



## James Lynn Werner

Partner

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t 803.253.8913



Jim Werner has extensive experience litigating a variety of cases before courts and juries, as well as presenting cases to arbitrators, mediators, and boards of contract appeals. He is called upon by clients to handle diverse cases arising out of business disputes and claims, including national and state specific class actions involving clients in the insurance, health care, financial, timeshare, product manufacturing, and construction industries, as well as False Claims Act and qui tam cases. He also concentrates on handling, litigating, and negotiating cases involving construction projects, surety and fidelity bonds, government contracts, environmental permits, and contaminated sites in a broad geographic area and numerous jurisdictions.

Jim is a frequent speaker at programs for lawyers and industry groups on topics that include construction, government contracts, environmental, surety and fidelity, and litigation issues. He is admitted to practice in a variety of courts, including the United States Court of Federal Claims in Washington, D.C.

### REPRESENTATIVE EXPERIENCE

- Defended contractors in various construction disputes involving claims of delay, defective work, etc.
- Represented construction and government contractors in claims for recovery of additional costs and damages for extra work, delays, disruptions, etc.
- Handled complex and highly contentious administrative trials and appeals involving environmental permits.
- Defended numerous class action lawsuits.
- Defended numerous False Claim Act and qui tam lawsuits.
- Defended industrial and commercial clients in environmental contamination cases brought by governmental regulators and adjoining landowners.
- Served as lead counsel for groups of potentially responsible parties at CERCLA sites, including one such case in which the United States District Court was convinced to reject a CERCLA settlement between another group of major PRPs and the regulatory agency.
- Took over a case at the appeal stage in which the trial court had imposed environmental liability on the corporate parent and individual owners, officers, and operators of an industrial facility; obtained reversal of the trial court decision, thus freeing clients from liability for contamination claims and cleanup costs.



### COLUMBIA OFFICE



### PRACTICE AREAS

Construction  
 Government & Public Policy  
 Environmental Litigation  
 False Claims Act  
 Investigations & Whistleblower Defense  
 Class Action Defense



### EDUCATION

University of South Carolina  
 JD, 1982  
 Duke University  
 AB, 1979



### ADMISSIONS

South Carolina, 1982  
 U.S. District Court – District of South Carolina  
 U.S. District Court – District of Columbia  
 U.S. Court of Federal Claims  
 U.S. Court of Appeals for the Fourth Circuit  
 U.S. Court of Appeals for the Eleventh Circuit  
 U.S. Court of Appeals for the Federal Circuit



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- Represented national surety companies in numerous matters involving all aspects of performance and payment bond claims and disputes and in contested cases of indemnity and salvage recovery.
- Defended surety bad faith claims by obligees, claimants, and principals/indemnitors.
- Handled various complex fidelity claims.
- Negotiated and drafted construction contracts and other forms of agreements.

## HONORS

- Litigation Counsel of America, Fellow
- *The Best Lawyers in America* "Lawyer of the Year" in Columbia for Construction Law, 2019
- *The Best Lawyers in America* in Construction Law, 2007-2021; Commercial Litigation, 2008-2021; Construction Litigation, Environmental Litigation, 2011-2021; Government Contracts, 2018-2021
- *South Carolina Super Lawyers*, 2008-2020
- Martindale-Hubbell AV® Preeminent™ in Construction Litigation, Environmental Litigation, and Government Contracts
- *Columbia Business Monthly* magazine's, "Legal Elite," 2013
- *American Lawyer* magazine 2013 Top Rated Lawyer in Energy, Environmental and Natural Resources