Tucker Ellis LLP



James P. Cunningham

Counsel

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James Cunningham is a veteran of more than 25 trial verdicts whose practice focuses mainly on toxic tort personal injury cases.

He has been especially active in designing national strategies for clients in response to claims by mesothelioma plaintiffs.

Aside from his trial work in the toxic tort arena, Jim has tried to verdict cases alleging insurance fraud, premises liability, and aggravated battery. He has won verdicts for individuals involving professional negligence and premises liability, and he negotiated a multimillion-dollar settlement for the heirs of a 35-year old decedent. Jim has extensive appellate experience, handling briefs and arguments in California appellate courts. He also has experience in alternative dispute resolution as a mediator, arbitrator, and court-appointed settlement conference judge.

Jim resides in San Francisco with his wife and two sons. His hobbies include golf, gourmet cooking, and frequent trips to the wine country.

Education

- Golden Gate University School of Law (J.D., 1985)
- University of Santa Clara (B.S., 1980)

State Admissions

- California, 1985

Federal Admissions

- United States District Court, Eastern District of California
- United States District Court, Northern District of California
- United States District Court, Eastern District of Pennsylvania

Service Areas

- Mass Tort & Product Liability
- Insurance

Experience

REPRESENTATIVE DECISIONS

- Unanimous California Supreme Court opinion holding that a product manufacturer may not be held liable in strict liability or negligence for harm caused by aftermarket replacement parts made or supplied by another entity
- Further attempts to attach successor liability without favorable new evidence furnishes grounds for imposition of sanctions under Code of Civil Procedure § 128.5

REPRESENTATIVE TRIALS

- Obtained defense verdict for client in mesothelioma case
- Obtained defense verdict in phase one of trial involving a 49-year-old plaintiff with mesothelioma
- Obtained plaintiff verdict for client in professional malpractice case involving a thoroughbred race horse
- Obtained defense verdict for high-profile clothier in a rear-end accident on Bay Bridge
- Obtained defense verdict for client accused of battering a 9-year-old girl

Publications & Events

SPEAKING ENGAGEMENTS

- “Current California Trends in Asbestos Litigation,” Association of Defense Counsel (May 2013)
- Seminar on Supreme Court Decision in *O’Neil v. Crane Co.*, Association of Defense Counsel (February 2012)

Honors

- The Best Lawyers in America® (2026, 2027)
- American Board of Trial Advocates (ABOTA), Associate

In the Community

- Bar Association of San Francisco
- Los Angeles County Bar Association
- Association of Defense Counsel
  - » Board Member (2010-present)
- Defense Research Institute