

## James E. Spurr

### SERVICE AREAS

#### Business

- Native American Law
- Real Estate

#### Litigation + Trial

- Construction Litigation
- Land Use/Zoning
- Litigation + Trial Practice Overview

#### Governments + Nonprofits

- Native American Law
- Zoning + Planning
- Construction Contracts + Bidding
- Real Estate

### EDUCATION

- Wayne State University Law School, J.D.
- University of Michigan, B.A.

### BAR ADMISSIONS

- Michigan



### Principal

#### Kalamazoo

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James Spurr specializes in resolving disputes, from trials in state and federal court, to arbitrations, mediations and facilitations. Many cases involve real estate and development, construction projects, commercial transactions, contracts and business deals gone awry. James has resolved many disputes between shareholders, partners and issues involving corporate governance. James has substantial experience in probate court, assisting families, trustees and beneficiaries involving their rights in trusts and estates.

James has concentrated upon claims arising from complex construction projects for more than 20 years. He has advocated for, defended against and resolved claims involving corporate headquarters, manufacturing facilities, college and university buildings, public works projects, municipal parks, local schools and athletic arenas. The claims range from interference and delay, lost productivity, defective buildings, design negligence and serious accidents. His expertise has led him to speak before and serve on the faculties of major nationwide construction law seminars and industry symposiums.

James also concentrates in federal Indian Law, advocating for liberal interpretations of treaty rights, broad interpretations of sovereignty and the highest possible standards owed tribal nations arising from their special trust relationship with the federal government. James is also a strong advocate for the protection and responsible management of natural assets, the return and repatriation of cultural artifacts and for state and local adherence to the Indian Child Welfare Act.

### REPRESENTATIVE MATTERS

- Cultural Resources Organization Real Estate Litigation

## James E. Spurr

An historic lighthouse, included on the National Register of Historic Places, and museum complex was threatened with having its operations drastically curtailed or closed altogether by its neighbors. Jim led the effort in federal and state court litigation defending a premier destination for education and cultural tourism. The resulting land use plan allowed the client to continue to operate all of its existing programs and by improving the surrounding habitat, actually expand its operations. The effort balanced environmental protection, historic preservation and education.

- **Municipal Construction Litigation**  
When a large west-Michigan city, built an expansion to its drinking water facility and was sued by the contractor for \$3 million in damages for delay of the project, Jim led the team defending the claim and counter-sued for damages with respect to poor workmanship. Utilizing high-technology CAD drawing demonstrations, which were regarded as highly persuasive and effective, their work led to a favorable settlement for the city of \$6.2 million. At that time, it was the largest settlement ever obtained for the city and represented nearly a \$10 million swing in the amounts of money in dispute between the parties.
- **Native American Artifacts Recovery**  
When the Ounalashka Corporation (Tribe), of the Aleutian Islands, sought the return of its members' cultural artifacts, stolen from burial caves during World War II, the return from a major university was negotiated and implemented without litigation even before a later federal law addressing such issues (NAGPRA) was enacted.

### PROFESSIONAL ACTIVITIES

- American Bar Association, Construction Litigation Committee
  - State Bar of Michigan, Construction Litigation Committee; Indian Law Section
  - Federal Bar Association, Indian Law Section
  - Kalamazoo County Bar Association, Pro Bono Participant
  - Native American Rights Fund
  - Michigan Indian Legal Services
  - Native American Indian Congress
  - National Indian Law Library
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## HONORS + AWARDS

- Best Lawyers in America, Construction Law 2008-2011;  
Construction Law and Litigation-Construction 2012

## CIVIC, CULTURAL + SOCIAL ACTIVITIES

- Great Lakes Shipwreck Historical Society, Board President, 2006-present
- American Sail Training Association, Board Member, January 2012
- Michigan Maritime Museum, Board Secretary, 2009-present
- Kalamazoo Institute of Arts, Member, Board of Directors; Chair, Corporate Development Committee; Former Chair, Art Encounters
- Pipp Foundation, Former Director
- Western Michigan University, Advisory Committee for Construction Technology
- Plainwell Area Chamber of Commerce, Former Director
- ACT of Kalamazoo, Former Board Member
- Pipp Community Hospital, Former Director and Chair
- Plainwell Downtown Development Authority, Former Director and Chair
- Michigan Commission on the Commemoration of the Bicentennial of the War of 1812, Appointed by Governor Granholm, February 2008

## TEACHING EXPERIENCE

- Nazareth College, Adjunct Professor; Business and Commercial Law and the Uniform Commercial Code

## PUBLICATIONS

"The Unique Status of Tribes and States as Sovereign Nations with Limited Powers Within the Federal Union," Inside the Minds: Emerging Issues in Tribal-State Relations, Absatone Books, 2011

"The Fundamentals of Construction Dispute Law," Construction Dispute Resolution, Absatone Books, 2009

## SPEECHES

"Renewable Energy: Potential for Economic Growth," Emerging Tribal Economies, Traverse City, Michigan, August 2011

"The CPA as an Expert Witness: Effectively Working with Litigation Attorneys," Michigan Association of Certified Public Accountants, Novi, Michigan, June 2011

"Managing Construction Contract Risks," Michigan Association of Certified Public Accountants, Lansing, Michigan, October 2009; 2010

Important (and Troublesome) Construction Contract Provisions," Lamar Construction Company, December 8, 2006

"How to Train Owner's Representatives on a Construction Site," Northern Michigan University, March 22, 2006

"Enforceability of Non-Compete Agreements in the United States," Center for International Legal Studies (CILS) Litigation Conference, Alaska, April 2-8, 2006

"Models for a Successful Construction Project - You've Obtained the Financing; Let's Make the Most of It," 3rd Annual Madigan-Pinatore Management Seminar, Bay Mills, Michigan 7/14/05

"Construction Seminar," Genesee County Division of Water and Waste Services, Flint, Michigan 2005

"Relationships, Roles and Warning Signs on Public Construction Projects," (Panelist), Michigan Local Government Management Association Winter Institute, Grand Rapids, Michigan 01/27/05

"Water, Sewer and Street Construction Projects" (what happens when a construction project goes bad!), (Panelist), U.P. City/County Managers' Fall Meeting, Ontonagon, Michigan 10/10/03

"Custom Software Integrators," Construction Superconference, San Francisco, California 12/2000

"Risks & Regulations of Jobsite Safety," Defense Research Institute, Construction Law Seminar, Phoenix, Arizona 1999

"Warranties and the Design Professional," Defense Research Institute, Construction Law Seminar, San Antonio, Texas 1998



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"Claims Prosecution Agreements--the Apparent Advantages and Hidden Risks," National Construction Superconference, San Francisco 12/13/96

"Warranties and the Design Professional," The Construction Superconference, San Francisco 1995

"Construction Contracts: Recognizing and Avoiding Troublesome Provisions from the Perspective of College and University Owners," NACUA 1995 Annual Meeting, Orlando, Florida

"Strategies for Avoiding Defective Building Litigation," The Construction Super Conference, San Francisco 11/10/94

"10 Most Troublesome Clauses in Construction Contracts," Kalamazoo Chapter of the Construction Financial Management Association 9/14/94