matter in Santa Clara Superior Court with related insurance coverage litigation, and accompanying insurance coverage disputes involve potential coverage under a \$25 million "wrap" policy issued for the project and additional insured coverage under policies issued to subcontractors. Negotiated favorable confidential settlements of the main action and insurance proceeding.

**Local Transportation Agencies.** Represented San Francisco County Transportation Agency in pre-litigation claims negotiations related to stop loss notice filed by worker of general contractor, and San Francisco Bay Area Water Emergency Transportation Authority and other transportation agencies in California on issues related to public bidding process and protests. This is part of Jim's practice related to stop loss and mechanics' lien disputes.

## INSIGHTS

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### SPEAKING ENGAGEMENTS

Panelist, "Cybersecurity and the Retirement System – What You Can Do NOW to Protect Your Organization," California Association of Public Retirement Systems 2022 Annual General Assembly, San Diego, CA, 03.05.2022 – 03.08.2022

Speaker, "Administrative Issues Facing Fiduciaries," Nossaman's 2021 Public Pensions & Investments Fiduciaries' Forum, 12.06.2021 – 12.07.2021

Speaker, "Current Insurance Issues Faced by Airports," 2021 P3 Airport Summit, San Diego, CA, 07.20.2021

Speaker, "Insurance Issues Faced by Employers in Times of COVID-19," Nossaman's Employment BUZZ Webinar Series, 02.23.2021

Speaker, "Administrative Issues Facing Fiduciaries," Nossaman's 2020 Public Pensions & Investments Fiduciaries' Forum, 09.30.2020 - 10.02.2020

Speaker, "Pursuing What You're Due: One Retirement System's Experience Suing Its Carrier," State Association of County Retirement Systems 2019 Fall Conference, Monterey, CA, 11.14.2019

Speaker, "Twists in Public Pension System Insurance Coverage for Fiduciaries," Nossaman's 2019 Public Pensions & Investments Fiduciaries' Forum, Berkeley, CA, 09.05.2019

Speaker, "2019 Public Pensions & Investments Fiduciaries' Forum: Evolving Demands on Public Plan Fiduciaries," Nossaman's 2019 Public Pensions & Investments Fiduciaries' Forum, Berkeley, CA, 09.04.2019

Panelist, "Mitigating Risk Through Effective Insurance Coverage: What's Covered, and What's Not," National Association of Public Pension Attorneys' 2019 Winter Seminar, Tempe, AZ, 02.22.2019

Speaker, "*San Joaquin County Employees' Retirement v. Travelers Casualty and Surety Company of America*, U.S.D.C. (Eastern Dist. of CA) Case No: 2:18-cv-02042-JAM-CKD," California Association of Public Retirement Systems (CALAPRS) Attorneys' Roundtable, Oakland, CA, 02.01.2019

Speaker, "Defense and Indemnification Rights of Trustees and Staff: How Protected Are You?," Nossaman's 2018 Public Pensions and Investments Fiduciaries' Forum, San Francisco, CA, 10.19.2018

Speaker, "Look Who's Talking: The Rise of Networked Devices and What That Means for Utilities," 2018 Conference of California Public Utility Counsel Annual Meeting, Truckee, CA, 10.01.2018

Speaker, "Cybersecurity and Data Breaches," Nossaman's Annual Employment Law Seminar, San Francisco & Sacramento, CA, Winter 2018

Speaker, "Coverage: How Protected Are Your Assets?," Nossaman's 2017 Public Pensions & Investments Fiduciaries' Forum, San Francisco, CA, 11.30.2017

Moderator, "A Look Ahead: The Future of Cybersecurity and Cyber Threats," Nossaman & University of California, Irvine's 2017 Cybersecurity Symposium, Los Angeles, CA, 10.23.2017

Speaker, "Cybersecurity Threats Facing Water Utilities and the Steps You Should Take to Mitigate Risk," Nossaman's Drought Solutions Webinar Series, 10.12.2017

Speaker, "What Happens if You Have a Data Breach?," 09.27.2017

Moderator, "What To Do After? Investigations & PR," Nossaman & University of California, Irvine's 2015 Cybersecurity Symposium, Los Angeles, CA, 12.01.2016

Moderator, "Not If, But When — Hack Offensives, Investigating Breaches, and Closing the Gaps on Data Leaks," Nossaman & University of California, Irvine's 2015 Cybersecurity Symposium, Los Angeles, CA, 10.12.2015

## **PUBLICATIONS**

Podcast Co-Host, "Getting the Most Out of Your Public Pension Plan Insurance Coverage," *Public Pensions & Investments Briefings*, 07.07.2021

Co-Author, "Catching Up on Insurance," *The NAPPA Report*, 04.02.2018

Author, "The SEC Gets Hacked: What Now?," *Nossaman eAlert*, 10.09.2017

Author, "Two Court Rulings Show Coverage Difficulties for "Fake President" Fraud," *Nossaman eAlert*, 08.02.2017

Author, "The Remedy for the New Cyber Threat Posing Major Coverage Problems: "Fake President" E-mails," *Nossaman eAlert*, 07.10.2017

Co-Author, "How Courts have Decided Coverage Issues in Cyber Insurance Cases," *Los Angeles Lawyer*, 09.17.2015

## **HONORS & RECOGNITIONS**

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Selected to the Rising Stars list, 2010, 2013-2016

## **COMMUNITY & PROFESSIONAL**

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American Bar Association

St. Thomas More Society

Earl Warren American Inn of Court

## **PRACTICES**

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Insurance Recovery & Counseling

Privacy, Cybersecurity & Data Protection

Construction Law, Claims & Litigation

Financial Services

Litigation

## **EDUCATION**

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Loyola Law School, J.D., 2006

University of California, Berkeley, B.A., 1998

## **ADMISSIONS**

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California

U.S. Court of Appeals, Ninth Circuit

U.S. District Court, Central District of California

U.S. District Court, Eastern District of California

U.S. District Court, Northern District of California

U.S. District Court, Southern District of California