

James D. Nelson

Shareholder
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Mr. Nelson has a diverse complex litigation practice with an emphasis in business litigation. James's areas of substantive concentration include antitrust, sales of goods, intellectual property, corporate governance, securities, and construction. James's areas of procedural emphasis include jury trials, federal practice generally, class actions, and injunctions.

Admissions

Alaska
Idaho
Oregon
Washington
United States Supreme Court
United States Court of Appeals, Ninth Circuit
United States District Court, District of Alaska
United States District Court, District of Idaho
United States District Court, District of Oregon
United States District Court, Eastern and Western Districts of Washington
Puyallup Tribal Court

Professional Affiliations

Alaska Bar Association
American Bar Association
Defense Research Institute
Federal Bar Association
Idaho Bar Association
International Association of Defense Counsel
Former Chair, Business Litigation Committee
King County Bar Association
Oregon Bar Association
Washington Defense Trial Lawyers Association
Washington State Bar Association

Education

University of Washington, J.D., 1980
University of Oregon, B.S. in Economics, 1977

Mr. Nelson attended the National Institute of Trial Advocacy's Northwest Regional Trial Program in 1983. He also taught at the International Association of Defense Counsel's Trial Advocacy Program in 2006.

Professional Recognition

Listed in *Washington Law & Politics*, "Super Lawyers" (2002-09)

Listed in *Washington CEO*, "League of Justice" (2006)

Listed as a 'Top Attorney' in *Washington CEO*, "Top Washington 2007" Book of Lists
AV[®] Peer Review Rated by Martindale-Hubbell

Representative Clients

The following are among the clients that James has represented as trial counsel: Chrysler Corporation; Pfizer Inc.; 3M; Cooper Industries, Inc.; Cooper Cameron Corporation; Brunswick Corporation; Key Bank; Piper, Jaffray & Hopwood, Inc.; Honeywell, Inc.; Motorola, Inc.; Fleetwood Enterprises, Inc.; Champion Enterprises, Inc.; Farmers Insurance Group; Allied Van Lines, Inc.; Roffe, Inc.; Wendy's International, Inc.; Chrysler Financial Corporation; Chrysler Realty Corporation; Acustar, Inc.; Cooper-Bessemer Reciprocating, Inc.; McGraw-Edison, Inc.; Puget Sound Bank; Associated Grocers, Incorporated; Supermarket Development Corporation; Market Finance Company; Market Sales, Inc.; AG/Fleming Northwest, L.L.C.; Keith Uddenberg, Inc.; Spider Staging Corporation; Windswept Corporation; Alexander Hutton, Inc.; Damson Oil Company; Klauser Corporation; Equitable Capital Group, Inc.; Cape Fox Corporation; SJI Corporation; Cybersafe Corporation; Elliott Bay Marina Inc.; FDSI Consulting; Western Homes Corporation; National Advertising Company; Royal Pacific Orchards Limited Partnership; Columbia Crown Orchards, Inc.; NTM, Inc.; Howard Publications, Inc.; ImageScan, Inc.; Northwest Retail Ventures, L.L.C.; Dealer Computer Services, Inc.; KeyTrak, Inc.; Dymacol Corporation; Murray Franklyn Companies; Data-Part, Ltd.; HR Northwest, Inc.; Chauvin Arnoux, Inc.; GSG Corporation (Freddie's Club Casino); Poulsbo RV; First Choice Business Machines; The Erection Company; The Toronto-Dominion Bank; Datacons Private Limited; The James Marshall Hendrix Foundation; Port of Tacoma; Fujisada L.L.C.; Grand View Homes L.L.C.; Our Land, Inc.; SEBCO, Inc.; Interstate Battery System of America, Inc.; Sysco Food Services of Seattle, Inc.; Cosmopolitan Imports, L.L.C.; Fringe Benefits Management Company; Argonaut Insurance Company; Searching Unlimited Limited; Domain Holdings Group; Northwest Auditing Resources; A R Hospitality, Inc.; Anvil Corporation; Altivity Packaging LLC; Smurfit-Stone Container Corporation; Regal Beloit Corporation; Industrial Ventilation, Inc.; 1,4Group, Inc.; Arrowood Indemnity Company; Kvalley Computers and Internet, Inc.

Publications and Presentations

Understanding the Professional Capabilities of LAWorld's American Firms, Address at LAWorld's Annual Meeting in Dublin, Ireland (April 29, 2008).

Threats to Excellence in Civil Trial Advocacy, Address at the Installation of the Betts, Patterson & Mines Professorship in Trial Advocacy at The University of Washington School of Law (April 11, 2008).

Losing Priority: Security Interests in Collateral Obtained in Contravention of the Federal Securities Laws, Defense Research Institute Commercial Litigation Committee Newsletter The Business Suit 1-2 (Nov. 2005) (with Pam Kohli Jacobson).

Composite Trademarks: Deconstructing the Similarity of Marks Element in a Trademark Infringement Action, 72 Defense Counsel Journal 347 (Oct. 2005) (with Pam Kohli Jacobson).

The Basics of the Class Action Fairness Act of 2005, Address at the International Association of Defense Counsel Annual Meeting (July 4, 2005).

New Class Action Settlement Notice Requirements Made to Combat Clientless Litigation, 18 LAWorld International Business Briefing 5 (May 2005) (with Jody L. Campbell).

Removing "Loss" from Loss Causation: An Assessment of the Loss Causation Pleading Requirement in the Ninth Circuit, Washington Defense Lawyers: Defense News 1-2, 4 (Feb./Mar. 2005) (with Pam Kohli Jacobson).

Defending Managed Earnings Cases by Understanding Revenue Recognition, 71 Defense Counsel Journal 289 (July 2004) (with Jeannette Adams Gorman and Pam Kohli Jacobson).

