



Jame O Giffin Attorney

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Biography

James Giffin represents individuals and entities in the insurance, construction, and healthcare industries as well as clients in general business and employment related matters. James also defends members of Indiana's medical and legal professions against malpractice claims and represents attorneys in disciplinary actions.

Practice Area Experience

Insurance Defense:

- Successfully defended insurer in nine-figure environmental coverage action brought by utility companies, in which Indiana Appellate Courts determined that there was no insurance coverage for the utilities' defense and indemnity costs, when such costs were incurred because of the utility companies' failure to comply with the Clean Air Act. *Cinergy Corp. v. St. Paul Surplus Lines Ins. Co.*, 785 N.E.2d 586 (Ind. Ct. App. 2003), trans. denied; 865 N.E.2d 571 (Ind. 2007), reh'g denied; 873 N.E.2d 105 (Ind. Ct. App. 2007), trans. denied; 915 N.E.2d 524 (Ind. Ct. App. 2009), reh'g denied, trans. denied.

Civil Litigation:

- Presented oral argument to the Indiana Supreme Court on behalf of a golf course owner sued by a person struck and injured by a golf ball during a golf tournament. The Indiana Supreme Court affirmed summary judgment in favor of the golf course owner, holding conduct of a sports participant within the range of ordinary behavior for the activity at issue is reasonable as a matter of law and does not constitute a breach of duty. *Pfenning v. Lineman*, 947 N.E.2d 392 (Ind. 2011); *Pfenning v. Lineman*, 922 N.E.2d 45 (Ind. Ct. App. 2010).

Medical Malpractice Defense:

- Obtained numerous Medical Review Panel opinions favorable to hospitals, physicians, nurses, and nursing homes, frequently resulting in the dismissal of civil claims against clients or providing the basis for summary judgment or substantive defense in their favor.
- Legal Malpractice Defense:
- Obtained summary judgment in favor of attorney and law firm alleged to have committed actual and constructive fraud, civil conversion, legal malpractice, and to have violated the Business Opportunity Act.
- Obtained summary judgment on behalf of public defender alleged to have committed legal malpractice by failing to raise Ind. Crim. Rule 4 violation and presenting inadequate defense at trial.
- Secured the dismissal of claims asserted against law firm in the United States District Court and United States Bankruptcy Court for alleged violations of Fair Debt Collection Practices Act and automatic stay

pursuant to United States Bankruptcy Code.

Construction:

- Successfully defended manufacturer of trusses alleged to have failed, causing the collapse of a building under construction, injuring three workers and permanently impairing a fourth worker. Claims against manufacturer were dismissed before trial.
- Obtained summary judgment in favor of a construction company alleged to have caused an auto accident by owning and failing to supervise a project located adjacent to the scene of the accident.
- Procured summary judgment on behalf of subcontractor and against contractor and its surety on subcontractor's payment claim.
- Defended subcontractor on highway construction project against driver who was severely injured after accessing a roadway under construction and traveling over a bridge that had been recently removed. Obtained summary judgment in favor of subcontractor.

Publications

Disposing of Negligence Claims via Summary Judgment, RBE Blog (2017)

- Defending against negligence claims can be an expensive and time-consuming endeavor. This is particularly true if the claims have to be defended through trial. By that time, the parties will have completed written discovery, taken depositions, possibly retained expert witnesses, likely attempted mediation, and perhaps engaged in other activities. All of this takes time and money. Thus, it behooves clients for their attorneys to identify opportunities to expedite the resolution of such cases by persuading courts to dispose of them via summary judgment.

Seminars/Presentations

- "Collective Bargaining," DePauw University (January 16, 2012)
- "Physicians' Employment Agreements: What You Don't Know Could Hurt You!," Indiana University School of Medicine (April 12, 2012)
- "What Does 'Obamacare' Mean to an Employer with a Collective Bargaining Agreement?," DTCI Annual Meeting (November 15, 2012)
- "Ethical Dilemmas in Worker's Compensation," ICLEF (November 5, 2014)
- "The Birds and the Bees of Sexual Harassment in the Workplace," presentations to trade groups as well as individual corporations. (2016)

Rankings and Awards

Indiana Super Lawyers Rising Star (2014-2016)

Associations

- Professional Liability Defense Federation
- Defense Trial Counsel of Indiana
- Indianapolis Bar Association
- Indiana Bar Association

Education

- Indiana State University, B.S. English, Philosophy Minor (2000)
- Indiana University European Law Program (Summer 2002)
- Indiana University Robert H. McKinney School of Law, J.D. (2004)

Bar Admission

- Indiana (2004)
- United States District Court for the Southern District of Indiana (2004)
- United States District Court for the Northern District of Indiana (2004)