



James R. Hawley

Shareholder, Real Estate and Litigation Groups

Practice Overview

James R. Hawley's practice is focused in the areas of environmental law, real estate, ADA compliance, and land use. He has extensive experience representing public entities and businesses in all phases of litigation, from alternative dispute resolution to jury and bench trials.

Mr. Hawley represents public entities, businesses, and individuals in matters involving land use and industrial contamination, including negotiations with regulators, appearances before various boards, and coordination with environmental consultants to oversee investigations and cleanups and to obtain site closures. He also represents clients in hazardous substance litigation, including CERCLA and RCRA cost recovery actions, petroleum contamination from leaking underground storage tanks, and actions brought under other state and federal environmental protection laws. He also has expertise in so-called "toxic mold" claims and remediation, as well as disability access issues and claims.

Mr. Hawley has expertise in the California Environmental Quality Act (CEQA) and represents clients in claims arising out of that Act, including claims involving the siting of buildings for various purposes, the application of statutory and categorical exemptions, negative declarations, and EIRs. He also provides advice to private and public entities regarding compliance with CEQA before the approval of projects, and during the approval process, to help avoid problems before litigation arises. Mr. Hawley also provides advice and guidance concerning land use and environmental issues in real property transactions. He has represented clients in negotiations with, and appearances before, public entity boards concerning land use and development issues such as zoning changes and disputes, permitting problems, and takings issues.

Recent Matters

Environmental & Land Use

- Successfully defended two separate CEQA lawsuits challenging the clients' development plans and decisions
- Was successful in obtaining court reversals of land use decisions by two different municipalities denying the clients' development applications
- On behalf of a municipality, successfully defended a federal civil rights lawsuit by a property owner claiming discrimination in the application of the municipality's land use decisions -- judgment in favor of client upheld on appeal

Hazardous Materials

- Has represented property owners and tenants in cases involving alleged contamination by PERC (dry cleaning chemical), hydrocarbons, solvents, and petroleum products

Education

J.D., Santa Clara University
School of Law

M.A., Music Performance
University of Southern California

B.A., Music
San Jose State University

Licensed to practice
in California

Contact

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- Represented chip manufacturer who allegedly contributed to chemical plume
- Counseled clients whose Riverside property was contaminated by a major oil company; negotiated with City and oil company regarding indemnities, eminent domain acquisition of property, and settlement of potential claims
- Represented hazardous waste recycler against claims by District Attorney for civil penalties due to violations of statutes and use permit

Americans With Disabilities Act

- Defended ten wineries in a lawsuit filed by one plaintiff alleging violations of ADA
- Has defended numerous school districts against claims by students, parents, and staff of inaccessibility and discrimination
- Has defended numerous restaurants, retail facilities, office buildings, and other places of business against claims of inaccessibility
- Defended school district in class action alleging discrimination in development and execution of the High School Exit Examination

Admissions and Professional & Community Activities

Mr. Hawley serves as Chair of the American Beethoven Society's Board of Trustees, a national organization affiliated with the Center for Beethoven Studies at San Jose State University, and is a member of the Advisory Board of San Jose State University's School of Music and Dance. He also serves on the board of directors of Symphony Silicon Valley. He is admitted to the California State Bar, the U.S. Court of Appeals for the Ninth Circuit, and the U.S. District Courts for the Northern and Eastern Districts of California. He is also a member of the Santa Clara County Bar Association.

Military Service

During the period 1970-1972, Mr. Hawley served as a lieutenant in the United States Army. His service included duty in Vietnam as an artillery battery fire direction officer, forward observer, and liaison officer to a South Vietnamese artillery unit. He was also a training officer at the U.S. Army Field Artillery School at Fort Sill, Oklahoma.