Single Application International Trademark Registration Now Available to the United States, International Association of Defense Counsel Intellectual Property Committee Newsletter 1-2 (Feb. 2004) (with Taro Kusunose).

A Few Things Civil Trial Lawyers Need to Know About the Fifth Amendment, Washington Defense Lawyers: Defense News 1-5, 14 (Sept. 2003) (with Lara M. Traylor and Jeannette Adams Gorman).

Survey Evidence of Likelihood of Confusion in Trademark Cases: How Much Confusion Is Enough? International Association of Defense Counsel Intellectual Property Committee Newsletter 1-10 (April 2002) (with Lara M. Traylor and Jeannette Adams Gorman).

Opposing Damages Claims Based Upon Discounted Cash Flow Analysis in Business Cases, International Association of Defense Counsel Business Litigation Committee Newsletter 1-4 (June 2000).

Barring Consequential Damages Despite the Failure of an Exclusive Remedy, International Association of Defense Counsel Business Litigation Committee Newsletter 1-5 (Sept. 1999) (with Taro Kusunose).

ANCSA 14c and Shareholder Benefit Issues, Address at Alaska Bar Association Ninth Annual Alaska Native Law Conference (Oct. 16, 1996).

The Nuts and Bolts of Commercial Litigation, Address at Seattle Executives Association Luncheon (Feb. 12, 1994).

What Makes a Legal Matter Newsworthy? (or, How to Handle Your Case Without Prejudice to Your Client), Address at the Washington State Bar Association's Road Map to Better Understanding Bench/Bar Press Conference (Nov. 19, 1993).

Lender Liability: Closing Argument From a Hypothetical Case, Address at the Sixth Annual Pacific Northwest Bankruptcy and Credit Seminar (May 19, 1990).

When the Going Gets Rough, Address at the Alexander Hutton, Inc. Smart Borrower Seminar (Dec. 9, 1987).

Appellate Decisions

Grand View Homes L.L.C. v. Cascade Testing Laboratory, Inc., No. 60217-9-I, 2008 WL 4053439 (Wash. App. Div. I September 2, 2008) (notation of unreported decision at 146 Wash. App. 1044).

Experience Hendrix L.L.C. v. The James Marshall Hendrix Foundation, No. 05-36029, 2007 WL 1748354 (9th Cir. June 18, 2007), *cert. denied*, 128 S. Ct. 908 (2008).

Stonebridge Securities, LLC v. Devine, No. 58458-8-I, 2007 WL 1464431 (Wash. App. Div. I May 21, 2007) (notation of unreported decision at 138 Wash. App. 1047).

Martinez v. Cape Fox Corporation, 113 P.3d 1226 (Alaska 2005).

Shields v. Cape Fox Corporation, 42 P.3d 1083 (Alaska 2002).

Omega Environmental, Inc. v. Blohorn, No. 00-35211, 2001 WL 1356831 (9th Cir. Nov. 5, 2001).

Undersigned Shareholders of the Cape Fox Corporation v. Cape Fox Corporation, No. 0990 (Alaska Sup. Ct. Aug. 30, 2000).

Hewitt v. Hewitt, No. 36607-6-I, 1997 WL 306417 (Wash. App. Div. I June 9, 1997).

Hamilton Properties, Inc. v. Associated Grocers, Inc., 144 Or. App. 171, 925 P.2d 1237 (1996).

City of Ketchikan d/b/a Ketchikan Public Utilities v. Cape Fox Corporation, 65 F.3d 754 (9th Cir. 1995), *opinion withdrawn*, 74 F.3d 191, *opinion replaced*, 85 F.3d 1381 (1996).

BBC Dodge, Inc. v. Chrysler Corporation, No. 36799-4-I, 1996 WL 146723 (Wash. App. Div. I Apr. 1, 1996).

Ketchikan Public Utilities, 74 Fed. Energy Reg. Comm'n ¶ 62,113, 1996 WL 21903 (Fed. Energy Reg. Comm'n Jan. 22, 1996).

Tongass Alaska Girl Scout Council, Inc. v. Cape Fox Corporation, No. 94-36177, 1995 WL 555747 (9th Cir. Sept. 18, 1995) (notation of unreported decision at 67 F.3d 309).

Hewitt v. Hewitt, 78 Wash. App. 447, 896 P.2d 1312 (1995).

Wright Schuchart, Inc. v. Cooper Industries, Inc., Nos. 93-35778, 93-35946 and 93-36074, 1994 WL 621889 (9th Cir. Apr. 21, 1995) (notation of unreported decision at 40 F.3d 1247).

Beal v. Aexel, No. 16355-1-II (Wash. App. Div. II Feb. 23, 1995).

Overlake Chrysler Plymouth, Inc. v. Chrysler Corporation, Nos. 25917-2-I and 26122-3-I (Wash. App. Div. I Aug. 26, 1991).

Richter v. Trimberger, 50 Wash. App. 780, 750 P.2d 1279 (1988).

Rawson v. United Steelworkers of America, 111 Idaho 630, 726 P.2d 742 (1986).

Hewson Construction, Inc. v. Reintree Corporation, 101 Wash. 2d 819, 685 P.2d 1062 (1984).

Hoppenbrouwer v. Farmers Insurance Exchange, No. 83-3752 (9th Cir. Feb. 17, 1984) (notation of unreported decision at 730 F.3d 766).

Cascade Cabinet Co. v. Western Cabinet & Millwork, Inc., 710 F.2d 1366 (9th Cir. 1983).

Williams v. Seattle School District No. 1, 97 Wash. 2d 215, 643 P.2d 426 (1982).

Personal

James lives in West Seattle with his wife, Meredith, and their three children, Lindsay, Will, and Walker.