MILLER STARR REGALIA



James Swearingen

Shareholder

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James represents and advises his clients on real estate and complex commercial litigation matters with an emphasis on disputes involving commercial leases, eminent domain/inverse condemnation, complex construction, easement rights, non-disclosure/broker liability and partnership/corporate governance.

James has represented clients ranging from individuals to Fortune 500 companies to successful resolutions in all phases of litigation in federal and state courts from initial pleadings through mediation, arbitration, trial and appeals. Although James has extensive trial and arbitration experience, he prides himself in crafting cost-efficient, practical and business-oriented solutions to his clients' problems.

Practice Areas

- Commercial Lease Disputes
- Construction Claims & Litigation
- Eminent Domain & Inverse Condemnation
- Land Disputes, Easements & Lien Priority Claims

Education

J.D., University of California, Davis School of Law (2016)

B.A., University of Oregon, Psychology and Business Administration (minor) (2012)

Representative Matters

Part of trial team that won $2.1 million award after trial of competing breach of construction contract claims involving a high rise building in downtown Los Angeles, including 100% of the legal fees that were incurred in prevailing on the successful claims.

Part of appellate team that obtained complete victory in Second District Court of Appeals for a commercial tenant in a lease dispute with its landlord.

Part of trial team that obtained a successful verdict for landlord in Orange County Superior Court in dispute involving enforcing CC&Rs.

Part of trial team that won $1.2 million award in an arbitration involving breach of contract claims related to a failed merger of two companies.

Represented plaintiffs in a successful challenge to the at-large election system in the Compton Unified School District that resulted in the adoption of a district-based election system, a requirement that those elections occur concurrent with statewide primary elections and the advancement of the date of the first such election from November 2022 to March 2020.

Awards & Recognition

Super Lawyers Northern California Rising Star (2025)

Publications

Chapter 1, “Contract Law Applicable to Real Estate Transactions” and Chapter 2, “Specific Contract Provisions and Disclosure Requirements”; of *Miller & Starr, California Real Estate, 4th Edition* (Karl Geier)

“Valid Liquidated Damages Or Unenforceable Penalties? A Discussion Of Recent California Appellate Court Decisions,” *Miller & Starr, Real Estate Newsalert*, Vol. 33, No. 4, March 2023

“CC&R You Kidding Me?: CA Appellate Court Rules Earlier Court Misread Restrictive Covenant Prohibiting Alterations to Existing Homes,” Greenberg Glusker Fields Claman & Machtinger LLP Article, July 11, 2019 (co-authored with Sarkis Haroutunian)

“Finally, a Win for Brokers; California Court of Appeal Recognizes a Limitation to the Statute of Frauds,” AIR CRE, March 28, 2017 (co-authored with Ted Bingham)

“Statute of Frauds Trumps Statute for Friends and Broker Loses $925,000 Commission,” AIR CRE, February 8, 2017 (co-authored with Ted Bingham)

Bar Admissions

California

Court Admissions

All State Courts of California

United States District Court - Central District of California

United States District Court - Northern District of California

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