



James J. Ficenec

Partner



James Ficenec is a partner in the Walnut Creek office of Newmeyer & Dillion LLP. From single person startups to international corporations, Jim represents and counsels companies and individuals in all aspects of California business.

With incredible business acumen, Jim has counseled and defended clients across a variety of industries by advocating for their rights and legal protections. As both a transactional attorney and business litigator, Jim brings the ability to see issues from both perspectives. This offers clients a sharpened skillset of understanding why business breakups happen, and what they can do from the transactions side to stay protected.

Business Transactions & Estate Planning

Jim has become skillful at counseling business owners in sales, acquisitions, leasing, operations, and employment issues leading to a reduced threat in litigation. He also advises clients in personalized estate plans for their assets. Additionally, clients seeking counsel in the administration of trusts, estate administration, or family disputes can look to him for expert counsel.

Jim's experience includes:

- Negotiation of a long-term lease in the new San Francisco Transbay Terminal
- Negotiation of the sale of a multimillion dollar construction company
- Negotiation of employment agreements for top-level executives

Business & Real Estate Litigation

As a business and real estate litigator, Jim is especially known for his representation of national and international corporations and material suppliers. He has experience defending clients throughout all stages of litigation before both federal and state courts.

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Contact

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Practice Specialties

Appellate Law
Arbitration & Mediation
Bankruptcy
Business Litigation
Business Organizations &
Reorganizations
Business Transactions
Corporate Matters:
Acquisitions, Finance,
Securities, & Mergers
Probate Litigation
Real Estate Litigation
Real Estate Transactions
Trust Litigation

Jim's experience includes:

- Successfully defended property owner in an action seeking to compel the sale of undeveloped property in San Francisco
- Representation of a limited liability company member in a dispute arising from the sale of company assets
- Protection of investors' interests in litigation alleging fraud of a co-investor

Appellate

An experienced appellate attorney, Jim has argued civil appeals before the California Courts of Appeal and the Ninth Circuit Court of Appeal limit on California's strict product liability laws, among other issues. He has found success in important Appellate cases, including:

- Appellate counsel in *Carrau v. Marvin Lumber & Cedar Co.* (2001) 93 Cal.App.4th 281, in which the Appellate Court limited California's strict product liability laws and acknowledged that plaintiffs suing under tort theories are not entitled to recover the cost of repairing or replacing a defective product.
- Appellate counsel in *Washoe Development Company v. Guaranty Federal Bank* (1996) 47 Cal.App.4th 1518, in which the Appellate Court discussed the application of anti-deficiency laws to the enforcement of out-of-state judgments.

Outside Private Practice

When not advocating for this client's best interests, Jim focuses on pouring into the next generation of legal experts as an adjunct professor at John F. Kennedy University College of Law.

MEDIA INSIGHT AND THOUGHT LEADERSHIP

- Quote Source, "Bio-Logical Capital buys Maui's Hana Ranch for \$4.75M" Bizjournals.com. February 13, 2014

AWARDS AND HONORS

- Executive Editor, *Industrial Relations Law Journal*, 1988-1989
- Recipient, CSUS Alumni Association Senior Achievement Award, 1986

EDUCATION

- University of California, Berkeley School of Law (Boalt), J.D., 1989
- California State University, Sacramento, B.A., 1986

BAR INFORMATION

- State Bar of California, 1991
- Hawaii State Bar Association, 1989
- United States District Court, Eastern and Central Districts of California

PROFESSIONAL AFFILIATIONS

- Adjunct professor at John F. Kennedy University College of Law
- American Bar Association
- Contra Costa County Bar Association